

**DIVISION 1
PROCEDURAL RULES**

918-001-0000**Notice of Proposed Rules**

Before the adoption, amendment or repeal of any rule in OAR chapter 918, except temporary rules adopted under ORS 183.335, the Building Codes Division shall give notice of the intended action:

(1) In the Secretary of State's Bulletin referred to in ORS 183.360 at least 21 days before the effective date of the rule;

(2) By mailing a copy of the notice to persons and organizations on the division's mailing lists established pursuant to ORS 183.335(8) at least 28 days before the effective date of the rule;

(3) By mailing or furnishing a copy of the notice to:

- (a) The Associated Press; and
- (b) The Capitol Press Room.

Stat. Auth.: ORS 455.110

Stats. Implemented: ORS 183.335

Hist.: BCA 20-1989, f. & cert. ef. 8-1-89; BCD 26-1996, f. & cert. ef. 12-4-96; BCD 18-2004, f. 9-30-04, cert. ef. 10-1-04

918-001-0005**Definitions**

As used in OAR 918, unless the context requires otherwise:

(1) "Administrator" means the Administrator of the Building Codes Division.

(2) "Department" means the Department of Consumer and Business Services.

(3) "Division" means the Building Codes Division.

(4) "Model Rules" means the Attorney General's Model Rules of Procedure as adopted in OAR 918-001-0010.

Stat. Auth.: ORS 455.110

Stats. Implemented: ORS 192.440

Hist.: BCA 20-1989, f. & cert. ef. 8-1-89; BCD 1-1998, f. 1-28-98, cert. ef. 4-1-98

918-001-0006**Specialty Code Name Change**

Effective April 1, 2005, all references in OAR chapter 918, except those found in OAR chapter 918 division 098, are changed from the Oregon One-and-Two-Family Dwelling Specialty Code to the Oregon Residential Specialty Code. Nothing in this rule is intended to change the required criteria or scope of work allowed for permits, licensees, certificates, inspectors or plans examiners.

[Publications: Publications referenced are available from the agency.]

Stat. Auth.: ORS 455.144

Stats. Implemented: ORS 455.144

Hist.: BCD 6-2005, f. & cert. ef. 4-1-05

918-001-0010**Model Rules of Procedure**

The Director adopts by reference the Attorney General's Model Rules for rulemaking, OAR 137-001-0005 through 137-001-0100, effective January 1, 2008.

[ED. NOTE: The full text of the Attorney General's Model Rules of Procedure is available from the office of the Attorney General or Building Codes Division.]

Stat. Auth.: ORS 183.341

Stats. Implemented: ORS 183.341

Hist.: BCA 20-1989, f. & cert. ef. 8-1-89; BCA 32-1993, f. 12-14-93, cert. ef. 1-1-94; BCD 12-1994, f. & cert. ef. 4-29-94; BCD 5-1996, f. & cert. ef. 3-29-96; BCD 8-1998, f. & cert. ef. 6-2-98; BCD 21-2000, f. & cert. ef. 9-19-00; BCD 32-2002, f. 12-20-02 cert. ef. 1-1-03; BCD 18-2004, f. 9-30-04, cert. ef. 10-1-04; BCD 2-2006, f. & cert. ef. 2-13-06; BCD 7-2008, f. & cert. ef. 3-18-08

918-001-0025**Division Representation by Authorized Officer or Employee at Contested Case Hearings**

(1) The administrator, deputy administrator or compliance officer of the Building Codes Division is authorized to appear on behalf of the division, pursuant to ORS 183.450, at the following types of contested case hearings:

(a) Civil penalty hearings; and

(b) Hearings held on appeals made to the division under ORS 479.853 by persons aggrieved by a decision made upon inspection authority under ORS 455.150 or 479.510 to 479.860 of an electrical product or electrical installation.

(2) In all other contested case hearings officers or employees of the division may appear on behalf of the division only if prior written consent is obtained from the Attorney General or Deputy Attorney General.

