

Enrolled House Bill 2268

Introduced and printed pursuant to House Rule 12.00. Pre-session filed (at the request of Governor John A. Kitzhaber, M.D., for State Board of Architect Examiners)

CHAPTER

AN ACT

Relating to architects; amending ORS 30.788, 58.015, 58.037, 67.005, 276.915, 279C.100, 446.003, 671.010, 671.020, 671.025, 671.030, 671.041, 671.050, 671.060, 671.080, 671.085, 671.090, 671.100, 671.105, 671.125, 671.220, 701.010 and 701.600.

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

SECTION 1. ORS 671.010 is amended to read:

671.010. As used in ORS 671.010 to 671.220, unless the context requires otherwise:

(1) "Architect" means an individual qualified and [*licensed*] **registered** to practice architecture under ORS 671.010 to 671.220, **a consulting architect or a foreign architect.**

(2) "Board" means the State Board of Architect Examiners.

(3) "Building" means any structure consisting of foundations, floors, walls and roof, having footings, columns, posts, girders, beams, joists, rafters, bearing partitions, or a combination of any number of these parts, with or without other parts or appurtenances thereto.

(4) "Consulting architect" means a person who is licensed **or registered** by a jurisdiction in the United States or Canada to use the title of "Architect" and engage in the unlimited practice of architecture and who is not subject to practice restrictions as the result of disciplinary action by any architect licensing **or registration** board.

(5) "**Firm**" means a corporation, limited liability company or partnership operating under a corporate or assumed business name and engaging in the provision of architectural services.

[(5)] (6) "Foreign architect" means a person who is licensed **or registered** by a country other than the United States or Canada to use the title of "Architect" and engage in the unlimited practice of architecture and who is not subject to practice restrictions as a result of disciplinary action by the architect licensing **or registration** board issuing the license **or registration.**

[(6)] (7) "Practice of architecture" means the planning, designing or [*supervising*] **observing** of the erection, enlargement or alteration of any building or of any appurtenance thereto other than exempted buildings.

[(7)] "*Registered professional engineer*" means a person defined in ORS 672.002 and described in ORS 672.002 to 672.325.]

[(8)] "*State Building Code*" means the State of Oregon Structural Specialty Code and Fire and Life Safety Code.]

(8) "**Registered professional engineer**" has the meaning given that term in ORS 672.002.

(9) "**State building code**" has the meaning given that term in ORS 455.010.

SECTION 2. ORS 671.020 is amended to read:

671.020. (1) In order to safeguard health, safety and welfare and to eliminate unnecessary loss and waste in this state, a person may not **engage in the** practice [*the profession*] of architecture or assume or use the title of "Architect" or any title, sign, cards or device indicating, or tending to indicate, that the person is practicing architecture or is an architect or represent in any manner that the person is an architect, without first qualifying before the State Board of Architect Examiners and obtaining a certificate of registration as provided by ORS 671.010 to 671.220.

(2) Notwithstanding subsection (1) of this section, a consulting architect may **engage in the** practice [*the profession*] of architecture if the consulting architect:

(a) Is affiliated with [*a board-certified*] **an Oregon-registered** architect who is in responsible charge of all aspects of the architectural services provided; and

(b) Uses the designation of "Consulting Architect, in consultation with," followed by the name of the **Oregon-registered** architect described in paragraph (a) of this subsection and the name of the architectural firm.

(3) Notwithstanding subsection (1) of this section, a foreign architect may **engage in the** practice **of** architecture if:

(a) The foreign architect is affiliated with [*a board-certified*] **an Oregon-registered** architect who is in responsible charge of all aspects of the architectural services provided;

(b) The foreign architect uses the designation of "Foreign Architect, in consultation with," followed by the name of the **Oregon-registered** architect described in paragraph (a) of this subsection and the name of the architectural firm; and

(c) The board determines that the jurisdiction in which the foreign architect is licensed **or registered** has adequate education and training standards. The board, by rule, may recognize agreements between a national certification organization and the foreign jurisdiction as proof of education and training standards.

(4) A person may not practice or attempt to practice the profession of architecture, or assume the title of "Architect," "Consulting Architect" or "Foreign Architect," or use in connection with the business of the person any words, letters or figures indicating the title of "Architect," "Consulting Architect" or "Foreign Architect" without first complying with ORS 671.010 to 671.220.

(5) Every registered architect shall, upon registration, obtain a stamp of the design authorized by the board. [*bearing the name of the registrant and the legend "Registered Architect, State of Oregon."*] All drawings and the title page of all specifications intended for use as construction documents in the practice of architecture must bear the stamp of a registered architect and be signed by the architect. The stamp and signature constitute certification that the architect has exercised the requisite professional judgment about and made the decisions upon all matters embodied within those construction documents, that the documents were prepared either by the architect or under the direct control and supervision of the architect and that the architect accepts responsibility for [*them*] **the documents**.

[(6) *A licensed architect shall pursue the profession under the architect's own name only, as it appears in the architect's license, except as provided by ORS 671.041.*]

(6) Except as provided in ORS 671.041, an architect registered under ORS 671.010 to 671.220 may pursue the practice of architecture only under the architect's own name as that name appears in the certificate of registration.

SECTION 3. ORS 671.025 is amended to read:

671.025. (1) Any person applying for a license or permit required under the laws of this state or the ordinances of any jurisdiction in which the person proposes to erect, construct, enlarge, alter, repair, move, improve, remove or convert a building shall submit an original or reproduction of the [*plans*] **drawings** and specifications for the work proposed. The [*plans*] **drawings** and specifications [*shall*] **must**:

(a) Bear the stamp of a registered architect[, *or of a*] **or** registered professional engineer[, *where*] **if** the services of a registered architect or [*of a*] registered professional engineer are required [*by the provisions of*] **under** ORS 671.010 to 671.220;[,] and

(b) [shall] Be drawn to scale with sufficient clarity to indicate the nature and extent of the work proposed and that the work proposed conforms [to] **with the requirements of ORS 671.010 to 671.220, the state building code** and [to] any other applicable laws and ordinances.

