

4-15

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

4/15/11

April 15

I certify that the attached copies* are true, full and correct copies of the TEMPORARY Rule(s) adopted on ~~May 1~~ ^{April 15}, 2011 by the
Date prior to or same as filing date

BCD 10-2011(T)

Department of Consumer and Business Services, Building Codes Division	918
Agency and Division	Administrative Rules Chapter Number
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to become effective May 1, 2011 through June 30, 2011.

RULE CAPTION

Establishes specialized inspector training and certifications as required by House Bill 3462 (2009)
Not more than 15 words that reasonably identify 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: 918-098-1510, 918-098-1520, 918-098-1530, 918-098-1540, 918-098-1550, 918-098-1560, and 918-098-1570

AMEND:

SUSPEND:

FILED
APR 15 2011
ARCHIVES DIVISION SECRETARY OF STATE

Stat. Auth.: ORS 455.720, 455.730 & 455.735

Other Auth.: 2009 Oregon Laws, Chapter 593

Stats. Implemented: ORS 455.720, 455.730 & 455.735

RULE SUMMARY

HB 3462 (2009) authorized the Building Codes Division to create a program for training, qualifying and certifying individuals as specialized building inspectors authorized to perform inspections and enforce portions of Oregon's specialty codes. These new inspector certifications will cover limited commercial and other multidisciplinary inspections that presently are not independently authorized by the Division's existing inspector certifications.

Authorized Signer

Patrick Allen
Printed name

4-15-11
Date

Secretary of State
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

918

Agency and Division

Administrative Rules Chapter Number

In the Matter of: Adopting OAR 918-098-1510, 918-098-1520, 918-098-1530, 918-098-1540, 918-098-1550, 918-098-1560, and 918-098-1570

Rule Caption: Establishes specialized inspector training and certifications as required by House Bill 3462 (2009)

Statutory Authority: ORS 455.720, 455.730 & 455.735

Other Authority:

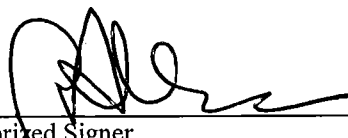
Stats. Implemented: ORS 455.720, 455.730 & 455.735

Need for the Temporary Rule(s): These proposed rules implement a portion (Phase II) of House Bill 3462 (2009) that allows the Division to establish a training program that qualifies and certifies individuals as specialized building inspectors authorized to perform inspections and enforce portions of the state building code. Inspector certifications cover limited commercial and other multidisciplinary inspections that presently are not independently authorized by the Division in existing inspector certifications.

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 Building Codes Division is implementing the application, qualification, training and certification processes for these specialized inspector certifications. Because Chemeketa Community College is assisting the Division with online course development and delivery, the Division needs to coordinate with the college's academic calendar.

Failure by the Building Codes Division to initiate the Plumbing and Solar PV specialized inspector training programs at the start of Chemeketa Community College's Summer 2011 term, which begins in late June 2011, may result in serious prejudice to the parties concerned. These rules must therefore be in effect well before the start of this summer academic term. Absent a temporary rule, ORS 455.035 would require these rules to become effective on July 1, 2011.



Authorized Signer

Patrick Allen

Printed name

4-15-11

Date

918-098-1510

Purpose and Scope

(1) The specialized inspector certification program, in OAR 918-098-1510 through 918-098-1570, establishes a program for training, qualifying and certifying individuals as specialized building inspectors authorized to perform inspections and enforce portions of the state building code. Inspector certifications cover limited commercial and other multidisciplinary inspections that presently are not independently authorized by the division in existing inspector certifications.

(2) Specialized inspectors may, after receiving certification issued under these rules, conduct inspections as provided in these rules. These rules apply to applicants and certificate holders, training providers, and participating jurisdictions for the purposes of administering and enforcing the restrictions and requirements under these rules.

