

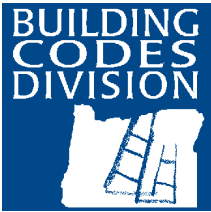
# CODE LINK

STATE OF OREGON • BUILDING CODES DIVISION

SUMMER 2006

## Administrator's message

by Mark Long



You can read about it in the headlines of your local paper's business pages. You are seeing it in your neighborhood, your downtown, at freeway exits and entrances, and on every available foot of developable land within urban growth boundaries: Commercial and residential construction is booming.

According to the latest economic forecast released by the Department of Administrative Services' Office of Economic Analysis, while overall job growth in the first quarter of 2006 was 6.3 percent, the construction industry gained jobs at a rate of 22.2 percent. In fact, construction employment has constituted 16.8 percent of all job gains in Oregon since mid-2003, the largest of any employment sector, indicating that the construction industry continues to help drive Oregon's economy.

These figures shed light on the importance of our mission here at the Building Codes Division: working with Oregonians to ensure safe building construction while promoting a positive business climate.

For the past several years, the division has been working with our partners and stakeholders to improve our customer service, increase consistency in programs and regulations, and raise the bar on accountability.

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These principles have helped shape policies that better serve our customers and Oregon — something that has become even more important as the construction industry has grown.

While building safety is our primary concern, finding efficiencies in our regulatory processes helps accelerate the construction industry's investment in Oregon's economy. A recent report prepared for the American Institute of Architects by PricewaterhouseCoopers found that speeding the permitting process encourages economic development, attracts investment, increases local government revenue, lowers business costs, and helps create jobs.

At BCD, we are streamlining licensing and permitting processes so that contractors get new projects approved rapidly. Local building departments across the state are also working to develop innovative ways to better serve their customers. And we are working with local jurisdictions to provide electronic, Web-based permitting to contractors across the state through our e-permitting pilot program: [www.buildingpermits.oregon.gov](http://www.buildingpermits.oregon.gov).

This issue of Code Link focuses on some of our new programs and rules that streamline the regulatory process for the state's construction industry while ensuring safety and accountability. ■

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## BCD works to take e-permitting statewide



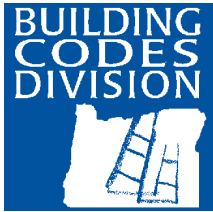
Thanks to regulatory streamlining legislation passed in 2003, the Department of Consumer & Business Services was given authority to implement an e-permitting pilot project in the Portland metro region. Launched in May 2005, the e-permitting pilot Web site was an instant favorite of contractors, who say e-permitting saves them time and money. The Building Codes Division and DCBS' Information Management Division are working with a number of building departments across the state that have asked to participate in the pilot program.

While the e-permitting pilot project progresses, a legislative workgroup is exploring expanding the successful e-permitting pilot into a fully interoperable, statewide system. The system would allow businesses and individuals to conduct a wide range of building department-related business online, anywhere in the state, 24 hours a day, seven days a week. House Interim Chair of Business, Labor & Consumer Affairs Alan Brown appointed the Statewide E-permitting Legislative Workgroup, which includes Rep. Mike Schaufler and Rep. Kevin Cameron.

At its first meeting, the workgroup recommended that BCD retain a consultant to research options for the system. BCD hired Willamette Consulting Inc./Eclipse Solutions, which started its research by surveying the state's building department programs. The survey polled current permitting practices and electronic permitting capabilities. The consultant held four regional information meetings and invited local building department personnel to attend. Later this month, the workgroup plans to review the consultant's analysis and report, which will include software options for a statewide system, a project plan, and start-up and maintenance costs. It then will send its recommendations to the Legislature.

The latest news and developments of the statewide e-permitting project and legislative workgroup are available at [www.Oregon-epermitting.info](http://www.Oregon-epermitting.info). BCD developed the site to include project updates and contact information. Interested parties may subscribe to the site and receive regular updates. ■

# BCD developing specialty codes



The Building Codes Division is working on the code development and adoption process for two of the specialty codes, the Oregon Structural Specialty Code (OSSC) and Oregon Mechanical Specialty Code (OMSC).

For more than 30 years, Oregon has adopted statewide specialty codes that are based on nationally recognized model codes. Typically, base model codes are updated every three years to recognize the latest industry standards, methods of construction, and technology. Once new editions of the model codes are available, BCD begins a review and adoption process that includes committee work, public input, and the opportunity to submit amendments to the model code. The Oregon-specific amendments are based on health and safety issues, climatic or geographic conditions, conflicts with Oregon laws and regulations, or inadequate and unclear verbiage in the model code.

The code adoption process uses technical committees, boards, and public hearings. It is an open, inclusive process that allows input from all interested individuals and industry groups. Board committees review all new code change proposals, review and evaluate the need to continue existing Oregon amendments, and evaluate the changes in the new model code. Upon completion of the committee's technical review, a recommendation is forwarded to the appropriate advisory board. The board then makes a final determination and forwards its recommendations to the administrator of BCD. Typically the administrator sends the board's recommendations to public hearing. Depending on the results of the public hearing, the completed code may be returned to the board for further modifica-

tion or the administrator will approve the final edition, which is then formally adopted by rule. This process usually takes 12 to 14 months, depending on which specialty code BCD is adopting.

The OSSC and OMSC are slated for adoption on April 1, 2007. The deadline for public input, in the form of code-change proposals, was April 14, 2006. Since then, technical committees have spent many hours reviewing the proposals, existing amendments, and new model code modifications. BCD is using the 2006 International Building Code, 2006 International Mechanical Code, and 2006 International Fuel Gas Code as the base documents for the Oregon specialty codes. BCD received approximately 69 suggested changes to the building code and eight changes to the mechanical code. The Mechanical Board will meet and review its committee recommendations Aug. 3, and the Building Codes Structures Board will meet Aug. 2 to review its committee recommendations. The public hearings are slated for Oct. 3 for the OSSC and Oct. 5 for the OMSC.