Stat. Auth.: ORS 183.450

Stats. Implemented: ORS 183.450

Hist.: BCA 12-1989(Temp), f. & cert. ef. 5-5-89; BCA 21-1989, f. 7-19-89, cert. ef. 8-1-89; BCD 26-1996, f. & cert. ef. 12-4-96

918-001-0030**Authorized Non-Attorney Representation**

The following are adopted as rules of procedure for the Building Codes Division, except a board with independent rulemaking authority adopts other procedural rules for itself.

(1) A party or limited party participating in a contested case hearing in which a corporation appears may be represented by an authorized representative of the party or limited party.

(2) On or before the first appearance in a contested case hearing by an authorized representative, the authorized representative must provide the presiding officer a letter from the party or limited party that authorizes the representative to appear on behalf of the party or limited party.

(3) The presiding officer may limit an authorized representative's presentation of evidence, examination and cross-examination of witnesses or presentation of factual arguments to ensure the orderly and timely development of the hearing record. The presiding officer shall not allow an authorized representative to present any legal argument.

(4) As used in this rule:

(a) "Authorized representative" means:

(A) A member of a partnership that is a party;

(B) A limited party in the contested case;

(C) An authorized officer or regular employee of a corporation, association or organized group that is a party or limited party in the contested case; or

(D) An authorized officer or employee of a governmental authority other than a state agency, that is a party or limited party in the contested case.

(b) "Legal argument" includes any argument on:

(A) The jurisdiction of the department or board to hear the contested case;

(B) The constitutionality of a statute or rule or the application of a constitutional requirement; or

(C) The application of court precedent to the facts of the contested case.

(c) Legal argument does not include presentation of evidence, examination and cross-examination of witnesses, presentation of factual arguments, or any argument on:

(A) The application of the facts to the statutes or rules that directly apply to the issues in the contested case;

(B) Comparison of prior actions of the Department;

(C) The literal meaning of the statutes or rules that directly apply to the issues in the contested case; or

(D) The admissibility of evidence or the correctness of procedures being followed.

(5) When an authorized representative represents a party or limited party in a hearing, the presiding officer shall advise the representative of the manner in which objections may be made and the manner in which matters may be preserved for appeal. The advice is of a procedural nature and does not change applicable law on waiver or applicable law on the duty to make timely objection. When an objection may involve a legal argument, the presiding officer shall provide a reasonable opportunity for the authorized representative to consult legal counsel and shall permit the legal counsel to file

written legal argument within a reasonable time after conclusion of the hearing.

Stat. Auth.: 1999 OL, Ch. 599

Stats. Implemented: ORS 183.457

Hist.: BCD 16-1999(Temp), f. 10-15-99, cert. ef. 10-23-99 thru 4-19-00; BCD 4-2000, f. 3-9-99, cert. ef. 4-1-00

918-001-0031

Extension of Time Limits Created in Administrative Rules

(1) The Building Codes Division may extend specified time requirements stated in ORS Chapter 183 if the person seeking the extension shows good cause for failing to meet the time requirement stated by the applicable rule. A request for an extension of any time requirement must be submitted in writing within a reasonable time.

(2) Definitions. For the purposes of subsection (1) of this rule:

(a) "Good cause" exists when the person seeking the extension establishes by satisfactory evidence that the cause of the failure to meet the time requirement stated by the applicable rule was beyond his or her reasonable control.

(b) "Reasonable time" means that the person acted promptly in filing the request for extension after the cessation of the circumstances that prevented him or her from meeting the time requirement stated by the applicable rule.

Stat. Auth.: ORS 183.415

Stats. Implemented: ORS 183.415

Hist.: BCD 8-2004, f. 6-21-04, cert. ef. 7-1-04

918-001-0036

Guidelines for Civil Penalties

(1) Scope and Authority. This rule sets guidelines for assessing a civil penalty under ORS 446.995 & 455.895.

