

HOUSE AMENDMENTS TO HOUSE BILL 2801

By COMMITTEE ON ENERGY AND ENVIRONMENT

April 15

1 In line 2 of the printed bill, before the period insert “; creating new provisions; amending ORS
2 701.005, 701.021 and 701.081; and declaring an emergency”.

3 Delete lines 4 through 25 and insert:
4

“WHOLE BUILDING ASSESSMENT

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6
7 “SECTION 1. (1) If an electric company or Oregon Community Power invests moneys
8 collected as a public purpose charge under ORS 757.612 on new cost-effective local energy
9 conservation, or if the nongovernmental entity described in ORS 757.612 (3)(g) invests mon-
10 eys paid to the nongovernmental entity under ORS 757.612 (3)(d) on new cost-effective local
11 energy conservation, and if the investment involves updating the energy efficiency of a res-
12 idential or nonresidential building, the electric company, Oregon Community Power or the
13 nongovernmental entity may make those investments by conducting a whole building as-
14 sessment of the energy efficiency of the building and, in consideration of the whole building
15 assessment, by maximizing the overall energy efficiency of the building. For purposes of this
16 subsection, a ‘whole building assessment’ means a single assessment of savings opportu-
17 nities, as identified by the Public Utility Commission by rule or order.

18 “(2) An investment described in subsection (1) of this section must be limited to an in-
19 vestment in a single project, as authorized by the commission by rule or order.
20

“HOME ENERGY PERFORMANCE SCORES

21
22
23 “SECTION 2. Sections 3 to 7 of this 2013 Act are added to and made a part of ORS
24 chapter 701.

25 “SECTION 3. As used in sections 3 to 7 of this 2013 Act:

26 “(1) ‘Home energy assessor’ means a person who assigns residential buildings a home
27 energy performance score.

28 “(2) ‘Home energy performance score’ means a score assigned to a residential building
29 using the home energy performance score system adopted by the State Department of En-
30 ergy under section 12 of this 2013 Act.

31 “SECTION 4. (1) An individual may not undertake, offer to undertake or submit a bid to
32 do work as a home energy assessor unless the individual is certified as a home energy
33 assessor under section 5 of this 2013 Act.

34 “(2) A business may not undertake, offer to undertake or submit a bid to assign home
35 energy performance scores unless the business:

1 “(a) Is licensed by the Construction Contractors Board under this chapter or endorsed
2 as a residential contractor by the board under section 6 of this 2013 Act; and

3 “(b) Has an owner or an employee who is certified as a home energy assessor under
4 section 5 of this 2013 Act.

5 “(3) A person may not use the title of home energy assessor or any title that indicates
6 or tends to indicate that the person is a home energy assessor or an assignor of home energy
7 performance scores unless the person is certified as a home energy assessor under section
8 5 of this 2013 Act or is a business licensed by the board under this chapter or endorsed by
9 the board under section 6 of this 2013 Act that has an owner or an employee who is certified
10 as a home energy assessor under section 5 of this 2013 Act.

11 “(4) A person may not use any sign, card or device that indicates or tends to indicate
12 that the person is a home energy assessor or an assignor of home energy performance scores
13 unless the person is certified as a home energy assessor under section 5 of this 2013 Act or
14 is a business licensed by the board under this chapter or endorsed by the board under section
15 6 of this 2013 Act that has an owner or an employee who is certified as a home energy
16 assessor under section 5 of this 2013 Act.

17 “SECTION 5. (1) The Construction Contractors Board shall certify an individual as a
18 home energy assessor if the individual meets the requirements of this section and of any rule
19 adopted by the board under this section. A home energy assessor certificate must be renewed
20 annually.

21 “(2) The board shall require that an applicant for a home energy assessor certificate
22 present proof of passing a training program designated by the State Department of Energy
23 under section 12 of this 2013 Act.

24 “(3) The board may adopt rules to regulate the practice of assigning home energy per-
25 formance scores, including:

26 “(a) Prescribing the form and manner of applying for a home energy assessor certificate;

27 “(b) Establishing procedures for the issuance, renewal or revocation of a home energy
28 assessor certificate; and

29 “(c) Establishing fees necessary for the administration of sections 3 to 7 of this 2013 Act
30 that do not exceed the following amounts:

31 “(A) \$100 for application for a home energy assessor certificate;

32 “(B) \$100 for issuance of an initial one-year home energy assessor certificate; and

33 “(C) \$100 for renewal of a one-year home energy assessor certificate.