Information on the committees' recommendations can be viewed on BCD's Web site at <http://www.bcd.oregon.gov/committees.html>. This link will allow you to pick the structural or mechanical committee and then review new proposals, committee minutes, and recommended findings. For more information about the technical aspects of the structural changes, contact Richard Rogers at (503) 378-4472. For questions about the mechanical code changes, contact Mike Ewert at (503) 373-7529. For more information about the code adoption process, contact Richard Blackwell at (503) 373-1227 or Richard Rogers. ■

# Changes to elevator inspections take effect Oct. 1



One of Gov. Kulongoski's priorities is to streamline the operations of state regulatory agencies. As part of this regulatory streamlining initiative, the Legislature passed House Bill 2180, directing the Building Codes Division to evaluate and prioritize the inspection of elevator equipment.

Historically, elevator equipment has been inspected annually without regard to type, location, or degree of usage. Under this system, the dumbwaiter in a small business, the freight elevator in a paper mill, and the escalator at Portland International Airport are all inspected with the same frequency. HB 2180 provided the Building Codes Division and the Electrical and Elevator Board the opportunity to evaluate the factors affecting elevator equipment safety and prioritize inspections based on safety-related data to make the best use of public resources while ensuring safe elevator equipment.

With this as a goal, the division formed a rulemaking advisory committee made up of industry experts to evaluate the various types of elevator equipment found in Oregon, prioritize inspections accordingly, and write new administrative rules. This committee met during March 2006.

The committee recommended periodic inspection intervals for all elevators based on newly developed criteria. The criteria include accidents and injuries, commercial and public assembly structures, type of elevator based on age and technology, and whether the elevator has a maintenance contract. The committee developed a matrix for periodic elevator inspections based on a one-, two-, or three-year cycle for the various equipment types. The committee agreed that the Building Codes Division would phase in the implementation of these recommendations.

To implement the first phase of recommendations, BCD's Elevator Safety Program will move to a one- and two-year cycle for periodic

elevator inspections. Much of the equipment currently inspected annually will now be inspected biennially. The new inspection intervals will take effect Oct. 1, 2006. Operating permit renewals for October, which will be sent in mid-July, will reflect the change.

Elevator equipment owners will continue to receive an annual operating permit renewal. Those on the two-year inspection cycle will see a \$10 decrease in their annual renewal charge because the \$20 charge for inspection report processing will be split between two permit renewals.

Elevator equipment will be inspected either annually or biennially as follows:

## **Annual inspections:**

- Escalator
- Inclined Elevator
- Belt Manlift
- Moving Walk

## **Biennial inspections:**

- Passenger - Hydraulic
- Passenger - Electric
- Freight - Hydraulic
- Freight - Electric
- Rack & Pinion
- Sidewalk Elevator
- Sidewalk Material Lift
- Special Purpose Personnel Elevator
- Stairway Chairlift
- Dumbwaiter
- Limited Use Limited Application
- Material Lift
- Vertical Reciprocating Lift
- Vertical Wheelchair Lift
- Inclined Wheelchair Lift
- Stage Lift

Anyone with questions about elevator permits is encouraged to call our staff:

- Fran Thomas, (503) 373-7159
- Gina Treichler, (503) 378-8859

For other questions about the Elevator Safety Program please call:

- Jim Denno, manager, (503) 378-8450
- Nick Souza, interim chief elevator inspector, (503) 881-3876 ■

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# RV law, market are changing



There have been several changes in the Oregon recreational vehicle law and market that affect dealers.

Beginning Jan. 1, 2006, recreational vehicles that have been lawfully registered and titled within the United States no longer require an Oregon insignia of compliance. Simply put, used RVs are exempt from state requirements.

New RVs for sale in Oregon are still required to display an Oregon insignia of compliance. State-certified manufacturers purchase insignias in bulk and are authorized to affix them at their manufacturing facility. Noncertified manufacturers are required to notify the Building Codes Division to request visual inspections for units sent to Oregon dealers.

Oregon is experiencing a boom in new manufacturers wishing to sell products in our state. This upswing, coupled with manufacturer employee turnover, causes confusion about inspections. Dealers should check incoming products to verify compliance with Oregon insignia requirements.

When BCD performs a visual inspection at the request of a dealer, there is no charge to the dealer for the inspection and insignia. BCD will bill the manufacturer.

Another shift in the marketplace has been the growing popularity of park model RVs. New

park model manufacturers are contacting BCD monthly seeking certification information. Some manufactured dwelling manufacturers also are producing park models for their dealer network. It is important to note that as of May 1, 2005, recreational vehicle dealers that sell park trailers wider than 8 feet, 6 inches are required to be licensed by the Building Codes Division. This is a change in the law. Dealers selling park models are also required to furnish their customers with a disclosure form. This form and the laws regulating recreational vehicles and park models are available on BCD's Web site: [www.bcd.oregon.gov](http://www.bcd.oregon.gov).

For more information, contact Monte Taylor at (503) 373-7542 or [monte.l.taylor@state.or.us](mailto:monte.l.taylor@state.or.us).