(2) The [plans] **drawings** and specifications [shall] **must** bear identification [which shall include] **that includes**, but is not [be] limited to:

(a) The project name and location;

(b) The name, address and telephone number of the person responsible for the preparation of the documents;

(c) The name, address and telephone number of the owner; and

(d) The date the documents were issued.

(3) Each jurisdiction [which] **that** requires the issuance of a permit as a condition precedent to the construction, alteration, improvement or repair of any building or structure shall require the signature and registration stamp on the [plans] **drawings** and specifications from a person [allowed under the provisions of this section] **authorized** to prepare the [plans] **drawings** and specifications.

(4) The registration stamp and signature on the [plans] **drawings** and specifications of [a person registered under this section to prepare the plans] **the architect or engineer preparing the drawings** and specifications [shall constitute] **constitute** compliance with this section.

(5) [The provisions under] This section [shall] **does** not apply to the issuance of permits [where] **if** the preparation of [plans] **the drawings** and specifications for the construction, alteration, improvement or repair of a building or structure is exempt from the provisions of this section, except that the person preparing the [plans] **drawings** and specifications for others shall be so identified.

SECTION 4. ORS 671.030 is amended to read:

671.030. (1) ORS 671.010 to 671.220 do not apply to the practice of naval or landscape architecture or of engineering by a registered professional engineer or a person engaged in architecture or engineering work as an employee of an architect or registered professional engineer.

(2) ORS 671.010 to 671.220 do not prohibit:

(a) Draftsmen, clerks of the work, superintendents and other employees of registered architects and registered professional engineers from acting under the instructions, control or supervision of their employers. A draftsman, clerk, superintendent or other employee may not use the designation "architect," "architectural" or "architecture" unless [licensed] **registered** under the provisions of ORS 671.010 to 671.220, or unless a title containing the designation is provided by rule of the State Board of Architect Examiners.

(b) A person from making [plans] **drawings** or specifications for, or [supervising] **observing** the erection, enlargement or alteration of, a building, or an appurtenance [thereto] **to a building**, if the building:

(A) Is to be used for a single family residential dwelling or farm building; or

(B) Is a structure used in connection with or auxiliary to a single family residential dwelling or farm building, including but not limited to a three-car garage, barn or shed or a shelter used for the housing of domestic animals or livestock.

(c) A person from making [plans] **drawings** or specifications for, or [supervising] **observing** the erection, enlargement or alteration of, a building, or an appurtenance [thereto] **to a building**, if the building has a ground area of 4,000 square feet or less and is not more than 20 feet in height from the top surface of lowest flooring to the highest interior overhead finish of the structure.

(d) A person from planning, designing, specifying or [supervising] **observing** the alterations or repairs to a building if:

(A) The structural part of the building, including but not limited to the foundation walls, floors, roof, footings, bearing partitions, beams, columns and joists, is not involved;

(B) The building code classification by use or occupancy of the building is not changed; and

(C) The building code classification by type of construction of the building is not changed.

(e) A contractor or duly appointed superintendent or foreman from directing the work of erecting, enlarging or altering a building, or an appurtenance [thereto] **to a building**, under the [super-

vision] **observation** of a registered architect or **under the supervision of a registered professional engineer.**

(f) A person practicing marine, naval or landscape architecture from purporting to be a marine, naval or landscape architect if the work is confined and limited to those classifications.

(g) A construction contractor licensed under ORS chapter 701 from offering services constituting the practice of architecture if:

(A) The services are appurtenant to construction services to be provided by the contractor;

(B) The services constituting the practice of architecture are performed by an architect [*or architects*] registered under ORS 671.010 to 671.220 **or provided by a firm registered under ORS 671.010 to 671.220;** and

(C) The offer by the construction contractor discloses in writing that the contractor is not an architect and identifies the registered architect [*or architects*] who will perform the services constituting the practice of architecture **or the firm that will provide the architectural services.**

SECTION 5. ORS 671.041 is amended to read:

671.041. [(1) A corporation, limited liability company or partnership may engage in the practice of architecture in this state under a corporate or assumed business name if the directors of the corporation representing at least a two-thirds percentage of the board of directors, the members of the limited liability company holding at least a two-thirds ownership interest or the partners of the partnership holding at least a two-thirds ownership interest are registered or licensed as architects or as engineers in any jurisdiction recognized by rule of the State Board of Architect Examiners or the State Board of Examiners for Engineering and Land Surveying and provided that:]

[(a) The directors of the corporation representing at least a one-third percentage of the board of directors, the members of the limited liability company holding at least a one-third ownership interest or the partners of the partnership holding at least a one-third ownership interest shall be architects registered or licensed in any jurisdiction recognized by rule of the State Board of Architect Examiners and that all persons in charge of the practice of architecture in this state for the corporation, limited liability company or partnership shall be:]

[(A) Members of the board of directors of the corporation, members of the limited liability company or partners of the partnership:]

(1) **As used in this section, "corporate firm" includes a domestic private corporation, foreign private corporation, domestic cooperative corporation, foreign cooperative corporation, domestic professional corporation and foreign professional corporation.**

(2) **A firm may engage in the provision of architectural services in this state under a corporate or assumed business name if:**

(a) **At least two-thirds of the board of directors of a corporate firm, or owners having at least a two-thirds ownership interest in a noncorporate firm, are registered or licensed as architects or as engineers in any jurisdiction recognized by rule of the State Board of Architect Examiners or the State Board of Examiners for Engineering and Land Surveying;**

(b) **At least one-third of the board of directors of a corporate firm or owners having at least a one-third ownership interest in a noncorporate firm are architects registered or licensed in any jurisdiction recognized by rule of the State Board of Architect Examiners;**

(c) **All persons in charge of the practice of architecture in this state for the firm are:**

(A) **Members of the board of directors or owners of the firm;**

(B) Regularly employed in the office of the [*corporation, limited liability company or partnership*] **firm** that directs and has supervisory control of the practice of architecture in this state; and

(C) Registered as architects under ORS 671.010 to 671.220;

[(b)] (d) [A] **The corporate or assumed business name does not include the surname of an individual who is not presently or was not previously associated in the practice of architecture or engineering in this state or in any jurisdiction recognized by rule of the State Board of Architect Examiners or the State Board of Examiners for Engineering and Land Surveying with the named entity or [*its*] with the members or predecessors of the named entity; and**

(e) The corporate or assumed business name identifies the firm as being engaged in the provision of architectural services.

