

# House Bill 3189

Sponsored by Representative RAYFIELD

## SUMMARY

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

Establishes Department of Building Codes. Transfers duties, functions and powers of Department of Consumer and Business Services Building Codes Division to Department of Building Codes.

Establishes Department of Building Codes Fund. Appropriates fund moneys for use by Department of Building Codes.

## A BILL FOR AN ACT

1  
2 Relating to the regulation of physical changes to real property; creating new provisions; and  
3 amending ORS 30.788, 62.803, 90.425, 90.675, 114.545, 183.457, 183.530, 215.236, 244.050, 279C.527,  
4 293.701, 308.310, 311.280, 311.512, 311.675, 421.645, 443.760, 446.003, 446.005, 446.062, 446.066,  
5 446.072, 446.076, 446.095, 446.100, 446.105, 446.155, 446.160, 446.170, 446.176, 446.180, 446.185,  
6 446.210, 446.225, 446.230, 446.240, 446.245, 446.250, 446.252, 446.253, 446.255, 446.260, 446.265,  
7 446.271, 446.280, 446.285, 446.322, 446.395, 446.400, 446.405, 446.410, 446.416, 446.423, 446.430,  
8 446.566, 446.568, 446.571, 446.581, 446.586, 446.591, 446.596, 446.601, 446.606, 446.611, 446.616,  
9 446.621, 446.626, 446.631, 446.636, 446.641, 446.646, 446.686, 446.721, 446.736, 446.995, 447.010,  
10 447.020, 447.026, 447.072, 447.076, 447.080, 447.091, 447.095, 447.097, 447.100, 447.118, 447.124,  
11 447.140, 447.145, 447.152, 447.210, 447.220, 447.230, 447.231, 447.233, 447.247, 447.250, 447.260,  
12 447.270, 447.275, 448.330, 450.837, 453.370, 453.864, 453.879, 453.885, 453.897, 453.906, 455.010,  
13 455.015, 455.020, 455.022, 455.028, 455.030, 455.040, 455.042, 455.044, 455.046, 455.048, 455.055,  
14 455.058, 455.060, 455.062, 455.065, 455.068, 455.070, 455.083, 455.085, 455.090, 455.095, 455.097,  
15 455.100, 455.110, 455.112, 455.117, 455.122, 455.125, 455.127, 455.129, 455.132, 455.135, 455.138,  
16 455.140, 455.144, 455.148, 455.150, 455.152, 455.153, 455.154, 455.155, 455.156, 455.158, 455.160,  
17 455.165, 455.170, 455.185, 455.188, 455.192, 455.195, 455.198, 455.200, 455.210, 455.220, 455.230,  
18 455.240, 455.310, 455.312, 455.355, 455.365, 455.380, 455.412, 455.415, 455.420, 455.425, 455.430,  
19 455.445, 455.447, 455.448, 455.449, 455.450, 455.457, 455.461, 455.463, 455.465, 455.466, 455.467,  
20 455.471, 455.473, 455.475, 455.479, 455.483, 455.485, 455.490, 455.492, 455.496, 455.500, 455.505,  
21 455.511, 455.525, 455.560, 455.570, 455.575, 455.580, 455.610, 455.622, 455.625, 455.626, 455.627,  
22 455.628, 455.630, 455.680, 455.685, 455.690, 455.705, 455.715, 455.720, 455.723, 455.725, 455.732,  
23 455.735, 455.737, 455.740, 455.770, 455.775, 455.800, 455.805, 455.810, 455.815, 455.820, 455.895,  
24 460.005, 460.024, 460.035, 460.045, 460.055, 460.057, 460.059, 460.061, 460.065, 460.075, 460.085,  
25 460.125, 460.135, 460.145, 460.155, 460.165, 460.175, 460.310, 460.320, 460.330, 460.350, 460.352,  
26 460.355, 460.360, 460.370, 466.735, 468A.707, 468A.745, 469.700, 469.735, 469.740, 469.745, 469B.103,  
27 469B.279, 479.155, 479.520, 479.530, 479.540, 479.560, 479.570, 479.630, 479.632, 479.730, 479.740,  
28 479.760, 479.770, 479.810, 479.815, 479.820, 479.840, 479.850, 479.853, 479.854, 479.855, 479.860,  
29 479.910, 479.915, 479.950, 480.432, 480.450, 480.515, 480.520, 480.525, 480.530, 480.535, 480.545,  
30 480.565, 480.570, 480.585, 480.595, 480.600, 480.605, 480.610, 480.630, 480.647, 480.670, 634.063,

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

672.107, 693.025, 693.115, 693.165, 701.083, 701.230, 701.272, 701.550, 705.145, 705.250 and 822.310 and section 8, chapter 59, Oregon Laws 2016.

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

**ADDITIONS TO ORS CHAPTER 455**

**SECTION 1.** Sections 2 to 5 of this 2017 Act and ORS 705.250 are added to and made a part of ORS 455.010 to 455.740.

**ESTABLISHING DEPARTMENT OF BUILDING CODES**

**SECTION 2.** (1) The Department of Building Codes is established.

(2) The department is under the supervision and control of a director, who is responsible for the performance of the duties, functions and powers of the department.

(3) The Governor shall appoint the Director of the Department of Building Codes, who holds office at the pleasure of the Governor.

(4) The director shall be paid a salary as provided by law or, if not so provided, as prescribed by the Governor.

(5) For purposes of administration, subject to the approval of the Governor, the director may organize and reorganize the department as the director considers necessary to properly conduct the work of the department.

(6) The director may divide the functions of the department into administrative divisions. Subject to the approval of the Governor, the director may appoint an individual to administer each division. The administrator of each division serves at the pleasure of the director and is not subject to the provisions of ORS chapter 240. Each individual appointed under this subsection must be well qualified by technical training and experience in the functions to be performed by the individual.

(7) The appointment of the director is subject to confirmation by the Senate in the manner prescribed in ORS 171.562 and 171.565.

**EMPLOYEES**

**SECTION 3.** (1) The Director of the Department of Building Codes shall, by written order filed with the Secretary of State, appoint a deputy director. The deputy director serves at the pleasure of the director, has authority to act for the director in the absence of the director and is subject to the control of the director at all times.

(2) Subject to any applicable provisions of ORS chapter 240, the director shall appoint all subordinate officers and employees of the Department of Building Codes, prescribe their duties and fix their compensation.

**GENERAL AUTHORITY TO ADOPT RULES**

**SECTION 4.** In accordance with the provisions of ORS chapter 183, the Department of Building Codes may adopt rules necessary for the administration of the laws that the Department of Building Codes is charged with administering.

DEPARTMENT OF BUILDING CODES FUND

**SECTION 5.** The Department of Building Codes Fund is established in the State Treasury, separate and distinct from the General Fund. Interest earned by the Department of Building Codes Fund shall be credited to the fund. Moneys in the fund are continuously appropriated to the Department of Building Codes for carrying out the duties, functions and powers of the department.

TRANSFER

**SECTION 6.** The duties, functions and powers of the Department of Consumer and Business Services relating to programs administered and enforced by its building codes division during all or part of the period beginning July 1, 2015, and ending February 1, 2017, including but not limited to the administration and enforcement of the state building code, are imposed upon, transferred to and vested in the Department of Building Codes.

RECORDS, PROPERTY, EMPLOYEES

**SECTION 7.** (1) The Director of the Department of Consumer and Business Services shall:

(a) Deliver to the Department of Building Codes all records and property within the jurisdiction of the director that relate to the duties, functions and powers transferred by section 6 of this 2017 Act; and

(b) Transfer to the Department of Building Codes those employees engaged primarily in the exercise of the duties, functions and powers transferred by section 6 of this 2017 Act.

(2) The Director of the Department of Building Codes shall take possession of the records and property, and shall take charge of the employees and employ them in the exercise of the duties, functions and powers transferred by section 6 of this 2017 Act, without reduction of compensation but subject to change or termination of employment or compensation as provided by law.

(3) The Governor shall resolve any dispute between the Department of Consumer and Business Services and the Department of Building Codes relating to transfers of records, property and employees under this section, and the Governor's decision is final.

UNEXPENDED REVENUES

**SECTION 8.** (1) The unexpended balances of amounts authorized to be expended by the Department of Consumer and Business Services for the biennium beginning July 1, 2017, from revenues dedicated, continuously appropriated, appropriated or otherwise made available for the purpose of administering and enforcing the duties, functions and powers transferred by section 6 of this 2017 Act are transferred to and are available for expenditure by the Department of Building Codes for the biennium beginning July 1, 2017, for the purpose of administering and enforcing the duties, functions and powers transferred by section 6 of this 2017 Act.

(2) The expenditure classifications, if any, established by Acts authorizing or limiting

1 expenditures by the Department of Consumer and Business Services remain applicable to  
 2 expenditures by the Department of Building Codes under this section.

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 4 **ACTION, PROCEEDING, PROSECUTION**

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 6 **SECTION 9.** The transfer of duties, functions and powers to the Department of Building  
 7 Codes by section 6 of this 2017 Act does not affect any action, proceeding or prosecution in-  
 8 volving or with respect to the duties, functions and powers begun before and pending at the  
 9 time of the transfer, except that the Department of Building Codes is substituted for the  
 10 Department of Consumer and Business Services in the action, proceeding or prosecution.

11  
 12 **LIABILITY, DUTY, OBLIGATION**

13  
 14 **SECTION 10.** (1) Nothing in sections 1 to 14 or 335 to 337 of this 2017 Act or the amend-  
 15 ments to statutes and session law by sections 15 to 334 of this 2017 Act relieves a person of  
 16 a liability, duty or obligation accruing under or with respect to the duties, functions and  
 17 powers transferred by section 6 of this 2017 Act. The Department of Building Codes may  
 18 undertake the collection or enforcement of any such liability, duty or obligation.

19 (2) The rights and obligations of the Department of Consumer and Business Services le-  
 20 gally incurred under contracts, leases and business transactions executed, entered into or  
 21 begun before the operative date of section 6 of this 2017 Act and accruing under or with re-  
 22 spect to the duties, functions and powers transferred by section 6 of this 2017 Act are  
 23 transferred to the Department of Building Codes. For the purpose of succession to these  
 24 rights and obligations, the Department of Building Codes is a continuation of the Department  
 25 of Consumer and Business Services and not a new authority.

26  
 27 **RULES**

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 29 **SECTION 11.** Notwithstanding the transfer of duties, functions and powers by section 6  
 30 of this 2017 Act, the rules of the Department of Consumer and Business Services with re-  
 31 spect to such duties, functions or powers that are in effect on the operative date of section  
 32 6 of this 2017 Act continue in effect until superseded or repealed by rules of the Department  
 33 of Building Codes. References in the rules of the Department of Consumer and Business  
 34 Services to the Department of Consumer and Business Services or an officer or employee  
 35 of the Department of Consumer and Business Services in the context of any duty, function  
 36 or power transferred under section 6 of this 2017 Act are considered to be references to the  
 37 Department of Building Codes or an officer or employee of the Department of Building Codes.  
 38 Section 6 of this 2017 Act does not alter or terminate the service of any advisory board  
 39 member holding office on the operative date of section 6 of this 2017 Act.

40 **SECTION 12.** Whenever, in any uncodified law or resolution of the Legislative Assembly  
 41 or in any rule, document, record or proceeding authorized by the Legislative Assembly, in  
 42 the context of the duties, functions and powers transferred by section 6 of this 2017 Act,  
 43 reference is made to the Department of Consumer and Business Services, or an officer or  
 44 employee of the Department of Consumer and Business Services, whose duties, functions or  
 45 powers are transferred by section 6 of this 2017 Act, the reference is considered to be a

1 reference to the Department of Building Codes or an officer or employee of the Department  
2 of Building Codes who by this 2017 Act is charged with carrying out the duties, functions and  
3 powers.

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5 **MANUFACTURED STRUCTURE DEALERS**

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7 **SECTION 13.** Section 14 of this 2017 Act is added to and made a part of ORS 446.661 to  
8 446.756.

9 **SECTION 14.** (1) A person may not engage in, or procure or assist any person to engage  
10 in, any conduct or activity for which a license is required under ORS 446.661 to 446.756 or  
11 any Department of Consumer and Business Services rule adopted or order issued for the  
12 administration and enforcement of ORS 446.661 to 446.756 unless the necessary license has  
13 been obtained.

14 (2) The department may enter into agreements with any city or county for the city or  
15 county to conduct inspections of manufactured structure dealerships for the purpose of de-  
16 termining compliance with ORS 446.661 to 446.756.

17  
18 **CONFORMING AMENDMENTS**

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20 **SECTION 15.** ORS 30.788 is amended to read:

21 30.788. (1) An action for damages arising out of the practice of architecture, as defined in ORS  
22 671.010, may not be maintained by any person against an architect for services rendered by the archi-  
23 tect under the provisions of this section.

24 (2) An action for damages arising out of the practice of engineering, as described in ORS  
25 672.007, may not be maintained by any person against an engineer for structural engineering ser-  
26 vices rendered by the engineer under the provisions of this section.

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

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

34 (a) The services are rendered without compensation.

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

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

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

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

42 (a) Inspectors certified under ORS 455.715 to 455.740;

43 (b) Building evaluators certified for post-disaster building evaluation by the Department of  
44 [Consumer and Business Services] **Building Codes**;

45 (c) Architects who are registered under ORS 671.010 to 671.220;

- 1 (d) Engineers who are registered under ORS 672.002 to 672.325; and
- 2 (e) Architects and engineers who are licensed or registered under the laws of another state.

3 **SECTION 16.** ORS 62.803 is amended to read:

4 62.803. As used in ORS 62.800 to 62.815, unless the context requires otherwise:

5 (1) "Lienholder" means the holder of a manufactured dwelling lien:

6 (a) That is recorded in the deed records of the county in which the manufactured dwelling is  
7 located;

8 (b) That is perfected with the Department of [*Consumer and Business Services*] **Building Codes**  
9 pursuant to ORS 446.611; or

10 (c) Of which a manufactured dwelling park nonprofit cooperative has actual knowledge.

11 (2) "Manufactured dwelling" has the meaning given that term in ORS 446.003.

12 (3) "Manufactured dwelling park" has the meaning given that term in ORS 446.003.

13 (4) "Manufactured dwelling park nonprofit cooperative" means a cooperative corporation that:

14 (a) Is organized to acquire or develop, and to own, an interest in one or more manufactured  
15 dwelling parks that are primarily used for the siting of manufactured dwellings owned and occupied  
16 by members of the cooperative;

17 (b) Limits the use of all income and earnings to use by the cooperative and not for the benefit  
18 or profit of any individual; and

19 (c) Elects to be governed by ORS 62.800 to 62.815.

20 **SECTION 17.** ORS 90.425 is amended to read:

21 90.425. (1) As used in this section:

22 (a) "Current market value" means the amount in cash, as determined by the county assessor,  
23 that could reasonably be expected to be paid for a manufactured dwelling or floating home by an  
24 informed buyer to an informed seller, each acting without compulsion in an arm's-length transaction  
25 occurring on the assessment date for the tax year or on the date of a subsequent reappraisal by the  
26 county assessor.

27 (b) "Dispose of the personal property" means that, if reasonably appropriate, the landlord may  
28 throw away the property or may give it without consideration to a nonprofit organization or to a  
29 person unrelated to the landlord. The landlord may not retain the property for personal use or  
30 benefit.

31 (c) "Goods" includes those goods left inside a recreational vehicle, manufactured dwelling or  
32 floating home or left upon the rental space outside a recreational vehicle, manufactured dwelling  
33 or floating home, whether the recreational vehicle, dwelling or home is located inside or outside of  
34 a facility.

35 (d) "Lienholder" means any lienholder of an abandoned recreational vehicle, manufactured  
36 dwelling or floating home, if the lien is of record or the lienholder is actually known to the landlord.

37 (e) "Of record" means:

38 (A) For a recreational vehicle that is not a manufactured structure as defined in ORS 446.561,  
39 that a security interest has been properly recorded with the Department of Transportation pursuant  
40 to ORS 802.200 (1)(a)(A) and 803.097.