Recreational vehicle sale fast facts:

- Used RVs are exempt from state insignia requirements.
- New RVs must comply with state insignia requirements.
- Visual inspections are free to the dealer.
- Recreational vehicle dealers selling park trailers in excess of 8 feet, 6 inches wide must be licensed.
- Dealers selling park models are required to furnish customers with a disclosure form. ■

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# Jurisdictions can submit changes online



The Building Codes Division Web site recently incorporated an online form for local jurisdictions to submit changes to their programs. These changes can include building official changes, address or phone number changes, etc. This online form is a fast and easy way for local jurisdictions to inform the division of changes. We highly encourage all jurisdictions to use the form whenever possible.

The form can be accessed at: [http://www.bcd.oregon.gov/jurisdictions/juris\\_change.html](http://www.bcd.oregon.gov/jurisdictions/juris_change.html)

Any jurisdiction without Internet access may submit a written notification on official letterhead via fax or mail addressed to Rick Blackwell. If you have any questions about jurisdictional changes, please contact Rick Blackwell at (503) 373-1227 or [richard.y.blackwell@state.or.us](mailto:richard.y.blackwell@state.or.us). ■

# HB 2181 streamlines licensing processes



During the 2005 legislative session, the Building Codes Division proposed House Bill 2181 to provide the division, the Electrical and Elevator Board, the Board of Boiler Rules, and the State Plumbing Board the ability to adopt rules creating consistent administrative and procedural licensing requirements for most of the licenses issued by BCD. Over the years, each trade had developed procedures and practices culminating in a host of confusing and sometimes contradicting rules and processes. The bill gave the division a golden opportunity to work with boards across all trade programs to create consistent, cohesive, and transparent licensing processes and procedures. A rulemaking advisory committee and a task force made up of BCD board chairs, vice chairs, and other affected parties discussed and reviewed drafts of these rules.

The new rules create standard application, renewal, and continuing education requirements for electrical, elevator, boiler, and plumbing licenses, without changing the scopes of the licenses. With new rules in place, new streamlined forms, and easier processes, the division looks forward to providing licensees with even better customer service.

The rules are posted on the division's Web site at [www.bcd.oregon.gov](http://www.bcd.oregon.gov). Click on "Public Notices," then on "Notice of Rulemaking Hearings." Here are some highlights:

## License application

- Application and testing fees are due with the application and any reapplication.
- The division must approve applicants before they are allowed to take a licensing examination.
- Applications will be processed as "approved" or "denied"; "incomplete" is no longer an option.

## Experience verification

- Completion of a registered apprenticeship program, or referral from either the registered training agent or from a board-approved training program can be used to verify experience.
- A license from a reciprocating state in which the applicant has tested can be used for verification.
- Previously licensed individuals are not required to requalify unless the license qualifications have significantly changed since the license was issued.
- Boards may designate a subcommittee to consider alternate verification of training and experience.
- Applicants submitting equivalent experience must provide verification from a current or previous employer.
  - If an employer is not available, an individual who supervised the work may verify experience.
  - If neither an employer nor supervisor is available, a co-worker who was directly involved may verify experience.
- Experience verification forms are no longer required to be notarized.

## Renewal

- All electrical, plumbing, elevator, and boiler licenses are transitioning to a three-year renewal cycle.
- New renewal cycles kick in over a period of two years beginning Oct. 1, 2006. See Table 1-A in the rules for information on particular licenses.
- Licensees will receive only one renewal notice.
- Renewal notices (electrical) will no longer be sent by certified mail.

## Examination

- The passing score for all licensing exams is 75 percent correct or better.

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## Retesting

- Applicants who fail an exam may reapply immediately by paying the application and exam fees.
- All applicants must wait 30 days after each failure before retaking an exam, except general and limited supervising electrician applicants, who have a 90-day waiting period.
- BCD will send a strength/weakness report to all license applicants who fail an exam.
- In-person exam review is eliminated.

## Continuing education

New administrative processes for continuing education providers:

- Application for course or instructor approval may take place any time during a code cycle.
- Courses and instructors are approved for the duration of a code cycle (typically three years).
- Instructors may apply for approval as part of the course approval process or may apply independent of the course approval process.
- Either a board or the Building Codes Division develops content requirements for code-change classes for each code cycle.
- Code-change classes can be taken — and the credit counted — any time during the three-year renewal cycle.

## New reporting procedures for continuing education providers

- Instructors must submit attendee rosters to BCD electronically in an [Excel spreadsheet](#) that they can download from the BCD Web site.
- BCD will no longer accept original rosters, copies of rosters, e-mails listing attendees, or any other format other than the Excel spreadsheet mentioned above.

- Providers must document course completion and give proof to each attendee.
- For multipart courses, instructors are required to send in the names of individuals only after they have completed all of the parts, unless parts or a combination of parts are approved separately.
- A civil penalty may be issued or other action taken, including revocation of approval of a continuing education course or instructor, for failure to meet the requirements of Division 035.

## Continuing education provisions affecting licensees

- Licensees can accrue code-change continuing education credit any time during the three-year renewal cycle.
- During each three-year license cycle, individuals will be required to complete either 24, 16, eight, four, or zero hours of continuing education. See [Table 1 in 030](#).
- LME, LEA, and LEB continuing education requirements have been reduced from 24 hours to eight hours.
- Continuing education requirements will be prorated for individuals who obtain licenses during the three-year license cycle.

## License expiration and renewal

- Licensees who fail to renew may obtain a valid license within one year of the license expiration date if the licensee reapplies, pays the application fee, and completes all outstanding continuing education requirements.
- The period for complying with continuing education or license renewal requirements may be extended for hardship or illness or when the licensee is ordered to military duty for 60 days or more. ■

# Code interpretations



BCD issues code interpretations, site-specific interpretations, and alternate-method rulings to create a predictable construction environment for builders, design professionals, and local governments. Interpretations and alternate method rulings are legally binding just as all other Oregon regulations or the state building code. BCD interpretations and alternate-method rulings are available on its Web site, [www.bcd.Oregon.gov](http://www.bcd.Oregon.gov), under "[Interpretations](#)."