34 “SECTION 6. A home energy performance score contractor endorsement authorizes the
35 holder to operate a business assigning home energy performance scores.

36 “SECTION 7. (1) Notwithstanding ORS 701.126, the Construction Contractors Board may
37 not impose a continuing education requirement for a home energy assessor or a home energy
38 performance score contractor.

39 “(2) Notwithstanding ORS 701.122, the board may not require a home energy assessor or
40 a home energy performance score contractor to take a test measuring the knowledge of the
41 home energy assessor, contractor or responsible managing individual regarding business
42 practices and laws affecting construction contractors.

43 “SECTION 8. ORS 701.005 is amended to read:

44 “701.005. As used in this chapter:

45 “(1) ‘Board’ means the Construction Contractors Board.

1 “(2) ‘Commercial contractor’ means a licensed contractor that holds an endorsement as a:
2 “(a) Commercial general contractor level 1;
3 “(b) Commercial specialty contractor level 1;
4 “(c) Commercial general contractor level 2;
5 “(d) Commercial specialty contractor level 2; or
6 “(e) Commercial developer.
7 “(3) ‘Commercial developer’ means a developer of property that is zoned for or intended for use
8 compatible with a small commercial or large commercial structure.
9 “(4) ‘Construction debt’ means an amount owed under:
10 “(a) An order or arbitration award issued by the board that has become final by operation of
11 law;
12 “(b) A judgment, arbitration award or civil penalty that has become final by operation of law
13 arising from construction activities within the United States; or
14 “(c) A judgment or civil penalty that has become final by operation of law arising from a failure
15 to comply with ORS 656.017.
16 “(5) ‘Contractor’ means any of the following:
17 “(a) A person that, for compensation or with the intent to sell, arranges or undertakes or offers
18 to undertake or submits a bid to construct, alter, repair, add to, subtract from, improve, inspect,
19 move, wreck or demolish, for another, a building, highway, road, railroad, excavation or other
20 structure, project, development or improvement attached to real estate, or to do any part thereof.
21 “(b) A person that purchases or owns property and constructs or for compensation arranges for
22 the construction of one or more residential structures or small commercial structures with the in-
23 tent of selling the structures.
24 “(c) A school district, as defined in ORS 332.002, that permits students to construct a residential
25 structure or small commercial structure as an educational experience to learn building techniques
26 and sells the completed structure.
27 “(d) A community college district, as defined in ORS 341.005, that permits students to construct
28 a residential structure or small commercial structure as an educational experience to learn building
29 techniques and sells the completed structure.
30 “(e) A person except a landscape contracting business, nurseryman, gardener or person engaged
31 in the commercial harvest of forest products, that is engaged as an independent contractor to re-
32 move trees, prune trees, remove tree limbs or stumps or to engage in tree or limb guying.
33 “(f) A business that supplies the services of a home inspector certified under ORS 701.350 or a
34 cross-connection inspector and backflow assembly tester certified under ORS 448.279.
35 “(g) A person that for compensation arranges, undertakes, offers to undertake or submits a bid
36 to clean or service chimneys.
37 “(6) ‘Developer’ means a contractor that owns property or an interest in property and engages
38 in the business of arranging for construction work or performing other activities associated with the
39 improvement of real property, with the intent to sell the property.
40 “(7)(a) ‘General contractor’ means a contractor whose business operations require the use of
41 more than two unrelated building trades or crafts that the contractor supervises or performs in
42 whole or part, whenever the sum of all contracts on any single property, including materials and
43 labor, exceeds an amount established by rule by the board.
44 “(b) ‘General contractor’ does not mean a specialty contractor or a residential limited contrac-
45 tor.