41 (B) For a manufactured dwelling or recreational vehicle that is a manufactured structure as  
42 defined in ORS 446.561, that a security interest has been properly recorded for the manufactured  
43 dwelling or recreational vehicle in the records of the Department of [*Consumer and Business Ser-*  
44 *vices*] **Building Codes** pursuant to ORS 446.611 or on a certificate of title issued by the Department  
45 of Transportation prior to May 1, 2005.

1 (C) For a floating home, that a security interest has been properly recorded with the State  
 2 Marine Board pursuant to ORS 830.740 to 830.755 for a home registered and titled with the board  
 3 pursuant to ORS 830.715.

4 (f) "Owner" means any owner of an abandoned recreational vehicle, manufactured dwelling or  
 5 floating home, if different from the tenant and either of record or actually known to the landlord.

6 (g) "Personal property" means goods, vehicles and recreational vehicles and includes manufac-  
 7 tured dwellings and floating homes not located in a facility. "Personal property" does not include  
 8 manufactured dwellings and floating homes located in a facility and therefore subject to being  
 9 stored, sold or disposed of as provided under ORS 90.675.

10 (2) A landlord is responsible for abandoned personal property and shall store, sell or dispose of  
 11 abandoned personal property as provided by this section. This section governs the rights and obli-  
 12 gations of landlords, tenants and any lienholders or owners in any personal property abandoned or  
 13 left upon the premises by the tenant or any lienholder or owner in the following circumstances:

14 (a) The tenancy has ended by termination or expiration of a rental agreement or by  
 15 relinquishment or abandonment of the premises and the landlord reasonably believes under all the  
 16 circumstances that the tenant has left the personal property upon the premises with no intention  
 17 of asserting any further claim to the premises or to the personal property;

18 (b) The tenant has been absent from the premises continuously for seven days after termination  
 19 of a tenancy by a court order that has not been executed; or

20 (c) The landlord receives possession of the premises from the sheriff following restitution pur-  
 21 suant to ORS 105.161.

22 (3) Prior to storing, selling or disposing of the tenant's personal property under this section, the  
 23 landlord must give a written notice to the tenant that must be:

24 (a) Personally delivered to the tenant; or

25 (b) Sent by first class mail addressed and mailed to the tenant at:

26 (A) The premises;

27 (B) Any post-office box held by the tenant and actually known to the landlord; and

28 (C) The most recent forwarding address if provided by the tenant or actually known to the  
 29 landlord.

30 (4)(a) In addition to the notice required by subsection (3) of this section, in the case of an  
 31 abandoned recreational vehicle, manufactured dwelling or floating home, a landlord shall also give  
 32 a copy of the notice described in subsection (3) of this section to:

33 (A) Any lienholder of the recreational vehicle, manufactured dwelling or floating home;

34 (B) Any owner of the recreational vehicle, manufactured dwelling or floating home;

35 (C) The tax collector of the county where the manufactured dwelling or floating home is located;  
 36 and

37 (D) The assessor of the county where the manufactured dwelling or floating home is located.

38 (b) The landlord shall give the notice copy required by this subsection by personal delivery or  
 39 first class mail, except that for any lienholder, mail service must be both by first class mail and by  
 40 certified mail with return receipt requested.

41 (c) A notice to lienholders under paragraph (a)(A) of this subsection must be sent to each  
 42 lienholder at each address:

43 (A) Actually known to the landlord;

44 (B) Of record; and

45 (C) Provided to the landlord by the lienholder in a written notice that identifies the personal

1 property subject to the lien and that was sent to the landlord by certified mail with return receipt  
 2 requested within the preceding five years. The notice must identify the personal property by de-  
 3 scribing the physical address of the property.

4 (5) The notice required under subsection (3) of this section must state that:

5 (a) The personal property left upon the premises is considered abandoned;

6 (b) The tenant or any lienholder or owner must contact the landlord by a specified date, as  
 7 provided in subsection (6) of this section, to arrange for the removal of the abandoned personal  
 8 property;

9 (c) The personal property is stored at a place of safekeeping, except that if the property includes  
 10 a manufactured dwelling or floating home, the dwelling or home must be stored on the rented space;

11 (d) The tenant or any lienholder or owner, except as provided by subsection (18) of this section,  
 12 may arrange for removal of the personal property by contacting the landlord at a described tele-  
 13 phone number or address on or before the specified date;

14 (e) The landlord shall make the personal property available for removal by the tenant or any  
 15 lienholder or owner, except as provided by subsection (18) of this section, by appointment at rea-  
 16 sonable times;

17 (f) If the personal property is considered to be abandoned pursuant to subsection (2)(a) or (b)  
 18 of this section, the landlord may require payment of removal and storage charges, as provided by  
 19 subsection (7)(d) of this section, prior to releasing the personal property to the tenant or any  
 20 lienholder or owner;

21 (g) If the personal property is considered to be abandoned pursuant to subsection (2)(c) of this  
 22 section, the landlord may not require payment of storage charges prior to releasing the personal  
 23 property;

24 (h) If the tenant or any lienholder or owner fails to contact the landlord by the specified date,  
 25 or after that contact, fails to remove the personal property within 30 days for recreational vehicles,  
 26 manufactured dwellings and floating homes or 15 days for all other personal property, the landlord  
 27 may sell or dispose of the personal property. If the landlord reasonably believes that the personal  
 28 property will be eligible for disposal pursuant to subsection (10)(b) of this section and the landlord  
 29 intends to dispose of the property if the property is not claimed, the notice shall state that belief  
 30 and intent; and

31 (i) If the personal property includes a recreational vehicle, manufactured dwelling or floating  
 32 home and if applicable, there is a lienholder or owner that has a right to claim the recreational  
 33 vehicle, dwelling or home, except as provided by subsection (18) of this section.

34 (6) For purposes of subsection (5) of this section, the specified date by which a tenant, lienholder  
 35 or owner must contact a landlord to arrange for the disposition of abandoned personal property is:

36 (a) For abandoned recreational vehicles, manufactured dwellings or floating homes, not less than  
 37 45 days after personal delivery or mailing of the notice; or

38 (b) For all other abandoned personal property, not less than five days after personal delivery  
 39 or eight days after mailing of the notice.

40 (7) After notifying the tenant as required by subsection (3) of this section, the landlord:

41 (a) Shall store any abandoned manufactured dwelling or floating home on the rented space and  
 42 shall exercise reasonable care for the dwelling or home;

43 (b) Shall store all other abandoned personal property of the tenant, including goods left inside  
 44 a recreational vehicle, manufactured dwelling or floating home or left upon the rented space outside  
 45 a recreational vehicle, dwelling or home, in a place of safekeeping and shall exercise reasonable



1 care for the personal property, except that the landlord may:

2 (A) Promptly dispose of rotting food; and

3 (B) Allow an animal control agency to remove any abandoned pets or livestock. If an animal  
4 control agency will not remove the abandoned pets or livestock, the landlord shall exercise reason-  
5 able care for the animals given all the circumstances, including the type and condition of the ani-  
6 mals, and may give the animals to an agency that is willing and able to care for the animals, such  
7 as a humane society or similar organization;

8 (c) Except for manufactured dwellings and floating homes, may store the abandoned personal  
9 property at the dwelling unit, move and store it elsewhere on the premises or move and store it at  
10 a commercial storage company or other place of safekeeping; and

11 (d) Is entitled to reasonable or actual storage charges and costs incidental to storage or dis-  
12 posal, including any cost of removal to a place of storage. In the case of an abandoned manufactured  
13 dwelling or floating home, the storage charge may be no greater than the monthly space rent last  
14 payable by the tenant.

15 (8) If a tenant, lienholder or owner, upon the receipt of the notice provided by subsection (3)  
16 or (4) of this section or otherwise, responds by actual notice to the landlord on or before the spec-  
17 ified date in the landlord's notice that the tenant, lienholder or owner intends to remove the per-  
18 sonal property from the premises or from the place of safekeeping, the landlord must make that  
19 personal property available for removal by the tenant, lienholder or owner by appointment at rea-  
20 sonable times during the 15 days or, in the case of a recreational vehicle, manufactured dwelling  
21 or floating home, 30 days following the date of the response, subject to subsection (18) of this sec-  
22 tion. If the personal property is considered to be abandoned pursuant to subsection (2)(a) or (b) of  
23 this section, but not pursuant to subsection (2)(c) of this section, the landlord may require payment  
24 of removal and storage charges, as provided in subsection (7)(d) of this section, prior to allowing the  
25 tenant, lienholder or owner to remove the personal property. Acceptance by a landlord of such  
26 payment does not operate to create or reinstate a tenancy or create a waiver pursuant to ORS  
27 90.412 or 90.417.

28 (9) Except as provided in subsections (18) to (20) of this section, if the tenant, lienholder or  
29 owner of a recreational vehicle, manufactured dwelling or floating home does not respond within the  
30 time provided by the landlord's notice, or the tenant, lienholder or owner does not remove the per-  
31 sonal property within the time required by subsection (8) of this section or by any date agreed to  
32 with the landlord, whichever is later, the tenant's, lienholder's or owner's personal property is con-  
33 clusively presumed to be abandoned. The tenant and any lienholder or owner that have been given  
34 notice pursuant to subsection (3) or (4) of this section shall, except with regard to the distribution  
35 of sale proceeds pursuant to subsection (13) of this section, have no further right, title or interest  
36 to the personal property and may not claim or sell the property.

37 (10) If the personal property is presumed to be abandoned under subsection (9) of this section,  
38 the landlord then may:

39 (a) Sell the personal property at a public or private sale, provided that prior to the sale of a  
40 recreational vehicle, manufactured dwelling or floating home:

41 (A) The landlord may seek to transfer ownership of record of the personal property by comply-  
42 ing with the requirements of the appropriate state agency; and

43 (B) The landlord shall:

44 (i) Place a notice in a newspaper of general circulation in the county in which the recreational  
45 vehicle, manufactured dwelling or floating home is located. The notice shall state:

- 1 (I) That the recreational vehicle, manufactured dwelling or floating home is abandoned;
- 2 (II) The tenant's and owner's name, if of record or actually known to the landlord;
- 3 (III) The address and any space number where the recreational vehicle, manufactured dwelling
- 4 or floating home is located, and any plate, registration or other identification number for a recre-
- 5 ational vehicle or floating home noted on the certificate of title, if actually known to the landlord;
- 6 (IV) Whether the sale is by private bidding or public auction;
- 7 (V) Whether the landlord is accepting sealed bids and, if so, the last date on which bids will be
- 8 accepted; and
- 9 (VI) The name and telephone number of the person to contact to inspect the recreational vehi-
- 10 cle, manufactured dwelling or floating home;
- 11 (ii) At a reasonable time prior to the sale, give a copy of the notice required by sub-
- 12 subparagraph (i) of this subparagraph to the tenant and to any lienholder and owner, by personal
- 13 delivery or first class mail, except that for any lienholder, mail service must be by first class mail
- 14 with certificate of mailing;
- 15 (iii) Obtain an affidavit of publication from the newspaper to show that the notice required un-
- 16 der sub-subparagraph (i) of this subparagraph ran in the newspaper at least one day in each of two
- 17 consecutive weeks prior to the date scheduled for the sale or the last date bids will be accepted;
- 18 and
- 19 (iv) Obtain written proof from the county that all property taxes and assessments on the manu-
- 20 factured dwelling or floating home have been paid or, if not paid, that the county has authorized the
- 21 sale, with the sale proceeds to be distributed pursuant to subsection (13) of this section;
- 22 (b) Destroy or otherwise dispose of the personal property if the landlord determines that:
- 23 (A) For a manufactured dwelling or floating home, the current market value of the property is
- 24 \$8,000 or less as determined by the county assessor; or
- 25 (B) For all other personal property, the reasonable current fair market value is \$1,000 or less
- 26 or so low that the cost of storage and conducting a public sale probably exceeds the amount that
- 27 would be realized from the sale; or
- 28 (c) Consistent with paragraphs (a) and (b) of this subsection, sell certain items and destroy or
- 29 otherwise dispose of the remaining personal property.
- 30 (11)(a) A public or private sale authorized by this section must:
- 31 (A) For a recreational vehicle, manufactured dwelling or floating home, be conducted consistent
- 32 with the terms listed in subsection (10)(a)(B)(i) of this section. Every aspect of the sale including the
- 33 method, manner, time, place and terms must be commercially reasonable; or
- 34 (B) For all other personal property, be conducted under the provisions of ORS 79.0610.
- 35 (b) If there is no buyer at a sale of a manufactured dwelling or floating home, the personal
- 36 property is considered to be worth \$8,000 or less, regardless of current market value, and the land-
- 37 lord shall destroy or otherwise dispose of the personal property.
- 38 (12) Notwithstanding ORS 446.155 (1) and (2), unless a landlord intentionally misrepresents the
- 39 condition of a manufactured dwelling or floating home, the landlord is not liable for the condition
- 40 of the dwelling or home to:
- 41 (a) A buyer of the dwelling or home at a sale pursuant to subsection (10)(a) of this section, with
- 42 or without consideration; or
- 43 (b) A person or nonprofit organization to whom the landlord gives the dwelling or home pursu-
- 44 ant to subsection (1)(b), (10)(b) or (11)(b) of this section.
- 45 (13)(a) The landlord may deduct from the proceeds of the sale:

1 (A) The reasonable or actual cost of notice, storage and sale; and

2 (B) Unpaid rent.

3 (b) If the sale was of a manufactured dwelling or floating home, after deducting the amounts  
4 listed in paragraph (a) of this subsection, the landlord shall remit the remaining proceeds, if any, to  
5 the county tax collector to the extent of any unpaid property taxes and assessments owed on the  
6 dwelling or home.

7 (c) If the sale was of a recreational vehicle, manufactured dwelling or floating home, after de-  
8 ducting the amounts listed in paragraphs (a) and (b) of this subsection, if applicable, the landlord  
9 shall remit the remaining proceeds, if any, to any lienholder to the extent of any unpaid balance  
10 owed on the lien on the recreational vehicle, dwelling or home.

11 (d) After deducting the amounts listed in paragraphs (a), (b) and (c) of this subsection, if appli-  
12 cable, the landlord shall remit to the tenant or owner the remaining proceeds, if any, together with  
13 an itemized accounting.

14 (e) If the tenant or owner cannot after due diligence be found, the landlord shall deposit the  
15 remaining proceeds with the county treasurer of the county in which the sale occurred. If not  
16 claimed within three years, the deposited proceeds revert to the general fund of the county and are  
17 available for general purposes.

18 (14) The county tax collector shall cancel all unpaid property taxes and assessments owed on  
19 a manufactured dwelling or floating home, as provided under ORS 311.790, only under one of the  
20 following circumstances:

21 (a) The landlord disposes of the manufactured dwelling or floating home after a determination  
22 described in subsection (10)(b) of this section.

23 (b) There is no buyer of the manufactured dwelling or floating home at a sale described under  
24 subsection (11) of this section.

25 (c)(A) There is a buyer of the manufactured dwelling or floating home at a sale described under  
26 subsection (11) of this section;

27 (B) The current market value of the manufactured dwelling or floating home is \$8,000 or less;  
28 and

29 (C) The proceeds of the sale are insufficient to satisfy the unpaid property taxes and assessments  
30 owed on the dwelling or home after distribution of the proceeds pursuant to subsection (13) of this  
31 section.

32 (d)(A) The landlord buys the manufactured dwelling or floating home at a sale described under  
33 subsection (11) of this section;

34 (B) The current market value of the manufactured dwelling or floating home is more than \$8,000;

35 (C) The proceeds of the sale are insufficient to satisfy the unpaid property taxes and assessments  
36 owed on the manufactured dwelling or floating home after distribution of the proceeds pursuant to  
37 subsection (13) of this section; and

38 (D) The landlord disposes of the manufactured dwelling or floating home.

39 (15) The landlord is not responsible for any loss to the tenant, lienholder or owner resulting  
40 from storage of personal property in compliance with this section unless the loss was caused by the  
41 landlord's deliberate or negligent act. In the event of a deliberate and malicious violation, the  
42 landlord is liable for twice the actual damages sustained by the tenant, lienholder or owner.

43 (16) Complete compliance in good faith with this section shall constitute a complete defense in  
44 any action brought by a tenant, lienholder or owner against a landlord for loss or damage to such  
45 personal property disposed of pursuant to this section.

