

House Bill 3458

Sponsored by Representatives MATTHEWS, JOHNSON

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 **as introduced**.

Directs Oregon Health Authority to establish program to certify persons to service, maintain and perform in-line repairs of backflow assemblies.

A BILL FOR AN ACT

1
2 Relating to water systems; amending ORS 447.060 and 448.279.

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

4 **SECTION 1.** ORS 448.279 is amended to read:

5 448.279. (1) The Oregon Health Authority by rule shall establish a certification program for
6 persons who inspect cross-connections or test **or service** backflow assemblies. The program shall
7 include minimum qualifications necessary for a person to be certified to:

8 (a) Conduct a cross-connection inspection; *[and]*

9 (b) Test a backflow assembly~~[,]~~; **and**

10 (c) **Service, maintain and perform in-line repairs of a backflow assembly, including but**
11 **not limited to accessing the internal components of a backflow assembly to:**

12 (A) **Flush and clean check valves, springs, seats, guides and rubber components; or**

13 (B) **Replace parts.**

14 (2) **A certification issued under this section does not authorize the holder to install or**
15 **remove a backflow assembly.**

16 [(2)] (3) Except for an employee of a water supplier as defined in ORS 448.115, a person certified
17 under this section must:

18 (a) Become licensed as a construction contractor with the Construction Contractors Board as
19 provided under ORS chapter 701; or

20 (b) Be employed by a landscape contracting business licensed under ORS 671.510 to 671.760.

21 [(3)] (4) In conjunction with the certification program established under subsection (1) of this
22 section, the authority may establish and collect a fee from an individual requesting certification
23 under the program. A fee imposed under this subsection:

24 (a) Is not refundable; and

25 (b) May not exceed the cost of administering the certification program of the authority for
26 which purpose the fee is established, as authorized by the Legislative Assembly within the budget
27 of the authority and as the budget may be modified by the Emergency Board.

28 [(4)] (5) The authority may not require a journeyman plumber licensed under ORS chapter 693
29 or an apprentice plumber, as defined in ORS 693.010, to obtain a certification for testing **and ser-**
30 **vicing** backflow assemblies under the program established under this section.

31 [(5)] (6) All moneys collected by the Oregon Health Authority under this section shall be de-

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 posited in the General Fund to the credit of an account of the authority. Such moneys are contin-
 2 uously appropriated to the Oregon Health Authority to pay the cost of administering the
 3 certification program established pursuant to this section and the cost of administering water system
 4 cross-connection and backflow assembly programs.

5 **SECTION 2.** ORS 447.060 is amended to read:

6 447.060. (1) ORS 447.010 to 447.156 do not apply to a person:

7 (a) Engaging in plumbing work when not so engaged for hire.

8 (b) Using the services of regular employees in performing plumbing work for the benefit of
 9 property owned, leased or operated by the person. For purposes of this paragraph, “regular
 10 employee” means a person who is subject to the provisions of ORS 316.162 to 316.221 and who has
 11 completed a withholding exemptions certificate required by ORS 316.162 to 316.221.

12 (c) Using the services of an employee or contractor of a utility company, energy service provider
 13 or water supplier to install an approved low-flow showerhead or faucet aerator in existing plumbing
 14 fixtures. The devices installed under this paragraph are exempt from the certification, permit and
 15 inspection requirements of ORS 447.010 to 447.156 and ORS chapter 693.

16 (2) A landscape contracting business licensed under ORS 671.560 is not required to be licensed
 17 under ORS 447.010 to 447.156 to install, repair or maintain backflow assemblies for irrigation sys-
 18 tems and ornamental water features if the work is performed by an individual who is licensed as
 19 required by ORS 671.615 and is an owner or employee of the landscape contracting business. The
 20 repair and maintenance of the backflow assembly must be performed by a [*tester*] **person** certified
 21 under ORS 448.279. The licensing exemption established under this subsection does not exempt the
 22 landscape contracting business from the inspection and permit requirements of ORS 447.010 to
 23 447.156.

24 (3) This section applies to any person, including but not limited to, individuals, corporations,
 25 associations, firms, partnerships, joint stock companies, public and municipal corporations, political
 26 subdivisions, this state, the federal government and state or federal agencies.