1 “(8)(a) ‘Home improvement’ means a renovation, remodel, repair or alteration by a residential
2 contractor to an existing owner-occupied:
3 “(A) Residence that is a site-built home;
4 “(B) Condominium, rental residential unit or other residential dwelling unit that is part of a
5 larger structure, if the property interest in the unit is separate from the property interest in the
6 larger structure;
7 “(C) Modular home constructed off-site;
8 “(D) Manufactured dwelling; or
9 “(E) Floating home, as defined in ORS 830.700.
10 “(b) ‘Home improvement’ does not include a renovation, remodel, repair or alteration by a resi-
11 dential contractor:
12 “(A) To a structure that contains one or more dwelling units and is four stories or less above
13 grade; or
14 “(B) That the residential contractor performed in the course of constructing a new residential
15 structure.
16 “(9)(a) ‘Home inspector’ means a person who, for a fee, inspects and provides written reports
17 on the overall physical condition of a residential structure.
18 “(b) ‘Home inspector’ does not include persons certified under ORS chapter 455 to inspect new,
19 repaired or altered structures for compliance with the state building code.
20 “(10) ‘Key employee’ means an employee or owner of a contractor who is a corporate officer,
21 manager, superintendent, foreperson or lead person or any other employee the board identifies by
22 rule.
23 “(11) ‘Large commercial structure’ means a structure that is not a residential structure or small
24 commercial structure.
25 “(12) ‘Officer’ means any of the following persons:
26 “(a) A president, vice president, secretary, treasurer or director of a corporation.
27 “(b) A general partner in a limited partnership.
28 “(c) A manager in a manager-managed limited liability company.
29 “(d) A member of a member-managed limited liability company.
30 “(e) A trustee.
31 “(f) A person the board defines by rule as an officer. The definition of officer adopted by board
32 rule may include persons not listed in this subsection who may exercise substantial control over a
33 business.
34 “(13) ‘Residential contractor’ means a licensed contractor that holds an endorsement as a:
35 “(a) Residential general contractor;
36 “(b) Residential specialty contractor;
37 “(c) Residential limited contractor; [or]
38 “(d) Residential developer[.]; **or**
39 “(e) **Home energy performance score contractor.**
40 “(14) ‘Residential developer’ means a developer of property that is zoned for or intended for use
41 compatible with a residential or small commercial structure.
42 “(15)(a) ‘Residential structure’ means:
43 “(A) A residence that is a site-built home;
44 “(B) A structure that contains one or more dwelling units and is four stories or less above
45 grade;

1 “(C) A condominium, rental residential unit or other residential dwelling unit that is part of a
2 larger structure, if the property interest in the unit is separate from the property interest in the
3 larger structure;

4 “(D) A modular home constructed off-site;

5 “(E) A manufactured dwelling;

6 “(F) A floating home as defined in ORS 830.700; or

7 “(G) An appurtenance to a home, structure, unit or dwelling described in subparagraphs (A) to
8 (F) of this paragraph.

9 “(b) ‘Residential structure’ does not mean:

10 “(A) Subject to paragraph (a)(C) of this subsection, a structure that contains both residential
11 and nonresidential units;

12 “(B) Transient lodging;

13 “(C) A residential school or residence hall;

14 “(D) A state or local correctional facility other than a local facility for persons enrolled in work
15 release programs maintained under ORS 144.460;

16 “(E) A youth correction facility as defined in ORS 420.005;

17 “(F) A youth care center operated by a county juvenile department under administrative control
18 of a juvenile court pursuant to ORS 420.855 to 420.885;

19 “(G) A detention facility as defined in ORS 419A.004;

20 “(H) A nursing home;

21 “(I) A hospital; or

22 “(J) A place constructed primarily for recreational activities.

23 “(16) ‘Responsible managing individual’ means an individual who:

24 “(a) Is an owner described in ORS 701.094 or an employee of the business;

25 “(b) Exercises management or supervisory authority, as defined by the board by rule, over the
26 construction activities of the business; and

27 “(c)(A) Successfully completed the training and testing required for licensing under ORS 701.122
28 within a period the board identifies by rule;

29 “(B) Demonstrated experience the board requires by rule; or

30 “(C) Complied with the licensing requirements of ORS 446.395.