1 (17) If a landlord does not comply with this section:

2 (a) The tenant is relieved of any liability for damage to the premises caused by conduct that  
 3 was not deliberate, intentional or grossly negligent and for unpaid rent and may recover from the  
 4 landlord up to twice the actual damages sustained by the tenant;

5 (b) A lienholder or owner aggrieved by the noncompliance may recover from the landlord the  
 6 actual damages sustained by the lienholder or owner. ORS 90.255 does not authorize an award of  
 7 attorney fees to the prevailing party in any action arising under this paragraph; and

8 (c) A county tax collector aggrieved by the noncompliance may recover from the landlord the  
 9 actual damages sustained by the tax collector, if the noncompliance is part of an effort by the  
 10 landlord to defraud the tax collector. ORS 90.255 does not authorize an award of attorney fees to  
 11 the prevailing party in any action arising under this paragraph.

12 (18) In the case of an abandoned recreational vehicle, manufactured dwelling or floating home,  
 13 the provisions of this section regarding the rights and responsibilities of a tenant to the abandoned  
 14 vehicle, dwelling or home also apply to any lienholder except that the lienholder may not sell or  
 15 remove the vehicle, dwelling or home unless:

16 (a) The lienholder has foreclosed its lien on the recreational vehicle, manufactured dwelling or  
 17 floating home;

18 (b) The tenant or a personal representative or designated person described in subsection (20)  
 19 of this section has waived all rights under this section pursuant to subsection (26) of this section;  
 20 or

21 (c) The notice and response periods provided by subsections (6) and (8) of this section have ex-  
 22 pired.

23 (19)(a) In the case of an abandoned manufactured dwelling or floating home but not including  
 24 a dwelling or home abandoned following a termination pursuant to ORS 90.429 and except as pro-  
 25 vided by subsection (20)(d) and (e) of this section, if a lienholder makes a timely response to a notice  
 26 of abandoned personal property pursuant to subsections (6) and (8) of this section and so requests,  
 27 a landlord shall enter into a written storage agreement with the lienholder providing that the  
 28 dwelling or home may not be sold or disposed of by the landlord for up to 12 months. A storage  
 29 agreement entitles the lienholder to store the personal property on the previously rented space  
 30 during the term of the agreement, but does not entitle anyone to occupy the personal property.

31 (b) The lienholder's right to a storage agreement arises upon the failure of the tenant, owner  
 32 or, in the case of a deceased tenant, the personal representative, designated person, heir or devisee  
 33 to remove or sell the dwelling or home within the allotted time.

34 (c) To exercise the right to a storage agreement under this subsection, in addition to contacting  
 35 the landlord with a timely response as described in paragraph (a) of this subsection, the lienholder  
 36 must enter into the proposed storage agreement within 60 days after the landlord gives a copy of  
 37 the agreement to the lienholder. The landlord shall give a copy of the proposed storage agreement  
 38 to the lienholder in the same manner as provided by subsection (4)(b) of this section. The landlord  
 39 may include a copy of the proposed storage agreement with the notice of abandoned property re-  
 40 quired by subsection (4) of this section. A lienholder enters into a storage agreement by signing a  
 41 copy of the agreement provided by the landlord and personally delivering or mailing the signed copy  
 42 to the landlord within the 60-day period.

43 (d) The storage agreement may require, in addition to other provisions agreed to by the landlord  
 44 and the lienholder, that:

45 (A) The lienholder make timely periodic payment of all storage charges, as described in sub-

1 section (7)(d) of this section, accruing from the commencement of the 45-day period described in  
 2 subsection (6) of this section. A storage charge may include a utility or service charge, as described  
 3 in ORS 90.532, if limited to charges for electricity, water, sewer service and natural gas and if in-  
 4 cidental to the storage of personal property. A storage charge may not be due more frequently than  
 5 monthly;

6 (B) The lienholder pay a late charge or fee for failure to pay a storage charge by the date re-  
 7 quired in the agreement, if the amount of the late charge is no greater than for late charges de-  
 8 scribed in the rental agreement between the landlord and the tenant; and

9 (C) The lienholder maintain the personal property and the space on which the personal property  
 10 is stored in a manner consistent with the rights and obligations described in the rental agreement  
 11 between the landlord and the tenant.

12 (e) During the term of an agreement described under this subsection, the lienholder has the right  
 13 to remove or sell the property, subject to the provisions of the lien. Selling the property includes a  
 14 sale to a purchaser who wishes to leave the dwelling or home on the rented space and become a  
 15 tenant, subject to any conditions previously agreed to by the landlord and tenant regarding the  
 16 landlord's approval of a purchaser or, if there was no such agreement, any reasonable conditions  
 17 by the landlord regarding approval of any purchaser who wishes to leave the dwelling or home on  
 18 the rented space and become a tenant. The landlord also may condition approval for occupancy of  
 19 any purchaser of the property upon payment of all unpaid storage charges and maintenance costs.

20 (f)(A) If the lienholder violates the storage agreement, the landlord may terminate the agreement  
 21 by giving at least 90 days' written notice to the lienholder stating facts sufficient to notify the  
 22 lienholder of the reason for the termination. Unless the lienholder corrects the violation within the  
 23 notice period, the agreement terminates as provided and the landlord may sell or dispose of the  
 24 dwelling or home without further notice to the lienholder.

25 (B) After a landlord gives a termination notice pursuant to subparagraph (A) of this paragraph  
 26 for failure of the lienholder to pay a storage charge and the lienholder corrects the violation, if the  
 27 lienholder again violates the storage agreement by failing to pay a subsequent storage charge, the  
 28 landlord may terminate the agreement by giving at least 30 days' written notice to the lienholder  
 29 stating facts sufficient to notify the lienholder of the reason for termination. Unless the lienholder  
 30 corrects the violation within the notice period, the agreement terminates as provided and the land-  
 31 lord may sell or dispose of the property without further notice to the lienholder.

32 (C) A lienholder may terminate a storage agreement at any time upon at least 14 days' written  
 33 notice to the landlord and may remove the property from the rented space if the lienholder has paid  
 34 all storage charges and other charges as provided in the agreement.

35 (g) Upon the failure of a lienholder to enter into a storage agreement as provided by this sub-  
 36 section or upon termination of an agreement, unless the parties otherwise agree or the lienholder  
 37 has sold or removed the manufactured dwelling or floating home, the landlord may sell or dispose  
 38 of the property pursuant to this section without further notice to the lienholder.

39 (20) If the personal property is a manufactured dwelling or floating home and is considered  
 40 abandoned as a result of the death of a tenant who was the only tenant and who owned the dwelling  
 41 or home, this section applies, except as follows:

42 (a) The following persons have the same rights and responsibilities regarding the abandoned  
 43 dwelling or home as a tenant:

44 (A) Any personal representative named in a will or appointed by a court to act for the deceased  
 45 tenant.

1 (B) Any person designated in writing by the tenant to be contacted by the landlord in the event  
 2 of the tenant's death.

3 (b) The notice required by subsection (3) of this section must be:

4 (A) Sent by first class mail to the deceased tenant at the premises; and

5 (B) Personally delivered or sent by first class mail to any personal representative or designated  
 6 person, if actually known to the landlord.

7 (c) The notice described in subsection (5) of this section must refer to any personal represen-  
 8 tative or designated person, instead of the deceased tenant, and must incorporate the provisions of  
 9 this subsection.

10 (d) If a personal representative, designated person or other person entitled to possession of the  
 11 property, such as an heir or devisee, responds by actual notice to a landlord within the 45-day period  
 12 provided by subsection (6) of this section and so requests, the landlord shall enter into a written  
 13 storage agreement with the representative or person providing that the dwelling or home may not  
 14 be sold or disposed of by the landlord for up to 90 days or until conclusion of any probate pro-  
 15 ceedings, whichever is later. A storage agreement entitles the representative or person to store the  
 16 personal property on the previously rented space during the term of the agreement, but does not  
 17 entitle anyone to occupy the personal property. If such an agreement is entered, the landlord may  
 18 not enter a similar agreement with a lienholder pursuant to subsection (19) of this section until the  
 19 agreement with the personal representative or designated person ends.

20 (e) If a personal representative or other person requests that a landlord enter into a storage  
 21 agreement, subsection (19)(c), (d) and (f)(C) of this section applies, with the representative or person  
 22 having the rights and responsibilities of a lienholder with regard to the storage agreement.

23 (f) During the term of an agreement described under paragraph (d) of this subsection, the rep-  
 24 resentative or person has the right to remove or sell the dwelling or home, including a sale to a  
 25 purchaser or a transfer to an heir or devisee where the purchaser, heir or devisee wishes to leave  
 26 the dwelling or home on the rented space and become a tenant, subject to any conditions previously  
 27 agreed to by the landlord and tenant regarding the landlord's approval for occupancy of a purchaser,  
 28 heir or devisee or, if there was no such agreement, any reasonable conditions by the landlord re-  
 29 garding approval for occupancy of any purchaser, heir or devisee who wishes to leave the dwelling  
 30 or home on the rented space and become a tenant. The landlord also may condition approval for  
 31 occupancy of any purchaser, heir or devisee of the dwelling or home upon payment of all unpaid  
 32 storage charges and maintenance costs.

33 (g) If the representative or person violates the storage agreement, the landlord may terminate  
 34 the agreement by giving at least 30 days' written notice to the representative or person stating facts  
 35 sufficient to notify the representative or person of the reason for the termination. Unless the rep-  
 36 resentative or person corrects the violation within the notice period, the agreement terminates as  
 37 provided and the landlord may sell or dispose of the dwelling or home without further notice to the  
 38 representative or person.

39 (h) Upon the failure of a representative or person to enter into a storage agreement as provided  
 40 by this subsection or upon termination of an agreement, unless the parties otherwise agree or the  
 41 representative or person has sold or removed the manufactured dwelling or floating home, the  
 42 landlord may sell or dispose of the property pursuant to this section without further notice to the  
 43 representative or person.

44 (21) If the personal property is other than a manufactured dwelling or floating home and is  
 45 considered abandoned as a result of the death of a tenant who was the only tenant and who owned

1 the personal property, this section applies except as follows:

2 (a) The following persons have the same rights and responsibilities regarding the abandoned  
3 personal property as a tenant:

4 (A) An heir or devisee.

5 (B) Any personal representative named in a will or appointed by a court to act for the deceased  
6 tenant.

7 (C) Any person designated in writing by the tenant to be contacted by the landlord in the event  
8 of the tenant's death.

9 (b) The notice required by subsection (3) of this section must be:

10 (A) Sent by first class mail to the deceased tenant at the premises;

11 (B) Personally delivered or sent by first class mail to any heir, devisee, personal representative  
12 or designated person, if actually known to the landlord; and

13 (C) Sent by first class mail to the attention of an estate administrator of the Department of State  
14 Lands.

15 (c) The notice described in subsection (5) of this section must refer to the heir, devisee, personal  
16 representative, designated person or estate administrator of the department, instead of the deceased  
17 tenant, and must incorporate the provisions of this subsection.

18 (d) The landlord shall allow a person that is an heir, devisee or personal representative of the  
19 tenant, or an estate administrator of the department, to remove the personal property if the person  
20 contacts the landlord within the period provided by subsection (6) of this section, complies with the  
21 requirements of this section and provides the landlord with reasonable evidence that the person is  
22 an heir, devisee or personal representative, or an estate administrator of the department.

23 (e) If neither an heir, devisee nor personal representative of the tenant, nor an estate adminis-  
24 trator of the department, contacts the landlord within the time period provided by subsection (6) of  
25 this section, the landlord shall allow removal of the personal property by the designated person of  
26 the tenant, if the designated person contacts the landlord within that period and complies with the  
27 requirements of this section and provides the landlord with reasonable evidence that the person is  
28 the designated person.

29 (f) A landlord who allows removal of personal property under this subsection is not liable to  
30 another person that has a claim or interest in the personal property.

31 (22) If a governmental agency determines that the condition of a manufactured dwelling, floating  
32 home or recreational vehicle abandoned under this section constitutes an extreme health or safety  
33 hazard under state or local law and the agency determines that the hazard endangers others in the  
34 immediate vicinity and requires quick removal of the property, the landlord may sell or dispose of  
35 the property pursuant to this subsection. The landlord shall comply with all provisions of this sec-  
36 tion, except as follows:

37 (a) The date provided in subsection (6) of this section by which a tenant, lienholder, owner,  
38 personal representative or designated person must contact a landlord to arrange for the disposition  
39 of the property must be not less than 15 days after personal delivery or mailing of the notice re-  
40 quired by subsection (3) of this section.

41 (b) The date provided in subsections (8) and (9) of this section by which a tenant, lienholder,  
42 owner, personal representative or designated person must remove the property must be not less than  
43 seven days after the tenant, lienholder, owner, personal representative or designated person contacts  
44 the landlord.

45 (c) The notice required by subsection (3) of this section must be as provided in subsection (5)

1 of this section, except that:

2 (A) The dates and deadlines in the notice for contacting the landlord and removing the property  
3 must be consistent with this subsection;

4 (B) The notice must state that a governmental agency has determined that the property consti-  
5 tutes an extreme health or safety hazard and must be removed quickly; and

6 (C) The landlord shall attach a copy of the agency's determination to the notice.

7 (d) If the tenant, a lienholder, owner, personal representative or designated person does not re-  
8 move the property within the time allowed, the landlord or a buyer at a sale by the landlord under  
9 subsection (11) of this section shall promptly remove the property from the facility.

10 (e) A landlord is not required to enter into a storage agreement with a lienholder, owner, per-  
11 sonal representative or designated person pursuant to subsection (19) of this section.

12 (23)(a) If an official or agency referred to in ORS 453.876 notifies the landlord that the official  
13 or agency has determined that all or part of the premises is unfit for use as a result of the presence  
14 of an illegal drug manufacturing site involving methamphetamine, and the landlord complies with  
15 this subsection, the landlord is not required to comply with subsections (1) to (22) and (24) to (27)  
16 of this section with regard to personal property left on the portion of the premises that the official  
17 or agency has determined to be unfit for use.

18 (b) Upon receiving notice from an official or agency determining the premises to be unfit for use,  
19 the landlord shall promptly give written notice to the tenant as provided in subsection (3) of this  
20 section. The landlord shall also attach a copy of the notice in a secure manner to the main entrance  
21 of the dwelling unit. The notice to the tenant shall include a copy of the official's or agency's notice  
22 and state:

23 (A) That the premises, or a portion of the premises, has been determined by an official or agency  
24 to be unfit for use due to contamination from the manufacture of methamphetamine and that as a  
25 result subsections (1) to (22) and (24) to (27) of this section do not apply to personal property left  
26 on any portion of the premises determined to be unfit for use;

27 (B) That the landlord has hired, or will hire, a contractor to assess the level of contamination  
28 of the site and to decontaminate the site;

29 (C) That upon hiring the contractor, the landlord will provide to the tenant the name, address  
30 and telephone number of the contractor; and

31 (D) That the tenant may contact the contractor to determine whether any of the tenant's per-  
32 sonal property may be removed from the premises or may be decontaminated at the tenant's expense  
33 and then removed.

34 (c) To the extent consistent with rules of the Department of Human Services, the contractor  
35 may release personal property to the tenant.

36 (d) If the contractor and the department determine that the premises or the tenant's personal  
37 property is not unfit for use, upon notification by the department of the determination, the landlord  
38 shall comply with subsections (1) to (22) and (24) to (27) of this section for any personal property left  
39 on the premises.

40 (e) Except as provided in paragraph (d) of this subsection, the landlord is not responsible for  
41 storing or returning any personal property left on the portion of the premises that is unfit for use.

42 (24) In the case of an abandoned recreational vehicle, manufactured dwelling or floating home  
43 that is owned by someone other than the tenant, the provisions of this section regarding the rights  
44 and responsibilities of a tenant to the abandoned vehicle, dwelling or home also apply to that owner,  
45 with regard only to the vehicle, dwelling or home, and not to any goods left inside or outside the



1 vehicle, dwelling or home.

2 (25) In the case of an abandoned motor vehicle, the procedure authorized by ORS 98.830 and  
 3 98.835 for removal of abandoned motor vehicles from private property may be used by a landlord  
 4 as an alternative to the procedures required in this section.