[(c) The corporate or assumed business name identifies the corporation, limited liability company or partnership as being engaged in the practice of architecture.]

[(2) The president of a corporation, the senior member of a limited liability company or the senior partner of a partnership practicing architecture under an assumed name shall file annually during the month of January with the State Board of Architect Examiners a statement containing the names of all directors of the corporation, all members of the limited liability company or all partners of the partnership. The statement shall indicate whether the directors, members or partners are registered or licensed architects or engineers and shall list the jurisdictions in which they are registered or licensed. The statement shall also indicate the ownership interest of each member of a limited liability company or of each partner of a partnership.]

[(3) All professional documents issued by the corporation, limited liability company or partnership that are required by ORS 671.010 to 671.220 to bear the stamp of an architect shall bear the stamp of the architect responsible for the preparation thereof and shall also bear the corporate or assumed business name of the corporation, limited liability company or partnership.]

(3) A firm must register with the State Board of Architect Examiners before the firm may provide architectural services. A firm must file a renewal of the registration as provided by rule of the board.

(4) All professional documents issued by the firm that are required by ORS 671.010 to 671.220 to bear the stamp of an architect must bear the stamp of the architect responsible for the preparation of the documents and bear the corporate or assumed business name of the firm.

[(4)] **(5)** Notwithstanding *[the provisions of subsection (1)]* **subsections (2) and (3)** of this section, a professional corporation that existed on September 29, 1991, may engage in the *[practice of architecture]* **provision of architectural services** if the stockholders owning a majority of the stock of the corporation are registered as architects under ORS 671.010 to 671.220 or professional engineers under ORS 672.002 to 672.325.

[(5) As used in this section:]

[(a) "Corporation" includes a domestic private corporation, foreign private corporation, domestic cooperative corporation, foreign cooperative corporation, domestic professional corporation and foreign professional corporation.]

[(b) "Partnership" includes a domestic general partnership, foreign general partnership, domestic limited partnership, foreign limited partnership, domestic registered limited liability partnership and foreign registered limited liability partnership.]

(6) In adopting rules required by this section, the State Board of Architect Examiners or the State Board of Examiners for Engineering and Land Surveying shall recognize jurisdictions that enforce requirements for registration or licensing of architects or engineers that are substantially equal to the requirements for registration *[or licensing]* of architects or engineers in this state.

SECTION 6. ORS 671.050 is amended to read:

671.050. (1) Any person desiring the right to practice architecture in the State of Oregon shall *[make application]* **apply** to the State Board of Architect Examiners *[15 days prior to any meeting of the board]* upon such forms and in such manner as may be provided by the board. In addition to **possessing** the qualifications required by ORS 671.010 to 671.220, each applicant *[shall]* **must** be at least 18 years of age.

(2) Each applicant for a certificate of registration shall pay to the board the required fee.

SECTION 7. ORS 671.060 is amended to read:

671.060. (1) *[Examinations of]* **The State Board of Architect Examiners shall examine** applicants for certificates of registration *[shall be made by the State Board of Architect Examiners]* according to the method deemed by *[it]* **the board** to be the most practicable to test the applicants' qualifications. Examinations *[shall]* **may** be written or oral or both written and oral and shall cover such subjects and be graded on such basis as the board *[shall determine]* **determines** by adminis-

trative rule. The board may adopt the examination and the recommended grading procedures of the National Council of Architectural Registration Boards. The board shall prescribe the minimum educational and experience requirements for applicants by administrative rule.

[(2) A certificate of registration shall be granted to all applicants who after the examinations are, in the opinion of a majority of the board, properly qualified. A certificate shall be denied to applicants who, in the opinion of the majority of the board, are not properly qualified.]

(2) The board shall issue a certificate of registration to each examined applicant that a majority of the board deems to be properly qualified.

SECTION 8. ORS 671.080 is amended to read:

671.080. (1) Each registrant who desires to continue as an architect in this state shall *[annually]* submit to the State Board of Architect Examiners, on or before the renewal deadline established by board rule, a renewal application and the renewal fee authorized under ORS 671.085. The registrant shall also furnish evidence satisfactory to the board that the registrant has complied with any continuing education requirements adopted by the board under ORS 671.125, unless those requirements have been waived. Upon payment and, if required, the furnishing of satisfactory evidence, the board shall issue to the registrant a certificate of renewal of registration *[for a period of one year]*.

(2) If a registrant fails to have a certificate renewed on or before the renewal deadline established by board rule, the registrant is delinquent. The registrant may renew the certificate not later than the 30th day after the renewal date, without penalty, if the registrant pays the renewal fee and furnishes evidence satisfactory to the board that the registrant has complied with any continuing education requirements adopted by the board under ORS 671.125, unless those requirements have been waived. The registrant may renew the certificate after the 30th day after the renewal date, if the registrant pays the renewal fee plus a late fee in an amount to be prescribed by the board by rule, and furnishes evidence satisfactory to the board that the registrant has complied with any continuing education requirements adopted by the board under ORS 671.125, unless those requirements have been waived.

(3) Any person who fails to pay the renewal fee, with any late fees, or fails to furnish evidence satisfactory to the board that the registrant has complied with any continuing education requirements adopted by the board under ORS 671.125, unless those requirements have been waived, for a period of 60 days, forfeits the right to practice architecture in this state. The person may be reinstated as an architect only upon passing examinations required by the board, by complying with any continuing education requirements adopted by the board under ORS 671.125 and by paying any required fees and penalties.