31 “(17) ‘Small commercial structure’ means:

32 “(a) A nonresidential structure that has a ground area of 10,000 square feet or less, including
33 exterior walls, and a height of not more than 20 feet from the top surface of the lowest flooring to
34 the highest interior overhead finish of the structure;

35 “(b) A nonresidential leasehold, rental unit or other unit that is part of a larger structure, if the
36 unit has a ground area of 12,000 square feet or less, excluding exterior walls, and a height of not
37 more than 20 feet from the top surface of the lowest flooring to the highest interior overhead finish
38 of the unit;

39 “(c) A nonresidential structure of any size for which the contract price of all construction con-
40 tractor work to be performed on the structure as part of a construction project does not total more
41 than \$250,000; or

42 “(d) An appurtenance to a structure or unit described in paragraphs (a) to (c) of this subsection.

43 “(18) ‘Specialty contractor’ means a contractor who performs work on a structure, project, de-
44 velopment or improvement and whose operations as such do not fall within the definition of ‘general
45 contractor.’ ‘Specialty contractor’ includes a person who performs work regulated under ORS

1 446.395.

2 “(19) ‘Zero-lot-line dwelling’ means a single-family dwelling unit constructed in a group of at-
3 tached units in which:

4 “(a) Each attached unit extends from foundation to roof with open space on two sides; and

5 “(b) Each dwelling unit is separated by a property line.

6 “**SECTION 9.** ORS 701.005, as amended by section 59, chapter 630, Oregon Laws 2011, is
7 amended to read:

8 “701.005. As used in this chapter:

9 “(1) ‘Board’ means the Construction Contractors Board.

10 “(2) ‘Commercial contractor’ means a licensed contractor that holds an endorsement as a:

11 “(a) Commercial general contractor level 1;

12 “(b) Commercial specialty contractor level 1;

13 “(c) Commercial general contractor level 2;

14 “(d) Commercial specialty contractor level 2; or

15 “(e) Commercial developer.

16 “(3) ‘Commercial developer’ means a developer of property that is zoned for or intended for use
17 compatible with a small commercial or large commercial structure.

18 “(4) ‘Construction debt’ means an amount owed under:

19 “(a) An order or arbitration award issued by the board that has become final by operation of
20 law;

21 “(b) A judgment or civil penalty that has become final by operation of law arising from con-
22 struction activities within the United States; or

23 “(c) A judgment or civil penalty that has become final by operation of law arising from a failure
24 to comply with ORS 656.017.

25 “(5) ‘Contractor’ means any of the following:

26 “(a) A person that, for compensation or with the intent to sell, arranges or undertakes or offers
27 to undertake or submits a bid to construct, alter, repair, add to, subtract from, improve, inspect,
28 move, wreck or demolish, for another, a building, highway, road, railroad, excavation or other
29 structure, project, development or improvement attached to real estate, or to do any part thereof.

30 “(b) A person that purchases or owns property and constructs or for compensation arranges for
31 the construction of one or more residential structures or small commercial structures with the in-
32 tent of selling the structures.

33 “(c) A school district, as defined in ORS 332.002, that permits students to construct a residential
34 structure or small commercial structure as an educational experience to learn building techniques
35 and sells the completed structure.

36 “(d) A community college district, as defined in ORS 341.005, that permits students to construct
37 a residential structure or small commercial structure as an educational experience to learn building
38 techniques and sells the completed structure.

39 “(e) A person except a landscape contracting business, nurseryman, gardener or person engaged
40 in the commercial harvest of forest products, that is engaged as an independent contractor to re-
41 move trees, prune trees, remove tree limbs or stumps or to engage in tree or limb guying.

42 “(f) A business that supplies the services of a home inspector certified under ORS 701.350 or a
43 cross-connection inspector and backflow assembly tester certified under ORS 448.279.

44 “(g) A person that for compensation arranges, undertakes, offers to undertake or submits a bid
45 to clean or service chimneys.

1 “(6) ‘Developer’ means a contractor that owns property or an interest in property and engages
2 in the business of arranging for construction work or performing other activities associated with the
3 improvement of real property, with the intent to sell the property.

4 “(7)(a) ‘General contractor’ means a contractor whose business operations require the use of
5 more than two unrelated building trades or crafts that the contractor supervises or performs in
6 whole or part, whenever the sum of all contracts on any single property, including materials and
7 labor, exceeds an amount established by rule by the board.