5 (26)(a) A landlord may sell or dispose of a tenant's abandoned personal property without com-  
 6 plying with subsections (1) to (25) and (27) of this section if, after termination of the tenancy or no  
 7 more than seven days prior to the termination of the tenancy, the following parties so agree in a  
 8 writing entered into in good faith:

9 (A) The landlord;

10 (B) The tenant, or for an abandonment as the result of the death of a tenant who was the only  
 11 tenant, the personal representative, designated person or other person entitled to possession of the  
 12 personal property, such as an heir or devisee, as described in subsection (20) or (21) of this section;  
 13 and

14 (C) In the case of a manufactured dwelling, floating home or recreational vehicle, any owner and  
 15 any lienholder.

16 (b) A landlord may not, as part of a rental agreement, require a tenant, a personal represen-  
 17 tative, a designated person or any lienholder or owner to waive any right provided by this section.

18 (27) Until personal property is conclusively presumed to be abandoned under subsection (9) of  
 19 this section, a landlord does not have a lien pursuant to ORS 87.152 for storing the personal prop-  
 20 erty.

21 **SECTION 18.** ORS 90.675 is amended to read:

22 90.675. (1) As used in this section:

23 (a) "Current market value" means the amount in cash, as determined by the county assessor,  
 24 that could reasonably be expected to be paid for personal property by an informed buyer to an in-  
 25 formed seller, each acting without compulsion in an arm's-length transaction occurring on the as-  
 26 sessment date for the tax year or on the date of a subsequent reappraisal by the county assessor.

27 (b) "Dispose of the personal property" means that, if reasonably appropriate, the landlord may  
 28 throw away the property or may give it without consideration to a nonprofit organization or to a  
 29 person unrelated to the landlord. The landlord may not retain the property for personal use or  
 30 benefit.

31 (c) "Lienholder" means any lienholder of abandoned personal property, if the lien is of record  
 32 or the lienholder is actually known to the landlord.

33 (d) "Of record" means:

34 (A) For a manufactured dwelling, that a security interest has been properly recorded in the re-  
 35 cords of the Department of [*Consumer and Business Services*] **Building Codes** pursuant to ORS  
 36 446.611 or on a certificate of title issued by the Department of Transportation prior to May 1, 2005.

37 (B) For a floating home, that a security interest has been properly recorded with the State  
 38 Marine Board pursuant to ORS 830.740 to 830.755 for a home registered and titled with the board  
 39 pursuant to ORS 830.715.

40 (e) "Personal property" means only a manufactured dwelling or floating home located in a fa-  
 41 cility and subject to ORS 90.505 to 90.850. "Personal property" does not include goods left inside a  
 42 manufactured dwelling or floating home or left upon a rented space and subject to disposition under  
 43 ORS 90.425.

44 (2) A landlord is responsible for abandoned personal property and shall store, sell or dispose of  
 45 abandoned personal property as provided by this section. This section governs the rights and obli-

1 gations of landlords, tenants and any lienholders in any personal property abandoned or left upon  
 2 the premises by the tenant or any lienholder in the following circumstances:

3 (a) The tenancy has ended by termination or expiration of a rental agreement or by  
 4 relinquishment or abandonment of the premises and the landlord reasonably believes under all the  
 5 circumstances that the tenant has left the personal property upon the premises with no intention  
 6 of asserting any further claim to the premises or to the personal property;

7 (b) The tenant has been absent from the premises continuously for seven days after termination  
 8 of a tenancy by a court order that has not been executed; or

9 (c) The landlord receives possession of the premises from the sheriff following restitution pur-  
 10 suant to ORS 105.161.

11 (3) Prior to storing, selling or disposing of the tenant's personal property under this section, the  
 12 landlord must give a written notice to the tenant that must be:

13 (a) Personally delivered to the tenant; or

14 (b) Sent by first class mail addressed and mailed to the tenant at:

15 (A) The premises;

16 (B) Any post-office box held by the tenant and actually known to the landlord; and

17 (C) The most recent forwarding address if provided by the tenant or actually known to the  
 18 landlord.

19 (4)(a) A landlord shall also give a copy of the notice described in subsection (3) of this section  
 20 to:

21 (A) Any lienholder of the personal property;

22 (B) The tax collector of the county where the personal property is located; and

23 (C) The assessor of the county where the personal property is located.

24 (b) The landlord shall give the notice copy required by this subsection by personal delivery or  
 25 first class mail, except that for any lienholder, mail service must be both by first class mail and by  
 26 certified mail with return receipt requested.

27 (c) A notice to lienholders under paragraph (a)(A) of this subsection must be sent to each  
 28 lienholder at each address:

29 (A) Actually known to the landlord;

30 (B) Of record; and

31 (C) Provided to the landlord by the lienholder in a written notice that identifies the personal  
 32 property subject to the lien and that was sent to the landlord by certified mail with return receipt  
 33 requested within the preceding five years. The notice must identify the personal property by de-  
 34 scribing the physical address of the property.

35 (5) The notice required under subsection (3) of this section must state that:

36 (a) The personal property left upon the premises is considered abandoned;

37 (b) The tenant or any lienholder must contact the landlord by a specified date, as provided in  
 38 subsection (6) of this section, to arrange for the removal of the abandoned personal property;

39 (c) The personal property is stored on the rented space;

40 (d) The tenant or any lienholder, except as provided by subsection (19) of this section, may ar-  
 41 range for removal of the personal property by contacting the landlord at a described telephone  
 42 number or address on or before the specified date;

43 (e) The landlord shall make the personal property available for removal by the tenant or any  
 44 lienholder, except as provided by subsection (19) of this section, by appointment at reasonable times;

45 (f) If the personal property is considered to be abandoned pursuant to subsection (2)(a) or (b)

1 of this section, the landlord may require payment of storage charges, as provided by subsection (7)(b)  
2 of this section, prior to releasing the personal property to the tenant or any lienholder;

3 (g) If the personal property is considered to be abandoned pursuant to subsection (2)(c) of this  
4 section, the landlord may not require payment of storage charges prior to releasing the personal  
5 property;

6 (h) If the tenant or any lienholder fails to contact the landlord by the specified date or fails to  
7 remove the personal property within 30 days after that contact, the landlord may sell or dispose of  
8 the personal property. If the landlord reasonably believes the county assessor will determine that  
9 the current market value of the personal property is \$8,000 or less, and the landlord intends to  
10 dispose of the property if the property is not claimed, the notice shall state that belief and intent;  
11 and

12 (i) If applicable, there is a lienholder that has a right to claim the personal property, except as  
13 provided by subsection (19) of this section.

14 (6) For purposes of subsection (5) of this section, the specified date by which a tenant or  
15 lienholder must contact a landlord to arrange for the disposition of abandoned personal property  
16 must be not less than 45 days after personal delivery or mailing of the notice.

17 (7) After notifying the tenant as required by subsection (3) of this section, the landlord:

18 (a) Shall store the abandoned personal property of the tenant on the rented space and shall ex-  
19 ercise reasonable care for the personal property; and

20 (b) Is entitled to reasonable or actual storage charges and costs incidental to storage or dis-  
21 posal. The storage charge may be no greater than the monthly space rent last payable by the tenant.

22 (8) If a tenant or lienholder, upon the receipt of the notice provided by subsection (3) or (4) of  
23 this section or otherwise, responds by actual notice to the landlord on or before the specified date  
24 in the landlord's notice that the tenant or lienholder intends to remove the personal property from  
25 the premises, the landlord must make that personal property available for removal by the tenant or  
26 lienholder by appointment at reasonable times during the 30 days following the date of the response,  
27 subject to subsection (19) of this section. If the personal property is considered to be abandoned  
28 pursuant to subsection (2)(a) or (b) of this section, but not pursuant to subsection (2)(c) of this sec-  
29 tion, the landlord may require payment of storage charges, as provided in subsection (7)(b) of this  
30 section, prior to allowing the tenant or lienholder to remove the personal property. Acceptance by  
31 a landlord of such payment does not operate to create or reinstate a tenancy or create a waiver  
32 pursuant to ORS 90.412 or 90.417.

33 (9) Except as provided in subsections (19) to (21) of this section, if the tenant or lienholder does  
34 not respond within the time provided by the landlord's notice, or the tenant or lienholder does not  
35 remove the personal property within 30 days after responding to the landlord or by any date agreed  
36 to with the landlord, whichever is later, the personal property is conclusively presumed to be  
37 abandoned. The tenant and any lienholder that have been given notice pursuant to subsection (3)  
38 or (4) of this section shall, except with regard to the distribution of sale proceeds pursuant to sub-  
39 section (13) of this section, have no further right, title or interest to the personal property and may  
40 not claim or sell the property.

41 (10) If the personal property is presumed to be abandoned under subsection (9) of this section,  
42 the landlord then may:

43 (a) Sell the personal property at a public or private sale, provided that prior to the sale:

44 (A) The landlord may seek to transfer ownership of record of the personal property by comply-  
45 ing with the requirements of the appropriate state agency; and

- 1 (B) The landlord shall:
- 2 (i) Place a notice in a newspaper of general circulation in the county in which the personal  
3 property is located. The notice shall state:
- 4 (I) That the personal property is abandoned;
- 5 (II) The tenant's name;
- 6 (III) The address and any space number where the personal property is located, and any plate,  
7 registration or other identification number for a floating home noted on the title, if actually known  
8 to the landlord;
- 9 (IV) Whether the sale is by private bidding or public auction;
- 10 (V) Whether the landlord is accepting sealed bids and, if so, the last date on which bids will be  
11 accepted; and
- 12 (VI) The name and telephone number of the person to contact to inspect the personal property;
- 13 (ii) At a reasonable time prior to the sale, give a copy of the notice required by sub-  
14 subparagraph (i) of this subparagraph to the tenant and to any lienholder, by personal delivery or  
15 first class mail, except that for any lienholder, mail service must be by first class mail with certif-  
16 icate of mailing;
- 17 (iii) Obtain an affidavit of publication from the newspaper to show that the notice required un-  
18 der sub-subparagraph (i) of this subparagraph ran in the newspaper at least one day in each of two  
19 consecutive weeks prior to the date scheduled for the sale or the last date bids will be accepted;  
20 and
- 21 (iv) Obtain written proof from the county that all property taxes and assessments on the per-  
22 sonal property have been paid or, if not paid, that the county has authorized the sale, with the sale  
23 proceeds to be distributed pursuant to subsection (13) of this section; or
- 24 (b) Destroy or otherwise dispose of the personal property if the landlord determines from the  
25 county assessor that the current market value of the property is \$8,000 or less.
- 26 (11)(a) A public or private sale authorized by this section must be conducted consistent with the  
27 terms listed in subsection (10)(a)(B)(i) of this section. Every aspect of the sale including the method,  
28 manner, time, place and terms must be commercially reasonable.
- 29 (b) If there is no buyer at a sale described under paragraph (a) of this subsection, the personal  
30 property is considered to be worth \$8,000 or less, regardless of current market value, and the land-  
31 lord shall destroy or otherwise dispose of the personal property.
- 32 (12) Notwithstanding ORS 446.155 (1) and (2), unless a landlord intentionally misrepresents the  
33 condition of personal property, the landlord is not liable for the condition of the personal property  
34 to:
- 35 (a) A buyer of the personal property at a sale pursuant to subsection (10)(a) of this section, with  
36 or without consideration; or
- 37 (b) A person or nonprofit organization to whom the landlord gives the personal property pursu-  
38 ant to subsection (1)(b), (10)(b) or (11)(b) of this section.
- 39 (13)(a) The landlord may deduct from the proceeds of the sale:
- 40 (A) The reasonable or actual cost of notice, storage and sale; and
- 41 (B) Unpaid rent.
- 42 (b) After deducting the amounts listed in paragraph (a) of this subsection, the landlord shall  
43 remit the remaining proceeds, if any, to the county tax collector to the extent of any unpaid prop-  
44 erty taxes and assessments owed on the dwelling or home.
- 45 (c) After deducting the amounts listed in paragraphs (a) and (b) of this subsection, if applicable,

1 the landlord shall remit the remaining proceeds, if any, to any lienholder to the extent of any unpaid  
 2 balance owed on the lien on the personal property.

3 (d) After deducting the amounts listed in paragraphs (a), (b) and (c) of this subsection, if appli-  
 4 cable, the landlord shall remit to the tenant the remaining proceeds, if any, together with an item-  
 5 ized accounting.

6 (e) If the tenant cannot after due diligence be found, the landlord shall deposit the remaining  
 7 proceeds with the county treasurer of the county in which the sale occurred. If not claimed within  
 8 three years, the deposited proceeds revert to the general fund of the county and are available for  
 9 general purposes.

10 (14) The county tax collector and the Department of Revenue shall cancel all unpaid property  
 11 taxes and special assessments as provided under ORS 305.155 and 311.790 only under one of the  
 12 following circumstances:

13 (a) The landlord disposes of the personal property after a determination described in subsection  
 14 (10)(b) of this section.

15 (b) There is no buyer of the personal property at a sale described under subsection (11) of this  
 16 section and the landlord disposes of the property.

17 (c)(A) There is a buyer of the personal property at a sale described under subsection (11) of this  
 18 section;

19 (B) The current market value of the personal property is \$8,000 or less; and

20 (C) The proceeds of the sale are insufficient to satisfy the unpaid property taxes and assessments  
 21 owed on the personal property after distribution of the proceeds pursuant to subsection (13) of this  
 22 section.

23 (d) The landlord buys the personal property at a sale described under subsection (11) of this  
 24 section and sells the property, in compliance with subsection (15) of this section, to a buyer who  
 25 intends to occupy the property in the facility in which the property is located.

26 (e) The landlord acquires the personal property as a result of an agreement described in sub-  
 27 section (23) of this section and sells the property, in compliance with subsection (15) of this section,  
 28 to a buyer who intends to occupy the property in the facility in which the property is located.

29 (15)(a) Subsection (14)(d) and (e) of this section apply only if:

30 (A) There exists a lien on the personal property for unpaid property taxes and special assess-  
 31 ments owed to a county or to the Department of Revenue and the landlord files an affidavit or  
 32 declaration with the county tax collector or the Department of Revenue, as appropriate, that states:

33 (i) The landlord's intent to sell the property in an arm's-length transaction to an unrelated buyer  
 34 who intends to occupy the property in the facility in which the property is located; and

35 (ii) That the landlord shall comply with the requirements of this subsection; and

36 (B) Following the sale described in paragraph (a)(A) of this subsection, the landlord files an af-  
 37 fidavit or declaration with the county tax collector or the Department of Revenue, as appropriate,  
 38 that states:

39 (i) That the landlord has sold the property in an arm's-length transaction to an unrelated buyer  
 40 who intends to occupy the property in the facility in which the property is located;

41 (ii) The sale price and a description of the landlord's claims against the property or costs from  
 42 the sale, as described under subsection (13)(a) of this section, and any costs of improvements to the  
 43 property for sale; and

44 (iii) The period of time, which may not be more than is reasonably necessary, that is taken by  
 45 the landlord to complete the sale of the property.

1 (b) After a landlord files the affidavit or declaration under paragraph (a)(A) of this subsection,  
 2 the county tax collector shall provide to the landlord a title to the property that the landlord may  
 3 then provide to a buyer at the time of the sale of the property.

4 (c) The affidavit or declaration described in paragraph (a)(B) of this subsection must be accom-  
 5 panied by:

6 (A) Payment to the county tax collector or the Department of Revenue, as appropriate, of the  
 7 amount remaining from the sale proceeds after the deduction of the landlord's claims and costs as  
 8 described in the affidavit or declaration, up to the amount of the unpaid taxes or tax lien. The  
 9 landlord may retain the amount of the sale proceeds that exceed the amount of the unpaid taxes or  
 10 tax lien;

11 (B) Payment to the county tax collector of any county warrant fees; and

12 (C) An affidavit or declaration from the buyer that states the buyer's intent to occupy the  
 13 property in the facility in which the property is located.

14 (d) Upon a showing of compliance with paragraph (c) of this subsection, the county tax collector  
 15 or the Department of Revenue shall cancel all unpaid taxes or tax liens on the property.