(4) The board may grant inactive status to any registered architect who gives up the practice and while in good standing makes a request in writing to the board. The architect may resume practice by complying with any continuing education requirements adopted by the board under ORS 671.125 and paying any required fees and penalties.

SECTION 9. ORS 671.085 is amended to read:

671.085. In addition to any other fee imposed by the State Board of Architect Examiners by rule, the board may impose fees for the following:

- (1) Registration.
- (2) Renewal.
- (3) Filing an application for Architectural Registration Examination.
- (4) Architectural Registration Examination, resident and nonresident.
- (5) Reciprocal application.
- (6) Duplicate certificate.
- [(7) Corporation renewal.]*
- [(8) Corporation registration.]*
- (7) Registration of a firm.**
- (8) Renewal of registration of a firm.**

SECTION 10. ORS 671.090 is amended to read:

671.090. The State Board of Architect Examiners may refuse to grant, reinstate or renew, or may suspend or revoke, a certificate of registration to [*practice architecture*] **engage in the practice of architecture or in the provision of architectural services** in this state upon proof of one or more of the following grounds:

(1) Using fraud or deception in applying for a certificate of registration or in passing an examination as provided in ORS 671.010 to 671.220.

(2) Falsely impersonating a practitioner or former practitioner.

(3) Practicing under an assumed[, *fictitious, or a corporate*] **or fictitious name or a firm name** contrary to the provisions of ORS 671.010 to 671.220.

(4) Demonstrating fraud, deceit, gross negligence, incompetency or misconduct in the practice of architecture **or in the provision of architectural services**.

(5) Willfully evading or attempting to evade any law, ordinance, code or regulation of the state, or counties and cities of this state, governing construction of buildings.

(6) Stamping or signing any [*plans, specifications or drawings*] **drawings or specifications** that were not prepared by the architect or under the architect's direct control and supervision.

(7) Unbeknown to a party for whom the architect is doing work, receiving rebates, commissions, grants of moneys or favors which the architect is not entitled to or justified in receiving.

(8) [*Practicing*] **Engaging in the practice of architecture or the provision of architectural services in a manner** contrary to the provisions and requirements of ORS 671.010 to 671.220.

(9) Failing to comply with any continuing education requirements adopted by the board under ORS 671.125, unless the requirements have been waived by the board.

(10) Being convicted of any crime under circumstances that relate to the practice of architecture **or the provision of architectural services**.

(11) Being the subject of disciplinary action taken by another jurisdiction.

SECTION 11. ORS 671.100 is amended to read:

671.100. (1) The State Board of Architect Examiners may revoke, suspend or annul the certificate of registration to practice architecture in this state of an architect, or reprimand, censure or otherwise discipline an architect[, *as provided in this section*] **who violates any provision of ORS 671.010 to 671.220 or any rule adopted under ORS 671.010 to 671.220**.

(2) Any person may prefer charges against a holder of a certificate of registration to practice architecture. The charges [*shall*] **must** be in writing and **be** sworn to by the complainant. [*They shall be forwarded to the board which shall act on the charges at its next regular meeting.*] **The board shall take action on the preferred charges at the next regular board meeting following receipt of the charges.**

SECTION 12. ORS 671.105 is amended to read:

671.105. (1) [*Where*] **If** the State Board of Architect Examiners proposes to refuse to issue or renew a [*license, or proposes*] **certificate of registration**, to revoke or suspend a [*license,*] **certificate of registration** or to reprimand, censure or otherwise discipline an architect **or firm**, opportunity for hearing shall be accorded as provided in ORS chapter 183.

(2) Judicial review of orders under subsection (1) of this section shall be as provided in ORS chapter 183.

SECTION 13. ORS 671.125 is amended to read:

671.125. In accordance with any applicable provisions of ORS chapter 183, the State Board of Architect Examiners may:

(1) Adopt reasonable rules necessary for the administration of the laws the board is charged with administering; and

(2) Adopt reasonable rules prescribing standards of professional conduct for architects and rules requiring continuing professional education for architects. In adopting rules under this subsection, the board shall give consideration to national standards and practices as a means of facilitating reciprocal **registration and** licensing of architects among jurisdictions recognized by the board. The board shall also consider local practices.

SECTION 14. ORS 671.220 is amended to read:

671.220. (1) *[Any person who violates any provision of ORS 671.010 to 671.220 or any rule promulgated thereunder shall be assessed a civil penalty of not more than \$5,000 for each offense. The provisions of this section are]* **The State Board of Architect Examiners may assess a civil penalty, not to exceed \$5,000 per offense, against any person who violates any provision of ORS 671.010 to 671.220 or any rule adopted under ORS 671.010 to 671.220. A civil penalty authorized under this section is** in addition to and not in lieu of any other penalty or sanction provided by law.

(2) If the *[State Board of Architect Examiners decides that any person has or is about to engage in an activity that is or will be a violation of any provision]* **board determines that a person is engaging or about to engage in an activity in violation** of ORS 671.020 or 671.041, the board may institute a proceeding in an appropriate circuit court to restrain the activity or proposed activity. An injunction may be issued without proof of actual damages, but does not relieve the defendant from *[criminal prosecution]* **the imposition of a civil penalty** for violation of ORS 671.010 to 671.220.

[(3) No person, partnership, limited liability company or corporation practicing architecture is entitled to maintain a proceeding in any court of this state relating to services in practicing architecture unless it is alleged and proven that the person, partnership, limited liability company or corporation was licensed to practice architecture under ORS 671.010 to 671.220 at the time services were rendered.]

(3) A person practicing architecture may not maintain a proceeding in a court of this state in regard to the practice of architecture unless the person alleges and proves that the person was registered as an architect under ORS 671.010 to 671.220, or was an affiliated consulting architect or foreign architect, at the time of practicing architecture. A firm engaged in the provision of architectural services may not maintain a proceeding in any court of this state in regard to the provision of architectural services unless the firm was registered under ORS 671.010 to 671.220 at the time of providing the architectural services.