8 “(b) ‘General contractor’ does not mean a specialty contractor or a residential limited contrac-
9 tor.

10 “(8)(a) ‘Home improvement’ means a renovation, remodel, repair or alteration by a residential
11 contractor to an existing owner-occupied:

12 “(A) Residence that is a site-built home;

13 “(B) Condominium, rental residential unit or other residential dwelling unit that is part of a
14 larger structure, if the property interest in the unit is separate from the property interest in the
15 larger structure;

16 “(C) Modular home constructed off-site;

17 “(D) Manufactured dwelling; or

18 “(E) Floating home, as defined in ORS 830.700.

19 “(b) ‘Home improvement’ does not include a renovation, remodel, repair or alteration by a resi-
20 dential contractor:

21 “(A) To a structure that contains one or more dwelling units and is four stories or less above
22 grade; or

23 “(B) That the residential contractor performed in the course of constructing a new residential
24 structure.

25 “(9)(a) ‘Home inspector’ means a person who, for a fee, inspects and provides written reports
26 on the overall physical condition of a residential structure.

27 “(b) ‘Home inspector’ does not include persons certified under ORS chapter 455 to inspect new,
28 repaired or altered structures for compliance with the state building code.

29 “(10) ‘Key employee’ means an employee or owner of a contractor who is a corporate officer,
30 manager, superintendent, foreperson or lead person or any other employee the board identifies by
31 rule.

32 “(11) ‘Large commercial structure’ means a structure that is not a residential structure or small
33 commercial structure.

34 “(12) ‘Officer’ means any of the following persons:

35 “(a) A president, vice president, secretary, treasurer or director of a corporation.

36 “(b) A general partner in a limited partnership.

37 “(c) A manager in a manager-managed limited liability company.

38 “(d) A member of a member-managed limited liability company.

39 “(e) A trustee.

40 “(f) A person the board defines by rule as an officer. The definition of officer adopted by board
41 rule may include persons not listed in this subsection who may exercise substantial control over a
42 business.

43 “(13) ‘Residential contractor’ means a licensed contractor that holds an endorsement as a:

44 “(a) Residential general contractor;

45 “(b) Residential specialty contractor;

1 “(c) Residential limited contractor; [or]

2 “(d) Residential developer[.]; or

3 **“(e) Home energy performance score contractor.**

4 “(14) ‘Residential developer’ means a developer of property that is zoned for or intended for use
5 compatible with a residential or small commercial structure.

6 “(15)(a) ‘Residential structure’ means:

7 “(A) A residence that is a site-built home;

8 “(B) A structure that contains one or more dwelling units and is four stories or less above
9 grade;

10 “(C) A condominium, rental residential unit or other residential dwelling unit that is part of a
11 larger structure, if the property interest in the unit is separate from the property interest in the
12 larger structure;

13 “(D) A modular home constructed off-site;

14 “(E) A manufactured dwelling;

15 “(F) A floating home as defined in ORS 830.700; or

16 “(G) An appurtenance to a home, structure, unit or dwelling described in subparagraphs (A) to
17 (F) of this paragraph.

18 “(b) ‘Residential structure’ does not mean:

19 “(A) Subject to paragraph (a)(C) of this subsection, a structure that contains both residential
20 and nonresidential units;

21 “(B) Transient lodging;

22 “(C) A residential school or residence hall;

23 “(D) A state or local correctional facility other than a local facility for persons enrolled in work
24 release programs maintained under ORS 144.460;

25 “(E) A youth correction facility as defined in ORS 420.005;

26 “(F) A youth care center operated by a county juvenile department under administrative control
27 of a juvenile court pursuant to ORS 420.855 to 420.885;

28 “(G) A detention facility as defined in ORS 419A.004;

29 “(H) A nursing home;

30 “(I) A hospital; or

31 “(J) A place constructed primarily for recreational activities.

32 “(16) ‘Responsible managing individual’ means an individual who:

33 “(a) Is an owner described in ORS 701.094 or an employee of the business;

34 “(b) Exercises management or supervisory authority, as defined by the board by rule, over the
35 construction activities of the business; and

36 “(c)(A) Successfully completed the training and testing required for licensing under ORS 701.122
37 within a period the board identifies by rule;

38 “(B) Demonstrated experience the board requires by rule; or

39 “(C) Complied with the licensing requirements of ORS 446.395.