16 (16) The landlord is not responsible for any loss to the tenant or lienholder resulting from  
 17 storage of personal property in compliance with this section unless the loss was caused by the  
 18 landlord's deliberate or negligent act. In the event of a deliberate and malicious violation, the  
 19 landlord is liable for twice the actual damages sustained by the tenant or lienholder.

20 (17) Complete compliance in good faith with this section shall constitute a complete defense in  
 21 any action brought by a tenant or lienholder against a landlord for loss or damage to such personal  
 22 property disposed of pursuant to this section.

23 (18) If a landlord does not comply with this section:

24 (a) The tenant is relieved of any liability for damage to the premises caused by conduct that  
 25 was not deliberate, intentional or grossly negligent and for unpaid rent and may recover from the  
 26 landlord up to twice the actual damages sustained by the tenant;

27 (b) A lienholder aggrieved by the noncompliance may recover from the landlord the actual  
 28 damages sustained by the lienholder. ORS 90.255 does not authorize an award of attorney fees to  
 29 the prevailing party in any action arising under this paragraph; and

30 (c) A county tax collector aggrieved by the noncompliance may recover from the landlord the  
 31 actual damages sustained by the tax collector, if the noncompliance is part of an effort by the  
 32 landlord to defraud the tax collector. ORS 90.255 does not authorize an award of attorney fees to  
 33 the prevailing party in any action arising under this paragraph.

34 (19) The provisions of this section regarding the rights and responsibilities of a tenant to the  
 35 abandoned personal property also apply to any lienholder, except that the lienholder may not sell  
 36 or remove the dwelling or home unless:

37 (a) The lienholder has foreclosed the lien on the manufactured dwelling or floating home;

38 (b) The tenant or a personal representative or designated person described in subsection (21)  
 39 of this section has waived all rights under this section pursuant to subsection (23) of this section;  
 40 or

41 (c) The notice and response periods provided by subsections (6) and (8) of this section have ex-  
 42 pired.

43 (20)(a) Except as provided by subsection (21)(d) and (e) of this section, if a lienholder makes a  
 44 timely response to a notice of abandoned personal property pursuant to subsections (6) and (8) of  
 45 this section and so requests, a landlord shall enter into a written storage agreement with the

1 lienholder providing that the personal property may not be sold or disposed of by the landlord for  
 2 up to 12 months. A storage agreement entitles the lienholder to store the personal property on the  
 3 previously rented space during the term of the agreement, but does not entitle anyone to occupy the  
 4 personal property.

5 (b) The lienholder's right to a storage agreement arises upon the failure of the tenant or, in the  
 6 case of a deceased tenant, the personal representative, designated person, heir or devisee to remove  
 7 or sell the dwelling or home within the allotted time.

8 (c) To exercise the right to a storage agreement under this subsection, in addition to contacting  
 9 the landlord with a timely response as described in paragraph (a) of this subsection, the lienholder  
 10 must enter into the proposed storage agreement within 60 days after the landlord gives a copy of  
 11 the agreement to the lienholder. The landlord shall give a copy of the proposed storage agreement  
 12 to the lienholder in the same manner as provided by subsection (4)(b) of this section. The landlord  
 13 may include a copy of the proposed storage agreement with the notice of abandoned property re-  
 14 quired by subsection (4) of this section. A lienholder enters into a storage agreement by signing a  
 15 copy of the agreement provided by the landlord and personally delivering or mailing the signed copy  
 16 to the landlord within the 60-day period.

17 (d) The storage agreement may require, in addition to other provisions agreed to by the landlord  
 18 and the lienholder, that:

19 (A) The lienholder make timely periodic payment of all storage charges, as described in sub-  
 20 section (7)(b) of this section, accruing from the commencement of the 45-day period described in  
 21 subsection (6) of this section. A storage charge may include a utility or service charge, as described  
 22 in ORS 90.532, if limited to charges for electricity, water, sewer service and natural gas and if in-  
 23 cidental to the storage of personal property. A storage charge may not be due more frequently than  
 24 monthly;

25 (B) The lienholder pay a late charge or fee for failure to pay a storage charge by the date re-  
 26 quired in the agreement, if the amount of the late charge is no greater than for late charges imposed  
 27 on facility tenants;

28 (C) The lienholder maintain the personal property and the space on which the personal property  
 29 is stored in a manner consistent with the rights and obligations described in the rental agreement  
 30 that the landlord currently provides to tenants as required by ORS 90.510 (4); and

31 (D) The lienholder repair any defects in the physical condition of the personal property that  
 32 existed prior to the lienholder entering into the storage agreement, if the defects and necessary re-  
 33 pairs are reasonably described in the storage agreement and, for homes that were first placed on  
 34 the space within the previous 24 months, the repairs are reasonably consistent with facility stan-  
 35 dards in effect at the time of placement. The lienholder shall have 90 days after entering into the  
 36 storage agreement to make the repairs. Failure to make the repairs within the allotted time consti-  
 37 tutes a violation of the storage agreement and the landlord may terminate the agreement by giving  
 38 at least 14 days' written notice to the lienholder stating facts sufficient to notify the lienholder of  
 39 the reason for termination. Unless the lienholder corrects the violation within the notice period, the  
 40 agreement terminates as provided and the landlord may sell or dispose of the property without fur-  
 41 ther notice to the lienholder.

42 (e) Notwithstanding subsection (7)(b) of this section, a landlord may increase the storage charge  
 43 if the increase is part of a facility-wide rent increase for all facility tenants, the increase is no  
 44 greater than the increase for other tenants and the landlord gives the lienholder written notice  
 45 consistent with the requirements of ORS 90.600 (1).

1 (f) During the term of an agreement described under this subsection, the lienholder has the right  
 2 to remove or sell the property, subject to the provisions of the lien. Selling the property includes a  
 3 sale to a purchaser who wishes to leave the property on the rented space and become a tenant,  
 4 subject to the provisions of ORS 90.680. The landlord may condition approval for occupancy of any  
 5 purchaser of the property upon payment of all unpaid storage charges and maintenance costs.

6 (g)(A) Except as provided in paragraph (d)(D) of this subsection, if the lienholder violates the  
 7 storage agreement, the landlord may terminate the agreement by giving at least 90 days' written  
 8 notice to the lienholder stating facts sufficient to notify the lienholder of the reason for the termi-  
 9 nation. Unless the lienholder corrects the violation within the notice period, the agreement termi-  
 10 nates as provided and the landlord may sell or dispose of the property without further notice to the  
 11 lienholder.

12 (B) After a landlord gives a termination notice pursuant to subparagraph (A) of this paragraph  
 13 for failure of the lienholder to pay a storage charge and the lienholder corrects the violation, if the  
 14 lienholder again violates the storage agreement by failing to pay a subsequent storage charge, the  
 15 landlord may terminate the agreement by giving at least 30 days' written notice to the lienholder  
 16 stating facts sufficient to notify the lienholder of the reason for termination. Unless the lienholder  
 17 corrects the violation within the notice period, the agreement terminates as provided and the land-  
 18 lord may sell or dispose of the property without further notice to the lienholder.

19 (C) A lienholder may terminate a storage agreement at any time upon at least 14 days' written  
 20 notice to the landlord and may remove the property from the facility if the lienholder has paid all  
 21 storage charges and other charges as provided in the agreement.

22 (h) Upon the failure of a lienholder to enter into a storage agreement as provided by this sub-  
 23 section or upon termination of an agreement, unless the parties otherwise agree or the lienholder  
 24 has sold or removed the property, the landlord may sell or dispose of the property pursuant to this  
 25 section without further notice to the lienholder.

26 (21) If the personal property is considered abandoned as a result of the death of a tenant who  
 27 was the only tenant, this section applies, except as follows:

28 (a) The provisions of this section regarding the rights and responsibilities of a tenant to the  
 29 abandoned personal property shall apply to any personal representative named in a will or appointed  
 30 by a court to act for the deceased tenant or any person designated in writing by the tenant to be  
 31 contacted by the landlord in the event of the tenant's death.

32 (b) The notice required by subsection (3) of this section must be:

33 (A) Sent by first class mail to the deceased tenant at the premises; and

34 (B) Personally delivered or sent by first class mail to any personal representative or designated  
 35 person if actually known to the landlord.

36 (c) The notice described in subsection (5) of this section must refer to any personal represen-  
 37 tative or designated person, instead of the deceased tenant, and must incorporate the provisions of  
 38 this subsection.

39 (d) If a personal representative, designated person or other person entitled to possession of the  
 40 property, such as an heir or devisee, responds by actual notice to a landlord within the 45-day period  
 41 provided by subsection (6) of this section and so requests, the landlord shall enter into a written  
 42 storage agreement with the representative or person providing that the personal property may not  
 43 be sold or disposed of by the landlord for up to 90 days or until conclusion of any probate pro-  
 44 ceedings, whichever is later. A storage agreement entitles the representative or person to store the  
 45 personal property on the previously rented space during the term of the agreement, but does not



1 entitle anyone to occupy the personal property. If such an agreement is entered, the landlord may  
 2 not enter a similar agreement with a lienholder pursuant to subsection (20) of this section until the  
 3 agreement with the personal representative or designated person ends.

4 (e) If a personal representative or other person requests that a landlord enter into a storage  
 5 agreement, subsection (20)(c) to (e) and (g)(C) of this section applies, with the representative or  
 6 person having the rights and responsibilities of a lienholder with regard to the storage agreement.

7 (f) During the term of an agreement described under paragraph (d) of this subsection, the rep-  
 8 resentative or person has the right to remove or sell the property, including a sale to a purchaser  
 9 or a transfer to an heir or devisee where the purchaser, heir or devisee wishes to leave the property  
 10 on the rented space and become a tenant, subject to the provisions of ORS 90.680. The landlord also  
 11 may condition approval for occupancy of any purchaser, heir or devisee of the property upon pay-  
 12 ment of all unpaid storage charges and maintenance costs.

13 (g) If the representative or person violates the storage agreement, the landlord may terminate  
 14 the agreement by giving at least 30 days' written notice to the representative or person stating facts  
 15 sufficient to notify the representative or person of the reason for the termination. Unless the rep-  
 16 resentative or person corrects the violation within the notice period, the agreement terminates as  
 17 provided and the landlord may sell or dispose of the property without further notice to the repre-  
 18 sentative or person.

19 (h) Upon the failure of a representative or person to enter into a storage agreement as provided  
 20 by this subsection or upon termination of an agreement, unless the parties otherwise agree or the  
 21 representative or person has sold or removed the property, the landlord may sell or dispose of the  
 22 property pursuant to this section without further notice to the representative or person.

23 (22) If a governmental agency determines that the condition of personal property abandoned  
 24 under this section constitutes an extreme health or safety hazard under state or local law and the  
 25 agency determines that the hazard endangers others in the facility and requires quick removal of  
 26 the property, the landlord may sell or dispose of the property pursuant to this subsection. The  
 27 landlord shall comply with all provisions of this section, except as follows:

28 (a) The date provided in subsection (6) of this section by which a tenant, lienholder, personal  
 29 representative or designated person must contact a landlord to arrange for the disposition of the  
 30 property must be not less than 15 days after personal delivery or mailing of the notice required by  
 31 subsection (3) of this section.

32 (b) The date provided in subsections (8) and (9) of this section by which a tenant, lienholder,  
 33 personal representative or designated person must remove the property must be not less than seven  
 34 days after the tenant, lienholder, personal representative or designated person contacts the landlord.

35 (c) The notice required by subsection (3) of this section must be as provided in subsection (5)  
 36 of this section, except that:

37 (A) The dates and deadlines in the notice for contacting the landlord and removing the property  
 38 must be consistent with this subsection;

39 (B) The notice must state that a governmental agency has determined that the property consti-  
 40 tutes an extreme health or safety hazard and must be removed quickly; and

41 (C) The landlord shall attach a copy of the agency's determination to the notice.

42 (d) If the tenant, a lienholder or a personal representative or designated person does not remove  
 43 the property within the time allowed, the landlord or a buyer at a sale by the landlord under sub-  
 44 section (11) of this section shall promptly remove the property from the facility.

45 (e) A landlord is not required to enter into a storage agreement with a lienholder, personal

1 representative or designated person pursuant to subsection (20) of this section.

2 (23)(a) A landlord may sell or dispose of a tenant’s abandoned personal property without com-  
 3 plying with the provisions of this section if, after termination of the tenancy or no more than seven  
 4 days prior to the termination of the tenancy, the following parties so agree in a writing entered into  
 5 in good faith:

6 (A) The landlord;

7 (B) The tenant, or for an abandonment as the result of the death of a tenant who was the only  
 8 tenant, the personal representative, designated person or other person entitled to possession of the  
 9 personal property, such as an heir or devisee, as described in subsection (21) of this section; and

10 (C) Any lienholder.

11 (b) A landlord may not, as part of a rental agreement, as a condition to approving a sale of  
 12 property on rented space under ORS 90.680 or in any other manner, require a tenant, a personal  
 13 representative, a designated person or any lienholder to waive any right provided by this section.

14 (24) Until personal property is conclusively presumed to be abandoned under subsection (9) of  
 15 this section, a landlord does not have a lien pursuant to ORS 87.152 for storing the personal prop-  
 16 erty.

17 **SECTION 19.** ORS 114.545 is amended to read:

18 114.545. (1) The affiant:

19 (a) Shall take control of the property of the estate coming into the possession of the affiant.

20 (b) Within 30 days after filing the affidavit shall mail, deliver or cause to be recorded each in-  
 21 strument which the affidavit states will be mailed, delivered or recorded.

22 (c) May open one or more deposit accounts in a financial institution as defined in ORS 706.008  
 23 with funds of the decedent, upon which the affiant may withdraw funds by means of checks, drafts  
 24 or negotiable orders of withdrawal or otherwise for the payment of claims and expenses described  
 25 in paragraph (d) of this subsection.

26 (d) From and to the extent of the property of the estate, shall pay or reimburse any person who  
 27 has paid:

28 (A) Expenses described in ORS 115.125 (1)(b) and (c) and listed in the affidavit;

29 (B) Claims listed in the affidavit as undisputed;

30 (C) Allowed claims presented to the affiant within the time permitted by ORS 114.540; and

31 (D) Claims which the probate court directs the affiant to pay.

32 (e) Shall pay claims and expenses under paragraph (d) of this subsection in the order of priority  
 33 prescribed by ORS 115.125.

34 (f) May transfer or sell any vehicle that is part of the estate before the completion of the period  
 35 established under ORS 114.555 if the affiant complies with the requirements established by the De-  
 36 partment of Transportation for such purposes under ORS 803.094.

37 (g) May convey any real or personal property that is part of the estate before the completion  
 38 of the period established under ORS 114.555, provided that each heir or devisee succeeding to the  
 39 interest conveyed joins in the conveyance and that any proceeds of sale, net of the reasonable ex-  
 40 penses of sale and any debt secured as of the date of the decedent’s death by a duly perfected lien  
 41 on the property, shall become a part of the estate subject to ORS 114.505 to 114.560. If the property  
 42 is a manufactured structure as defined in ORS 446.561, the affiant must assign interest in the  
 43 structure as provided in ORS 446.616. Any conveyance to a purchaser in good faith and for a valu-  
 44 able consideration made by the affiant and the heir or devisee succeeding to the interest conveyed,  
 45 or made by the heir or devisee succeeding to the interest conveyed after completion of the period

1 established under ORS 114.555, conveys the interest stated in the conveyance free of any interest  
 2 of the claiming successors, and the purchaser has no duty with respect to application of the con-  
 3 sideration paid for the conveyance.

4 (2) Notwithstanding any other provision of this section, when an heir or devisee entitled to  
 5 succeed to a conveyance fails or refuses to join in the conveyance as required by subsection (1)(g)  
 6 of this section, an affiant approved under ORS 114.517 may convey any real or personal property  
 7 that is part of the estate at any time to a third party for a valuable consideration.

8 (3) Property conveyed by an affiant under this section is subject to liens and encumbrances  
 9 against the decedent or the estate of the decedent but is not subject to rights of creditors of the  
 10 decedent or liens or encumbrances against the heirs or devisees of the decedent. The filing and al-  
 11 lowance of a claim in a proceeding under ORS 114.505 to 114.560 does not make the claimant a se-  
 12 cured creditor.

