

B-Engrossed
House Bill 2950

Ordered by the Senate May 27
Including House Amendments dated May 1 and Senate Amendments dated
May 27

Sponsored by COMMITTEE ON BUSINESS AND LABOR

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure.

[Establishes Residential and Manufactured Structures Board.] **Changes name of Residential Structures Board to Residential and Manufactured Structures Board. Increases board membership.** Abolishes Manufactured Structures and Parks Advisory Board *[and Residential Structures Board]*. Transfers duties, functions and powers of *[abolished boards]* **Manufactured Structures and Parks Advisory Board** to Residential and Manufactured Structures Board. **Provisions relating to Residential and Manufactured Structures Board become operative January 1, 2010.**

Establishes Construction Industry Energy Board. Authorizes board to *[develop]* **evaluate and approve or disapprove** proposed state building code standards relating to energy use and energy efficiency for *[prefabricated structures and for residential structures not more than three stories in height]* **specified structures.**

Declares emergency, effective July 1, 2009.

A BILL FOR AN ACT

1
2 Relating to code compliance; creating new provisions; amending ORS 446.003, 446.176, 446.280,
3 446.285, 446.400, 455.010, 455.117, 455.129, 455.135, 455.144, 455.153, 455.310, 455.420, 455.525,
4 455.530, 455.570, 455.575, 455.627, 469.700, 469.740 and 705.145; and declaring an emergency.

5 **Be It Enacted by the People of the State of Oregon:**

FINDINGS

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9 **SECTION 1. The Legislative Assembly finds and declares that:**

10 **(1) The use of a consensus-based expedited review system for the uniform statewide**
11 **adoption, implementation, application and enforcement of certain state building code re-**
12 **quirements to promote energy efficiency and energy conservation will facilitate and expedite**
13 **compliance with those state building code requirements by providing a comprehensive source**
14 **for interpretation of requirements that integrate elements affecting a variety of specialty**
15 **codes.**

16 **(2) The establishment of a Construction Industry Energy Board as an advisory board to**
17 **the Department of Consumer and Business Services is an appropriate means for furthering**
18 **the goal of facilitating and expediting state building code compliance related to energy effi-**
19 **ciency and energy conservation.**

20 **(3) The creation of a Construction Industry Energy Board will improve state building**
21 **code compliance with regard to energy efficiency and energy use standards by creating an**
22 **additional body empowered to enforce those standards.**

NOTE: Matter in **boldfaced** type in an amended section is new; matter *[italic and bracketed]* is existing law to be omitted. New sections are in **boldfaced** type.

1 (4) The reorganization of certain existing advisory boards and the realignment of code
2 enforcement responsibilities will enable the Department of Consumer and Business Services
3 to more effectively ensure compliance with state building code specialty codes by increasing
4 the focus of appropriate technical expertise, making the advisory boards more responsive to
5 inquiries regarding code requirements and streamlining code enforcement responsibilities.

6
7 **CONSTRUCTION INDUSTRY ENERGY BOARD**

8
9 **SECTION 2.** (1) There is established a Construction Industry Energy Board, consisting
10 of seven members. The membership shall consist of the following:

11 (a) Two members selected by the Electrical and Elevator Board from the members of the
12 Electrical and Elevator Board who have practical experience in the electric industry.

13 (b) Two members selected by the Residential Structures Board from the members of the
14 Residential Structures Board who have practical experience in the residential structure in-
15 dustry.

16 (c) Two members selected by the Building Codes Structures Board from the members of
17 the Building Codes Structures Board who have practical experience in construction.

18 (d) One member who is an employee or officer of the State Department of Energy ap-
19 pointed by the Director of the State Department of Energy.

20 (2) The Construction Industry Energy Board shall select one of its members as chair-
21 person and another as vice chairperson, for such terms and with duties and powers neces-
22 sary for the performance of the functions of those positions as the board determines.

23 (3) Except as provided in section 3 (2) of this 2009 Act, a majority of the members of the
24 board constitutes a quorum for the transaction of business.

25 (4) The board shall meet at least twice each year, at times and places specified by the
26 Director of the Department of Consumer and Business Services or by the call of a majority
27 of the members.

28 (5) A member of the board is not entitled to compensation, but at the discretion of the
29 director may be reimbursed from funds available to the Department of Consumer and Busi-
30 ness Services for actual and necessary travel and other expenses incurred by the member in
31 the performance of the member's official duties in the manner and amount provided in ORS
32 292.495.

33 **SECTION 3.** (1) The Construction Industry Energy Board may evaluate and approve or
34 disapprove proposed state building code standards relating to the energy use and energy ef-
35 ficiency aspects of the electrical, structural, prefabricated structure and low-rise residential
36 specialty codes. The proposed standards evaluated by the board may include, but need not
37 be limited to, standards regarding energy-conserving technology, construction methods,
38 products and materials. The board shall forward any proposed standards recommended by
39 the board to the Director of the Department of Consumer and Business Services for adoption
40 or rejection by the director.

41 (2) Approval by five or more board members is required in order to recommend adoption
42 of an energy construction standard to the director. If the standard relates to a specialty code
43 that is administered by an advisory board described in section 2 (1)(a) to (c) of this 2009 Act,
44 the Construction Industry Energy Board may not recommend the standard to the director
45 unless all of the Construction Industry Energy Board members who are members of the ad-

1 **visory board that administers that specialty code approve of recommending the standard.**

2 **(3) Notwithstanding any provision of ORS chapter 446 or 455 or ORS 479.510 to 479.945**
3 **or 479.950, the director may adopt or reject a proposed standard recommended by the Con-**
4 **struction Industry Energy Board without further consultation of an advisory board. No later**
5 **than 30 days after the director receives the proposed standard, the director shall initiate a**
6 **process for considering the approval or rejection of the recommended proposed standard. If**
7 **the director approves the standard, the director shall file the standard with the Secretary**
8 **of State under ORS 183.335 as a rule amending the state building code.**

9 **(4) The Construction Industry Energy Board shall identify and give notice to the director**
10 **of the specialty codes that are affected by a recommended proposed standard. If the director**
11 **adopts the standard as a rule, the rule shall be enforceable as a specialty code provision ad-**
12 **ministered by the board and enforceable by any appropriate advisory board as a provision of**
13 **the code administered by that advisory board.**

14 **SECTION 4.** ORS 455.010 is amended to read:

15 455.010. As used in this chapter, unless the context requires otherwise:

16 (1)(a) "Advisory board" means the board with responsibility for assisting in the adoption,
17 amendment or administration of a specialty code, specifically:

18 (A) The Building Codes Structures Board established under ORS 455.132;

19 (B) The Electrical and Elevator Board established under ORS 455.138;

20 (C) The State Plumbing Board established under ORS 693.115;

21 (D) The Manufactured Structures and Parks Advisory Board established under ORS 446.280;

22 (E) The Board of Boiler Rules established under ORS 480.535;

23 (F) The Residential Structures Board established under ORS 455.135; *[or]*

24 (G) The Mechanical Board established under ORS 455.140[.]; **or**

25 **(H) The Construction Industry Energy Board established under section 2 of this 2009 Act.**

26 (b) "Appropriate advisory board" means the advisory board that has jurisdiction over a partic-
27 ular code, standard, license, certification or matter.

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

29 (3) "Director" means the Director of the Department of Consumer and Business Services.

30 (4) "Low-Rise Residential Dwelling Code" means the adopted specialty code prescribing stan-
31 dards for the construction of residential dwellings that are three stories or less above grade and
32 have an exterior door for each dwelling unit, but are not facilities or homes described in ORS
33 443.400 or transient lodging.

34 (5) "Municipality" means a city, county or other unit of local government otherwise authorized
35 by law to administer a building code.

