



Oregon

Theodore R. Kulongoski, Governor

Department of Consumer and Business Services

Building Codes Division
1535 Edgewater Street NW
PO Box 14470
Salem, OR 97309-0404
(503) 378-4133
FAX (503) 378-2322
bcd.oregon.gov

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NOTICE OF EXTENDED COMMENT PERIOD: ePermitting Implementation Rules

The division is extending the comment period for the adoption of rules relating to ePermitting Implementation, creating OAR 918-050-0850.

Extended Comment Deadline: Comments MUST be submitted by July 21, 2010 at 5 p.m.

House Bill 2405, approved by the 2007 Legislature, allows the division to establish an integrated, full-service, statewide electronic permitting (ePermitting) program to streamline the current permitting and plan review processes used by 134 local jurisdictions that issue thousands of permits annually. This program is aimed at making it easier and less expensive for businesses to understand and to meet state regulations without reducing standards and protections.

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

In September 2009, the division proposed this rule implementing the ePermitting program in OAR chapter 918, division 050. Notice was filed with the Secretary of State's Office. A public rule making hearing was held on September 22, 2009. Public comments were received until 5 p.m. Friday, September 25, 2009. The division is now extending that comment period for an additional 21 days.

All comments must be received by 5 p.m. on, Wednesday, July 21, 2010. ***No other comments will be accepted after this date.*** Written comments may be submitted to the contacts below.

Summary of the rules:

This proposed rule adopts administrative requirements for the statewide electronic permitting (ePermitting) system. The proposed rule sets forth the responsibilities of contractors using the system and clarifies that misuse of the system may potentially subject a contractor to sanctions. The division anticipates that the proposed rule will become temporarily effective July 28, 2010 and permanently effective October 1, 2010.

To submit comments, please contact:

Trevor Johnson, Policy Analyst at 503-373-1354 or Trevor.W.Johnson@state.or.us, or
Dodie Wagner, Assistant Manager of Policy & Technical Services at 503-373-1258 or
Dodie.A.Wagner@state.or.us

ePermitting Rules
Draft: 6/15/2010

918-050-0850

Administration of Electronic Permitting

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

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

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

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

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

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

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

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

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

(a) Contractors in good standing;

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

(c) Public users.

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

(b) In addition to prohibiting use of the state portal, the division may take any additional action it considers appropriate, including civil penalties, and suspension, revocation,

conditioning, or denial of division licenses, or take any actions as allowed under any provision of ORS 455.125, 455.127 or 455.129.

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

Stat. Auth.: ORS 455.095 & 455.097

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

Hist.: New