Here are BCD's most recently issued interpretations:

**Note — To local jurisdictions, builders, and the design community:** If the information contained in a statewide code interpretation is cited as a basis for a plan review or field correction, the jurisdiction must cite the interpretation number.

## Commercial structural

**No:** 2004 OSSC 705.2

**Subject:** Sprinkler system installation in buildings with firewalls

**Edition:** 2004 Oregon Structural Specialty Code (OSSC)

**Section:** 705.2

**Date:** June 2, 2006

### Question

When firewalls are used within a structure to create "separate buildings," does each "separate building" (under the same ownership, with no property lines) need to be provided with totally independent sprinkler systems, including underground feed mains?

### Answer

No. Neither the OSSC nor the National Fire Protection Association (NFPA) 13 requires that each building be provided with individual underground feed mains.

### Analysis

Section 705.2 of the 2003 International Building Code (IBC) Commentary states: "Firewalls

serve to create separate buildings; therefore, all provisions of the code — including height and area limitations, fire protection systems, and means of egress — are applied individually on each side of the wall."

The commentary reinforces the difference between using a firewall and other rated walls, in that a firewall creates separate buildings and the provisions of the code apply individually.

However, there are no requirements in either the OSSC or the NFPA Standards for each building to be provided with complete separate systems including separate underground feed mains. Chapter 9 of the OSSC dictates when a system is required and references the applicable NFPA Standard for installation.

Typically, supplying multiple systems is accomplished through the use of one underground supply main that feeds a common manifold. Multiple risers, each with individual control valves and flow alarms, then supply the various sprinkler systems.

Section 705.9 of the OSSC anticipates various equipment penetrating firewalls and requires that it comply with Section 712.

**Contact:** Richard S. Rogers  
Structural program chief  
(503) 378-4472  
[richard.rogers@state.or.us](mailto:richard.rogers@state.or.us)

**No:** 2004 OSSC 1109.10, 1109.23

**Subject:** Scope of dressing and fitting room provisions

**Edition:** 2004 Oregon Structural Specialty Code (OSSC)

**Sections:** 1109.10, 1109.23

**Date:** June 6, 2006

### Question

Does providing a shower in a restroom invoke the "adjacent bench" requirements of Section 1109.23 of the OSSC for dressing and fitting rooms?

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## Answer

No. A single-user restroom provided with a shower is not considered a “dressing or fitting room” for the purposes of Section 1109.23. An adjacent bench is not required when merely providing a shower in a restroom.

## Analysis

Section 1109.10.1 states in part: “Bathrooms, toilet rooms, bathing facilities, and shower rooms shall be designed according to this section.” There are no references to 1109.23 or requirements for accessible benches.

Section 1109.23 provides the requirements for rooms or spaces that are for the purpose of changing or dressing (such as swimming pool locker rooms, fitting rooms in department stores, etc.). Oregon’s Chapter 11 of the OSSC is based on the federal Americans with Disabilities Act Accessibility Guidelines (ADAAG) with certain requirements in the OSSC being more restrictive. However, Oregon’s code is not more restrictive than the federal standards in this application.

Editorial Note: ORS 447.220 directs the Department of Consumer and Business Services to adopt accessibility guidelines that are consistent with the Americans with Disabilities Act. In keeping with this directive, BCD staff recently conferred with both the U.S. Access Board (promulgators of the ADA Architectural Guidelines) and the U.S. Department of Justice. Both entities concurred there is no requirement in the ADAAG to comply with dressing and fitting room requirements when installing a shower in a bathing room.

**Contact:** Richard S. Rogers  
Structural program chief  
(503) 378-4472  
[richard.rogers@state.or.us](mailto:richard.rogers@state.or.us)

## Electrical

**No:** 680.12

**Subject:** Required Maintenance Disconnect

**Edition:** 2005 Oregon Electrical Specialty Code

**Section:** 680.12

**Date:** June 15, 2006

## Question

Does Section 680.12 requiring a maintenance disconnect for swimming pool utilization equipment allow the disconnect to be installed within 5 feet of the inside edge of the swimming pool or spa?

## Answer

No. The code intends that electrical equipment, including disconnecting means, be located at least 5 feet from the inside edge of the pool or spa.

## Analysis

During the 2002 code cycle, Section 680.12 was changed to make the intent of the code clearer. However, the language restricting the disconnecting means to be located “within sight” overlooked the rest of Article 680 and the need to maintain the 5-foot clearances from the inside edge of the pool or spa.

**Contact:** Dennis Clements  
Assistant chief electrical inspector  
(503) 378-4459

[Dennis.l.clements@state.or.us](mailto:Dennis.l.clements@state.or.us) ■

# BCD files permanent rules



This quarter's rulemaking included the division's two important streamlining initiatives: licensing processes standardization and elevator inspection prioritizing. New rules also clarify which plumbing installations are exempt from permit and inspection requirements.

## Exemption from Permitting and Inspection for Ordinary Minor Plumbing Repairs

**Effective date:** April 1, 2006

**Purpose:** This rule expands permit and inspection exemptions for ordinary minor plumbing repairs. Registered plumbing contractors and "any person" exempt from licensing under ORS 693.030 are not required to purchase a permit for performing ordinary minor plumbing repairs. The rule also defines an "ordinary minor plumbing repair." New construction, replacement of water heaters, and underground plumbing are not considered ordinary minor repairs. "Any person," as it relates to ORS 693.030, includes individuals, corporations, partnerships, public and municipal corporations, political subdivisions, and any Oregon state or federal government agency.