(4) Civil penalties under this section shall be imposed as provided in ORS 183.745.

(5) *[Nothing in]* ORS 671.010 to 671.220 *[shall be construed to]* **do not** prevent any person from representing the person's membership or affiliation with any bona fide professional or trade organization unless *[such]* **the** representation is made to advance that person's unlicensed practice of **architecture** or unlawful attempt to practice *[the profession of]* architecture.

(6) Notwithstanding ORS 670.335, civil penalties recovered under this section shall be deposited into an account established by the board as provided in ORS 182.470. Moneys deposited are appropriated continuously to the board and shall be used only for the administration and enforcement of ORS 182.456 to 182.472 and 671.010 to 671.220.

SECTION 15. ORS 30.788 is amended to read:

30.788. (1) An action for damages arising out of the practice of architecture, as defined in ORS 671.010, may not be maintained by any person against an architect for services rendered by the architect under the provisions of this section.

(2) An action for damages arising out of the practice of engineering, as described in ORS 672.007, may not be maintained by any person against an engineer for structural engineering services rendered by the engineer under the provisions of this section.

(3) An action for damages arising out of the provision of building code inspections, plan reviews or post-disaster building evaluations may not be maintained by any person against a certified inspector or certified building evaluator if the inspector or building evaluator is providing building code inspections, plan reviews or post-disaster building evaluations under the provisions of this section and the inspector or building evaluator is operating within the scope of the certification.

(4) The immunity provided by this section applies only to services that meet all of the following requirements:

(a) The services are rendered without compensation.

(b) The services are rendered within 60 days after the Governor declares a state of emergency under the provisions of ORS 401.165.

(c) The services are rendered to assist in relief efforts arising out of the emergency giving rise to the declaration of emergency.

(5) This section does not affect the liability of any architect, engineer, inspector or building evaluator for gross negligence or intentional torts.

(6) The immunity provided by this section applies only to:

(a) Inspectors certified under ORS 455.715 to 455.740;

(b) Building evaluators certified for post-disaster building evaluation by the Department of Consumer and Business Services;

(c) Architects who are [*licensed*] **registered** under ORS 671.010 to 671.220;

(d) Engineers who are registered under ORS 672.002 to 672.325; and

(e) Architects and engineers who are licensed or registered under the laws of another state.

SECTION 16. ORS 58.015 is amended to read:

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

(1) "Foreign professional corporation" means a professional corporation organized under laws other than the laws of this state.

(2) "License" includes a license, certificate of registration, permit or other legal authorization required by law as a condition precedent to the rendering of professional service or services within this state.

(3) "Oregon Business Corporation Act" has the same meaning given that term in ORS 60.951.

(4) "Practicing medicine" has the meaning given that term in ORS 677.085.

(5) "Professional" means:

(a) Accountants licensed under ORS 673.010 to 673.457 or the laws of another state;

(b) Architects [*licensed*] **registered** under ORS 671.010 to 671.220 or **licensed or registered under** the laws of another state;

(c) Attorneys licensed under ORS 9.005 to 9.755 or the laws of another state;

(d) Chiropractors licensed under ORS chapter 684 or the laws of another state;

(e) Dentists licensed under ORS chapter 679 or the laws of another state;

(f) Landscape architects licensed under ORS 671.310 to 671.459 or the laws of another state;

(g) Naturopaths licensed under ORS chapter 685 or the laws of another state;

(h) Nurse practitioners licensed under ORS 678.010 to 678.410 or the laws of another state;

(i) Psychologists licensed under ORS 675.010 to 675.150 or the laws of another state;

(j) Physicians licensed under ORS chapter 677 or the laws of another state;

(k) Podiatrists licensed under ORS chapter 677 or the laws of another state;

(L) Medical imaging licensees under ORS 688.405 to 688.605 or the laws of another state;

(m) Real estate appraisers licensed or certified under ORS chapter 674 or the laws of another state; and

(n) Other persons providing to the public types of personal service or services substantially similar to those listed in paragraphs (a) to (m) of this subsection that may be lawfully rendered only pursuant to a license.

(6) "Professional corporation" or "domestic professional corporation" means a corporation organized under this chapter for the specific purpose of rendering professional service or services and for such other purposes provided under this chapter.

(7) "Professional service" means personal service or services rendered in this state to the public which may be lawfully rendered only pursuant to a license by a professional.

(8) "Regulatory board" means the governmental agency of the State of Oregon required or authorized by law to license and regulate the rendering of a professional service or services for which a professional corporation is organized.

SECTION 17. ORS 58.037 is amended to read:

58.037. (1) Notwithstanding any provision of ORS chapter 60 or ORS 58.035, this chapter shall apply to a corporation, and to the joint and several liability of the shareholders of a corporation, organized by a professional under ORS chapter 60 for the purpose of rendering professional service or services unless, prior to December 1, 1992:

- (a) The professional's regulating board authorized incorporation under ORS chapter 60; and
 - (b) The corporation was incorporated under ORS chapter 60.
- (2) Notwithstanding subsection (1) of this section, architects [*licensed*] **registered** under ORS 671.010 to 671.220 may organize as corporations under ORS chapter 60 or this chapter and shall be subject solely to the provisions of the chapter under which they are organized.