36 (6) "Prefabricated structure" means a building or subassembly that has been in whole or sub-
37 stantial part manufactured or assembled using closed construction at an off-site location to be
38 wholly or partially assembled on-site. "Prefabricated structure" does not include a manufactured
39 dwelling, recreational structure or recreational vehicle, as those terms are defined in ORS 446.003.

40 (7) "Specialty code" means a code of regulations adopted under ORS 446.062, 446.185, 447.020 (2),
41 455.020 (2), 455.610, 455.680, 460.085, 460.360, 479.730 (1) or 480.545[.]; **or section 3 of this 2009 Act,**
42 **but does not include regulations adopted by the State Fire Marshal pursuant to ORS chapter 476**
43 **or ORS 479.015 to 479.200 and 479.210 to 479.220.**

44 (8) "State building code" means the combined specialty codes.

45 (9) "Structural code" means the specialty code prescribing structural standards for building

1 construction.

2 (10) "Unsafe condition" means a condition caused by earthquake which is determined by the
3 department or any representative of the department to be dangerous to life and property. "Unsafe
4 condition" includes but is not limited to:

5 (a) Any portion, member or appurtenance of a building that has become detached or dislodged
6 or appears likely to fail or collapse and thereby injure persons or damage property; or

7 (b) Any portion, of a building or structure that has been damaged by earthquake, or by fire or
8 explosion resulting from an earthquake, to the extent that the structural strength or stability of the
9 building is substantially less than it was prior to the earthquake.

10 **SECTION 5.** ORS 455.525 is amended to read:

11 455.525. (1) In the manner provided in ORS chapter 183 for the adoption of rules and after con-
12 sideration of available technology and costs, the Building Codes Structures Board and the Residen-
13 tial Structures Board [*shall establish*], **or the Construction Industry Energy Board, may make**
14 **recommendations to the Director of the Department of Consumer and Business Services for**
15 **the establishment of** basic and uniform performance standards to provide maximum energy con-
16 servation and use of passive solar energy in the design, construction, reconstruction, alteration and
17 repair of buildings and other structures. Such standards shall be submitted to the Director of the
18 Department of Consumer and Business Services for proposed inclusion in the state building code
19 **by the Building Codes Structures Board or the Residential Structures Board** as provided by
20 ORS 455.030 (4) **or by the Construction Industry Energy Board as provided under section 3**
21 **of this 2009 Act.**

22 (2) Any testing requirements adopted under subsection (1) of this section do not apply to
23 fenestration products that are for use within residential structures if the fenestration products are:

24 (a) Used in the creation of sunrooms and solariums and constructed with a minimum of a one-
25 half inch space between the panes; or

26 (b) Fenestration products used as skylights that constitute no more than 10 percent of the total
27 glazing used in any dwelling unit.

28 (3) The Residential Structures Board [*and the director shall jointly adopt by rule*] **or the Con-**
29 **struction Industry Energy Board shall develop, for adoption by the director,** default thermal
30 performance values for residential fenestration products that are produced in low volume. Any
31 testing requirements adopted under subsection (1) of this section or ORS 455.020 or 455.030 **or**
32 **section 3 of this 2009 Act** do not apply to residential fenestration products that are produced in
33 low volume.

34 (4) Fenestration products manufactured for use as skylights that are subject to the provisions
35 of subsection (1) of this section and have frames that are wood, thermal break aluminum or alumi-
36 num with vinyl shall be deemed to meet any performance standards included in the state building
37 code when the following glazing configurations are used:

38 (a) A minimum one-half inch space between the panes and low-e (emissivity) glass; or

39 (b) Triple-layered acrylic.

40 (5) Regulations relating to the use and conservation of energy adopted pursuant to ORS 455.020
41 (2) shall be reviewed by the Building Codes Structures Board and the Residential Structures Board
42 **or by the Construction Industry Energy Board.**

43 **SECTION 6.** ORS 455.530 is amended to read:

44 455.530. The Building Codes Structures Board and the Residential Structures Board, **or the**
45 **Construction Industry Energy Board,** may:

1 (1) Apply for and receive moneys from any person, from the federal government, from this state
2 or from any state agency or department.

3 (2) Contract with any public agency for the performance of services or the exchange of em-
4 ployees or services by one to the other necessary in carrying out the purposes of ORS 455.525 [*and*
5 *455.530*] **and this section.**

6 **SECTION 7.** ORS 455.570 is amended to read:

7 455.570. (1) After consultation with the Building Codes Structures Board [*and the State Depart-*
8 *ment of Energy*] **or with the Construction Industry Energy Board**, the Director of the Depart-
9 ment of Consumer and Business Services, as provided in this chapter, shall establish maximum
10 lighting standards for public buildings constructed on or after July 1, 1978. Such standards may
11 distinguish between type of design, the uses to which buildings are put, location, age or any other
12 applicable classification.

13 (2) Such standards shall allow for:

14 (a) Differences in lighting levels within public buildings for special areas and uses, including but
15 not limited to hospital, drafting room, and advertising display, and for other areas and activities
16 requiring special illumination.

17 (b) The interaction between lighting and heating systems.

18 (c) Occupational safety and health standards.

19 (3) The director may by rule or order exempt from the maximum lighting standards, new public
20 buildings or portions thereof that:

21 (a) Are of insufficient size to warrant maximum lighting standard regulations;

22 (b) Should be allowed a specific period of time before compliance with maximum lighting stan-
23 dards is required;

24 (c) Are difficult or impractical to regulate based upon location;

25 (d) Are not open to the public during normal business hours;

26 (e) Are impractical to regulate, based upon unique design; or

27 (f) Would not be benefited by regulation, based upon the insignificant amount of energy possible
28 to conserve.

29 (4) Any person subject to ORS 455.560 to 455.580 may apply to the director for an exemption
30 under this section.

31 **SECTION 8.** ORS 455.575 is amended to read:

32 455.575. After consultation with the Building Codes Structures Board [*and the State Department*
33 *of Energy*] **or with the Construction Industry Energy Board**, the Director of the Department of
34 Consumer and Business Services, as provided in ORS chapter 183, shall establish advisory maximum
35 lighting standards for public buildings constructed before July 1, 1978, based on the factors set forth
36 in ORS 455.570.

37 **SECTION 9.** ORS 469.700 is amended to read:

38 469.700. (1) The Residential Structures Board **or the Construction Industry Energy Board**,
39 after public hearing **and subject to the approval of the Director of the Department of Con-**
40 **sumer and Business Services**, shall adopt a recommended voluntary energy efficiency rating sys-
41 tem for single family residences and provide the State Department of Energy with a copy thereof.

42 (2) The rating system shall provide a single numerical value or other simple concise means to
43 measure the energy efficiency of any single family residence, taking into account factors including,
44 but not limited to, the heat loss characteristics of ceilings, walls, floors, windows, doors and heating
45 ducts.

1 (3) Upon adoption of the rating system under subsections (1) and (2) of this section, the depart-
2 ment shall publicize the availability of the system, and encourage its voluntary use in real estate
3 transactions.

4 (4) As used in subsections (1) to (3) of this section, "single family residence" means a structure
5 designed as a residence for one family and sharing no common wall with another residence of any
6 type.

7 **SECTION 10.** ORS 469.740 is amended to read:

8 469.740. In accordance with ORS chapter 183 and after consultation with the Building Codes
9 Structures Board [*and the State Department of Energy*] **or with the Construction Industry Energy**
10 **Board**, the Director of the Department of Consumer and Business Services shall adopt rules estab-
11 lishing energy conservation standards for public buildings. The standards shall provide means of
12 measuring and reducing total energy consumption and shall take into account:

13 (1) The climatic conditions of the areas in which particular buildings are located; and

14 (2) The three basic systems comprising any functioning building, which are:

15 (a) Energized systems such as those required for heating, cooling, lighting, ventilation,
16 conveyance and business equipment operation.