(2) Definitions. For the purposes of this rule:

(a) "Continuing offense" or "continuing violation" means violation of a code, rule or law on one or more additional days after having been notified of the violation or ordered to correct the act, or the failure to act. A continuing violation is subject to a civil penalty each day the violation continues after notification.

(b) A "directive" includes, but is not limited to, a notice or warning, citation, order, consent decree or settlement agreement, rule, law, code requirement, or agency interpretation.

(c) "Pattern of violation" means two or more prior violations during a given period of any provision of ORS chapter 446, 447, 455, 460, 479, 480, or 693, or the state building code as defined in ORS 455.010, whether or not a penalty was assessed.

(A) For violations by volunteers performing unlicensed work, supervisor and business violations, and failures to comply with corrective orders, a pattern of violation is calculated within a three-year period from the date of the latest violation.

(B) For scope of license violations, violations concerning other unlicensed activities, failure to obtain license and permit, failure to comply with a previous directive, or violations resulting in unsafe installations or health and safety hazards, a pattern of violation is calculated within a five-year period from the date of the latest violation.

(3) A licensed person or contractor who performs an act resulting in an unsafe installation or a health and safety hazard, structural or financial damage, performs or allows another to perform work requiring a license without an appropriate license, violates a previous directive, or exhibits a pattern of violation may have their license, registration or certificate conditioned, suspended, or revoked.

(4) Civil penalties may be assessed by a board, the administrator, or a board's designee acting as agent for a board. A board or the administrator may take into account any appropriate factors, including previous directives, in determining the penalty amount or conditions within an order. The statutorily defined maximum penalty may only be assessed upon a finding of a pattern of violation.

(5) Civil penalties may be assessed in addition to, or in lieu of, the conditioning, suspension, or revocation of a license, certificate of competency, or similar authority issued by the division.

(6) The division may, subject to approval of a board, develop a penalty matrix for the board's use to promote equity and uniformity in proposing the amount and terms of civil penalties and conditions under which the penalties may be modified based on the circumstances in individual cases.

(7) If a dispute concerning the application of the state building code as defined in ORS 455.010 is appealed to a local appeals board, to a board under ORS 455.690 or to the program chief under ORS 455.475:

(a) A civil penalty that is being appealed, may be stayed until after resolution of the appeal or interpretation. If corrections are necessary, a civil penalty may be stayed for 30 calendar days or the time frame established in the appeal or in the interpretation process.

(b) An administrative appeal will not stay civil penalties when they were assessed for failure to obtain a permit unless the appeal involves determining whether a permit was necessary.

(c) The person seeking the appeal or interpretation has the obligation to notify the division of the appeal for the purpose of granting a stay of the civil penalty.

(8) Violations of ORS chapters 446, 447, and 479 and ORS 455.020(2) and 455.610, wherein defects

are noted by an inspector in an element of assembly or construction, shall not be considered a violation for the purposes of this section if the violation is corrected and an inspection request made in 20 calendar days unless extended in writing by the building official.

(9) The Building Codes Division shall forward a copy of final orders to the Construction Contractors Board.

Stat. Auth.: ORS 446.995 & 455.895

Stats. Implemented: ORS 446.995 & 455.895

Hist.: BCD 35-2002, f. 12-31-02, cert. ef. 1-1-03; BCD 10-2005, f. 4-29-05, cert. ef. 5-1-05; BCD 22-2008, f. 9-30-08, cert. ef. 10-1-08

918-001-0040

Cheating on Examinations

(1) Scope. This rule applies to:

(a) Persons seeking Building Codes Division licensing or certification under the boiler and pressure vessel, plumbing, electrical, or manufactured structures laws and rules;

(b) Any tradesperson or inspector required to pass an examination to be licensed or certified by the division or its boards, except those applying under the provisions of ORS 455.735; and

(c) Persons who are required to be licensed pursuant to ORS 455.457 to perform specialty code inspections or plan reviews.