13 (4) Any claiming successor to whom payment, delivery or transfer is made under ORS 114.505  
 14 to 114.560 as a person entitled thereto as disclosed in the affidavit is personally answerable and  
 15 accountable:

16 (a) To the extent of the value of the property received, to creditors of the estate to the extent  
 17 such creditors are entitled to payment under subsection (1) of this section; and

18 (b) To any personal representative of the estate of the decedent thereafter appointed.

19 (5) After the expiration of the period established in subsection (1)(b) of this section, the affiant  
 20 shall cause to be recorded in the deed records of any county in which real property belonging to  
 21 the decedent is situated an affiant or claiming successor's deed conveying the property to persons  
 22 entitled to the property, executed in the manner required by ORS chapter 93.

23 (6) For a manufactured structure as defined in ORS 446.561 belonging to a decedent and assessed  
 24 as personal property, the affiant shall file with the Department of [*Consumer and Business*  
 25 *Services*] **Building Codes** the necessary information for recording the successor's interest in the  
 26 manufactured structure on an ownership document.

27 (7) A financial institution as defined in ORS 706.008 that opens one or more deposit accounts for  
 28 an affiant pursuant to subsection (1)(c) of this section is not liable to any other person for opening  
 29 the account or accounts or for permitting the affiant to withdraw funds from the account or ac-  
 30 counts by means of checks, drafts, negotiable orders of withdrawal or otherwise. The financial in-  
 31 stitution is not required to ensure that the funds of the decedent that are paid out by the affiant  
 32 are properly applied.

33 **SECTION 20.** ORS 183.457 is amended to read:

34 183.457. (1) Notwithstanding ORS 8.690, 9.160 and 9.320, and unless otherwise authorized by an-  
 35 other law, a person participating in a contested case hearing conducted by an agency described in  
 36 this subsection may be represented by an attorney or by an authorized representative subject to the  
 37 provisions of subsection (2) of this section. The Attorney General shall prepare model rules for  
 38 proceedings with lay representation that do not have the effect of precluding lay representation.  
 39 No rule adopted by a state agency shall have the effect of precluding lay representation. The  
 40 agencies before which an authorized representative may appear are:

41 (a) The State Landscape Contractors Board in the administration of the Landscape Contractors  
 42 Law.

43 (b) The State Department of Energy and the Energy Facility Siting Council.

44 (c) The Environmental Quality Commission and the Department of Environmental Quality.

45 (d) The Department of Consumer and Business Services for proceedings in which an insured

1 appears pursuant to ORS 737.505.

2 (e) The Department of [*Consumer and Business Services*] **Building Codes** and any other agency  
3 for the purpose of proceedings to enforce the state building code, as defined by ORS 455.010.

4 (f) The State Fire Marshal in the Department of State Police.

5 (g) The Department of State Lands for proceedings regarding the issuance or denial of fill or  
6 removal permits under ORS 196.800 to 196.825.

7 (h) The Public Utility Commission.

8 (i) The Water Resources Commission and the Water Resources Department.

9 (j) The Land Conservation and Development Commission and the Department of Land Conser-  
10 vation and Development.

11 (k) The State Department of Agriculture, for purposes of hearings under ORS 215.705.

12 (L) The Bureau of Labor and Industries.

13 (2) A person participating in a contested case hearing as provided in subsection (1) of this sec-  
14 tion may appear by an authorized representative if:

15 (a) The agency conducting the contested case hearing has determined that appearance of such  
16 a person by an authorized representative will not hinder the orderly and timely development of the  
17 record in the type of contested case hearing being conducted;

18 (b) The agency conducting the contested case hearing allows, by rule, authorized representatives  
19 to appear on behalf of such participants in the type of contested case hearing being conducted; and

20 (c) The officer presiding at the contested case hearing may exercise discretion to limit an au-  
21 thorized representative's presentation of evidence, examination and cross-examination of witnesses,  
22 or presentation of factual arguments to ensure the orderly and timely development of the hearing  
23 record, and shall not allow an authorized representative to present legal arguments except to the  
24 extent authorized under subsection (3) of this section.

25 (3) The officer presiding at a contested case hearing in which an authorized representative ap-  
26 pears under the provisions of this section may allow the authorized representative to present evi-  
27 dence, examine and cross-examine witnesses, and make arguments relating to the:

28 (a) Application of statutes and rules to the facts in the contested case;

29 (b) Actions taken by the agency in the past in similar situations;

30 (c) Literal meaning of the statutes or rules at issue in the contested case;

31 (d) Admissibility of evidence; and

32 (e) Proper procedures to be used in the contested case hearing.

33 (4) Upon judicial review, no limitation imposed by an agency presiding officer on the partic-  
34 ipation of an authorized representative shall be the basis for reversal or remand of agency action  
35 unless the limitation resulted in substantial prejudice to a person entitled to judicial review of the  
36 agency action.

37 (5) For the purposes of this section, "authorized representative" means a member of a partic-  
38 ipating partnership, an authorized officer or regular employee of a participating corporation, asso-  
39 ciation or organized group, or an authorized officer or employee of a participating governmental  
40 authority other than a state agency.

41 **SECTION 21.** ORS 183.530 is amended to read:

42 183.530. A housing cost impact statement shall be prepared upon the proposal for adoption or  
43 repeal of any rule or any amendment to an existing rule by:

44 (1) The Oregon Housing Stability Council;

45 (2) [*A building codes division of*] The Department of [*Consumer and Business Services*] **Building**

1 **Codes** or any board associated with the department with regard to rules adopted under ORS 455.610  
 2 to 455.630;

3 (3) The Land Conservation and Development Commission;

4 (4) The Environmental Quality Commission;

5 (5) The Construction Contractors Board;

6 (6) The Occupational Safety and Health Division of the Department of Consumer and Business  
 7 Services; or

8 (7) The State Department of Energy.

9 **SECTION 22.** ORS 215.236 is amended to read:

10 215.236. (1) As used in this section, “dwelling” means a single-family residential dwelling not  
 11 provided in conjunction with farm use.

12 (2) The governing body or its designee may not grant final approval of an application made un-  
 13 der ORS 215.213 (3) or 215.284 (1), (2), (3), (4) or (7) for the establishment of a dwelling on a lot or  
 14 parcel in an exclusive farm use zone that is, or has been, receiving special assessment without evi-  
 15 dence that the lot or parcel upon which the dwelling is proposed has been disqualified for special  
 16 assessment at value for farm use under ORS 308A.050 to 308A.128 or other special assessment under  
 17 ORS 308A.315, 321.257 to 321.390, 321.700 to 321.754 or 321.805 to 321.855 and any additional tax  
 18 imposed as the result of disqualification has been paid.

19 (3) The governing body or its designee may grant tentative approval of an application made  
 20 under ORS 215.213 (3) or 215.284 (1), (2), (3), (4) or (7) for the establishment of a dwelling on a lot  
 21 or parcel in an exclusive farm use zone that is specially assessed at value for farm use under ORS  
 22 308A.050 to 308A.128 upon making the findings required by ORS 215.213 (3) or 215.284 (1), (2), (3),  
 23 (4) or (7). An application for the establishment of a dwelling that has been tentatively approved shall  
 24 be given final approval by the governing body or its designee upon receipt of evidence that the lot  
 25 or parcel upon which establishment of the dwelling is proposed has been disqualified for special  
 26 assessment at value for farm use under ORS 308A.050 to 308A.128 or other special assessment under  
 27 ORS 308A.315, 321.257 to 321.390, 321.700 to 321.754 or 321.805 to 321.855 and any additional tax  
 28 imposed as the result of disqualification has been paid.

29 (4) The owner of a lot or parcel upon which the establishment of a dwelling has been tentatively  
 30 approved as provided by subsection (3) of this section shall, before final approval, simultaneously:

31 (a) Notify the county assessor that the lot or parcel is no longer being used as farmland or for  
 32 other specially assessed uses described in subsection (2) or (3) of this section;

33 (b) Request that the county assessor disqualify the lot or parcel from special assessment under  
 34 ORS 308A.050 to 308A.128, 308A.315, 321.257 to 321.390, 321.700 to 321.754 or 321.805 to 321.855; and

35 (c) Pay any additional tax imposed upon disqualification from special assessment.

36 (5) Except as provided in subsection (6) of this section, a lot or parcel that has been disqualified  
 37 pursuant to subsection (4) of this section may not requalify for special assessment unless, when  
 38 combined with another contiguous lot or parcel, it constitutes a qualifying parcel.

39 (6)(a) A lot or parcel that has been disqualified pursuant to subsection (4) of this section may  
 40 requalify for wildlife habitat special assessment under ORS 308A.403 to 308A.430 or conservation  
 41 easement special assessment under ORS 308A.450 to 308A.465 without satisfying the requirements  
 42 of subsection (5) of this section.

43 (b) Upon disqualification from wildlife habitat special assessment under ORS 308A.430 or dis-  
 44 qualification from conservation easement special assessment under ORS 308A.465, the lot or parcel  
 45 shall be subject to the requirements of subsection (5) of this section.

1 (7) When the owner of a lot or parcel upon which the establishment of a dwelling has been  
 2 tentatively approved notifies the county assessor that the lot or parcel is no longer being used as  
 3 farmland and requests disqualification of the lot or parcel for special assessment at value for farm  
 4 use, the county assessor shall:

5 (a) Disqualify the lot or parcel for special assessment at value for farm use under ORS 308A.050  
 6 to 308A.128 or other special assessment by removing the special assessment;

7 (b) Provide the owner of the lot or parcel with written notice of the disqualification; and

8 (c) Impose the additional tax, if any, provided by statute upon disqualification.

9 (8) The Department of [*Consumer and Business Services*] **Building Codes**, a building official, as  
 10 defined in ORS 455.715 (1), or any other agency or official responsible for the administration and  
 11 enforcement of the state building code, as defined in ORS 455.010, may not issue a building permit  
 12 for the construction of a dwelling on a lot or parcel in an exclusive farm use zone without evidence  
 13 that the owner of the lot or parcel upon which the dwelling is proposed to be constructed has paid  
 14 the additional tax, if any, imposed by the county assessor under subsection (7)(c) of this section.

15 **SECTION 23.** ORS 244.050 is amended to read:

16 244.050. (1) On or before April 15 of each year the following persons shall file with the Oregon  
 17 Government Ethics Commission a verified statement of economic interest as required under this  
 18 chapter:

19 (a) The Governor, Secretary of State, State Treasurer, Attorney General, Commissioner of the  
 20 Bureau of Labor and Industries, district attorneys and members of the Legislative Assembly.

21 (b) Any judicial officer, including justices of the peace and municipal judges, except any pro tem  
 22 judicial officer who does not otherwise serve as a judicial officer.

23 (c) Any candidate for a public office designated in paragraph (a) or (b) of this subsection.

24 (d) The Deputy Attorney General.

25 (e) The Deputy Secretary of State.

26 (f) The Legislative Administrator, the Legislative Counsel, the Legislative Fiscal Officer, the  
 27 Secretary of the Senate and the Chief Clerk of the House of Representatives.

28 (g) The president and vice presidents, or their administrative equivalents, in each public uni-  
 29 versity listed in ORS 352.002.

30 (h) The following state officers:

31 (A) Adjutant General.

32 (B) Director of Agriculture.

33 (C) Manager of State Accident Insurance Fund Corporation.

34 (D) Water Resources Director.

35 (E) Director of Department of Environmental Quality.

36 (F) Director of Oregon Department of Administrative Services.

37 (G) State Fish and Wildlife Director.

38 (H) State Forester.

39 (I) State Geologist.

40 (J) Director of Human Services.

41 (K) Director of the Department of Consumer and Business Services.

42 (L) Director of the Department of State Lands.

43 (M) State Librarian.

44 (N) Administrator of Oregon Liquor Control Commission.

45 (O) Superintendent of State Police.

- 1 (P) Director of the Public Employees Retirement System.
- 2 (Q) Director of Department of Revenue.
- 3 (R) Director of Transportation.
- 4 (S) Public Utility Commissioner.
- 5 (T) Director of Veterans' Affairs.
- 6 (U) Executive director of Oregon Government Ethics Commission.
- 7 (V) Director of the State Department of Energy.
- 8 (W) Director and each assistant director of the Oregon State Lottery.
- 9 (X) Director of the Department of Corrections.
- 10 (Y) Director of the Oregon Department of Aviation.
- 11 (Z) Executive director of the Oregon Criminal Justice Commission.
- 12 (AA) Director of the Oregon Business Development Department.
- 13 (BB) Director of the Office of Emergency Management.
- 14 (CC) Director of the Employment Department.
- 15 (DD) Chief of staff for the Governor.
- 16 (EE) Administrator of the Office for Oregon Health Policy and Research.
- 17 (FF) Director of the Housing and Community Services Department.
- 18 (GG) State Court Administrator.
- 19 (HH) Director of the Department of Land Conservation and Development.
- 20 (II) Board chairperson of the Land Use Board of Appeals.
- 21 (JJ) State Marine Director.
- 22 (KK) Executive director of the Oregon Racing Commission.
- 23 (LL) State Parks and Recreation Director.
- 24 (MM) Public defense services executive director.
- 25 (NN) Chairperson of the Public Employees' Benefit Board.
- 26 (OO) Director of the Department of Public Safety Standards and Training.
- 27 (PP) Executive director of the Higher Education Coordinating Commission.
- 28 (QQ) Executive director of the Oregon Watershed Enhancement Board.
- 29 (RR) Director of the Oregon Youth Authority.
- 30 (SS) Director of the Oregon Health Authority.
- 31 (TT) Deputy Superintendent of Public Instruction.
- 32 **(UU) Director of the Department of Building Codes.**
- 33 (i) The First Partner, the legal counsel, the deputy legal counsel and all policy advisors within
- 34 the Governor's office.
- 35 (j) Every elected city or county official.
- 36 (k) Every member of a city or county planning, zoning or development commission.
- 37 (L) The chief executive officer of a city or county who performs the duties of manager or prin-
- 38 cipal administrator of the city or county.
- 39 (m) Members of local government boundary commissions formed under ORS 199.410 to 199.519.
- 40 (n) Every member of a governing body of a metropolitan service district and the auditor and
- 41 executive officer thereof.
- 42 (o) Each member of the board of directors of the State Accident Insurance Fund Corporation.
- 43 (p) The chief administrative officer and the financial officer of each common and union high
- 44 school district, education service district and community college district.
- 45 (q) Every member of the following state boards and commissions:

- 1 (A) Board of Geologic and Mineral Industries.
- 2 (B) Oregon Business Development Commission.
- 3 (C) State Board of Education.
- 4 (D) Environmental Quality Commission.
- 5 (E) Fish and Wildlife Commission of the State of Oregon.
- 6 (F) State Board of Forestry.
- 7 (G) Oregon Government Ethics Commission.
- 8 (H) Oregon Health Policy Board.
- 9 (I) Oregon Investment Council.
- 10 (J) Land Conservation and Development Commission.
- 11 (K) Oregon Liquor Control Commission.
- 12 (L) Oregon Short Term Fund Board.
- 13 (M) State Marine Board.
- 14 (N) Mass transit district boards.
- 15 (O) Energy Facility Siting Council.
- 16 (P) Board of Commissioners of the Port of Portland.
- 17 (Q) Employment Relations Board.
- 18 (R) Public Employees Retirement Board.
- 19 (S) Oregon Racing Commission.
- 20 (T) Oregon Transportation Commission.
- 21 (U) Water Resources Commission.
- 22 (V) Workers' Compensation Board.
- 23 (W) Oregon Facilities Authority.
- 24 (X) Oregon State Lottery Commission.
- 25 (Y) Pacific Northwest Electric Power and Conservation Planning Council.
- 26 (Z) Columbia River Gorge Commission.
- 27 (AA) Oregon Health and Science University Board of Directors.
- 28 (BB) Capitol Planning Commission.
- 29 (CC) Higher Education Coordinating Commission.
- 30 (DD) Oregon Growth Board.
- 31 (EE) Early Learning Council.
- 32 (r) The following officers of the State Treasurer:
- 33 (A) Deputy State Treasurer.
- 34 (B) Chief of staff for the office of the State Treasurer.
- 35 (C) Director of the Investment Division.
- 36 (s) Every member of the board of commissioners of a port governed by ORS 777.005 to 777.725
- 37 or 777.915 to 777.953.
- 38 (t) Every member of the board of directors of an authority created under ORS 441.525 to 441.595.
- 39 (u) Every member of a governing board of a public university listed in ORS 352.002.
- 40 (v) Every member of the board of directors of an authority created under ORS 465.600 to
- 41 465.621.
- 42 (2) By April 15 next after the date an appointment takes effect, every appointed public official
- 43 on a board or commission listed in subsection (1) of this section shall file with the Oregon Govern-
- 44 ment Ethics Commission a statement of economic interest as required under ORS 244.060, 244.070
- 45 and 244.090.