40 “(17) ‘Small commercial structure’ means:

41 “(a) A nonresidential structure that has a ground area of 10,000 square feet or less, including
42 exterior walls, and a height of not more than 20 feet from the top surface of the lowest flooring to
43 the highest interior overhead finish of the structure;

44 “(b) A nonresidential leasehold, rental unit or other unit that is part of a larger structure, if the
45 unit has a ground area of 12,000 square feet or less, excluding exterior walls, and a height of not

1 more than 20 feet from the top surface of the lowest flooring to the highest interior overhead finish
2 of the unit;

3 “(c) A nonresidential structure of any size for which the contract price of all construction con-
4 tractor work to be performed on the structure as part of a construction project does not total more
5 than \$250,000; or

6 “(d) An appurtenance to a structure or unit described in paragraphs (a) to (c) of this subsection.

7 “(18) ‘Specialty contractor’ means a contractor who performs work on a structure, project, de-
8 velopment or improvement and whose operations as such do not fall within the definition of ‘general
9 contractor.’ ‘Specialty contractor’ includes a person who performs work regulated under ORS
10 446.395.

11 “(19) ‘Zero-lot-line dwelling’ means a single-family dwelling unit constructed in a group of at-
12 tached units in which:

13 “(a) Each attached unit extends from foundation to roof with open space on two sides; and

14 “(b) Each dwelling unit is separated by a property line.

15 “**SECTION 10.** ORS 701.021 is amended to read:

16 “701.021. (1) Except as provided in ORS 701.010, a person or joint venture that undertakes, offers
17 to undertake or submits a bid to do work as a contractor must have a current license issued by the
18 Construction Contractors Board and possess an appropriate endorsement as provided in this section.
19 For purposes of offering to undertake or submitting a bid to do work, a partnership or joint venture
20 is licensed and endorsed if any partner or joint venturer whose name appears in the business name
21 of the partnership or joint venture has a current license issued by the board and possesses an ap-
22 propriate endorsement.

23 “(2) A person or joint venture that undertakes, offers to undertake or submits a bid to do work
24 as a contractor in preparation for or in connection with a residential structure must have one of
25 the following endorsements:

26 “(a) Residential general contractor.

27 “(b) Residential specialty contractor.

28 “(c) Residential limited contractor.

29 “(d) Residential developer.

30 “(e) **Home energy performance score contractor.**

31 “(3) A person or joint venture that undertakes, offers to undertake or submits a bid to do work
32 as a contractor in preparation for or in connection with a small commercial structure must have
33 one of the following endorsements:

34 “(a) Residential general contractor.

35 “(b) Residential specialty contractor.

36 “(c) Residential limited contractor.

37 “(d) Residential developer.

38 “(e) Commercial general contractor level 1.

39 “(f) Commercial specialty contractor level 1.

40 “(g) Commercial general contractor level 2.

41 “(h) Commercial specialty contractor level 2.

42 “(i) Commercial developer.

43 “(4) A person or joint venture that undertakes, offers to undertake or submits a bid to do work
44 as a contractor in preparation for or in connection with a large commercial structure must have
45 one of the following endorsements:

