

**Enrolled**  
**House Bill 3361**

Sponsored by Representative WHISNANT; Representatives CONGER, FREEMAN, HANNA, Senator TELFER

CHAPTER .....

AN ACT

Relating to clustered mailboxes; creating new provisions; amending ORS 447.210; and declaring an emergency.

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

**SECTION 1.** ORS 447.210 is amended to read:

447.210. As used in ORS 447.210 to 447.280, unless the context requires otherwise:

(1) "Affected buildings" includes any place of public accommodations and commercial facilities designed, constructed and altered in compliance with the accessibility standards established by the Americans with Disabilities Act. "Affected buildings" also includes any government building that is subject to Title II of the Americans with Disabilities Act. "Affected buildings" also includes private entities, private membership clubs and churches that have more than one floor level and more than 4,000 square feet in ground area or that are more than 20 feet in height, measured from the top surface of the lowest flooring to the highest interior overhead finish of the building.

(2) "Americans with Disabilities Act" means the Americans with Disabilities Act of 1990 found at 42 U.S.C. section 12101 et seq.

(3) "Architectural barriers" are physical design features that restrict the full use of affected buildings and their related facilities by persons with disabilities.

(4) "Commercial facilities" includes nonresidential facilities, such as office buildings, factories and warehouses, whose operations affect commerce.

(5) "Covered multifamily dwellings" means buildings consisting of four or more dwelling units if such buildings have one or more elevators, and ground floor dwelling units in other buildings consisting of four or more dwelling units. Dwelling units within a single structure separated by firewalls do not constitute separate buildings.

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

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

(8) "Fair Housing Act" means the Fair Housing Act of 1968, as amended in 1988, found at 42 U.S.C. section 3604 et seq.

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

(10) "Private entities" means privately owned entities offering examinations or courses related to applications, licensing, certification or credentials for secondary or post-secondary education, professional or trade purposes.

(11) "Public accommodations" means a facility whose operations affect commerce and fall within at least one of the following categories:

- (a) Places of lodging not including owner-occupied establishments renting fewer than six rooms;
- (b) Establishments serving food or drink;
- (c) Places of exhibition or entertainment;
- (d) Places of public gathering;
- (e) Sales or rental establishments;
- (f) Service establishments;
- (g) Public transportation terminals, depots or stations;
- (h) Places of public display or collection;
- (i) Places of recreation;
- (j) Places of education;
- (k) Social service center establishments; and
- (L) Places of exercise or recreation.

(12) "Related facilities" means building site improvements including, but not limited to, parking lots, passageways, roads, **clustered mailboxes located either on the site or in an adjacent public right of way** or any other real or personal property located on the site.

(13) "Structural code" means the specialty code defined in ORS 455.010.

**SECTION 2. Each city in this state shall adopt standards and specifications for clustered mailboxes within the boundaries of city streets and rights-of-way that conform to the standards and specifications for such mailboxes contained in the State of Oregon Structural Specialty Code.**

**SECTION 3. Each county in this state shall adopt standards and specifications for clustered mailboxes within the boundaries of county roads and rights-of-way that conform to the standards and specifications for such mailboxes contained in the State of Oregon Structural Specialty Code.**

**SECTION 4. Sections 2 and 3 of this 2011 Act become operative on June 1, 2012.**

**SECTION 5. Prior to April 1, 2012, the Director of the Department of Consumer and Business Services shall adopt amendments to the standards and specifications in the State of Oregon Structural Specialty Code to incorporate standards and specifications for clustered mailboxes that are consistent with:**

(1) The provisions of the Americans with Disabilities Act and implementing federal regulations; and

(2) Existing accessibility provisions within the State of Oregon Structural Specialty Code.

**SECTION 6. This 2011 Act being necessary for the immediate preservation of the public peace, health and safety, an emergency is declared to exist, and this 2011 Act takes effect on its passage.**

**Passed by House April 26, 2011**

**Repassed by House June 14, 2011**

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Ramona Kenady Line, Chief Clerk of House

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Bruce Hanna, Speaker of House

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Arnie Roblan, Speaker of House

**Passed by Senate June 10, 2011**

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Peter Courtney, President of Senate

**Received by Governor:**

.....M,....., 2011

**Approved:**

.....M,....., 2011

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John Kitzhaber, Governor

**Filed in Office of Secretary of State:**

.....M,....., 2011

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Kate Brown, Secretary of State