1 (3) By April 15 next after the filing deadline for the primary election, each candidate described  
 2 in subsection (1) of this section shall file with the commission a statement of economic interest as  
 3 required under ORS 244.060, 244.070 and 244.090.

4 (4) Within 30 days after the filing deadline for the general election, each candidate described in  
 5 subsection (1) of this section who was not a candidate in the preceding primary election, or who  
 6 was nominated for public office described in subsection (1) of this section at the preceding primary  
 7 election by write-in votes, shall file with the commission a statement of economic interest as re-  
 8 quired under ORS 244.060, 244.070 and 244.090.

9 (5) Subsections (1) to (4) of this section apply only to persons who are incumbent, elected or  
 10 appointed public officials as of April 15 and to persons who are candidates on April 15. Subsections  
 11 (1) to (4) of this section also apply to persons who do not become candidates until 30 days after the  
 12 filing deadline for the statewide general election.

13 (6) If a statement required to be filed under this section has not been received by the commis-  
 14 sion within five days after the date the statement is due, the commission shall notify the public of-  
 15 ficial or candidate and give the public official or candidate not less than 15 days to comply with the  
 16 requirements of this section. If the public official or candidate fails to comply by the date set by the  
 17 commission, the commission may impose a civil penalty as provided in ORS 244.350.

18 **SECTION 24.** ORS 244.050, as amended by section 10, chapter 88, Oregon Laws 2016, is  
 19 amended to read:

20 244.050. (1) On or before April 15 of each year the following persons shall file with the Oregon  
 21 Government Ethics Commission a verified statement of economic interest as required under this  
 22 chapter:

23 (a) The Governor, Secretary of State, State Treasurer, Attorney General, Commissioner of the  
 24 Bureau of Labor and Industries, district attorneys and members of the Legislative Assembly.

25 (b) Any judicial officer, including justices of the peace and municipal judges, except any pro tem  
 26 judicial officer who does not otherwise serve as a judicial officer.

27 (c) Any candidate for a public office designated in paragraph (a) or (b) of this subsection.

28 (d) The Deputy Attorney General.

29 (e) The Deputy Secretary of State.

30 (f) The Legislative Administrator, the Legislative Counsel, the Legislative Fiscal Officer, the  
 31 Legislative Policy and Research Director, the Secretary of the Senate and the Chief Clerk of the  
 32 House of Representatives.

33 (g) The president and vice presidents, or their administrative equivalents, in each public uni-  
 34 versity listed in ORS 352.002.

35 (h) The following state officers:

36 (A) Adjutant General.

37 (B) Director of Agriculture.

38 (C) Manager of State Accident Insurance Fund Corporation.

39 (D) Water Resources Director.

40 (E) Director of Department of Environmental Quality.

41 (F) Director of Oregon Department of Administrative Services.

42 (G) State Fish and Wildlife Director.

43 (H) State Forester.

44 (I) State Geologist.

45 (J) Director of Human Services.

- 1 (K) Director of the Department of Consumer and Business Services.
- 2 (L) Director of the Department of State Lands.
- 3 (M) State Librarian.
- 4 (N) Administrator of Oregon Liquor Control Commission.
- 5 (O) Superintendent of State Police.
- 6 (P) Director of the Public Employees Retirement System.
- 7 (Q) Director of Department of Revenue.
- 8 (R) Director of Transportation.
- 9 (S) Public Utility Commissioner.
- 10 (T) Director of Veterans' Affairs.
- 11 (U) Executive director of Oregon Government Ethics Commission.
- 12 (V) Director of the State Department of Energy.
- 13 (W) Director and each assistant director of the Oregon State Lottery.
- 14 (X) Director of the Department of Corrections.
- 15 (Y) Director of the Oregon Department of Aviation.
- 16 (Z) Executive director of the Oregon Criminal Justice Commission.
- 17 (AA) Director of the Oregon Business Development Department.
- 18 (BB) Director of the Office of Emergency Management.
- 19 (CC) Director of the Employment Department.
- 20 (DD) Chief of staff for the Governor.
- 21 (EE) Administrator of the Office for Oregon Health Policy and Research.
- 22 (FF) Director of the Housing and Community Services Department.
- 23 (GG) State Court Administrator.
- 24 (HH) Director of the Department of Land Conservation and Development.
- 25 (II) Board chairperson of the Land Use Board of Appeals.
- 26 (JJ) State Marine Director.
- 27 (KK) Executive director of the Oregon Racing Commission.
- 28 (LL) State Parks and Recreation Director.
- 29 (MM) Public defense services executive director.
- 30 (NN) Chairperson of the Public Employees' Benefit Board.
- 31 (OO) Director of the Department of Public Safety Standards and Training.
- 32 (PP) Executive director of the Higher Education Coordinating Commission.
- 33 (QQ) Executive director of the Oregon Watershed Enhancement Board.
- 34 (RR) Director of the Oregon Youth Authority.
- 35 (SS) Director of the Oregon Health Authority.
- 36 (TT) Deputy Superintendent of Public Instruction.
- 37 **(UU) Director of the Department of Building Codes.**
- 38 (i) The First Partner, the legal counsel, the deputy legal counsel and all policy advisors within
- 39 the Governor's office.
- 40 (j) Every elected city or county official.
- 41 (k) Every member of a city or county planning, zoning or development commission.
- 42 (L) The chief executive officer of a city or county who performs the duties of manager or prin-
- 43 cipal administrator of the city or county.
- 44 (m) Members of local government boundary commissions formed under ORS 199.410 to 199.519.
- 45 (n) Every member of a governing body of a metropolitan service district and the auditor and

1 executive officer thereof.

2 (o) Each member of the board of directors of the State Accident Insurance Fund Corporation.

3 (p) The chief administrative officer and the financial officer of each common and union high  
4 school district, education service district and community college district.

5 (q) Every member of the following state boards and commissions:

6 (A) Board of Geologic and Mineral Industries.

7 (B) Oregon Business Development Commission.

8 (C) State Board of Education.

9 (D) Environmental Quality Commission.

10 (E) Fish and Wildlife Commission of the State of Oregon.

11 (F) State Board of Forestry.

12 (G) Oregon Government Ethics Commission.

13 (H) Oregon Health Policy Board.

14 (I) Oregon Investment Council.

15 (J) Land Conservation and Development Commission.

16 (K) Oregon Liquor Control Commission.

17 (L) Oregon Short Term Fund Board.

18 (M) State Marine Board.

19 (N) Mass transit district boards.

20 (O) Energy Facility Siting Council.

21 (P) Board of Commissioners of the Port of Portland.

22 (Q) Employment Relations Board.

23 (R) Public Employees Retirement Board.

24 (S) Oregon Racing Commission.

25 (T) Oregon Transportation Commission.

26 (U) Water Resources Commission.

27 (V) Workers' Compensation Board.

28 (W) Oregon Facilities Authority.

29 (X) Oregon State Lottery Commission.

30 (Y) Pacific Northwest Electric Power and Conservation Planning Council.

31 (Z) Columbia River Gorge Commission.

32 (AA) Oregon Health and Science University Board of Directors.

33 (BB) Capitol Planning Commission.

34 (CC) Higher Education Coordinating Commission.

35 (DD) Oregon Growth Board.

36 (EE) Early Learning Council.

37 (r) The following officers of the State Treasurer:

38 (A) Deputy State Treasurer.

39 (B) Chief of staff for the office of the State Treasurer.

40 (C) Director of the Investment Division.

41 (s) Every member of the board of commissioners of a port governed by ORS 777.005 to 777.725  
42 or 777.915 to 777.953.

43 (t) Every member of the board of directors of an authority created under ORS 441.525 to 441.595.

44 (u) Every member of a governing board of a public university listed in ORS 352.002.

45 (v) Every member of the board of directors of an authority created under ORS 465.600 to

1 465.621.

2 (2) By April 15 next after the date an appointment takes effect, every appointed public official  
 3 on a board or commission listed in subsection (1) of this section shall file with the Oregon Govern-  
 4 ment Ethics Commission a statement of economic interest as required under ORS 244.060, 244.070  
 5 and 244.090.

6 (3) By April 15 next after the filing deadline for the primary election, each candidate described  
 7 in subsection (1) of this section shall file with the commission a statement of economic interest as  
 8 required under ORS 244.060, 244.070 and 244.090.

9 (4) Within 30 days after the filing deadline for the general election, each candidate described in  
 10 subsection (1) of this section who was not a candidate in the preceding primary election, or who  
 11 was nominated for public office described in subsection (1) of this section at the preceding primary  
 12 election by write-in votes, shall file with the commission a statement of economic interest as re-  
 13 quired under ORS 244.060, 244.070 and 244.090.

14 (5) Subsections (1) to (4) of this section apply only to persons who are incumbent, elected or  
 15 appointed public officials as of April 15 and to persons who are candidates on April 15. Subsections  
 16 (1) to (4) of this section also apply to persons who do not become candidates until 30 days after the  
 17 filing deadline for the statewide general election.

18 (6) If a statement required to be filed under this section has not been received by the commis-  
 19 sion within five days after the date the statement is due, the commission shall notify the public of-  
 20 ficial or candidate and give the public official or candidate not less than 15 days to comply with the  
 21 requirements of this section. If the public official or candidate fails to comply by the date set by the  
 22 commission, the commission may impose a civil penalty as provided in ORS 244.350.

23 **SECTION 25.** ORS 279C.527 is amended to read:

24 279C.527. (1) As used in this section and in ORS 279C.528:

25 (a)(A) “Green energy technology” means a system that employs:

26 (i) Solar or geothermal energy directly for space or water heating or to generate electricity; or

27 (ii) Building design that uses solar energy passively to reduce energy use from other sources  
 28 by at least 20 percent from a level required under ORS 276.900 to 276.915 or achieved in buildings  
 29 constructed according to state building code standards that the Department of [*Consumer and*  
 30 *Business Services*] **Building Codes** approves under ORS 455.496.

31 (B) “Green energy technology” does not include a system that:

32 (i) Uses water, groundwater or the ground as a heat source at temperatures less than 140 de-  
 33 grees Fahrenheit, or less than 128 degrees Fahrenheit if the system is used for a public school  
 34 building; or

35 (ii) Incorporates solar energy indirectly into other methods for generating energy, such as from  
 36 the action of waves on water, from hydroelectric facilities or from wind-powered turbines.

37 (b) “Public building” means a building that a public body, as defined in ORS 174.109, owns or  
 38 controls, and that is:

39 (A) Used or occupied by employees of the public body; or

40 (B) Used for conducting public business.

41 (2)(a) Except as otherwise provided in this section, a contracting agency that intends to enter  
 42 into a public improvement contract for constructing a public building or for reconstructing or per-  
 43 forming a major renovation of a public building, if the cost of the reconstruction or major renovation  
 44 exceeds 50 percent of the value of the public building, shall first make a determination under sub-  
 45 section (3) of this section as to whether green energy technology is appropriate for the public

1 building and, if the contracting agency determines that green energy technology is appropriate, shall  
2 ensure that the public improvement contract provides an amount equal to at least 1.5 percent of the  
3 total contract price for the purpose of including appropriate green energy technology as part of the  
4 construction, reconstruction or major renovation of the public building.

5 (b) A public improvement contract to construct, reconstruct or renovate a public building may  
6 provide for constructing green energy technology at a site that is located away from the site of the  
7 public building if:

8 (A) Constructing green energy technology away from the site of the public building and using  
9 the energy from the green energy technology at the site of the public building is more cost-effective,  
10 taking into account additional costs associated with transmitting generated energy to the site of the  
11 public building, than is constructing and using green energy technology at the site of the public  
12 building;

13 (B) The green energy technology that is located away from the site of the public building is lo-  
14 cated within this state and in the same county as, or in a county adjacent to, the site of the public  
15 building; and

16 (C) The public improvement contract provides that all of the moneys for constructing green en-  
17 ergy technology away from the site of the public building must fund new energy generating capacity  
18 that does not replace or constitute a purchase and use of energy generated from green energy  
19 technology that:

20 (i) Employs solar energy and that existed on the date that the original building permit for the  
21 public building was issued; or

22 (ii) Employs geothermal energy and for which construction was completed before January 1,  
23 2013.

24 (c) In evaluating whether a contracting agency can construct green energy technology at a site  
25 away from the site of the public building in accordance with paragraph (b)(A) of this subsection, the  
26 contracting agency shall:

27 (A) Compare the costs of constructing green energy technology that employs solar energy at the  
28 site of the public building only with the corresponding costs of green energy technology that em-  
29 ploys solar energy at a location away from the site of the public building; and

30 (B) Compare the costs of green energy technology that employs geothermal energy at the site  
31 of the public building only with the corresponding costs of green energy technology that employs  
32 geothermal energy at a location away from the site of the public building.

33 (3) In making a determination as to whether green energy technology is appropriate in con-  
34 structing, reconstructing or performing a major renovation of a public building, a contracting  
35 agency shall list in the determination the total contract price and specify the amount the agency  
36 intends to expend on including green energy technology as part of the construction, reconstruction  
37 or major renovation. The State Department of Energy shall develop a form that a contracting  
38 agency may use to prepare the written determination described in this subsection.

39 (4)(a) If the contracting agency determines that green energy technology is not appropriate for  
40 the public building, subsection (2) of this section does not apply to the public improvement contract.  
41 A contracting agency's determination under this paragraph must consider whether constructing  
42 green energy technology at the site of the public building is appropriate and whether constructing  
43 green energy technology away from the site of the public building and in accordance with subsection  
44 (2)(b) and (c) of this section is appropriate.

45 (b) If subsection (2) of this section does not apply to the public improvement contract:

1 (A) The contracting agency shall spend an amount equal to at least 1.5 percent of the total  
 2 contract price to include appropriate green energy technology as part of a future public building  
 3 project; and

4 (B) The amount the contracting agency spends on the future public building project in accord-  
 5 ance with subparagraph (A) of this paragraph is in addition to any amount required under sub-  
 6 section (2) of this section for including appropriate green energy technology as part of the future  
 7 public building project.

8 (5)(a) A contracting agency need not set aside the amount described in subsection (4)(b) in an  
 9 account or otherwise reserve moneys for a future public building at the time the contracting agency  
 10 makes the determination described in subsection (3) of this section, but the contracting agency shall  
 11 report the amount described in subsection (4)(b) to the State Department of Energy as provided in  
 12 ORS 279C.528 (2)(a).

13 (b) Subsection (4)(b) of this section does not apply to a public improvement contract for which  
 14 state funds are not directly or indirectly used.

15 (6)(a) This section does not exempt an authorized state agency, as defined in ORS 276.905, from  
 16 complying with ORS 276.900 to 276.915, except that an authorized state agency, without complying  
 17 with ORS 276.900 to 276.915, may determine that green energy technology is appropriate to include  
 18 as part of constructing, reconstructing or performing a major renovation of a public building.

19 (b) A contracting agency may not use an amount described in subsection (4)(b) of this section  
 20 to comply with requirements set forth in ORS 276.900 to 276.915 or with a state building code  
 21 standard that the Department of [*Consumer and Business Services*] **Building Codes** approves under  
 22 ORS 455.496.

23 (7) Notwithstanding the provisions of ORS 174.108 (3), this section applies to intergovernmental  
 24 entities described in ORS 174.108 (3).

25 **SECTION 26.** ORS 293.701 is amended to read:

26 293.701. As used in ORS 293.701 to 293.857, unless the context requires otherwise:

27 (1) "Council" means the Oregon Investment Council.