1 “(a) Commercial general contractor level 1.
2 “(b) Commercial specialty contractor level 1.
3 “(c) Commercial general contractor level 2.
4 “(d) Commercial specialty contractor level 2.
5 “(e) Commercial developer.
6 **“SECTION 11.** ORS 701.081 is amended to read:
7 “701.081. (1) A residential general contractor shall:
8 “(a) Obtain a surety bond under ORS 701.068 in the amount of \$20,000;
9 “(b) Obtain general liability insurance under ORS 701.073 in an amount of not less than \$500,000;
10 and
11 “(c) Have a responsible managing individual who meets the requirements of ORS 701.091.
12 “(2) A residential specialty contractor shall:
13 “(a) Obtain a surety bond under ORS 701.068 in the amount of \$15,000;
14 “(b) Obtain general liability insurance under ORS 701.073 in an amount not less than \$300,000;
15 and
16 “(c) Have a responsible managing individual who meets the requirements of ORS 701.091.
17 “(3) A residential limited contractor shall:
18 “(a) Obtain a surety bond under ORS 701.068 in the amount of \$10,000;
19 “(b) Obtain general liability insurance under ORS 701.073 in an amount not less than \$100,000;
20 and
21 “(c) Have a responsible managing individual who meets the requirements of ORS 701.091.
22 “(4) A residential developer shall:
23 “(a) Obtain a surety bond under ORS 701.068 in the amount of \$20,000; and
24 “(b) Obtain general liability insurance under ORS 701.073 in an amount not less than \$500,000.
25 **“(5) A home energy performance score contractor shall:**
26 **“(a) Obtain a surety bond under ORS 701.068 in the amount of \$10,000;**
27 **“(b) Obtain general liability insurance under ORS 701.073 in an amount of not less than**
28 **\$100,000; and**
29 **“(c) Have an owner or employee that is certified by the board as a home energy assessor.**
30 **“SECTION 12.** (1) As used in this section:
31 **“(a) ‘Home energy assessor’ has the meaning given that term in section 3 of this 2013**
32 **Act.**
33 **“(b) ‘Home energy audit’ means the evaluation or testing of components or systems in**
34 **a residential building for the purpose of identifying options for increasing energy conserva-**
35 **tion and energy efficiency.**
36 **“(c) ‘Home energy performance score’ has the meaning given that term in section 3 of**
37 **this 2013 Act.**
38 **“(2) In consultation with the Public Utility Commission, the State Department of Energy**
39 **shall adopt by rule a home energy performance score system by which a person may assign**
40 **a residential building a home energy performance score for the purpose of evaluating the**
41 **energy conservation and energy efficiency of the building.**
42 **“(3) The department shall designate by rule programs for the training of home energy**
43 **assessors. Programs designated by the department under this subsection must ensure com-**
44 **petency in conducting home energy audits and assigning home energy performance scores.**
45 **“(4) The department may adopt by rule requirements under which home energy assessors**

1 who are certified under section 5 of this 2013 Act must report to the department the home
2 energy performance scores assigned by the home energy assessors. The department shall
3 keep and maintain a database of information reported to the department under this sub-
4 section.

5
6 **“REAL ESTATE APPRAISAL ACTIVITY**

7
8 **“SECTION 13.** Section 14 of this 2013 Act is added to and made a part of ORS chapter 674.

9 **“SECTION 14.** The Appraiser Certification and Licensure Board shall establish a certif-
10 ication program for state licensed appraisers and state certified appraisers for the purpose
11 of certifying state licensed appraisers and state certified appraisers as competent to prepare,
12 complete and issue an opinion on the value associated with the energy efficiency features of
13 a building located on real property.

14
15 **“MISCELLANEOUS**

16
17 **“SECTION 15.** (1) Sections 1 to 7, 12 and 14 of this 2013 Act and the amendments to
18 statutes by sections 8 to 11 of this 2013 Act become operative on July 1, 2014.

19 **“(2)** The Public Utility Commission, Construction Contractors Board, State Department
20 of Energy and Appraiser Certification and Licensure Board may take any action necessary
21 before the operative date specified in subsection (1) of this section to enable the Public
22 Utility Commission, Construction Contractors Board, State Department of Energy and Ap-
23 praiser Certification and Licensure Board to exercise, on and after the effective date of this
24 2013 Act, all the duties, functions and powers conferred on the Public Utility Commission,
25 Construction Contractors Board, State Department of Energy and Appraiser Certification
26 and Licensure Board by sections 1 to 7, 12 and 14 of this 2013 Act and the amendments to
27 statutes by sections 8 to 11 of this 2013 Act.

28 **“SECTION 16.** The unit captions used in this 2013 Act are provided only for the conven-
29 ience of the reader and do not become part of the statutory law of this state or express any
30 legislative intent in the enactment of this 2013 Act.

31 **“SECTION 17.** This 2013 Act being necessary for the immediate preservation of the public
32 peace, health and safety, an emergency is declared to exist, and this 2013 Act takes effect
33 on its passage.”.