



July 16, 2009

Legislative Changes to the Boiler and Elevator Programs

Purpose of the rule:

These temporary rules implement House Bill 2200 (2009) resulting in immediate changes to the Boiler and Elevator programs. Effective July 1, 2009 the following will occur: boiler permit and inspection fees will increase; boiler installation permits will go to a flat fee rather than an hourly rate; elevator hourly inspection rates and re-inspection fees will increase slightly. The fee increases were approved by the legislature to address current revenue shortfalls and to protect public safety by maintaining inspection service levels. The legislative changes also align processes in the two programs to increase efficiency and reduce administrative costs.

Citation:

Amend: OAR 918-225-0600, 918-225-0630 & 918-400-0800

Suspend: 918-225-0605 & 918-225-0610

History:

House Bill 2200 (2009) was pre-session filed by Governor Kulongoski at the request of the Department of Consumer and Business Services, Building Codes Division. The purpose of this bill was to streamline the administrative processes between the boiler and elevator programs, move from an hourly-based fee structure to a more predictable flat rate schedule, adjust fees to align with cost, and eliminate periodic inspections of CO₂ tanks used by the beverage service industry. The bill additionally restored three boiler inspector positions that were cut from the department's budget.

State and insurance inspectors, combined, annually perform over 14,000 inspections in public buildings. Accordingly, the state needs resources to meet its public safety purpose. Boiler program fees have been adjusted two times during the past 18 years. It was necessary to adjust again in order to increase efficiency, customer service and timeliness of inspections.

Contact:

If you have questions or need further information, please contact Chief Boiler Inspector Mike Graham at 503-373-7499 or mike.d.graham@state.or.us, Chief Elevator Inspector Ron Crabtree at 503-378-3866 or ron.m.crabtree@state.or.us, or Policy Analyst Jim Hanson at 503-373-1227 or james.m.hanson@state.or.us.



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

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

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

Shauna M. Parker PO Box 14470 Salem, OR 97309 (503) 373-7438
Rules Coordinator Address Telephone

to become effective [Upon Filing] through [January 1, 2010].
Date upon filing or later A maximum of 180 days including the effective date.

RULE CAPTION

Aligns boiler and elevator inspection and permit fee rules with changes implemented in HB 2200.

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

RULEMAKING ACTION

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

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

ADOPT:

AMEND: 918-225-0600, 918-225-0630, & 918-400-0800

SUSPEND: 918-225-0605 & 918-225-0610

Stat. Auth.: ORS 183.335, 460.085, 480.545, 480.585, 480.595, 480.600, 480.605, 480.607, & 480.630

Other Auth.:

Stats. Implemented: ORS 460.061, 460.165, 480.570, 480.585, 480.595, 480.600, 480.605, 480.607, 480.630

RULE SUMMARY

These temporary rules implement statutory changes that resulted from the passage of House Bill 2200 during the 2009 legislative session. The rules update both boiler and elevator permitting and inspection fees to align with the new statutory requirements.

Andrea Simmons

Authorized Signer Printed name Date

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

STATEMENT OF NEED AND JUSTIFICATION

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

Department of Consumer and Business Services, Building Codes Division

918

Agency and Division

Administrative Rules Chapter Number

In the Matter of: Amending 918-225-0600, 918-225-0630, & 918-400-0800, and Suspending 918-225-0605 & 918-225-0610

Rule Caption: (Not more than 15 words that reasonably identifies the subject matter of the agency's intended action.)

Aligns boiler and elevator inspection and permit fee rules with changes implemented in HB 2200.

Statutory Authority: ORS 183.335, 460.085, 480.545, 480.585, 480.595, 480.600, 480.605, 480.607, & 480.630

Other Authority:

Stats. Implemented: ORS 460.061, 460.165, 480.570, 480.585, 480.595, 480.600, 480.605, 480.607, & 480.630

Need for the Temporary Rule(s): The provisions in House Bill 2200 that was passed during the 2009 legislative session contain an emergency clause and become effective on July 1, 2009. As a result of these legislative changes, the division needs to update existing boiler and elevator program rules to align with the new statutory provisions required by the bill. Fee amounts for permits, licensing, and inspections were changed with the passage of the bill and division rules would not match the new statutory provisions without performing this rulemaking. These rules make those necessary changes.

Documents Relied Upon, and where they are available: Temporary rules are available from the division's rules coordinator located at 1535 Edgewater Street NW, Salem, Oregon, and are available on the division's Web site at: www.bcd.oregon.gov.

Justification of Temporary Rule(s): The provisions in House Bill 2200 that was passed during the 2009 legislative session contain an emergency clause and become effective on July 1, 2009. Because permit, inspection, and fee provisions were changed with the passage of HB 2200, the division's boiler and elevator program rules need to be updated to align with the new statutory provisions required by the bill.

Andrea Simmons

Authorized Signer

Printed name

Date

Part V -- Permits
Subpart A -- Permits

918-225-0600

Operating Permit Cycles

Permits to operate boilers or pressure vessels shall be issued periodically according to vessel type, based on the schedule established by the division in Table 1-A.

NOTE: [Table 1-A](#), Boiler and Pressure Vessel Operating Permit Periods, is available on the division's Web site at <http://www.bcd.oregon.gov/rules.html#oar>.