**Citation:** Amends OAR 918-780-0035.

**Contact:** Terry Swisher, chief plumbing inspector, (503) 373-7488, [terry.l.swisher@state.or.us](mailto:terry.l.swisher@state.or.us)

## Building Official, Inspector, and Plans Examiner Certification Rule Amendments

**Effective date:** April 1, 2006

**Purpose:** These rules amend the certification rules for building officials, inspectors, and plans examiners. Here are some of the changes:

- Eliminate reapplication and retesting waiting periods for Oregon Inspector Certification (OIC). Applicants may reapply and retest at any time.

- Change the reapplication and retesting waiting periods for Oregon Code Certifications (OCC) to 30 days.
- Clarify requirements for residential inspector and plans examiner cross-training programs.
- Standardize continuing education requirements for building officials, inspectors, and plans examiners.
- Eliminate the requirement for inspectors to maintain specific trade licenses.
- Include International Code Council (ICC) certifications as options to qualify as a post-earthquake damage inspector and clarify training requirements.

**Citation:** Amends OAR 918-098-1000, 918-098-1005, 918-098-1010, 918-098-1012, 918-098-1015, 918-098-1025, 918-098-1210, 918-098-1215, 918-098-1300, 918-098-1410, 918-098-1450, 918-098-1470, 918-098-1600, 918-098-1620, 918-098-1630, 918-281-0000, 918-281-0010, 918-281-0020, and 918-695-0400.

**Contact:** Twyla Knowles, assistant manager, policy and technical services, (503) 378-5217, or [Twyla.J.Knowles@state.or.us](mailto:Twyla.J.Knowles@state.or.us)

## Plumbing & Electrical Plan Review Rules

**Effective date:** Oct. 1, 2006

**Purpose:** These rules clarify plumbing and electrical code plan review requirements and provide customers with more options. Highlights include:

- Jurisdictions are not mandated to offer plumbing or electrical code plan review services, however, jurisdictions offering such services may require them only for complex structures.
- "Complex structures" in both the plumbing and electrical program areas is defined.



- Customers may submit one set of plans for two or more structures under construction or reconstruction at the same job site, as long as the plumbing or electrical systems are materially alike and permits are obtained within a reasonable time.

**Citation:** Amends 918-311-0030, 918-311-0040, 918-780-0040.

**Contacts:** Plumbing - Terry Swisher, chief plumbing inspector, (503) 373-7488, [terry.l.swisher@state.or.us](mailto:terry.l.swisher@state.or.us)

Electrical - Dennis Clements, assistant chief inspector, (503) 373-4459 [Dennis.L.Clements@state.or.us](mailto:Dennis.L.Clements@state.or.us)

### [HB 2181 Licensing Process Rules](#)

**Effective date:** July 1, 2006 for most provisions. Some portions of the rules will be implemented Oct. 1, 2006. The transition to a three-year renewal cycle begins April 2007.

**Purpose:** This rulemaking creates consistent license, application, renewal, and continuing education administrative processes for the boiler, electrical, elevator, and plumbing licensing program areas, without changing license scope or requirements. Some of the changes include:

- Transition to a three-year renewal cycle
- A standardized application process for the boiler, electrical, elevator, and plumbing programs
- Immediate reapplication for those who fail a licensing examination
- A 30-day waiting period to retake an exam (General and limited supervising electricians will have 90-day waiting periods.)
- Elimination of continuing education requirements for contractors
- The ability for licensees to prorate continuing education requirements on the first renewal
- Aligning continuing education course and instructor approvals with the three-year code cycle

More information is available in “HB 2181 streamlines licensing processes” on page 6 of this edition of Code Link.

**Citation:** Adopts OAR 918-030 and 918-035. Amends OAR 918-225, 918-282, 918-283, 918-400, 918-695. Repeals OAR 918-225-0680, 918-225-0685, 918-225-0900, 918-225-0910, 918-225-0920, 918-225-0930, 918-225-0940, 918-225-0950, 918-225-0960, 918-225-0970, 918-282-0335, 918-283-0000, 918-283-0010, 918-283-0030, 918-283-0040, 918-283-0050, 918-283-0060, 918-283-0070, 918-695-0010, 918-695-0200, 918-695-0300, 918-695-0310, 918-695-0320, 918-695-0330, 918-695-0340, 918-695-0350, 918-695-0360, 918-695-0370, 918-695-0380, and 918-695-0390.

**Contact:** Chris Huntington, policy analyst, (503) 373-1247, [Chris.S.Huntington@state.or.us](mailto:Chris.S.Huntington@state.or.us)

### [HB 2180 Phase 1 Elevator Inspection](#)

**Effective date:** July 1, 2006.

**Purpose:** This rulemaking prioritizes elevator inspection frequency based on life/safety criteria, and it changes the inspection frequency to every two years for certain types of elevators. Table 1-A of the rules sets out the new standards. For more details, see Page 4.

**Citation:** Amends OAR 918-400-0465, 918-400-0650, 918-400-0660. Adopts OAR 918-400-0665.

**Contacts:** Jim Denno, statewide inspection manager, (503) 378-8450, [jim.s.denno@state.or.us](mailto:jim.s.denno@state.or.us), or Nick Sousa, interim chief elevator inspector, (503) 881-3876. ■

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# Rules open more training options for plumbers



Proposed rules would allow Oregon journeyman plumbers and apprentice plumbers to take either of the following state-approved training programs to qualify to test backflow prevention device assemblies:

- Department of Human Services-approved backflow tester training
- Building Codes Division-approved continuing education course with backflow prevention device assembly-related subject matter

This training will also meet the continuing education requirements for journeyman plumbing license renewal.