(2) In addition to any passing grade requirement, a person fails an examination provided, authorized or required by the division or one of its boards if the person cheats in connection with an examination. A person "cheats in connection with the examination" if the person applies for or takes an examination and directly or indirectly:

(a) Provides untrue information regarding qualifications to take the examination;

(b) Uses unauthorized notes, devices or information during an examination;

(c) Copies from another or allows another to copy during an examination;

(d) Provides answers or assistance to another;

(e) Otherwise uses unauthorized methods to gain an advantage or give another person an advantage in the examination; or

(f) Without authority takes or copies examination questions or answers from the examination or storage site.

(3) Nothing in this rule prevents the division from seeking revocation of a license issued by mistake if there was cheating in connection with the examination and the license should have been denied.

(4) A person failing an examination as provided in this rule may ask for a contested case hearing under ORS Chapter 183.

(5) Notwithstanding any rules to the contrary allowing a person to retake an examination, a person who

fails an examination as provided in this rule shall not be allowed to take any division or division related examination for one year following the notice of failure of the examination or final order determining that the person failed the examination.

Stat. Auth.: ORS 446.395, 455.110, 479.630, 479.730, 480.565, 480.630, 670.100 & 693.310

Stats. Implemented: ORS 446.395, 455.110, 479.630, 479.730, 480.565, 480.630, 670.100 & 693.310

Hist.: BCD 14-1994, f. & cert. ef. 5-24-94; BCD 26-1996, f. & cert. ef. 12-4-96; BCD 1-1998, f. 1-28-98, cert. ef. 4-1-98; BCD 16-2000, f. 8-7-00, cert. ef. 10-1-00; BCD 13-2001, f. 9-28-01, cert. ef. 10-1-01; BCD 10-2002(Temp), f. 5-14-02, cert. ef. 5-15-02 thru 11-10-02; BCD 29-2002, f. & cert. ef. 10-1-02

918-001-0045

Land Use Goal Compliance and Comprehensive Plan Compatibility Procedures

(1) Activities Affecting Land Use: The division acting under ORS 197.180 identifies the following activities as having a potential to “affect land use” as defined in OAR 660-030-0005(2):

(a) The issuance of electrical permits under OAR 918, division 309 and structural permits under OAR 918, division 460 for new buildings, additions and changes of building use;

(b) The issuance of sewer and water service permits for new buildings, additions and changes of building use under OAR 918, division 780;

(c) The issuance of manufactured dwelling set-up permits under OAR 918, division 600;

(d) The issuance of a permit for construction or addition to a manufactured dwelling park under OAR 918, division 600, recreational vehicle park or organizational camp under OAR 918, division 650; and

(e) The issuance of permits for plumbing utilities hook-up or electrical hook-up for manufactured dwellings except in a manufactured dwelling park constructed under a OAR 918, division 600 permit.

(2) State Agency Coordination Program. The Division has adopted a State Agency Coordination Program under which it requires verification that the construction activities involved in section (1) of this rule comply with statewide land use planning goals and are compatible with the comprehensive plans and regulations of the municipality having jurisdiction over the project. Sections (3) through (7) of this rule implement the plan.

(3) Condition Precedent For Permits: Before a permit is issued for any activity mentioned in section (1) of this rule, except for an electrical or a plumbing permit, the Division requires:

(a) Acknowledgment by the city or county planning agency on the Building Codes Division permit application that the project has final land use approval; or

(b) A copy of the local land use permit or a letter from the local planning agency that the project has land use approval or is otherwise permitted under the jurisdiction’s comprehensive plan and does not require specific land use approval.

(4) Plumbing Permits: A sewer and water service permit for construction involving a new building, an addition or change in the use of a building, will not be issued unless the project already has or is granted at the same time a related structural, park construction or manufactured dwelling permit.