SECTION 18. ORS 67.005 is amended to read:

67.005. As used in this chapter:

- (1) "Business" includes every trade, occupation, profession and commercial activity.
- (2) "Debtor in bankruptcy" means a person who is the subject of:
 - (a) An order for relief under Title 11 of the United States Code or a comparable order under a successor statute of general application; or
 - (b) A comparable order under federal, state or foreign law governing insolvency.
- (3) "Dissociated partner" means a partner with respect to whom an event specified in ORS 67.220 has occurred.
- (4) "Distribution" means a transfer of money or other property from a partnership to a partner in the partner's capacity as a partner or to the partner's transferee.
- (5) "Foreign limited liability partnership" means a partnership that:
 - (a) Is formed under laws other than the law of this state; and
 - (b) Has the status of a limited liability partnership under those laws.
- (6) "Limited liability partnership" means a partnership that has registered under ORS 67.590, and has not registered or qualified in any other jurisdiction other than as a foreign limited liability partnership.
- (7) "Partnership" means an association of two or more persons to carry on as co-owners a business for profit created under ORS 67.055, predecessor law, or comparable law of another jurisdiction. A partnership includes a limited liability partnership.
- (8) "Partnership agreement" means the agreement, whether written, oral or implied, among the partners concerning the partnership, including amendments to the partnership agreement.
- (9) "Partnership at will" means a partnership in which the partners have not agreed to remain partners until the expiration of a definite term or the completion of a particular undertaking.
- (10) "Partnership interest" or "partner's interest in the partnership" means all of a partner's interests in the partnership, including the partner's transferable interest and all management and other rights.
- (11) "Person" means an individual, corporation, business trust, partnership, limited liability company, association, joint venture, government, governmental subdivision, agency, instrumentality or any other legal or commercial entity.
- (12) "Professional" means:
 - (a) Accountants licensed under ORS 673.010 to 673.457 or the laws of another state;
 - (b) Architects [*licensed*] **registered** under ORS 671.010 to 671.220 or **licensed or registered under** the laws of another state;
 - (c) Attorneys licensed under ORS 9.005 to 9.755 or the laws of another state;
 - (d) Chiropractors licensed under ORS chapter 684 or the laws of another state;
 - (e) Dentists licensed under ORS chapter 679 or the laws of another state;
 - (f) Landscape architects licensed under ORS 671.310 to 671.459 or the laws of another state;
 - (g) Naturopaths licensed under ORS chapter 685 or the laws of another state;
 - (h) Nurse practitioners licensed under ORS 678.010 to 678.410 or the laws of another state;
 - (i) Psychologists licensed under ORS 675.010 to 675.150 or the laws of another state;
 - (j) Physicians licensed under ORS chapter 677 or the laws of another state;
 - (k) Podiatrists licensed under ORS chapter 677 or the laws of another state;
 - (L) Medical imaging licensees under ORS 688.405 to 688.605 or the laws of another state;
 - (m) Real estate appraisers licensed under ORS chapter 674 or the laws of another state; and

(n) Other persons providing to the public types of personal service or services substantially similar to those listed in paragraphs (a) to (m) of this subsection that may be lawfully rendered only pursuant to a license.

(13) "Professional service" means the service rendered by a professional.

(14) "Property" means all property, real, personal or mixed, tangible or intangible, or any interest therein.

(15) "State" means a state of the United States, the District of Columbia, the Commonwealth of Puerto Rico or any territory or insular possession subject to the jurisdiction of the United States.

(16) "Transfer" includes an assignment, conveyance, lease, mortgage, deed, encumbrance, creation of a security interest and any other disposition.

(17) "Transferable interest of a partner in the partnership" means the partner's share of the profits and losses of the partnership and the partner's right to receive distributions.

SECTION 19. ORS 276.915 is amended to read:

276.915. (1) An authorized state agency may construct or renovate a facility only if the authorized state agency determines that the design incorporates all reasonable cost-effective energy conservation measures and alternative energy systems. The determination by the authorized state agency shall include consideration of indoor air quality issues and operation and maintenance costs.

(2) Whenever an authorized state agency determines that a major facility is to be constructed or renovated, the authorized state agency shall cause to be included in the design phase of the construction or renovation a provision that requires an energy consumption analysis to be prepared for the facility under the direction of a professional engineer or [*licensed*] **registered** architect or under the direction of a person that is prequalified in accordance with this section. The authorized state agency and the State Department of Energy shall agree to the list of energy conservation measures and alternative energy systems that the energy consumption analysis will include. The energy consumption analysis and facility design shall be delivered to the State Department of Energy during the design development phase of the facility design. The State Department of Energy shall review the energy consumption analysis and forward its findings to the authorized state agency within 10 working days after receiving the energy consumption analysis, if practicable.

(3) The State Department of Energy, in consultation with authorized state agencies, shall adopt rules to carry out the provisions of ORS 276.900 to 276.915. These rules shall:

(a) Include a simplified and usable method for determining which energy conservation measures and alternative energy systems are cost-effective. The method shall reflect the energy costs of the utility serving the facility.

(b) Prescribe procedures for determining if a facility design incorporates all reasonable cost-effective energy conservation measures and alternative energy systems.

(c) Establish fees through which an authorized state agency will reimburse the State Department of Energy for the department's review of energy consumption analyses and facility designs and the department's reporting tasks. The fees imposed may not exceed 0.2 percent of the capital construction cost of the facility and must be included in the energy consumption analysis required in subsection (2) of this section. The State Department of Energy may provide for a waiver of fees and reviews if the authorized state agency demonstrates that the facility will be designed and constructed in a manner that incorporates only cost-effective energy conservation measures or in a manner that exceeds the energy conservation provisions of the state building code by 20 percent or more.

(d) Periodically define highly efficient facilities. A facility constructed or renovated after June 30, 2001, shall exceed the energy conservation provisions of the state building code by 20 percent or more, unless otherwise required by rules adopted under this section.

(e) Establish guidelines for implementing subsection (4) of this section.

(f) Establish guidelines for incorporating energy efficiency requirements into lease agreements of 10 or more years to be phased in as current lease agreements expire or as new lease agreements are entered into, allowing reasonable time for the owner to implement the requirements of this section.

(g) Establish criteria by which the State Department of Energy determines that a person is prequalified to perform work in accordance with this section.

(4) Before June 30, 2015, an authorized state agency shall reduce the total amount of energy the authorized state agency uses in the authorized state agency's owned facilities by at least 20 percent from a baseline amount the State Department of Energy determines by rule based on usage in calendar year 2000.

(5) An authorized state agency shall report annually to the State Department of Energy concerning energy use in the authorized state agency's facilities. The State Department of Energy shall specify by rule the form and content of and deadlines for the reports.