These proposed rules, which implement House Bill 3093 (2005), will go to a public hearing July 18, 2006. The proposed effective date is Oct. 1, 2006. ■

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## Electrical code-related continuing education



Presented by BCD electrical program staff

### Ashland

**Sponsor:** City of Ashland

**Date:** Thursday, Aug. 3

**Time:** 1 p.m. - 5 p.m.

**Subject:** Soares Book on Grounding and Bonding, Part III continue with Chapter 10

**Date:** Thursday, Nov. 16

**Time:** 1 p.m. - 5 p.m.

**Subject:** Soares Book on Grounding and Bonding, Part II continue with Chapter 6

**Location:** City of Ashland  
51 Winburn Way  
Ashland, OR 97520

**Ashland contact:** Mike Broomfield,  
(541) 488-5309

**BCD contact:** Dennis Clements, assistant  
chief electrical inspector,  
(503) 378-4459

### Bend

**Sponsor:** IBEW, NECA, IEC

**Date:** Monday, Sept. 18

**Time:** 4 p.m. - 8 p.m.

**Subject:** Soares Book on Grounding and Bonding, Part III continue with Chapter 10

**Location:** TBA  
Bend, OR 97701

**Bend contact:** Lance Zifka,  
(541) 480-3031

**BCD contact:** Dennis Clements, assistant  
chief electrical inspector,  
(503) 378-4459

### Tangent

**Sponsor:** IBEW, NECA, IEC

**Date:** Thursday, Sept. 28

**Time:** 4 p.m. - 8 p.m.

**Subject:** Soares Book on Grounding and Bonding, Part III continue with Chapter 10

**Location:** Central Electrical Training Center  
33309 Hwy 99E  
Tangent, OR 97389

**Tangent contact:** Rich Lofton,  
(541) 812-1771

**BCD contact:** Dennis Clements, assistant  
chief electrical inspector,  
(503) 378-4459

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# Qualifications for Boiler and Pressure Vessel Class 5 license to change



Effective Aug. 1, 2006, applicants for the Class 5 Pressure Piping Mechanic Certification will be able to use brazing experience toward the required 2,000 hours of verifiable experience.

In 2003, the division repealed OAR 918-225-0690, and adopted OAR 918-225-0691, which specifies the certification requirements for persons who provide boiler, pressure vessel, and pressure piping installations, alterations,

or repairs. Prior to repeal of OAR 918-225-0690, a person applying for a Class 5 Pressure Piping Mechanic Certification needed certain experience, "including 2,000 verifiable hours of pipe welding *or brazing* experience." Upon adoption of OAR 918-225-0691, in its current form, the brazing experience requirement was inadvertently dropped from the rule.

The proposed rule, which goes to a public hearing on July 18, corrects this oversight. ■

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## Workers' Compensation ... frequently asked questions



### **Can I make my employees independent contractors?**

The short answer is no. Even if workers agree to be independent contractors, that doesn't make it so. Signing a statement is not proof, and neither is issuing them 1099 tax forms instead of W-2s. Even a signed contract may not be enough to establish independence.

The circumstances of each work relationship determine whether a person is an independent contractor or employee. The primary factor has to do with your right, or not, to direct and control the worker. Someone who in one case might be considered self-employed could, in another case, be an employee. The main thing to remember: Don't try to circumvent the law by calling employees independent contractors. An independent contractor will not be subject to your direction and control when it comes to how the work is accomplished.

If you contract with an established company to do a job that isn't in the normal line of your work, you're likely in the clear. Otherwise, be careful. If you have questions, contact the Workers' Compensation Division's Employer Compliance Unit at (503) 947-7815. Another great resource for the various laws you may need to consider regarding independent contractors is online at <http://www.oregonindependentcontractors.com>. The Web site includes links to the responsible agencies.

### *Contributed by:*

Reg Gregory, manager  
Workers' Compensation Division  
Compliance Section,  
Employer Compliance Unit  
Toll-free: (888) 877-5670

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# State revokes license of plumbing contractor



The Building Codes Division has revoked the Oregon license of JRT Mechanical Inc. for doing plumbing work without the proper licenses and permits.

The Washington state-based plumbing and mechanical contractor company has violated Oregon's licensing and permitting laws 10 times since 1992 and has been assessed \$14,500 for those violations.

DCBS' Building Codes Division revoked JRT's license March 6 for a period of five years. Revoking the license means the company cannot work in Oregon and its permits in Oregon are no longer valid. The company is appealing the decision to the state Court of Appeals.

JRT's violations include employing unlicensed individuals to do plumbing work and making plumbing installations without obtaining the necessary permits. The violations have taken place throughout the Portland area as well as in Springfield and Boardman.

DCBS' Building Codes Division conditioned JRT Mechanical's license in 2000 for three years, essentially putting the company on probation. But after the three-year period, the division uncovered two more cases of the company allowing unlicensed employees to perform plumbing work.

"We never like to revoke a company's license, but JRT Mechanical had multiple, repeat violations and plenty of chances to comply with the laws," said Roseanne Nelson, assistant manager/senior enforcement officer, enforcement and licensing, for the Building Codes Division.