17 (b) Nonenergized systems such as floors, ceilings, walls, roof and windows.

18 (c) Human systems such as maintenance, operating and management personnel, tenants and
19 other users.

20
21 **RESIDENTIAL AND MANUFACTURED STRUCTURES BOARD**

22
23 **SECTION 11.** (1) **The amendments to section 2 of this 2009 Act and ORS 455.010, 455.135,**
24 **455.144, 455.153, 455.310, 455.420, 455.525, 455.530, 455.627 and 469.700 by sections 12 to 22 of this**
25 **2009 Act are intended to change the name of the Residential Structures Board to the Resi-**
26 **dential and Manufactured Structures Board.**

27 **(2) For purposes of harmonizing and clarifying statute sections published in Oregon Re-**
28 **vised Statutes, the Legislative Counsel may substitute for words designating the Residential**
29 **Structures Board, wherever they occur in Oregon Revised Statutes, other words designating**
30 **the Residential and Manufactured Structures Board.**

31 **SECTION 12.** Section 2 of this 2009 Act is amended to read:

32 **Sec. 2.** (1) There is established a Construction Industry Energy Board, consisting of seven
33 members. The membership shall consist of the following:

34 (a) Two members selected by the Electrical and Elevator Board from the members of the Elec-
35 trical and Elevator Board who have practical experience in the electric industry.

36 (b) Two members selected by the Residential **and Manufactured** Structures Board from the
37 members of the Residential **and Manufactured** Structures Board who have practical experience in
38 the residential structure industry **or manufactured structure industry.**

39 (c) Two members selected by the Building Codes Structures Board from the members of the
40 Building Codes Structures Board who have practical experience in construction.

41 (d) One member who is an employee or officer of the State Department of Energy appointed by
42 the Director of the State Department of Energy.

43 (2) The Construction Industry Energy Board shall select one of its members as chairperson and
44 another as vice chairperson, for such terms and with duties and powers necessary for the perform-
45 ance of the functions of those positions as the board determines.

1 (3) Except as provided in section 3 (2) of this 2009 Act, a majority of the members of the board
2 constitutes a quorum for the transaction of business.

3 (4) The board shall meet at least twice each year, at times and places specified by the Director
4 of the Department of Consumer and Business Services or by the call of a majority of the members.

5 (5) A member of the board is not entitled to compensation, but at the discretion of the director
6 may be reimbursed from funds available to the Department of Consumer and Business Services for
7 actual and necessary travel and other expenses incurred by the member in the performance of the
8 member's official duties in the manner and amount provided in ORS 292.495.

9 **SECTION 13.** ORS 455.010, as amended by section 4 of this 2009 Act, is amended to read:

10 455.010. As used in this chapter, unless the context requires otherwise:

11 (1)(a) "Advisory board" means the board with responsibility for assisting in the adoption,
12 amendment or administration of a specialty code, specifically:

13 (A) The Building Codes Structures Board established under ORS 455.132;

14 (B) The Electrical and Elevator Board established under ORS 455.138;

15 (C) The State Plumbing Board established under ORS 693.115;

16 [(D) *The Manufactured Structures and Parks Advisory Board established under ORS 446.280;*]

17 [(E)] (D) The Board of Boiler Rules established under ORS 480.535;

18 [(F)] (E) The Residential **and Manufactured** Structures Board established under ORS 455.135;

19 [(G)] (F) The Mechanical Board established under ORS 455.140; or

20 [(H)] (G) The Construction Industry Energy Board established under section 2 of this 2009 Act.

21 (b) "Appropriate advisory board" means the advisory board that has jurisdiction over a partic-
22 ular code, standard, license, certification or matter.

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

24 (3) "Director" means the Director of the Department of Consumer and Business Services.

25 (4) "Low-Rise Residential Dwelling Code" means the adopted specialty code prescribing stan-
26 dards for the construction of residential dwellings that are three stories or less above grade and
27 have an exterior door for each dwelling unit, but are not facilities or homes described in ORS
28 443.400 or transient lodging.

29 (5) "Municipality" means a city, county or other unit of local government otherwise authorized
30 by law to administer a building code.

31 (6) "Prefabricated structure" means a building or subassembly that has been in whole or sub-
32 stantial part manufactured or assembled using closed construction at an off-site location to be
33 wholly or partially assembled on-site. "Prefabricated structure" does not include a manufactured
34 dwelling, recreational structure or recreational vehicle, as those terms are defined in ORS 446.003.

35 (7) "Specialty code" means a code of regulations adopted under ORS 446.062, 446.185, 447.020 (2),
36 455.020 (2), 455.610, 455.680, 460.085, 460.360, 479.730 (1) or 480.545 or section 3 of this 2009 Act, but
37 does not include regulations adopted by the State Fire Marshal pursuant to ORS chapter 476 or ORS
38 479.015 to 479.200 and 479.210 to 479.220.

39 (8) "State building code" means the combined specialty codes.

40 (9) "Structural code" means the specialty code prescribing structural standards for building
41 construction.

42 (10) "Unsafe condition" means a condition caused by earthquake which is determined by the
43 department or any representative of the department to be dangerous to life and property. "Unsafe
44 condition" includes but is not limited to:

45 (a) Any portion, member or appurtenance of a building that has become detached or dislodged

1 or appears likely to fail or collapse and thereby injure persons or damage property; or

2 (b) Any portion, of a building or structure that has been damaged by earthquake, or by fire or
3 explosion resulting from an earthquake, to the extent that the structural strength or stability of the
4 building is substantially less than it was prior to the earthquake.

5 **SECTION 14.** ORS 455.135 is amended to read:

6 455.135. (1) There is established a Residential **and Manufactured** Structures Board consisting
7 of *[nine]* **11** members appointed by the Governor.

8 (2) The members of the board shall assist the Director of the Department of Consumer and
9 Business Services in administering the low-rise residential dwelling program described in this chap-
10 ter.

11 (3) The board must consist of:

12 (a) One contractor specializing in the construction of residential structures;

13 (b) One contractor specializing in the remodeling of residential structures;

14 (c) One contractor specializing in building multifamily housing three stories or less above grade;

15 (d) One home designer or architect;

16 (e) One building official;

17 (f) One representative of residential building trade subcontractors;

18 (g) One structural engineer;

19 (h) One representative of a utility or energy supplier; *[and]*

20 (i) **One manufacturer of manufactured dwellings;**

21 (j) **One seller or distributor of new manufactured dwellings; and**

22 *[(i)]* (k) One public member who does not receive compensation from any interest represented
23 under paragraphs (a) to *[(h)]* (j) of this subsection.

24 **SECTION 15.** ORS 455.144 is amended to read:

25 455.144. (1) The Building Codes Structures Board, the Electrical and Elevator Board, the Resi-
26 dential **and Manufactured** Structures Board and the Mechanical Board shall each be organized and
27 governed as described in this section.

28 (2)(a) The term of office of each member is four years and no member shall be eligible for ap-
29 pointment to more than two full terms of office. The Governor shall appoint the members of each
30 board and the board members shall serve at the pleasure of the Governor.

31 (b) Before the expiration of the term of a member, the Governor shall appoint a successor whose
32 term begins on July 1 next following. A member is eligible for reappointment. If there is a vacancy
33 for any cause, the Governor shall make an appointment to become immediately effective for the
34 unexpired term.

35 (3) A member of each board is entitled to compensation and expenses as provided in ORS
36 292.495.

37 (4) A board shall select one of its members as chairperson and another as vice chairperson, for
38 such terms and with duties and powers necessary for the performance of the functions of such
39 *[office]* **position** as the board determines.

40 (5) A majority of the members of a board constitutes a quorum for the transaction of business.