Stat. Auth.: ORS 455.720, 455.730 & 455.735

Stats. Implemented: ORS 455.720, 455.730 & 455.735

Hist.: New

918-098-1520

Specialized Inspector Qualifications

(1) All applicants for specialized certifications must have:

(a) A valid Oregon Inspector Certification;

(b) A valid Oregon Code Certification to perform inspections, as identified in the rule requirements for the specialized certification sought;

(c) Employment as an inspector and experience performing inspections in Oregon for a minimum of one year in the specialty code area that the applicant is seeking specialized certification.

(2) An applicant for certification as a specialized inspector must:

(a) Submit an application on a division-approved form.

(b) Submit the designated application and training fees.

(c) Identify the certifications sought, the certifications presently held by the applicant, and the applicant's qualifying experience performing inspections.

(3) Incomplete applications or applications submitted without payment will not be processed.

(4) If an application is approved, the applicant will be notified and may begin the specialized inspector certification process.

(5) When an application is not approved by the division, the applicant's training fee will be refunded. The application fee will not be refunded or waived for future applications.

(6) The application and training fee for all specialized inspector certifications is \$200.

Stat. Auth.: ORS 455.720, 455.730 & 455.735

Stats. Implemented: ORS 455.720, 455.730 & 455.735

Hist.: New

918-098-1530

Training Programs

(1) Approved applicants must complete an appropriate division-approved training program and pass a division-approved examination for the desired specialized certification. Training program requirements are stated in OAR 918-098-1560 for the Specialized Solar Photo-Voltaic Inspector Certification and in OAR 918-098-1570 for the Specialized Plumbing Inspector Certification.

(2) Instructor Qualifications. Specialized certification training course instructors must be approved by the division under these rules.

(a) Training course instructors may apply for approval as part of the course approval process or independent of the course approval process.

(b) Approved training course instructors must be qualified by training, licensure, and experience to teach the subject matter and supervise the corresponding fieldwork training inspections of a specialized inspector certification training program.

(c) Approved fieldwork supervisors must be qualified by training, licensure, and experience to perform the specialized inspector certification fieldwork inspections being performed.

(d) Division staff teaching training courses of supervising related fieldwork in the normal course of their duties are considered approved instructors for the purposes of these rules.

(3) Fieldwork Training. A specialized inspector certification applicant is eligible to perform the required fieldwork training after the applicant has begun the required academic coursework and has been approved by the course instructor to begin fieldwork training.

(4) Fieldwork Supervision. All specialized certification fieldwork training must be supervised and verified by an inspector with a valid Oregon Inspector Certification required to conduct the inspections being performed.

(a) An applicant's fieldwork training must be documented on a division-approved form and signed by the inspector who supervised the inspections.

(b) An inspector supervising and verifying an applicant's fieldwork training may not be qualified to conduct the inspections performed based solely on a specialized inspector certification issued according to these rules.

(5) Fieldwork Training Approval. A specialized inspector certification applicant must submit proof of completed fieldwork training to the division for verification and approval, and issuance of specialized inspector certification.

(6) Examination Approval. A specialized inspector certification applicant is eligible to take a certification examination after the division receives proof that the applicant has successfully completed the required academic coursework and fieldwork training.

Stat. Auth.: ORS 455.720, 455.730 & 455.735

Stats. Implemented: ORS 455.720, 455.730 & 455.735

Hist.: New

918-098-1540

Specialized Inspector Examination

(1) Examinations for a specialized inspector certification must be approved by the division.

(2) Applicants for specialized inspector certifications who fail the examination may reapply to retest by submitting a reapplication form and required \$80 fee within 30 days after the failed attempt.

(3) If an applicant fails to take a specialized inspector certification examination within 60 days of being approved to do so, the applicant must reapply to the division to take the examination by submitting a reapplication form and required \$80 fee.

(4) An applicant who reapplies is not required to requalify for the examination or provide qualification information in addition to the exam application unless the specialized certification requirements have changed since the applicant originally applied for certification.