Companies and individuals must be licensed to make plumbing installations in Oregon. The Building Codes Division urges consumers not to do business with unlicensed contractors. Anyone with information about JRT Mechanical or any other unlicensed contractor should call Nelson at (503) 378-5324. ■

# Compliance report

The director of the Department of Consumer and Business Services found the following violations of the Oregon Specialty Codes in April 2006:

CITY	NAME	VIOLATION	PENALTY
Albany.....	Robert W. Johns ..... dba B. Kasey's Appliance Service	No permit.....	\$1,000
Hillsboro .....	Rutan Construction Inc.....	No permit.....	\$1,000
Hillsboro .....	Kenneth V. Richardson ..... dba Ken Richardson Excavating	No permit.....	\$1,000
Molalla .....	Gerald F. Harris .....	No permit.....	\$1,000
Portland .....	Stewart Minnieweather, Jr. .... dba Stewart's & Sons Construction	No permit.....	\$1,000
Portland .....	Michael J. Woolman.....	No permit.....	\$1,000
Portland .....	Dwight P. Miller .....	No permit..... (2 violations)	\$1,000
Rainier .....	Jeffrey C. Owen..... dba Advantage Excavating	No permit..... (2 violations)	\$2,000
Roseburg.....	Thomas L. Huff .....	No permit.....	\$1,000
Seaside .....	North Coast Heating & Cooling Inc. ....	No permit.....	\$1,000

The Electrical and Elevator Board found the following violations of the Oregon Electrical Safety Laws in May 2006:

CITY	NAME	VIOLATION	PENALTY
Albany.....	William Coburn .....	As supervising electrician, ..... failed to ensure individuals had proper licenses to make electrical installation	\$1,000
Albany.....	EC Company .....	Allowed unlicensed ..... individual to make electrical installation	\$1,000
Astoria .....	Joel Jenson .....	No electrical contractor ..... license, no electrical permit, no supervising or journeyman license	\$3,000
Corvallis.....	Federal Security Inc. ....	Allowed unlicensed ..... individual to make electrical installation, no electrical contractor license, no electrical permit	\$8,000
Eugene .....	Richard George Wolf.....	No supervising or ..... journeyman license	\$1,000
Eugene .....	Robert LaPlant.....	No supervising or ..... journeyman license	\$1,000

Eugene	Lan Tel Services Inc.	Allowed unlicensed individual to make electrical installation	\$3,000
Keizer	Tom Wolff	No electrical contractor license, no electrical permit, no supervising or journeyman license, unsafe installation	\$4,000
Lincoln City	Thomas E. Ware dba EveryWare Construction	No electrical contractor license, no electrical permit, no supervising or journeyman license	\$3,000
Salem	Jake R. Taylor	No supervising or journeyman license	\$1,000
Salem	McCammon Electric Corp.	Permits are nontransferable	\$1,000
San Diego, CA	Leonard Alan Kohl	No supervising or journeyman license	\$1,000
San Diego, CA	Virtual Habitat Inc.	Allowed unlicensed individual to make electrical installation, no electrical contractor license	\$2,000
Stayton	Tony A. Spencer	No electrical contractor license, no electrical permit, worked outside the scope of the journeyman license	\$3,000
Tualatin	Richard G. Mitchell dba Design Lighting by Richard	No electrical contractor license, no electrical permit, no supervising or journeyman license	\$3,000
Vancouver, WA	Honeywell International Inc.	Allowed unlicensed individual to make electrical installation, made electrical installation outside the scope of electrical license held, no electrical permit, unsafe installation	\$4,000
Wilsonville	Thomas E. Pfaendler	No supervising or journeyman license	\$1,000
Yuma, AZ	Jerry Edward Stanford	No supervising or journeyman license	\$1,000

The Plumbing Board found the following violations of the Oregon Plumbing Specialty Codes in May 2006:

CITY	NAME	VIOLATION	PENALTY
Beaverton	Ray Batista	No plumbing business certificate of registration, no plumbing journeyman certificate of competency	\$2,000
Lakeview	Matt Havel	No plumbing journeyman certificate of competency	\$1,000

Lakeview	Kenneth Van Hoesen dba Lakeview Plumbing & Supply	Allowing unlicensed individuals to make plumbing installations, no plumbing permit	\$2,000
Sunriver	Scott Van Hiatt dba Rainbow Restoration	No plumbing business certificate of registration, no plumbing journeyman certificate of competency	\$2,000
The Dalles	Matthew S. O'Brien dba Speedy Rooter	No plumbing business certificate of registration (4 violations), no plumbing journeyman certificate of competency (4 violations)	\$8,000

The director of the Department of Consumer and Business Services found the following violations of the Oregon Specialty Codes in May 2006:

CITY	NAME	VIOLATION	PENALTY
Corvallis	Federal Security Inc.	Violated a final order	\$5,000
The Dalles	Matthew S. O'Brien dba Speedy Rooter	Violated a final order (3 violations)	\$15,000

The Board of Boiler Rules found the following violations of the Oregon Boiler Safety Laws in June 2006:

CITY	NAME	VIOLATION	PENALTY
Albany	Pacific Northern Industrial Inc.	No boiler/pressure vessel business license, no boiler/pressure vessel installation permit	\$2,000
Portland	The Heat Exchange Inc.	Employed individual without proper certification to make installation, no boiler/pressure vessel business license, no boiler/pressure vessel installation permit	\$3,000
Portland	Curtis R. March	No boiler/pressure vessel individual certification	\$1,000
Salem	Judson's Inc.	No boiler/pressure vessel installation permit (3 violations)	\$3,000
Salem	CJ Hansen Co. Inc.	No boiler/pressure vessel installation permit	\$1,000
Scio	MPP Piping Inc.	No boiler/pressure vessel installation permit	\$1,000
Seaside	RJW Inc.	No boiler/pressure vessel business license, no boiler/pressure vessel installation permit	\$2,000

# Confirmation of executive appointments



## **The Board of Boiler Rules (ORS 480.535)**

Robert Cowling, Portland  
(Mechanical engineer)  
Reappointment of four-year term  
Term: March 1, 2006 – Feb. 28, 2009