41 (6) Each board shall meet once every three months at a place, day and hour determined by the
42 board. A board shall also meet at other times and places specified by the call of the Director of the
43 Department of Consumer and Business Services.

44 (7) In accordance with applicable provisions of ORS chapter 183, the director may adopt rules
45 necessary for the administration of the laws that the Department of Consumer and Business Services

1 is charged with administering.

2 (8) The Governor may remove a board member for good cause. "Good cause" for removal of a
3 member includes, but is not limited to, three unexcused absences during any 12-month period from
4 a regularly scheduled board meeting.

5 (9) The appointment of a member of a board is subject to confirmation by the Senate pursuant
6 to section 4, Article III of the Oregon Constitution.

7 **SECTION 16.** ORS 455.153 is amended to read:

8 455.153. (1) A municipality may administer any specialty code or building requirements as
9 though the code or requirements were ordinances of the municipality if the municipality is author-
10 ized to administer:

11 (a) The specialty code under ORS chapter 447 or 455 or ORS 479.510 to 479.945 and 479.995.

12 (b) Mobile or manufactured dwelling parks requirements adopted under ORS 446.062.

13 (c) Temporary parks requirements adopted under ORS 446.105.

14 (d) Manufactured dwelling installation, support and tiedown requirements adopted under ORS
15 446.230.

16 (e) Park or camp requirements adopted under ORS 455.680.

17 (2) Administration of any specialty code or building requirement includes establishing a program
18 intended to verify compliance with state licensing requirements and all other administrative and
19 judicial aspects of enforcement of the code or requirement. Nothing in this section affects the con-
20 current jurisdiction of the Director of the Department of Consumer and Business Services, the
21 Building Codes Structures Board, the State Plumbing Board, [*the Manufactured Structures and Parks*
22 *Advisory Board,*] the Electrical and Elevator Board, the Residential **and Manufactured** Structures
23 Board or the Mechanical Board to impose civil penalties for violations committed within munic-
24 ipalities.

25 **SECTION 17.** ORS 455.310 is amended to read:

26 455.310. (1) It is not the purpose of this chapter to require that permits be obtained or fees be
27 paid for repairs and maintenance that do not violate the intent of the structural and fire and life
28 safety specialty provisions of the State of Oregon Structural Specialty Code and the Low-Rise Resi-
29 dential Dwelling Code, adopted pursuant to ORS 455.020 and 455.610, ORS chapter 476, ORS 479.015
30 to 479.200 and 479.210 to 479.220, when such repair or maintenance is done on a single-family resi-
31 dence, or a private garage, carport or storage shed that is accessory to a single-family residence.

32 (2) Items designated by the Director of the Department of Consumer and Business Services, with
33 the advice of the [*Residential Structures Board*] **Residential and Manufactured Structures**
34 **Board**, shall be exempt from permits and fees required under this chapter. The director shall, pur-
35 suant to ORS chapter 183, develop and maintain an applicable list of such exempt items, which shall
36 include, but not be limited to, concrete slabs, driveways, sidewalks, masonry repair, porches, patio
37 covers, painting, interior wall, floor or ceiling covering, nonbearing partitions, shelving, cabinet
38 work, gutters, downspouts, small accessory buildings, door and window replacements, replacement
39 or repair of siding and replacement or repair of roofing. In making the list of exempt items, the di-
40 rector shall further define the items on the list contained in this subsection so that no item which
41 adversely affects the structural integrity of the dwelling shall be on the list.

42 **SECTION 18.** ORS 455.420 is amended to read:

43 455.420. (1) Each individual dwelling unit in a multifamily residential building constructed after
44 October 4, 1977, shall have installed a separate, individual electrical meter for each such dwelling
45 unit except where a building inspector certified under ORS 455.715 to 455.740 determines that pur-

1 suant to standards adopted by the Director of the Department of Consumer and Business Services
2 the installation of a single, central electrical meter for all the dwelling units in such building would
3 facilitate an overall reduction in electrical consumption by such units.

4 (2) For the purpose of carrying out the provisions of subsection (1) of this section, the director,
5 based on recommendations of the [*Residential Structures Board*] **Residential and Manufactured**
6 **Structures Board**, shall adopt by rule standards for determining whether the installation of a single
7 electrical meter for all dwelling units in a multifamily residential building facilitates an overall re-
8 duction in electrical consumption by such units.

9 **SECTION 19.** ORS 455.525, as amended by section 5 of this 2009 Act, is amended to read:

10 455.525. (1) In the manner provided in ORS chapter 183 for the adoption of rules and after con-
11 sideration of available technology and costs, the Building Codes Structures Board and the Residen-
12 tial **and Manufactured** Structures Board, or the Construction Industry Energy Board, may make
13 recommendations to the Director of the Department of Consumer and Business Services for the es-
14 tablishment of basic and uniform performance standards to provide maximum energy conservation
15 and use of passive solar energy in the design, construction, reconstruction, alteration and repair of
16 buildings and other structures. Such standards shall be submitted to the Director of the Department
17 of Consumer and Business Services for proposed inclusion in the state building code by the Building
18 Codes Structures Board or the Residential **and Manufactured** Structures Board as provided by ORS
19 455.030 (4) or by the Construction Industry Energy Board as provided under section 3 of this 2009
20 Act.

21 (2) Any testing requirements adopted under subsection (1) of this section do not apply to
22 fenestration products that are for use within residential structures if the fenestration products are:

23 (a) Used in the creation of sunrooms and solariums and constructed with a minimum of a one-
24 half inch space between the panes; or

25 (b) Fenestration products used as skylights that constitute no more than 10 percent of the total
26 glazing used in any dwelling unit.

27 (3) The Residential **and Manufactured** Structures Board or the Construction Industry Energy
28 Board shall develop, for adoption by the director, default thermal performance values for residential
29 fenestration products that are produced in low volume. Any testing requirements adopted under
30 subsection (1) of this section or ORS 455.020 or 455.030 or section 3 of this 2009 Act do not apply
31 to residential fenestration products that are produced in low volume.

32 (4) Fenestration products manufactured for use as skylights that are subject to the provisions
33 of subsection (1) of this section and have frames that are wood, thermal break aluminum or alumi-
34 num with vinyl shall be deemed to meet any performance standards included in the state building
35 code when the following glazing configurations are used:

36 (a) A minimum one-half inch space between the panes and low-e (emissivity) glass; or

37 (b) Triple-layered acrylic.

38 (5) Regulations relating to the use and conservation of energy adopted pursuant to ORS 455.020
39 (2) shall be reviewed by the Building Codes Structures Board and the Residential **and Manufac-**
40 **tured** Structures Board or by the Construction Industry Energy Board.

41 **SECTION 20.** ORS 455.530, as amended by section 6 of this 2009 Act, is amended to read:

42 455.530. The Building Codes Structures Board and the Residential **and Manufactured** Struc-
43 tures Board, or the Construction Industry Energy Board, may:

44 (1) Apply for and receive moneys from any person, from the federal government, from this state
45 or from any state agency or department.

1 (2) Contract with any public agency for the performance of services or the exchange of em-
2 ployees or services by one to the other necessary in carrying out the purposes of ORS 455.525 and
3 this section.

4 **SECTION 21.** ORS 455.627 is amended to read:

5 455.627. The Department of Consumer and Business Services, in consultation with the [*Residen-*
6 *tial Structures Board*] **Residential and Manufactured Structures Board**, shall adopt rules to cre-
7 ate a mandatory random inspection program for minor electrical installations made by electrical
8 contractors in low-rise residential dwellings.

9 **SECTION 22.** ORS 469.700, as amended by section 9 of this 2009 Act, is amended to read:

10 469.700. (1) The Residential **and Manufactured** Structures Board or the Construction Industry
11 Energy Board, after public hearing and subject to the approval of the Director of the Department
12 of Consumer and Business Services, shall adopt a recommended voluntary energy efficiency rating
13 system for single family residences and provide the State Department of Energy with a copy thereof.