(5) Electrical Permits: When an electrical permit, including a temporary electrical permit is used for construction involving a new building, an addition or change in the use of a building is involved:

(a) The applicant for a permit may provide the type of land use verification required in section (3) of this rule at the time the permit is obtained; or

(b) Verification must be provided to the electrical inspector prior to or not later than ten calendar days after the first inspection. The inspector will require the contractor, owner of the project or primary user of the project to provide verification, with either:

(A) A related structural, park construction or manufactured dwelling permit issued involving the same project;

(B) A written acknowledgment by the city or county planning agency that the project has final land use approval;

(C) A copy of the local land use permit or a letter from the local planning agency that the project has land use approval or is otherwise permitted under the jurisdiction’s comprehensive plan and does not require specific land use approval; or

(D) Verification of approval may be communicated from the local planning agency to the inspector by telephone or facsimile so long as a letter or other written verification as required above is received by the inspector within ten calendar days of the first inspection.

(6) Manufactured Dwelling Set-Up Permits. The requirements in section (3) of this rule can be met by a person seeking a manufactured dwelling set-up permit by:

(a) Telephonic confirmation by the city or county planning agency. When this procedure is used the name and telephone number of the person that can provide the confirmation must be provided by the person seeking the permit; or

(b) A facsimile transmission of relevant documents.

(7) Any permit, including an electrical permit, may be denied by the division if the division has knowledge that:

(a) Any other permit under the jurisdiction of the division was denied;

(b) The project has not received final land use approval; or

(c) The project is not otherwise permitted under the jurisdiction’s comprehensive plan.

(8) Revocation of Permits: Any permit or inspection approval issued under this rule may be revoked by the division:

(a) If the issuance was based on false, erroneous or misleading information; or

(b) In the case of an electrical inspection, if the required verification is not provided within ten calendar days following the first inspection.

Stat. Auth.: ORS 183.325 - 183.410, 196.180 & 455.110

Stats. Implemented: ORS 197.180

Hist.: BCA 10-1990, f. 5-8-90, cert. ef. 8-1-90; BCA 2-1991, f. 1-28-91, cert. ef. 1-31-91; BCD 1-1998, f. 1-28-98, cert. ef. 4-1-98

918-001-0120

Appointment of Chiefs

The division shall appoint individuals as specialty code chief inspectors knowledgeable to carry out the provisions of ORS 455.475.

Stat. Auth.: ORS 455.475

Stats. Implemented: ORS 455.475

Hist. BCD 11-2000, f. 6-23-00, cert. ef. 7-1-00; BCD 10-2002(Temp), f. 5-14-02, cert. ef. 5-15-02 thru 11-10-02; BCD 29-2002, f. & cert. ef.10-1-02

918-001-0130

Alternative Appeal Procedure

This rule allows persons aggrieved by a decision of a local building official or designee to choose whether to appeal through the local appeals process, or through the division. If the appeal relates to an inspection pursuant to the **Electrical Specialty Code**, the appeal process set forth in OAR 918-251-0040 shall be followed.

(1) A person aggrieved by the decision of a local building official or designee may, in lieu of using the local appeals process, appeal to the appropriate specialty code chief. The aggrieved person may not change from one process to the other on the same issue. Such appeal shall:

(a) Be made within 30 days of the municipality decision; and

(b) Include the name of the person making the appeal, a written description of the appeal, the name of the authority having jurisdiction, the specific code or codes involved, and whether a "stop work" order has been issued; and

(c) Be accompanied by \$20 appeal fee.

(2) Upon receipt of an appeal, the specialty code chief shall seek information from the local building official or designee and any other information necessary to make a decision.

(3) Upon final determination by the chief, the chief shall notify appropriate affected parties in writing.

(4) If the aggrieved person, or the person whose decision generated the appeal, chooses to further appeal

the decision of the specialty code chief to the appropriate state advisory board, the person shall:

(a) Request further appeal within 15 days after written notification of the decision of the specialty code chief; and

(b) Provide additional information as needed by the division to process the appeal.