Vincent Leedy, Ontario  
(Director of facility services)  
Appointment of four-year term  
Term: Jan. 23, 2006 – Jan. 22, 2010

## **Building Codes Structures Board (ORS 455.132)**

**Vacant:** Owner/manager of commercial & office building

Martin Brown, Wilsonville  
(Building official)  
Reappointment of four-year term  
Term: July 1, 2005 – June 30, 2009

Terry Dieter, Hillsboro  
(Architect)  
Appointment of four-year term  
Term: Jan. 23, 2006 – June 30, 2009

Chris Davis, Portland  
(Building trade representative)  
Reappointment of four-year term  
Term: July 1, 2005 – June 30, 2009

Lawrence Hite, Salem  
(Disabilities Commission representative)  
Reappointment of four-year term  
Term: July 1, 2004 – June 30, 2008

## **Electrical and Elevator Board (ORS 455.138)**

Douglas Aljets, Salem  
(Electrical contractor)  
Appointment of four-year term  
Term: Nov. 1, 2005 – June 30, 2009

Michael Miner, Lowell  
(Electrical equipment supplier)  
Reappointment of four-year term  
Term: July 1, 2005 – June 30, 2009

James Johnston, Portland  
(Power & light industry)  
Reappointment of four-year term  
Term: July 1, 2005 – June 30, 2009

Tim Nicol, Tangent  
(Journeyman electrician)  
Reappointment of four-year term  
Term: July 1, 2005 – June 30, 2009

## **Oregon State Plumbing Board (ORS 693.115)**

**Vacant:** Department of Human Services representative

Skai Dancey, Portland  
(Mechanical engineer)  
Appointment of four-year term  
Term: Jan. 23, 2006 – Jan. 22, 2010

Jack Vilendre, Portland  
(BO or plumbing equipment supplier)  
Appointment of four-year term  
Jan. 23, 2006 – Jan. 22, 2010

## **Residential Structures Board (ORS 455.144)**

Kathryn Gray, Bend  
(Home designer)  
Reappointment of four-year term  
Term: July 2, 2005 – July 1, 2009

Douglas Lathin, Salem  
(Remodeler residential structures contractor)  
Appointment of four-year term  
Term: Nov. 1, 2005 – July 1, 2009

## **Mechanical Board (ORS 455.140)**

James Culbertson, Jr., Portland  
(Sheet metal contractor)  
Reappointment of four-year term  
Term: July 2, 2005 – July 1, 2009

Bradley Wright, Beaverton  
(HVAC installer)  
Reappointment of four-year term  
Term: July 2, 2005 – July 1, 2009

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# 2006 BCD board meeting dates

Sun	Mon
1	2
8	9

## ELECTRICAL & ELEVATOR BOARD

Meets at 9:30 a.m. on the fourth Thursday of every other month:

- July 27
- Sept. 28
- Nov. 16

## BOARD OF BOILER RULES

Meets at 9:30 a.m. on the first Tuesday of each quarter:

- Sept. 12
- Dec. 5

## BUILDING CODES STRUCTURES BOARD

Meets at 9:30 a.m. on the first Wednesday of every other month:

- Aug. 2
- Nov. 1

## MECHANICAL BOARD

Meets at 9:30 a.m. on the first Wednesday of each quarter:

- Aug. 3
- Sept. 6
- Dec. 6

## STATE PLUMBING BOARD

Meets at 9:30 a.m. on the third Friday of every other month:

- Aug. 18
- Oct. 20
- Dec. 15

## MANUFACTURED STRUCTURES & PARKS BOARD

- Sept. 14

## RESIDENTIAL STRUCTURES BOARD

Meets at 9:30 a.m. on the first Wednesday of each quarter:

- Aug. 8
- Oct. 4

MEETINGS ARE HELD IN THE BCD CONFERENCE ROOM AT 1535 EDGEWATER ST. NW, SALEM

Meetings begin at 9:30 a.m. Meetings may be canceled or rescheduled.

All board information is posted on the BCD Web site: [www.bcd.oregon.gov/boards.html](http://www.bcd.oregon.gov/boards.html).

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# 2006 Tri-County code forum dates

Sun	Mon
1	2
8	9

## ELECTRICAL

Meets 4-8 p.m., Wednesday

- Sept. 6

## MECHANICAL

Meets 4-7 p.m., Wednesday

- Sept. 13

## PLUMBING

Meets 4-7 p.m., Thursday

- Sept. 7

## RESIDENTIAL STRUCTURAL

Meets 4-7 p.m., Tuesday

- Dec. 5

## COMMERCIAL STRUCTURAL

Meets 4-7 p.m., Wednesday

- Sept. 20

### CODE FORUM LOCATIONS

PLUMBING, Sunnybrook Clackamas County Auditorium, 9101 S.E. Sunnybrook Road

ELECTRICAL, MECHANICAL, RESIDENTIAL, and COMMERCIAL, 800 NE Oregon St., Room 120, Portland

# Tri-county code forum Q&A



Tri-county code forums give Portland metro-area contractors, architects, engineers, inspectors, and building officials the opportunity to discuss and agree on code clarifications. The tri-county building officials have agreed to use the code forum determinations for inspection standards. Anyone working in a jurisdiction outside of the tri-county region should contact the local building official for inspection standards. You can find more information about code forums on the division's [Web site](#). ■

Summer 2006



Summer 2006



Summer 2006



## CODE LINK

STATE OF OREGON • BUILDING CODES DIVISION

*Code Link* is a publication of the Building Codes Division, Oregon Department of Consumer & Business Services

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