14 (2) The rating system shall provide a single numerical value or other simple concise means to
15 measure the energy efficiency of any single family residence, taking into account factors including,
16 but not limited to, the heat loss characteristics of ceilings, walls, floors, windows, doors and heating
17 ducts.

18 (3) Upon adoption of the rating system under subsections (1) and (2) of this section, the depart-
19 ment shall publicize the availability of the system, and encourage its voluntary use in real estate
20 transactions.

21 (4) As used in subsections (1) to (3) of this section, "single family residence" means a structure
22 designed as a residence for one family and sharing no common wall with another residence of any
23 type.

24
25 **MANUFACTURED STRUCTURES AND PARKS ADVISORY BOARD**

26
27 **SECTION 23.** (1) **The Manufactured Structures and Parks Advisory Board is abolished.**
28 **On the operative date of this section, the tenure of office of the members of the Manufac-**
29 **ured Structures and Parks Advisory Board ceases.**

30 (2) **All the duties, functions and powers of the Manufactured Structures and Parks Ad-**
31 **visory Board are imposed upon, transferred to and vested in the Residential and Manufac-**
32 **ured Structures Board.**

33 **SECTION 24.** **Nothing in section 23 of this 2009 Act relieves a person of a liability, duty**
34 **or obligation accruing under or with respect to the duties, functions and powers transferred**
35 **by section 23 of this 2009 Act. The Residential and Manufactured Structures Board may**
36 **undertake the collection or enforcement of any such liability, duty or obligation.**

37 **SECTION 25.** **The abolishment of the Manufactured Structures and Parks Advisory Board**
38 **under section 23 of this 2009 Act does not affect any rule or standard pertaining to manu-**
39 **factured structures or manufactured dwelling parks. References in rules of the Department**
40 **of Consumer and Business Services to the Manufactured Structures and Parks Advisory**
41 **Board or an officer of the Manufactured Structures and Parks Advisory Board are consid-**
42 **ered to be references to the Residential and Manufactured Structures Board or an officer**
43 **of the Residential and Manufactured Structures Board.**

44 **SECTION 26.** **Whenever, in any uncodified law or resolution of the Legislative Assembly**
45 **or in any rule, document, record or proceeding authorized by the Legislative Assembly, ref-**

1 erence is made to the Manufactured Structures and Parks Advisory Board or an officer of
2 the Manufactured Structures and Parks Advisory Board, the reference is considered to be a
3 reference to the Residential and Manufactured Structures Board or an officer of the Resi-
4 dential and Manufactured Structures Board.

5 **SECTION 27.** For the purpose of harmonizing and clarifying statute sections published
6 in Oregon Revised Statutes, the Legislative Counsel may substitute for words designating the
7 Manufactured Structures and Parks Advisory Board or its officers, wherever they occur in
8 Oregon Revised Statutes, words designating the Residential and Manufactured Structures
9 Board or its officers.

10 **SECTION 28.** ORS 446.003 is amended to read:

11 446.003. As used in ORS 446.003 to 446.200 and 446.225 to 446.285, and for the purposes of ORS
12 chapters 195, 196, 197, 215 and 227, the following definitions apply, unless the context requires oth-
13 erwise, or unless administration and enforcement by the State of Oregon under the existing or re-
14 vised National Manufactured Housing Construction and Safety Standards Act would be adversely
15 affected, and except as provided in ORS 446.265:

16 (1) "Accessory building or structure" means any portable, demountable or permanent structure
17 established for use of the occupant of the manufactured structure and as further defined by rule by
18 the Director of the Department of Consumer and Business Services.

19 (2)(a) "Alteration" means any change, addition, repair, conversion, replacement, modification or
20 removal of any equipment or installation that may affect the operation, construction or occupancy
21 of a manufactured structure.

22 (b) "Alteration" does not include:

23 (A) Minor repairs with approved component parts;

24 (B) Conversion of listed fuel-burning appliances in accordance with the terms of their listing;

25 (C) Adjustment and maintenance of equipment; or

26 (D) Replacement of equipment or accessories in kind.

27 (3) "Approved" means approved, licensed or certified by the Department of Consumer and
28 Business Services or its designee.

29 (4) "Board" means the [*Manufactured Structures and Parks Advisory Board*] **Residential and**
30 **Manufactured Structures Board.**

31 (5) "Cabana" means a stationary, lightweight structure that may be prefabricated, or demount-
32 able, with two or more walls, used adjacent to and in conjunction with a manufactured structure to
33 provide additional living space.

34 (6) "Certification" means an evaluation process by which the department verifies a manufactur-
35 er's ability to produce manufactured structures to the department rules and to the department ap-
36 proved quality control manual.

37 (7) "Conversion" or "to convert" means the process of changing a manufactured structure in
38 whole or in part from one type of vehicle or structure to another.

39 (8) "Dealer" means any person engaged in selling or distributing manufactured structures or
40 equipment, or both, primarily to persons who in good faith purchase or lease manufactured struc-
41 tures or equipment, or both, for purposes other than resale.

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

43 (10) "Director" means the Director of the Department of Consumer and Business Services.

44 (11) "Distributor" means any person engaged in selling and distributing manufactured structures
45 or equipment for resale.

1 (12) "Equipment" means materials, appliances, subassembly, devices, fixtures, fittings and
2 apparatuses used in the construction, plumbing, mechanical and electrical systems of a manufactured
3 structure.

4 (13) "Federal manufactured housing construction and safety standard" means a standard for
5 construction, design and performance of a manufactured dwelling promulgated by the Secretary of
6 Housing and Urban Development pursuant to the federal National Manufactured Housing Con-
7 struction and Safety Standards Act of 1974 (Public Law 93-383).

8 (14) "Fire Marshal" means the State Fire Marshal.

9 (15) "Imminent safety hazard" means an imminent and unreasonable risk of death or severe
10 personal injury.

11 (16) "Insignia of compliance" means:

12 (a) For a manufactured dwelling built to HUD standards for such dwellings, the HUD label; or

13 (b) For all other manufactured structures, the insignia issued by this state indicating compliance
14 with state law.

15 (17) "Inspecting authority" or "inspector" means the Director of the Department of Consumer
16 and Business Services or representatives as appointed or authorized to administer and enforce pro-
17 visions of ORS 446.111, 446.160, 446.176, 446.225 to 446.285, 446.310 to 446.350, 446.990 and this sec-
18 tion.

19 (18) "Installation" in relation to:

20 (a) Construction means the arrangements and methods of construction, fire and life safety,
21 electrical, plumbing and mechanical equipment and systems within a manufactured structure.

22 (b) Siting means the manufactured structure and cabana foundation support and tiedown, the
23 structural, fire and life safety, electrical, plumbing and mechanical equipment and material con-
24 nections and the installation of skirting and temporary steps.

25 (19) "Installer" means any individual licensed by the director to install, set up, connect, hook
26 up, block, tie down, secure, support, install temporary steps for, install skirting for or make elec-
27 trical, plumbing or mechanical connections to manufactured dwellings or cabanas or who provides
28 consultation or supervision for any of these activities, except architects licensed under ORS 671.010
29 to 671.220 or engineers licensed under ORS 672.002 to 672.325.

30 (20) "Listed" means equipment or materials included in a list, published by an organization
31 concerned with product evaluation acceptable to the department that maintains periodic inspection
32 of production of listed equipment or materials, and whose listing states either that the equipment
33 or materials meets appropriate standards or has been tested and found suitable in a specified man-
34 ner.

35 (21) "Lot" means any space, area or tract of land, or portion of a manufactured dwelling park,
36 mobile home park or recreation park that is designated or used for occupancy by one manufactured
37 structure.