Stat. Auth.: ORS 455.720, 455.730 & 455.735
Stats. Implemented: ORS 455.720, 455.730 & 455.735
Hist.: New

918-098-1550

Specialized Inspector Certification Issuance and Expiration

(1) Upon receiving proof of completion of all requirements listed in these rules, the division may issue the appropriate specialized inspector certification.

(2) All specialized certifications remain valid until January 2, 2018, if the holder maintains a current Oregon Inspector Certification. Should the holder fail to maintain a valid Oregon Inspector Certification, all certifications, including any specialized certification issued under this rule, become invalid and the holder may not conduct any inspections until the Oregon Inspector Certification is again valid.

Stat. Auth.: ORS 455.720, 455.730 & 455.735
Stats. Implemented: ORS 455.720, 455.730 & 455.735
Hist.: New

918-098-1560

Specialized Solar Photo-Voltaic Inspector Certification

(1) Specialized solar photo-voltaic (PV) inspectors may, upon receipt of this certification, conduct inspections of the structural and electrical systems for solar PV installations up to 25 Kw that follow the “prescriptive installation” provisions in section 305.4 of the **Oregon Solar Installation Specialty Code**.

(2) As a condition of entering a training program, an applicant must:

(a) Hold a valid Oregon Code Certification as either an electrical code inspector or residential electrical inspector;

(b) Have been employed as an inspector and performed inspections as an electrical code inspector or residential electrical inspector for a minimum of one year prior to applying for Specialized Solar PV Inspector Certification;

(c) Complete a specialized solar PV inspection training program that meets the minimum requirements established by the division, consisting of:

- (A) Instructional coursework; and
- (B) Supervised fieldwork inspections; and
- (d) Pass a division-approved examination.

Stat. Auth.: ORS 455.720, 455.730 & 455.735
Stats. Implemented: ORS 455.720, 455.730 & 455.735
Hist.: New

918-098-1570

Specialized Plumbing Inspector Certification

(1) Specialized plumbing inspectors may inspect plumbing and piping systems conveying potable water, storm, or domestic sanitary sewage in buildings less than 75 feet above grade in height as defined in the **Oregon Structural Specialty Code** and containing a building water service less than two inches in nominal interior diameter.

(2) A specialized plumbing inspector may not conduct inspections in new structures with plumbing or piping systems containing any of the items in (a) through (g):

- (a) Installation or alteration of a medical gas and vacuum system for health care facilities;
- (b) Installation or alteration of chemical drainage, waste and vent systems containing chemical agents potentially detrimental to the integrity of a plumbing system;
- (c) Installation or alteration of waste water pre-treatment systems for building sewers;
- (d) Installation of vacuum drainage, waste and vent systems;
- (e) Installation or alteration of reclaimed water systems;
- (f) Installation of a commercial booster pump system needed to maintain minimum residual water pressure in a structure supplied by a municipal source; or
- (g) Food service plumbing systems.

(3) Existing structures with plumbing systems containing any of the items in 2(a) through (g) may be inspected by specialized plumbing inspectors. But specialized plumbing inspectors may not inspect any of the items in 2(a) through (g).

(4) As a condition of entering a training program, an applicant must:

(a) Hold valid Oregon Code Certification as a one- and two-family or residential plumbing inspector;

(b) Have been employed as an inspector and performed inspections as a one- and two-family or residential plumbing inspector for a minimum of one year prior to applying for Specialized Plumbing Inspector Certification.

(c) Complete a specialized plumbing inspection training program that meets the minimum requirements established by the division, consisting of:

(A) Instructional coursework; and

(B) Supervised fieldwork inspections.

(d) Pass a division-approved examination.

Stat. Auth.: ORS 455.720, 455.730 & 455.735

Stats. Implemented: ORS 455.720, 455.730 & 455.735

Hist.: New