[Publications: Publications referenced are available from the agency.]

Stat. Auth: ORS 455.475

Stats. Implemented: ORS 455.475

Hist.: BCD 11-2000, f. 6-23-00, cert. ef. 7-1-00; BCD 10-2002(Temp), f. 5-14-02, cert. ef. 5-15-02 thru 11-10-02; BCD 29-2002, f. & cert. ef.10-1-02

918-001-0200

Public Records Requests

(1) Scope and Applicability. This rule governs requests for inspection of division documents under the Public Records Law, ORS Chapter 192.

(2) Request for Examination of Public Records. Requests for examination of public records shall be made according to department administrative rule OAR chapter 440, division 005.

(3) Miscellaneous Items Concerning Fees:

(a) The fees charged shall be those found in department Policy and Procedure COM-07 and the division fee schedule.

(b) A waiver or reduction of fees requested under ORS 192.440 must be submitted in writing, show how a waiver or reduction is in the public interest and that availability will benefit the general public;

(c) No fees are charged:

(A) To board members when conducting official division business;

(B) To state officials;

(C) For first copies of division publications, except codes published by others;

(D) To public libraries, public educational institutions, or federal, state, county or city agencies participating in a cooperative program with the division; or

(E) To examine records readily available which do not require supervision during the inspection.

Stat. Auth.: ORS 455.110

Stats. Implemented: ORS 192.440

Hist.: BCA 23-1992, f. 12-24-92, cert. ef. 1-1-93; BCD 26-1996, f. & cert. ef. 12-4-96

918-001-0210**Division Mailing Lists**

(1) Scope, Authority and Applicability:

(a) This rule governs procedures for placement on and remaining on the various mailing lists maintained by the division and boards;

(b) The procedures in this rule are created under ORS 183.335(8) and the general rulemaking authority of the administrator in ORS 455.030 and 455.100.

(2) Creation of Interested Persons Mailing Lists for Board Activities. Mailing lists are created for interested persons who want to receive notices and agendas of board meetings for the following:

(a) Electrical and Elevator Board;

(b) Building Codes Structures Board;

(c) Manufactured Structures and Parks Advisory Board;

(d) Plumbing Board;

(e) Board of Boiler Rules.

(3) Creation of Interested Persons Mailing Lists for Rulemaking. Mailing lists are created for interested persons wanting notices of rulemaking:

(a) Electrical List. This list covers rulemaking activities of the Electrical and Elevator Board relating to electrical matters:

(A) Persons referenced in OAR chapter 918, division 251, building officials and members of the board are automatically on this list;

(B) All municipalities with authority to administer building codes are additionally served notice when the rulemaking involves adoption or amendment of codes.

(b) Structural and Mechanical List. This list covers rulemaking activities of the Building Codes Structures Board relating to the Structural Specialty Code, One and Two Family Dwelling Specialty Code, Mechanical Specialty Code, and prefabricated structures rules:

(A) Persons referenced in OAR 918, divisions 440 and 460, building officials, and members of the board are automatically on this list;

(B) All municipalities with authority to administer building codes are additionally served notice when the rulemaking involves adoption or amendment of codes;

(C) All persons entitled to notice on the electrical and plumbing lists are also served when One- and Two-Family Dwelling Specialty Code rules are involved.

(c) Manufactured Structures and Parks List. This list covers the rulemaking activities of the Manufactured Structures and Parks Advisory Board relating to manufactured dwellings, recreational vehicles, manufactured dwelling parks, recreation parks, organizational camps and picnic parks:

(A) Building officials and members of the board are automatically on this list;

(B) All municipalities with authority to administer building codes are additionally served notice when the rulemaking involves adoption or amendment of the codes.