(6) An authorized state agency that fails to achieve and maintain a 20 percent reduction in energy use on and after June 30, 2015, shall submit biennial energy conservation plans to the State Department of Energy. The State Department of Energy shall specify by rule the form and content of and deadlines for the energy conservation plans.

(7) The State Department of Energy by rule may require mandatory prequalification as a condition for a person to submit a bid or proposal to perform the following work for an authorized state agency:

(a) Direct an energy consumption analysis for an authorized state agency under subsection (2) of this section, unless the person is a professional engineer or a **registered** architect;

(b) Enter into an energy savings performance contract; or

(c) Perform energy audits, building commissioning, monitoring and verification services and other services related to the operation and management of a facility's energy systems, except for architectural, engineering, photogrammetric mapping, transportation planning or land surveying services as defined in ORS 279C.100.

(8) The State Department of Energy may recover from authorized state agencies the costs associated with administering the provisions of this section, including costs associated with adopting rules, maintaining a state energy use database and prequalifying a person under this section.

(9) The State Department of Energy, the Oregon Department of Administrative Services and the Oregon University System shall jointly prepare a biennial report summarizing the progress toward achieving the goals of this section. The biennial report shall be made available to the public.

SECTION 20. ORS 279C.100 is amended to read:

279C.100. As used in ORS 279C.100 to 279C.125:

(1) "Architect" [means a person who is registered and holds a valid certificate in the practice of architecture in the State of Oregon, as provided under ORS 671.010 to 671.220, and includes without limitation the terms "architect," "licensed architect" and "registered architect."] **has the meaning given that term in ORS 671.010.**

(2) "Architectural, engineering, photogrammetric mapping, transportation planning or land surveying services" means professional services that are required to be performed by an architect, engineer, photogrammetrist, transportation planner or land surveyor.

(3) "Engineer" means a person who is registered and holds a valid certificate in the practice of engineering in the State of Oregon, as provided under ORS 672.002 to 672.325, and includes all terms listed in ORS 672.002 (2).

(4) "Land surveyor" means a person who is registered and holds a valid certificate in the practice of land surveying in the State of Oregon, as provided under ORS 672.002 to 672.325, and includes all terms listed in ORS 672.002 (5).

(5) "Personal services" means the services of a person or persons that are designated by a state contracting agency with procurement authority under ORS 279A.050 or a local contracting agency as personal services. "Personal services" includes architectural, engineering, photogrammetric mapping, transportation planning or land surveying services procured under ORS 279C.105 or 279C.110 and related services procured under ORS 279C.120.

(6) "Photogrammetric mapping" has the meaning given that term in ORS 672.002.

(7) "Photogrammetrist" has the meaning given that term in ORS 672.002.

(8) "Related services" means personal services, other than architectural, engineering, photogrammetric mapping, transportation planning or land surveying services, that are related to planning, designing, engineering or overseeing public improvement projects or components of public improvement projects, including but not limited to landscape architectural services, facilities planning services, energy planning services, space planning services, hazardous substances or hazardous waste or toxic substances testing services, cost estimating services, appraising services, material testing services, mechanical system balancing services, commissioning services, project management services, construction management services and owner's representation services or land-use planning services.

(9) "Transportation planning services" means transportation planning services for projects that require compliance with the National Environmental Policy Act, 42 U.S.C. 4321 et seq.

SECTION 21. ORS 446.003 is amended to read:

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

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

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

(b) "Alteration" does not include:

(A) Minor repairs with approved component parts;

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

(C) Adjustment and maintenance of equipment; or

(D) Replacement of equipment or accessories in kind.

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

(4) "Board" means the Residential and Manufactured Structures Board.

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

(6) "Certification" means an evaluation process by which the department verifies a manufacturer's ability to produce manufactured structures to the department rules and to the department approved quality control manual.

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

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

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

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

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

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

(13) "Federal manufactured housing construction and safety standard" means a standard for construction, design and performance of a manufactured dwelling promulgated by the Secretary of

Housing and Urban Development pursuant to the federal National Manufactured Housing Construction and Safety Standards Act of 1974 (Public Law 93-383).

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

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

(16) "Insignia of compliance" means:

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

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

(17) "Inspecting authority" or "inspector" means the Director of the Department of Consumer and Business Services or representatives as appointed or authorized to administer and enforce provisions of ORS 446.111, 446.160, 446.176, 446.225 to 446.285, 446.310 to 446.350, 446.990 and this section.

(18) "Installation" in relation to:

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

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

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

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

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

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

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

(23) "Manufactured dwelling park" means any place where four or more manufactured dwellings are located within 500 feet of one another on a lot, tract or parcel of land under the same ownership, the primary purpose of which is to rent or lease space or keep space for rent or lease to any person for a charge or fee paid or to be paid for the rental or lease or use of facilities or to offer space free in connection with securing the trade or patronage of such person. "Manufactured dwelling park" does not include a lot or lots located within a subdivision being rented or leased for occupancy by no more than one manufactured dwelling per lot if the subdivision was approved by the local government unit having jurisdiction under an ordinance adopted pursuant to ORS 92.010 to 92.192.

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

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

(25)(a) "Manufactured structure" means a recreational vehicle, manufactured dwelling or recreational structure.

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

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

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

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

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

(30) "Mobile home park" means any place where four or more manufactured structures are located within 500 feet of one another on a lot, tract or parcel of land under the same ownership, the primary purpose of which is to rent space or keep space for rent to any person for a charge or fee paid or to be paid for the rental or use of facilities or to offer space free in connection with securing the trade or patronage of such person. "Mobile home park" does not include a lot or lots located within a subdivision being rented or leased for occupancy by no more than one manufactured dwelling per lot if the subdivision was approved by the municipality unit having jurisdiction under an ordinance adopted pursuant to ORS 92.010 to 92.192.

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

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

(33) "Recreational vehicle" means a vehicle with or without motive power, that is designed for human occupancy and to be used temporarily for recreational, seasonal or emergency purposes and as further defined, by rule, by the director.

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

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

(36) "Skirting" means a weather resistant material used to enclose the space below the manufactured structure.