38 (22)(a) "Manufactured dwelling" means a residential trailer, mobile home or manufactured home.

39 (b) "Manufactured dwelling" does not include any building or structure constructed to conform
40 to the State of Oregon Structural Specialty Code or the Low-Rise Residential Dwelling Code adopted
41 pursuant to ORS 455.100 to 455.450 and 455.610 to 455.630 or any unit identified as a recreational
42 vehicle by the manufacturer.

43 (23) "Manufactured dwelling park" means any place where four or more manufactured dwellings
44 are located within 500 feet of one another on a lot, tract or parcel of land under the same owner-
45 ship, the primary purpose of which is to rent or lease space or keep space for rent or lease to any

1 person for a charge or fee paid or to be paid for the rental or lease or use of facilities or to offer
2 space free in connection with securing the trade or patronage of such person. "Manufactured
3 dwelling park" does not include a lot or lots located within a subdivision being rented or leased for
4 occupancy by no more than one manufactured dwelling per lot if the subdivision was approved by
5 the local government unit having jurisdiction under an ordinance adopted pursuant to ORS 92.010
6 to 92.190.

7 (24)(a) "Manufactured home," except as provided in paragraph (b) of this subsection, means a
8 structure constructed for movement on the public highways that has sleeping, cooking and plumbing
9 facilities, that is intended for human occupancy, that is being used for residential purposes and that
10 was constructed in accordance with federal manufactured housing construction and safety standards
11 and regulations in effect at the time of construction.

12 (b) For purposes of implementing any contract pertaining to manufactured homes between the
13 department and the federal government, "manufactured home" has the meaning given the term in
14 the contract.

15 (25)(a) "Manufactured structure" means a recreational vehicle, manufactured dwelling or recre-
16 ational structure.

17 (b) "Manufactured structure" does not include any building or structure regulated under the
18 State of Oregon Structural Specialty Code or the Low-Rise Residential Dwelling Code.

19 (26) "Manufacturer" means any person engaged in manufacturing, building, rebuilding, altering,
20 converting or assembling manufactured structures or equipment.

21 (27) "Manufacturing" means the building, rebuilding, altering or converting of manufactured
22 structures that bear or are required to bear an Oregon insignia of compliance.

23 (28) "Minimum safety standards" means the plumbing, mechanical, electrical, thermal, fire and
24 life safety, structural and transportation standards prescribed by rules adopted by the director.

25 (29) "Mobile home" means a structure constructed for movement on the public highways that
26 has sleeping, cooking and plumbing facilities, that is intended for human occupancy, that is being
27 used for residential purposes and that was constructed between January 1, 1962, and June 15, 1976,
28 and met the construction requirements of Oregon mobile home law in effect at the time of con-
29 struction.

30 (30) "Mobile home park" means any place where four or more manufactured structures are lo-
31 cated within 500 feet of one another on a lot, tract or parcel of land under the same ownership, the
32 primary purpose of which is to rent space or keep space for rent to any person for a charge or fee
33 paid or to be paid for the rental or use of facilities or to offer space free in connection with securing
34 the trade or patronage of such person. "Mobile home park" does not include a lot or lots located
35 within a subdivision being rented or leased for occupancy by no more than one manufactured
36 dwelling per lot if the subdivision was approved by the municipality unit having jurisdiction under
37 an ordinance adopted pursuant to ORS 92.010 to 92.190.

38 (31) "Municipality" means a city, county or other unit of local government otherwise authorized
39 by law to enact codes.

40 (32) "Recreational structure" means a campground structure with or without plumbing, heating
41 or cooking facilities intended to be used by any particular occupant on a limited-time basis for rec-
42 reational, seasonal, emergency or transitional housing purposes and may include yurts, cabins, fabric
43 structures or similar structures as further defined, by rule, by the director.

44 (33) "Recreational vehicle" means a vehicle with or without motive power, that is designed for
45 human occupancy and to be used temporarily for recreational, seasonal or emergency purposes and

1 as further defined, by rule, by the director.

2 (34) "Residential trailer" means a structure constructed for movement on the public highways
3 that has sleeping, cooking and plumbing facilities, that is intended for human occupancy, that is
4 being used for residential purposes and that was constructed before January 1, 1962.

5 (35) "Sale" means rent, lease, sale or exchange.

6 (36) "Skirting" means a weather resistant material used to enclose the space below the manu-
7 factured structure.

8 (37) "Tiedown" means any device designed to anchor a manufactured structure securely to the
9 ground.

10 (38) "Transitional housing accommodations" means accommodations described under ORS
11 446.265.

12 (39) "Utilities" means the water, sewer, gas or electric services provided on a lot for a manu-
13 factured structure.

14 **SECTION 29.** ORS 446.176 is amended to read:

15 446.176. (1) The Director of the Department of Consumer and Business Services, with the ap-
16 proval of the [*Manufactured Structures and Parks Advisory Board*] **Residential and Manufactured**
17 **Structures Board**, shall adopt regulations under the provisions of ORS chapter 183 to provide a
18 schedule for plan review fees, insignia fees, inspection fees and other necessary fees based on the
19 estimated cost of administering ORS 446.003 to 446.200 and 446.225 to 446.285.

20 (2) Fees collected by the department pursuant to this section shall be deposited in the Consumer
21 and Business Services Fund established by ORS 705.145. Moneys deposited into the fund pursuant
22 to this section are continuously appropriated to the department for use as provided in ORS 446.423.

23 **SECTION 30.** ORS 446.280 is amended to read:

24 446.280. [(1) *The Manufactured Structures and Parks Advisory Board is established in the De-*
25 *partment of Consumer and Business Services. The Director of the Department of Consumer and Busi-*
26 *ness Services shall appoint the board.*] The **Residential and Manufactured Structures Board** shall
27 serve in an advisory capacity to the Director **of the Department of Consumer and Business**
28 **Services** in promulgating, administering and enforcing the plan for the administration and enforce-
29 ment of the National Manufactured Housing Construction and Safety Standards Act of 1974 (Public
30 Law 93-383) and safety standards pursuant to ORS 446.003 to 446.200, 446.225 to 446.285, 446.310 to
31 446.350 and 446.395 to 446.420.

32 [(2) *The board shall consist of 12 members, one member representing or engaged in each of the*
33 *following:*]

34 [(a) *The selling, leasing and distributing of new manufactured homes.*]

35 [(b) *The selling, leasing and distributing of recreational vehicles.*]

36 [(c) *The manufacturing or assembling of new manufactured homes.*]

37 [(d) *The manufacturing or assembling of new recreational vehicles.*]

38 [(e) *The manufacturing, assembling or selling of manufactured dwelling accessory structures.*]

39 [(f) *The owners or operators of mobile home or manufactured dwelling parks or recreation parks.*]

40 [(g) *Consumer organizations.*]

41 [(h) *Users of low and moderate income housing.*]

42 [(i) *Structural engineering.*]

43 [(j) *Local government building official duties.*]

44 [(k) *The deputies or assistants to the State Fire Marshal.*]

45 [(L) *The installation of manufactured dwellings.*]

1 [(3) *Appointments shall be made for a term of four years and no member shall be eligible for ap-*
2 *pointment to more than two full terms of office.*]

3 [(4) *Vacancies occurring in the membership of the board for any cause shall be filled by appoint-*
4 *ment for the balance of the unexpired term.*]

5 [(5) *The director may remove any member of the board for misconduct, incompetency, or neglect*
6 *of duty.*]

7 [(6) *The board shall meet at least twice each year.*]

8 [(7) *Seven members shall constitute a quorum for the transaction of business.*]

9 [(8) *The board shall elect its own chairperson and meet on call of the director, chairperson or*
10 *majority of the members. The director shall provide administrative facilities and services for the*
11 *board.*]

12 [(9) *Members of the board shall be entitled to compensation and expenses as provided by ORS*
13 *292.495.*]

14 **SECTION 31.** ORS 446.285 is amended to read:

15 446.285. To assist the Director of the Department of Consumer and Business Services in admin-
16 istration and enforcement of the National Manufactured Housing Construction and Safety Standards
17 Act of 1974, and safety standards pursuant to ORS 446.003 to 446.200, 446.225 to 446.285, 446.310 to
18 446.350 and 446.395 to 446.420, the [*Manufactured Structures and Parks Advisory Board*] **Residential**
19 **and Manufactured Structures Board** may approve or conduct programs of training and education
20 that maintain and advance the professional skills and abilities of persons engaged in manufacturing,
21 delivery, installation, sale or service of manufactured structures.