(d) Amusement Ride and Device List. This list includes amusement device and amusement ride owners and amusement parks. All municipalities with authority to administer building codes are additionally served notice when the rulemaking involves adoption or amendment of the code;

(e) Plumbing List. This list covers rulemaking activities of the Plumbing Board relating to plumbing activities:

(A) Persons referenced in OAR 918, division 750, building officials and members of the board are automatically on this list;

(B) All municipalities with authority to administer building codes are additionally served notice when the rulemaking involves adoption or amendment of codes.

(f) Elevator List. This list covers rulemaking activities of the Electrical and Elevator Board relating to elevator matters:

(A) Persons referenced in OAR 918, division 400, building officials and members of the board are automatically on this list;

(B) All municipalities with authority to administer building codes are additionally served notice when the rulemaking involves adoption or amendment of codes.

(g) Boiler List. This list covers rulemaking activities of the Board of Boiler Rules relating to boiler and pressure vessel activities:

(A) Persons referenced in OAR 918, division 225, building officials and members of the board are automatically on this list;

(B) All municipalities with authority to administer building codes are additionally served notice when the rulemaking involves adoption or amendment of codes.

(h) Illegal Drug Manufacturing Site List. Persons referenced in OAR 918, division 010 are automatically on this list.

(4) Mailing List Subscription. Individuals not automatically served according to these rules may apply on a division form and pay a non-prorated annual fee for each list. Mailing lists will be revised March 1 each year. A person may subscribe at any time.

(5) Mailing List Subscription Renewal. One annual billing will be sent. Those not requesting renewal will be removed at the end of February.

(6) Nonprofit Organizations. Nonprofit organizations may be placed on any mailing list without charge, if the organization agrees to distribute notices it receives to ten or more of its members.

(7) Charges. The annual charge to be placed on the mailing list is \$35, except a person requesting complete board packets shall be charged an additional \$35 per board, all payable in advance of March 1.

[Publications: Publications referenced are available from the agency.]

Stat. Auth.: ORS 455.110

Stats. Implemented: ORS 183.335

Hist.: BCA 23-1992, f. 12-24-92, cert. ef. 1-1-93; BCD 1-1998, f. 1-28-98, cert. ef. 4-1-98; BCD 18-2004, f. 9-30-04, cert. ef. 10-1-04

918-001-0230

Method of Payment

(1) Fees and charges for items obtained at the division must be paid on receipt.

(2) Remote requests for copies, FAX transmission or other mailing and documents must be paid within 15 days of billing.

(3) Credit and payment by check will be denied when there is an outstanding dishonored check or delinquent payment; or when there are two or more episodes of payment by dishonored checks or payment delinquencies by the same person.

Stat. Auth.: ORS 455.110

Stats. Implemented: ORS 455.100

Hist.: BCA 23-1992, f. 12-24-92, cert. ef. 1-1-93; BCD 1-1998, f. 1-28-98, cert. ef. 4-1-98

918-001-0240

Refunds

(1) As required by ORS 293.445 moneys received in excess of the amount legally due and payable to the division, or in which the division determines it has no legal interest, shall be refunded. However, as authorized by ORS 293.445, for sums of \$25.00 or less the division will only refund the money upon request by the person who paid the money or the person's legal representative. Refund requests must be made within three years of the date that the money was paid to the division.

(2) "Amounts legally due and payable" includes but is not limited to, fees for license, renewal license, permit or plan review applications, regardless of whether or not application review results in the issuance of a license or permit.

Stat. Auth.: ORS 293.445

Stats. Implemented: ORS 293.445

Hist.: BCA 23-1992, f. 12-24-92, cert. ef. 1-1-93; BCD 1-1998, f. 1-28-98, cert. ef. 4-1-98; BCD 7-2001, f. 6-15-01, cert. ef. 7-1-01; BCD 12-2008, f. 6-30-08, cert. ef. 7-1-08

BUILDING CODES DIVISION

**FEE SCHEDULE
(April 25, 2006)**

Complete set of division administrative rules, OAR Chapter 918	\$15.00
Complete set of division statutes	\$15.00
Duplicate copies of licenses or certificates	\$10.00