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

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

(39) "Utilities" means the water, sewer, gas or electric services provided on a lot for a manufactured structure.

SECTION 22. ORS 701.010 is amended to read:

701.010. The Construction Contractors Board may adopt rules to make licensure optional for persons who offer, bid or undertake to perform work peripheral to construction, as defined by administrative rule of the board. The following persons are exempt from licensure under this chapter:

(1) A person who is constructing, altering, improving or repairing personal property.

(2) A person who is constructing, altering, improving or repairing a structure located within the boundaries of any site or reservation under the jurisdiction of the federal government.

(3) A person who furnishes materials, supplies, equipment or finished product and does not fabricate them into, or consume them, in the performance of the work of a contractor.

(4) A person working on one structure or project, under one or more contracts, when the aggregate price of all of that person's contracts for labor, materials and all other items is less than \$500 and such work is of a casual, minor or inconsequential nature. This subsection does not apply to a person who advertises or puts out any sign or card or other device that might indicate to the public that the person is a contractor.

(5) An owner who contracts for work to be performed by a licensed contractor. This subsection does not apply to a person who, in the pursuit of an independent business, constructs, remodels, repairs or for compensation and with the intent to sell the structure, arranges to have constructed, remodeled or repaired a structure with the intent of offering the structure for sale before, upon or after completion. It is prima facie evidence that there was an intent of offering the structure for sale if the person who constructed, remodeled or repaired the structure or arranged to have the structure constructed, remodeled or repaired does not occupy the structure after its completion.

(6) An owner who contracts for one or more licensed contractors to perform work wholly or partially within the same calendar year on not more than three existing residential structures of the owner. This subsection does not apply to an owner contracting for work that requires a building permit unless the work that requires a permit is performed by, or under the direction of, a residential general contractor.

(7) A person performing work on a property that person owns or performing work as the owner's employee, whether the property is occupied by the owner or not, or a person performing work on that person's residence, whether or not that person owns the residence. This subsection does not apply to a person performing work on a structure owned by that person or the owner's employee, if the work is performed in the pursuit of an independent business with the intent of offering the structure for sale before, upon or after completion.

(8) A person licensed in one of the following trades or professions when operating within the scope of that license:

(a) An architect [*licensed*] **registered** by the State Board of Architect Examiners.

(b) A professional engineer registered by the State Board of Examiners for Engineering and Land Surveying.

(c) A water well contractor licensed by the Water Resources Department.

(d) A sewage disposal system installer licensed by the Department of Environmental Quality.

(e) A landscape contracting business licensed under ORS 671.510 to 671.760.

(f) A pesticide operator licensed under ORS 634.116 who does not conduct inspections for wood destroying organisms for the transfer of real estate.

(g) An appraiser certified or licensed under ORS chapter 674 or an appraiser assistant registered under ORS chapter 674 by the Appraiser Certification and Licensure Board.

(9) A landscape contracting business operating within the scope of a license issued under ORS 671.510 to 671.760 that:

(a) Constructs fences, decks, arbors, patios, landscape edging, driveways, walkways or retaining walls and meets the applicable bonding requirements under ORS 671.690; or

(b) Subcontracts to a licensed plumbing contractor, or otherwise arranges for a licensed plumbing contractor to perform, the installation of an irrigation system described in ORS 671.540 (1)(m) or the repair or maintenance of an irrigation system.

(10) A person who performs work subject to this chapter as an employee of a contractor.

(11) A manufacturer of a manufactured home constructed under standards established by the federal government.

(12) A person involved in the movement of:

(a) Modular buildings or structures other than manufactured structures not in excess of 14 feet in width.

(b) Structures not in excess of 16 feet in width when the structures are being moved by their owner if the owner is not a contractor required to be licensed under this chapter.

(13) A commercial lending institution or surety company that arranges for the completion, repair or remodeling of a structure. As used in this subsection, "commercial lending institution" means any bank, mortgage banking company, trust company, savings bank, savings and loan association, credit union, national banking association, federal savings and loan association, insurance company or federal credit union maintaining an office in this state.

(14) A real estate licensee as defined in ORS 696.010 or the employee of that licensee when performing work on a structure that the real estate licensee manages under a contract.

(15) Units of government other than those specified in ORS 701.005 (5)(c) and (d).

(16) A qualified intermediary in a property exchange that qualifies under section 1031 of the Internal Revenue Code as amended and in effect on January 1, 2004, if the qualified intermediary is not performing construction activities.

(17) A business that supplies personnel to a licensed contractor for the performance of work under the direction and supervision of the contractor.

(18) City or county inspectors acting under ORS 701.225 or inspectors described in ORS 455.715.

(19) A person performing work for purposes of agricultural drainage, agricultural trenching or agricultural irrigation or involving the construction of agricultural fences to control livestock.

(20) A person performing work that is subject to ORS 527.610 to 527.770 on forestlands for which notice of operation has been filed under ORS 527.670.

SECTION 23. ORS 701.600 is amended to read:

701.600. ORS 701.560 to 701.595 and 701.605 do not apply:

- (1) To personal injury or death claims.
 - (2) To claims or complaints filed pursuant to ORS 671.695 or 701.139.
 - (3) To claims against a person [*licensed*] **registered** under ORS 671.010 to 671.220.
 - (4) To complaints filed in a small claims department established in a justice court or circuit court as described in ORS 55.011.
 - (5) To counterclaims or other responses to a contractor, subcontractor or supplier claim, arbitration demand or complaint that arises out of, or is related to, a contract for the construction, alteration or repair of a residence or a system, component or material incorporated into a residence.
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Passed by House February 13, 2013

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Ramona J. Line, Chief Clerk of House

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Tina Kotek, Speaker of House

Passed by Senate May 13, 2013

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Peter Courtney, President of Senate

Received by Governor:

.....M,....., 2013

Approved:

.....M,....., 2013

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John Kitzhaber, Governor

Filed in Office of Secretary of State:

.....M,....., 2013

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Kate Brown, Secretary of State