22 **SECTION 32.** ORS 446.400 is amended to read:

23 446.400. (1) The Department of Consumer and Business Services, subject to approval of the
24 [*Manufactured Structures and Parks Advisory Board*] **Residential and Manufactured Structures**
25 **Board**, shall issue licenses as provided by department rules adopted under ORS 455.117 to individ-
26 uals to install manufactured dwellings and cabanas. The board may adopt classifications of installers
27 including, but not limited to, temporary installer, limited installer and installer.

28 (2) In determining the appropriate initial license and renewal fees for installers, the Director
29 of the Department of Consumer and Business Services, with the approval of the board, shall ensure
30 that the annual income to the department from license and renewal fees established under this sec-
31 tion does not exceed one-third of the estimated total cost of administering and enforcing ORS
32 446.003 and 446.395 to 446.420.

33 (3) Fees collected by the department pursuant to this section shall be deposited in the Consumer
34 and Business Services Fund established by ORS 705.145 and are continuously appropriated to the
35 department for use as provided in ORS 446.423.

36 **SECTION 33.** ORS 455.117 is amended to read:

37 455.117. (1) Except as provided in subsection (3) of this section, a regulatory body listed in
38 subsection (2) of this section may adopt rules to administer the licensing, certification or registra-
39 tion of persons regulated by the body. The rules adopted under this section may include, but need
40 not be limited to:

41 (a) The form and content of an application for issuance or renewal of a license, certificate or
42 registration;

43 (b) Training and continuing education requirements to maintain a license, certificate or regis-
44 tration;

45 (c) The form and content of and the process for preparing and administering examinations and

1 examination reviews;

2 (d) The term of a license, certificate or registration; and

3 (e) The creation of a system for combining two or more licenses, certificates or registrations
4 issued to an individual by an advisory board or the Department of Consumer and Business Services
5 into a single license, certificate, registration or other authorization.

6 (2) Subsection (1) of this section applies to the following:

7 (a) Subject to ORS 446.003 to 446.200, 446.225 to 446.285 and 446.395 to 446.420, with the ap-
8 proval of the [*Manufactured Structures and Parks Advisory Board*] **Residential and Manufactured**
9 **Structures Board**, the Department of Consumer and Business Services for purposes of licenses,
10 certificates and registrations issued under ORS 446.003 to 446.200, 446.225 to 446.285 and 446.395 to
11 446.420.

12 (b) Subject to ORS 447.010 to 447.156 and ORS chapter 693, the State Plumbing Board for pur-
13 poses of licenses issued under ORS 447.010 to 447.156 and ORS chapter 693.

14 (c) Subject to ORS 460.005 to 460.175, after consultation with the Electrical and Elevator Board,
15 the department for purposes of licenses issued under ORS 460.005 to 460.175.

16 (d) Subject to ORS 479.510 to 479.945, the Electrical and Elevator Board for purposes of licenses
17 issued under ORS 446.210 or 479.510 to 479.945.

18 (e) Subject to ORS 480.510 to 480.670, the Board of Boiler Rules for purposes of licenses issued
19 under ORS 480.510 to 480.670.

20 (3) This section does not authorize the adoption of rules regulating:

21 (a) Building officials, inspectors, plan reviewers or municipalities;

22 (b) Persons engaged in the manufacture, conversion or repair of prefabricated structures, pre-
23 fabricated components or recreational vehicles; or

24 (c) Master builders certified under ORS 455.800 to 455.820.

25 **SECTION 34.** ORS 455.129 is amended to read:

26 455.129. (1) Subject to ORS chapter 183, except as provided in subsection (4) of this section, a
27 regulatory body listed in subsection (2) of this section may deny a license, certificate, registration
28 or application or may suspend, revoke, condition or refuse to renew a license, certificate or regis-
29 tration if the regulatory body finds that the licensee, certificate holder, registrant or applicant:

30 (a) Has failed to comply with the laws administered by the regulatory body or with the rules
31 adopted by the regulatory body.

32 (b) Has failed to comply with an order of the regulatory body or the Director of the Department
33 of Consumer and Business Services, including but not limited to the failure to pay a civil penalty.

34 (c) Has filed an application for a license, certificate or registration that, as of the date the li-
35 cense, certificate or registration was issued or the date of an order denying the application, was
36 incomplete in any material respect or contained a statement that, in light of the circumstances un-
37 der which it was made, was incorrect or misleading in any respect.

38 (d) Has performed work without appropriate licensing, certification or registration or has em-
39 ployed individuals to perform work without appropriate licensing, certification or registration.

40 (e) Has failed to meet any condition or requirement to obtain or maintain a license, certificate
41 or registration.

42 (f) Has acted in a manner creating a serious danger to the public health or safety.

43 (g) Has been subject to a revocation, cancellation or suspension order or to other disciplinary
44 action by the Construction Contractors Board or has failed to pay a civil penalty imposed by the
45 board.

1 (h) Has been subject to a revocation, cancellation or suspension order or to other disciplinary
2 action by another state in regard to construction standards, permit requirements or construction-
3 related licensing violations or has failed to pay a civil penalty imposed by the other state in regard
4 to construction standards, permit requirements or construction-related licensing violations.

5 (i) Has, while performing work that requires or that is related to work that requires a valid li-
6 cense or certificate under ORS 446.003 to 446.200, 446.225 to 446.285, 446.395 to 446.420, 479.510 to
7 479.945, 479.950 or 480.510 to 480.670, this chapter or ORS chapter 447, 460 or 693, violated any
8 statute or rule related to the state building code.

9 (j) Is a business, the owner or an officer of which has an outstanding obligation to pay a civil
10 penalty assessed under ORS 455.895 or has been the subject of action against the license, certificate
11 or registration by the Department of Consumer and Business Services, the director or any advisory
12 board.

13 (k) Is a business, owner or officer of a reorganized business entity as defined in ORS 657.682,
14 if an owner, officer, shareholder or partner of the reorganized business entity, or a member if the
15 reorganized business entity is a member-managed limited liability company, has been subject to a
16 revocation or suspension order or to a condition or civil penalty under ORS 446.003 to 446.200,
17 446.225 to 446.285, 446.395 to 446.420, 479.510 to 479.945, 479.950 or 480.510 to 480.670, this chapter
18 or ORS chapter 447, 460, 693 or 701, or by another state in regard to construction standards, permit
19 requirements or construction-related licensing violations.

20 (L) Is ordered to pay damages under a judgment or arbitration award that relates to con-
21 struction and that has become final by operation of law or on appeal.

22 (m) Is a business, the owner or an officer of which was an owner or officer in another business
23 at the time:

24 (A) The other business was assessed a civil penalty under ORS 455.895 that remains unpaid; or

25 (B) An act or failure to act by any owner or officer of the other business resulted in action
26 being taken against the license, certificate or registration of the other business by the department,
27 the director or any advisory board.

28 (2) Subsection (1) of this section applies to:

29 (a) The State Plumbing Board for purposes of licenses issued under ORS 447.010 to 447.156 or
30 ORS chapter 693.

