



August 3, 2010

**Oregon eBuildingPermits
Implementation Rules**

Purpose of the rule:

This temporary rule adopts administrative requirements for the statewide electronic permitting program (eBuildingPermits). The temporary rule sets forth the responsibilities of contractors using the system and clarifies that misuse of the system may potentially subject a contractor to sanctions.

This temporary rule becomes effective August 3, 2010.

Citation:

Adopt: OAR 918-050-0850

History:

House Bill 2405, approved by the 2007 Legislature, allowed the division to establish an integrated, full-service, statewide electronic permitting program that would streamline the current permitting and plan review processes used by the 130 local jurisdictions that issue thousands of permits annually. This program is aimed at making it easier and less expensive for businesses to understand and to meet state regulations without reducing standards and protections.

Oregon is poised to lead the nation with the development of the first full access, interoperable, statewide electronic permitting program. Oregon's activities in eBuildingPermits and related regulatory streamlining initiatives are recognized among the best practices in the United States. This is a program that is being phased in over a 10 year period with a certain number of jurisdictions joining the program each year.

The temporary rule is necessary to coincide with the activation of the first jurisdiction on August 3, 2010. Permanent rules are scheduled to become effective October 1, 2010.

Contact:

If you have questions or need further information, please contact eBuildingPermits Program Manager Lori Graham at (503) 373-7755, or Lori.L.Graham@state.or.us.



Secretary of State
Certificate and Order for Filing
TEMPORARY ADMINISTRATIVE RULES
A Statement of Need and Justification accompanies this form.

I certify that the attached copies* are true, full and correct copies of the TEMPORARY Rule(s) adopted on [Upon Filing] by the
Date prior to or same as filing date

Department of Consumer and Business Services, Building Codes Division 918
Agency and Division Administrative Rules Chapter Number

Stephanie Snyder PO Box 14470 Salem, OR 97309 (503) 373-7438
Rules Coordinator Address Telephone

to become effective [upon filing] through [September 30, 2010].
Date upon filing or later A maximum of 180 days including the effective date.

RULE CAPTION

Clarifies the administration and conditions for use of the electronic permitting system.

Not more than 15 words that reasonably identifies the subject matter of the agency's intended action.

RULEMAKING ACTION

List each rule number separately, 000-000-0000.

Secure approval of new rule numbers (Adopted rules) with the Administrative Rules Unit prior to filing

ADOPT: 918-050-0850

AMEND:

SUSPEND:

Stat. Auth.: ORS 455.095 & 455.097

Other Auth.:

Stats. Implemented: ORS 455.095, 455.097, 455.125, & 455.129

RULE SUMMARY

The proposed temporary rule clarifies the administration of the statewide electronic permitting (ePermitting) system. It sets forth the responsibilities of contractors using the system and clarifies that misuse of the system can potentially subject the contractor to sanctions. Possible sanctions include: losing the ability to use the ePermitting system, civil penalties, and suspension or revocation of individual licenses.

Patrick Allen

Authorized Signer Printed name Date

*With this original and Statement of Need, file one photocopy of certificate, one paper copy of rules listed in Rulemaking Actions, and electronic copy of rules. ARC 940-2005

STATEMENT OF NEED AND JUSTIFICATION

A Certificate and Order for Filing Temporary Administrative Rules accompanies this form.

Department of Consumer and Business Services, Building Codes Division
Agency and Division

918

Administrative Rules Chapter Number

In the Matter of: Adopting 918-050-0850

Rule Caption: (Not more than 15 words that reasonably identifies the subject matter of the agency’s intended action.)
Clarifies the administration and conditions for use of the electronic permitting system.

Statutory Authority: ORS 455.095 & 455.097

Other Authority:

Stats. Implemented: ORS 455.095, 455.097, 455.125, & 455.129

Need for the Temporary Rule(s):

This temporary rule is necessary to clarify the administration of the ePermitting program and the responsibilities of public users and contractors using the system. The proposed rule also makes clear that misuse of the system can result in a contractor losing the right to use the system, and/or civil penalties, and/or license suspension or revocation. This temporary rule is required to accommodate the exponential increase in ePermitting use. The addition of OAR 918-050-0850 cannot be effected through permanent rulemaking until October 1, 2010 at the earliest.

Documents Relied Upon, and where they are available: Draft rules are available from the division’s rules coordinator, located at 1535 Edgewater St NW, Salem, OR 97304 and are available on the division’s Web site at www.bcd.oregon.gov/rules.html.

Justification of Temporary Rule(s): The ePermitting system has been activated and is being increasingly used by a growing number of building departments statewide. Presently, no rule establishes the administrative procedures and requirements for use of the ePermitting system, or possible sanctions for misuse of the ePermitting system. Because ORS 455.035 limits rule adoption to a quarterly basis, enacting this temporary rule will establish the procedures and standards necessary for effective administration of the ePermitting system until the permanent rules goes into effect October 1, 2010, at the earliest.

Patrick Allen

Authorized Signer

Printed name

Date

918-050-0850

Administration of Electronic Permitting

(1) As used in this rule, unless context requires otherwise:

(a) “Electronic permitting” means the Oregon eBuildingPermits system implemented under ORS 455.095.

(b) “Contractor” means a person holding a Construction Contractors Board license and, if applicable, a contractor license issued by the division.

(c) “Department” means the Department of Consumer and Business Services.

(d) “Division” means the Building Codes Division of the Department of Consumer and Business Services.

(e) “In good standing” means a person currently licensed as a contractor who has no outstanding penalties due and owing to the division, the department, the Construction Contractors Board, or any other state for violations of construction standards, permitting requirements, or any construction related licensing or certification standards.

(f) “Public User” means a person who accesses the electronic permitting system through the internet and has either created an account to apply for permits through the system or uses the system to search for information.

(g) “State Portal” means the public access portion of the electronic permitting system.

(2) The following persons are eligible to utilize the state portal to access the electronic permitting system:

(a) Contractors in good standing;

(b) Persons designated by a contractor in good standing; and

(c) Public users.

(3)(a) Where the division finds a contractor, public user, or any other person has provided inaccurate, false, or misleading information when using the state portal, including but not limited to information regarding appropriate licenses, certifications, or plan review, the division may prohibit the registered public user, designated person, or contractor from using the state portal for a length of time to be determined by the division; and

(b) In addition to prohibiting use of the state portal, the division may take any additional action it considers appropriate, including civil penalties, and suspension, revocation, conditioning, or denial of division licenses, or take any actions as allowed under any provision of ORS 455.125, 455.127, or 455.129.

(4) Contractors sanctioned under any provision of ORS 455.125, 455.127, or 455.129 may be prohibited from using the state portal for a period of time to be determined by the division.

Stat. Auth.: ORS 455.095 & 455.097

Stats. Implemented: ORS 455.095, 455.097, 455.125, & 455.129

Hist.: BCD 11-2010(Temp), f. & cert. ef. 8-3-10