Stat. Auth.: ORS 480.595

Stats. Implemented: ORS 480.595

Hist.: BCA 36-1993, f. 12-30-93, cert. ef. 1-1-94; BCD 18-1997, f. 12-3-97, cert. ef. 1-1-98; BCD 14-2007, f. 12-28-07 cert. ef. 1-1-08; BCD 4-2009(Temp), f. & cert. ef. 7-16-09 thru 1-1-10

918-225-0630

Special Fee for Operating Permits

The operating permit fee for dryer rolls for a paper machine is \$5.50 per roll, if the machine is under the inspection requirements of ORS 480.600(2).

Stat. Auth.: ORS 480.600

Stats. Implemented: ORS 480.600

Hist.: DC 10-1981, f. & ef. 7-6-81; Renumbered from 814-025-0051; BCA 36-1993, f. 12-30-93, cert. ef. 1-1-94; Renumbered from 918-225-0125; BCD 18-1997, f. 12-3-97, cert. ef. 1-1-98; BCD 36-2000, f. 12-29-00, cert. ef. 1-1-01; BCD 4-2009(Temp), f. & cert. ef. 7-16-09 thru 1-1-10

Fees

918-400-0800

Fees

(1) Subject to section (2) of this rule, the following elevator fees are adopted effective July 1, 2009 under ORS 460.165:

(a) Elevator contractor's license, \$585 for application or renewal;

(b) Plan reviews, when required, \$78;

(c) Operating permit inspections of:

(A) Dumbwaiters, sidewalk elevators, residential elevators, residential inclinators, or subveyors, \$60;

(B) Escalators, lowerators, manlifts, stagelifts, inclined elevators, platform hoists, or moving walks, \$98;

(C) Power-driven elevators with a four-floor rise or under, \$88;

(D) Power-driven elevators with over a four-floor rise, but under a 10-floor rise, \$108;

(E) Power-driven elevators with a 10-floor rise or over, but under a 20-floor rise, \$134;

(F) Power-driven elevators with a 20-floor rise or over, \$157.

(d) Reinspections on a mechanism in section (1)(c) of this rule made by request or in continued existence of a defect, \$75;

(e) For special inspections, testing, consultations, site visits, or other services for which no fee is otherwise specified, \$75 per hour for travel and inspection time;

(f) For the installation or alteration of an elevator, if the total cost of the installation or alteration, other than the inspection fee, is:

(A) \$1,000 or under -- \$98;

(B) \$1,001 to \$14,999 -- \$98, plus \$13 for each \$1,000 or fraction of \$1,000 by which the cost exceeds \$1,000;

(C) \$15,000 to \$49,999 -- \$280, plus \$8 for each \$1,000 or fraction of \$1,000 by which the cost exceeds \$15,000;

(D) \$50,000 or over -- \$553, plus \$3 for each \$1,000 or fraction of \$1,000 by which the cost exceeds \$50,000.

(2) Elevator alterations.

(a) No fee shall be charged when an alteration is limited to fixture upgrades to meet state-adopted accessibility standards;

(b) No fee shall be charged where the alteration is limited to the car interior upgrades that do not alter the gross weight of the car more than five percent;

(c) When a group of elevators under common group control is proposed for an upgrade, and the same upgrade is proposed for all cars in the group, the inspection fee shall be the contract valuation for the entire elevator upgrade project rather than the higher separate inspection fee for each elevator in the group; and

(d) Where the upgrade for a group of elevators is not identical for each elevator, the fees shall be calculated separately based on the contract valuation for each elevator.

(3) Plan Review Fees. Where a complete set of drawings shows all elevators affected by the proposed installation or alteration, only one plan review fee shall be required rather than a separate fee for each elevator.

(4) Limited Elevator Mechanic's License. The following fees shall apply to licenses issued under OAR 918-400-0333 and 918-400-0380(1): \$60 for application or renewal.

(5) Reciprocating Conveyor Mechanic's Licenses. The following fees shall apply to licenses issued under OAR 918-400-0380(2) and (3):

(a) Reciprocating Conveyor Mechanic's license, \$300 for application or renewal;

(b) Restricted Reciprocating Conveyor Mechanic's license, \$50 for application or renewal.

Stat. Auth.: ORS 460.085

Stats. Implemented: ORS 460.061 & 460.165

Hist.: DC 25-1982, f. & ef. 12-16-82; Renumbered from 814-030-0030; BCA 21-1991(Temp), f. 6-14-91, cert. ef. 7-1-91 thru 12-27-91; BCA 29-1991, f. & cert. ef. 8-30-91; BCD 18-1995, f. & cert. ef. 12-15-95; Renumbered from 918-400-0050; BCD 11-1996(Temp), f. & cert. ef. 7-1-96; BCD 27-1996, f. & cert. ef. 12-4-96; BCD 10-1998(Temp), f. 6-2-98, cert. ef. 7-1-98 thru 12-27-98; BCD 25-1998, f. 12-22-98, cert. ef. 12-27-98; BCD 13-1999, f. & cert. ef. 10-1-99; BCD 14-2000(Temp), f. 7-20-00, cert. ef. 8-1-00 thru 1-27-01; BCD 25-2000, f. 9-29-00, cert. ef. 10-1-00; BCD 21-2002(Temp), f. 8-30-02, cert. ef. 9-1-02 thru 2-27-03; BCD 34-2002, f. 12-20-02, cert. ef. 1-1-03; BCD 12-2004, f. 8-20-04, cert. ef. 10-1-04; BCD 17-2007, f. 12-28-07, cert. ef. 1-1-08; BCD 4-2009(Temp), f. & cert. ef. 7-16-09 thru 1-1-10