31 (b) The Electrical and Elevator Board for purposes of licenses issued under ORS 446.210 or
32 479.510 to 479.945.

33 (c) The Board of Boiler Rules for purposes of licenses issued under ORS 480.510 to 480.670.

34 (d) The department for purposes of licenses issued under this chapter.

35 (e) The department, subject to Electrical and Elevator Board approval, for purposes of licenses
36 issued under ORS 460.005 to 460.175.

37 (f) The department, subject to *[Manufactured Structures and Parks Advisory Board]* **Residential**
38 **and Manufactured Structures Board** approval, for purposes of licenses, certificates and registra-
39 tions issued under ORS 446.003 to 446.200, 446.225 to 446.285 and 446.395 to 446.420.

40 (3) The department may administer and enforce subsection (1) of this section in the same manner
41 and to the same extent as any advisory board.

42 (4) This section does not apply to licenses, certificates, registrations or applications for
43 licensure, certification or registration involving inspectors or involving persons engaged in the
44 manufacture, conversion or repair of prefabricated structures, prefabricated components or recre-
45 ational vehicles.

1 **SECTION 35.** ORS 705.145 is amended to read:

2 705.145. (1) There is created in the State Treasury a fund to be known as the Consumer and
3 Business Services Fund, separate and distinct from the General Fund. All moneys collected or re-
4 ceived by the Department of Consumer and Business Services, except moneys collected pursuant to
5 ORS 735.612 and those moneys required to be paid into the Workers' Benefit Fund, shall be paid into
6 the State Treasury and credited to the Consumer and Business Services Fund. Moneys in the fund
7 may be invested in the same manner as other state moneys and any interest earned shall be credited
8 to the fund.

9 (2) The department shall keep a record of all moneys deposited in the Consumer and Business
10 Services Fund that shall indicate, by separate account, the source from which the moneys are de-
11 rived, the interest earned and the activity or program against which any withdrawal is charged.

12 (3) If moneys credited to any one account are withdrawn, transferred or otherwise used for
13 purposes other than the program or activity for which the account is established, interest shall ac-
14 crue on the amount withdrawn from the date of withdrawal and until such funds are restored.

15 (4) Moneys in the fund are continuously appropriated to the department for its administrative
16 expenses and for its expenses in carrying out its functions and duties under any provision of law.

17 (5) Except as provided in ORS 705.165, it is the intention of the Legislative Assembly that the
18 performance of the various duties and functions of the department in connection with each of its
19 programs shall be financed by the fees, assessments and charges established and collected in con-
20 nection with those programs.

21 (6) There is created by transfer from the Consumer and Business Services Fund a revolving ad-
22 ministrative account in the amount of \$100,000. The revolving account shall be disbursed by checks
23 or orders issued by the director or the Workers' Compensation Board and drawn upon the State
24 Treasury, to carry on the duties and functions of the department and the board. All checks or orders
25 paid from the revolving account shall be reimbursed by a warrant drawn in favor of the department
26 charged against the Consumer and Business Services Fund and recorded in the appropriate subsid-
27 iary record.

28 (7) For the purposes of ORS chapter 656, the revolving account created pursuant to subsection
29 (6) of this section may also be used to:

30 (a) Pay compensation benefits; and

31 (b) Refund to employers amounts paid to the Consumer and Business Services Fund in excess
32 of the amounts required by ORS chapter 656.

33 (8) Notwithstanding subsections (2), (3) and (5) of this section and except as provided in ORS
34 455.220 (1), the moneys derived pursuant to ORS 446.003 to 446.200, 446.210, 446.225 to 446.285,
35 446.395 to 446.420, 446.566 to 446.646, 446.666 to 446.756 and 455.220 (1) and deposited to the fund,
36 interest earned on those moneys and withdrawals of moneys for activities or programs under ORS
37 446.003 to 446.200, 446.210, 446.225 to 446.285, 446.395 to 446.420, 446.566 to 446.646 and 446.666 to
38 446.756, or education and training programs pertaining thereto, must be assigned to a single account
39 within the fund.

40 (9) Notwithstanding subsections (2), (3) and (5) of this section, the moneys derived pursuant to
41 ORS 455.240 or 460.370 or from state building code or specialty code program fees for which the
42 amount is established by department rule pursuant to ORS 455.020 (2) and deposited to the fund,
43 interest earned on those moneys and withdrawals of moneys for activities or programs described
44 under ORS 455.240 or 446.566 to 446.646, 446.666 to 446.756 and 460.310 to 460.370, structural or
45 mechanical specialty code programs or activities for which a fee is collected under ORS 455.020 (2),

1 or programs described under subsection (10) of this section that provide training and education for
2 persons employed in producing, selling, installing, delivering or inspecting manufactured structures
3 or manufactured dwelling parks or recreation parks, must be assigned to a single account within the
4 fund.

5 (10) Notwithstanding ORS 279.835 to 279.855 and ORS chapters 279A and 279B, the department
6 may, after consultation with the appropriate specialty code advisory boards established under ORS
7 [446.280,] 455.132, **455.135**, 455.138, 480.535 and 693.115, contract for public or private parties to de-
8 velop or provide training and education programs relating to the state building code and associated
9 licensing or certification programs.

10
11 **CAPTIONS**

12
13 **SECTION 36. The unit captions used in this 2009 Act are provided only for the conven-**
14 **ience of the reader and do not become part of the statutory law of this state or express any**
15 **legislative intent in the enactment of this 2009 Act.**

16
17 **TRANSITIONAL PROVISIONS**

18
19 **SECTION 37. (1) Sections 11 and 23 to 27 of this 2009 Act and the amendments to ORS**
20 **446.003, 446.176, 446.280, 446.285, 446.400, 455.010, 455.117, 455.129, 455.135, 455.144, 455.153,**
21 **455.310, 455.420, 455.525, 455.530, 455.627, 469.700 and 705.145 and section 2 of this 2009 Act by**
22 **sections 12 to 22 and 28 to 35 of this 2009 Act become operative January 1, 2010.**

23 **(2) The Governor and the Director of the Department of Consumer and Business Services**
24 **may take all actions prior to January 1, 2010, necessary to facilitate carrying out sections**
25 **11 and 23 to 27 of this 2009 Act and the amendments to ORS 446.003, 446.176, 446.280, 446.285,**
26 **446.400, 455.010, 455.117, 455.129, 455.135, 455.144, 455.153, 455.310, 455.420, 455.525, 455.530,**
27 **455.627, 469.700 and 705.145 and section 2 of this 2009 Act by sections 12 to 22 and 28 to 35 of**
28 **this 2009 Act on or after January 1, 2010.**

29 **SECTION 38. (1) In making appointments to fill the Residential and Manufactured**
30 **Structures Board positions created by the amendments to ORS 455.135 by section 14 of this**
31 **2009 Act, the Governor shall give consideration to the appointment of the Manufactured**
32 **Structures and Parks Advisory Board members holding office on December 31, 2009, who**
33 **represent or are engaged in the selling, leasing and distributing of new manufactured homes**
34 **and the manufacturing or assembling of new manufactured homes.**

35 **(2) Notwithstanding the term of office specified in ORS 455.144, the Governor may adjust**
36 **the initial term of office for the persons first appointed to fill the Residential and Manufac-**
37 **tured Structures Board positions created by the amendments to ORS 455.135 by section 14**
38 **of this 2009 Act as the Governor considers reasonable to provide for orderly future transi-**
39 **tions of board membership.**

40
41 **EMERGENCY CLAUSE**

42
43 **SECTION 39. This 2009 Act being necessary for the immediate preservation of the public**
44 **peace, health and safety, an emergency is declared to exist, and this 2009 Act takes effect**
45 **July 1, 2009.**