28 (2) "Investment funds" means:

29 (a) Public Employees Retirement Fund referred to in ORS 238.660;

30 (b) Industrial Accident Fund referred to in ORS 656.632;

31 (c) Consumer and Business Services Fund referred to in ORS 705.145;

32 (d) Employment Department Special Administrative Fund referred to in ORS 657.822;

33 (e) Insurance Fund referred to in ORS 278.425;

34 (f) Funds under the control and administration of the Department of State Lands;

35 (g) Oregon Student Assistance Fund referred to in ORS 348.570;

36 (h) Moneys made available to the Commission for the Blind under ORS 346.270 and 346.540 or  
 37 rules adopted thereunder;

38 (i) Forest Development Revenue Bond Fund referred to in ORS 530.147 and State Forestry  
 39 General Obligation Bond Fund referred to in ORS 530.280;

40 (j) Oregon War Veterans' Fund referred to in ORS 407.495;

41 (k) Oregon War Veterans' Bond Sinking Account referred to in ORS 407.515;

42 (L) World War II Veterans' Compensation Fund;

43 (m) World War II Veterans' Bond Sinking Fund;

44 (n) Funds in the hands of the State Treasurer that are not required to meet current demands  
 45 and that are invested in the Oregon Short Term Fund established under ORS 293.728 or in another

1 commingled investment vehicle;

2 (o) State funds that are not subject to the control and administration of officers or bodies spe-  
3 cifically designated by law;

4 (p) Funds derived from the sale of state bonds;

5 (q) Social Security Revolving Account referred to in ORS 237.490;

6 (r) Public University Fund established by ORS 352.450;

7 (s) Local Government Employer Benefit Trust Fund referred to in ORS 657.513;

8 (t) Elderly and Disabled Special Transportation Fund established by ORS 391.800;

9 (u) Education Stability Fund established by ORS 348.696;

10 (v) Deferred Compensation Fund established under ORS 243.411;

11 (w) Trust for Cultural Development Account established under ORS 359.405; [and]

12 (x) The State Library Donation Fund and the Talking Book and Braille Library Endowment  
13 Fund subaccount established under ORS 357.195[.]; **and**

14 (y) **Department of Building Codes Fund established in section 5 of this 2017 Act.**

15 (3) "Investment officer" means the State Treasurer in the capacity as investment officer for the  
16 council.

17 **SECTION 27.** ORS 308.310 is amended to read:

18 308.310. The Electrical and Elevator Board in the Department of [*Consumer and Business Ser-*  
19 *vices*] **Building Codes** shall furnish any county assessor upon request a complete list of those per-  
20 sons who have been issued electrical permits in such county within one year of the date of the  
21 request, together with the location of the electrical installations requested thereby. The board shall  
22 have 30 days to prepare the list after the board has received the request.

23 **SECTION 28.** ORS 311.280 is amended to read:

24 311.280. (1) Any person desiring to pay taxes on any part of any real estate assessed as one  
25 parcel or tract may do so by applying to the county assessor or deputy county assessor. The county  
26 assessor shall determine the relative or proportionate value such part bears to the value of the  
27 whole tract assessed, and shall file a statement thereof with the tax collector, on which basis the  
28 assessment shall be divided and taxes shall be collected accordingly.

29 (2) The assessor or tax collector shall not divide an assessment under this section unless the  
30 person calling for the division of assessment owns, or holds a mortgage or other lien on that part  
31 only of such area on which the person desires to pay the taxes, and has filed with the assessor a  
32 true copy of the deed, contract of sale, mortgage or other instrument evidencing the interest in the  
33 part; provided that whenever such instrument is otherwise recorded in the county records, such fil-  
34 ing shall not be required.

35 (3) The assessor or tax collector shall not divide an assessment under this section unless all ad  
36 valorem taxes, fees and other charges required to be placed upon the tax roll that have been certi-  
37 fied for collection under ORS 311.105 and 311.110 and become a lien upon the entire parcel of  
38 property have been paid. However, if the applicant for the division is a public body, only the portion  
39 of such taxes, fees and other charges apportionable to the part of the real estate owned by the  
40 public body, or on which the public body holds a mortgage or other lien, need be paid. As used in  
41 this subsection, "public body" means the United States, its agencies and instrumentalities, the state,  
42 a county, city, school district, irrigation or drainage district, a port, a water district and all other  
43 public or municipal corporations in the state exempt from tax under ORS 307.040 or 307.090.

44 (4) In the case of a parcel or tract of real estate which is being assessed under one of the special  
45 assessment laws listed in ORS 308A.733 (2) or under ORS 358.480 to 358.545, the assessor or tax

1 collector shall not divide the assessment unless the portion of any additional taxes or penalty  
 2 apportionable to the part of the property disqualified from special assessment is paid.

3 (5) In the case of property within the jurisdiction of a city or county which has adopted minor  
 4 land partition regulations pursuant to ORS 92.046, the assessor shall not divide an assessment unless  
 5 the person calling for the division of assessment has filed with the assessor evidence that the divi-  
 6 sion has been approved as required by such regulations.

7 (6) Whenever a manufactured structure is assessed as real property under ORS 308.875, and the  
 8 security interest holder of the manufactured structure is a person different from the owner of the  
 9 parcel of land upon which it is situated, the security interest holder may apply to the assessor for  
 10 a division of the value of the entire parcel between the value of the manufactured structure and the  
 11 value of the remainder of the parcel. Using this value division, the tax collector shall allocate the  
 12 taxes between the manufactured structure and the remainder of the parcel, and the security interest  
 13 holder of the manufactured structure may pay the taxes on the value attributable to the manufac-  
 14 tured structure and thereby free the manufactured structure from the lien of those taxes. If a divi-  
 15 sion is made and taxes and special assessments are paid on the value attributable to the  
 16 manufactured structure, the county may reclassify the manufactured structure as personal property,  
 17 forward the ownership document application information to the Department of [*Consumer and*  
 18 *Business Services*] **Building Codes** and allow the structure to be moved as provided in ORS 446.631  
 19 without payment of the taxes and special assessments attributable to the remainder of the parcel.

20 (7) If protest is filed to the division, the matter shall be heard by the county commissioners or  
 21 the county court (as defined in ORS 306.005) at its next regular session for transaction of county  
 22 business, who shall make a final division of the assessment, and the tax collector shall collect and  
 23 receipt for the taxes as so determined and ordered.

24 (8) No person shall apply in any year under this section for a division of the assessment of a  
 25 subdivision made on the assessment roll prepared as of January 1 of the year in which the subdivi-  
 26 sion is finally approved.

27 **SECTION 29.** ORS 311.512 is amended to read:

28 311.512. (1) Taxes on manufactured structures assessed as real property shall become due, be-  
 29 come delinquent, and be collected at the same time and in the same manner as taxes on other real  
 30 property. Taxes on manufactured structures assessed as personal property are subject to all the  
 31 provisions of law relating to the assessment, taxation and collection of personal property taxes.

32 (2) The seizure and sale for tax delinquency of a manufactured structure assessed as personal  
 33 property must be conducted and carried out in the same manner as provided by law for the seizure  
 34 and sale of other personal property for the collection of taxes due thereon, except as follows:

35 (a) If the records of the Department of [*Consumer and Business Services*] **Building Codes** indi-  
 36 cate that the person to whom the seized manufactured structure is assessed is not the security in-  
 37 terest holder, the tax collector, before selling the manufactured structure, shall give notice of the  
 38 sale to any security interest holder by registered or certified mail, addressed to the security interest  
 39 holder at the last-known address of the holder as shown by the records of the Department of [*Con-*  
 40 *sumer and Business Services*] **Building Codes**, mailed not later than the 10th day before the sale.

41 (b) At any time before the sale, the person assessed or security interest holder of the manufac-  
 42 tured structure to be sold may pay the tax collector the full amount of the delinquent taxes, plus  
 43 any penalties and interest thereon, and costs incurred by the tax collector in seizing the manufac-  
 44 tured structure and arranging its sale. If this is done, the tax collector may not hold the sale and  
 45 shall return the manufactured structure to the person entitled to possession of the structure.



1 (c) If the amount realized on the sale is in excess of the amount of taxes, interest, penalties and  
 2 costs due on the manufactured structure, the tax collector first shall pay to the security interest  
 3 holder, according to the records of the Department of [*Consumer and Business Services*] **Building**  
 4 **Codes**, the amount of their interest to the extent there are sufficient moneys to do so, and shall pay  
 5 any amount thereafter remaining to the owner of the manufactured structure.

6 **SECTION 30.** ORS 311.675 is amended to read:

7 311.675. (1) In each county in which there is tax-deferred property, the Department of Revenue  
 8 shall cause to be recorded in the mortgage records of the county a list of tax-deferred properties  
 9 that lie in the county. The list shall contain a description of the property as listed on the assessment  
 10 roll together with the name of the owner as listed on the assessment roll.

11 (2)(a) The recording of tax-deferred properties under subsection (1) of this section is notice that  
 12 the Department of Revenue claims a lien against those properties in the amount of the deferred  
 13 taxes plus interest on the deferred taxes, the cost of insurance purchased pursuant to ORS 311.670  
 14 (4)(b) and any fees paid by the department in connection with the filing, recording, release or sat-  
 15 isfaction of the lien.

16 (b) If the recording of tax-deferred properties under subsection (1) of this section occurred prior  
 17 to January 1, 1990, the recording is notice that the department claims a lien against those properties  
 18 in the amount of the deferred taxes plus interest on the deferred taxes, the cost of insurance pur-  
 19 chased pursuant to ORS 311.670 (4)(b) and any fees paid by the department in connection with the  
 20 filing, recording, release or satisfaction of the lien, whether or not the amount of taxes and interest  
 21 on the deferred taxes, the cost of insurance purchased pursuant to ORS 311.670 (4)(b) or fees is  
 22 listed.

23 (3)(a) When an ownership document is issued under ORS 446.566 to 446.646, or issuance of the  
 24 document is pending, for a tax-deferred manufactured structure assessed as personal property under  
 25 ORS 308.875, the Department of Revenue shall file with the Department of [*Consumer and Business*  
 26 *Services*] **Building Codes** an application for notation of the deferred property tax lien as a security  
 27 interest on behalf of the State of Oregon. The Department of [*Consumer and Business Services*]  
 28 **Building Codes** shall note the lien as a security interest in the same manner as other security in-  
 29 terests in manufactured structures. A lien noted as a security interest in records maintained by the  
 30 Department of [*Consumer and Business Services*] **Building Codes** pursuant to ORS 446.566 to 446.646  
 31 shall have the same legal effect as other security interests in manufactured structures.

32 (b) For any other tax-deferred homestead assessed as personal property, the Department of Re-  
 33 venue may file notice of the deferred property tax lien as a security interest on behalf of the State  
 34 of Oregon with the office of the Secretary of State or with any other designated filing office pursu-  
 35 ant to ORS chapter 79.

36 (4)(a) Notwithstanding the provisions of ORS 182.040 to 182.060 and 205.320 relating to the time  
 37 and manner of payment of fees to the county clerk, the department shall not be required to pay any  
 38 filing, indexing or recording fees to the county in connection with the filing, recording, release or  
 39 satisfaction of liens against tax-deferred properties of that county in advance or at the time entry  
 40 is made. The manner of payment of the fees shall be as provided in ORS 205.395 for the payment  
 41 of fees for filing, recording and making entry of warrants or orders in the County Clerk Lien Record.

42 (b) The Department of Revenue shall pay filing fees for any application for notation of the de-  
 43 ferred property tax lien as a security interest in tax-deferred properties to the Department of [*Con-*  
 44 *sumer and Business Services*] **Building Codes** as provided in ORS 446.646 or in rules adopted under  
 45 ORS 446.646.

1 (c) If the Department of Revenue files notice of the deferred property tax lien as a security in-  
2 terest on behalf of the State of Oregon with the office of the Secretary of State or with any other  
3 designated filing office under subsection (3) of this section, the department shall pay filing fees to  
4 the Secretary of State or to the other filing office pursuant to ORS chapter 79.

5 **SECTION 31.** ORS 421.645 is amended to read:

6 421.645. (1) Notwithstanding ORS 195.025, 197.175, 197.180, 215.130 (4), 227.286, 455.148 or 455.150  
7 or any other provision of law, including but not limited to statutes, ordinances, regulations and  
8 charter provisions, the Director of the Department of [*Consumer and Business Services, through the*  
9 *Building Codes Division*] **Building Codes**, shall exercise authority for the issuance of all permits  
10 required under the state building code for the construction and operation of the women's  
11 correctional facility and intake center complex approved under ORS 421.643.

12 (2) All other state agencies, including but not limited to the Department of Environmental  
13 Quality, shall issue such permits within the authority of the agency as may be necessary for the  
14 construction and operation of the complex.

15 (3) Within the authority of the city, county or political subdivision, each city, county and poli-  
16 tical subdivision shall issue the appropriate permits, licenses and certificates not issued under sub-  
17 sections (1) and (2) of this section, including all necessary construction permits over public rights  
18 of way, and enter into any intergovernmental agreements as may be necessary for the construction  
19 and operation of the complex.

20 (4) A state agency or local government that issues a permit, license or certificate under sub-  
21 sections (1) to (7) of this section shall continue to exercise enforcement authority over the permit,  
22 license or certificate.

23 (5) Except as provided in ORS 421.649, nothing in ORS 421.635 to 421.657 expands or otherwise  
24 alters the obligations of a city, county or political subdivision to pay for infrastructure improve-  
25 ments for the complex.

26 (6)(a) State agencies and local governments shall issue any permit, license or certificate required  
27 under subsections (1) to (3) of this section within 60 days of receiving a completed application for  
28 the permit, license or certificate from the Department of Corrections or a person acting on behalf  
29 of the department. A state agency or local government may impose reasonable conditions on any  
30 permit, license or certificate but may not deny the permit, license or certificate unless denial is re-  
31 quired under federal law.

32 (b) If a permit, license or certificate required under subsections (1) to (7) of this section is not  
33 issued within 60 days of receiving a completed application, the Department of Corrections may file  
34 a petition for a writ of mandamus in the circuit court for the jurisdiction of the affected local gov-  
35 ernment to compel issuance of the permit, license or certificate. The writ shall issue unless the local  
36 government can demonstrate by clear and convincing evidence that issuing the permit, license or  
37 certificate would violate a substantive provision of the state building code, exceed the local  
38 government's statutory authority or violate federal law.

39 (c) Proceedings on a petition for a writ of mandamus under this subsection shall comply with  
40 the applicable provisions of ORS chapter 34.

41 (7) The issuance of any permit, license or certificate under subsections (1) to (7) of this section  
42 and any construction or development undertaken pursuant to such permit, license or certificate shall  
43 not be considered in support of or in opposition to an application for a land use decision under ORS  
44 chapter 197, 215 or 227.

45 (8) In accordance with the applicable provisions of ORS chapter 183 and notwithstanding ORS

1 455.035, the Director of the Department of [*Consumer and Business Services*] **Building Codes** shall  
 2 adopt such rules as the director determines necessary to implement the provisions of subsections (1)  
 3 to (7) of this section.

4 **SECTION 32.** ORS 443.760 is amended to read:

5 443.760. (1) Adult foster homes that are certified as residential homes as defined in ORS 197.660  
 6 shall meet all state and local building, sanitation, utility and fire code requirements applicable to  
 7 single family dwellings. However, by rule, the licensing agency may adopt more stringent standards  
 8 upon a finding that there is a significant health or safety threat to residents that necessitates a  
 9 standard not imposed on other single family dwellings.

10 (2) In adopting more stringent standards, the licensing agency shall consult with the Department  
 11 of [*Consumer and Business Services*] **Building Codes** and the office of the State Fire Marshal to  
 12 insure adequate evacuation of residents.

13 (3) As used in this section, “adequate evacuation” means the ability of a provider to evacuate  
 14 all residents from the dwelling within three minutes.

15 (4) If a licensed provider rents or leases the premises where the adult foster home is located,  
 16 the lessor shall charge a flat rate for the lease or rental.

17 **SECTION 33.** ORS 446.003 is amended to read:

18 446.003. As used in ORS 446.003 to 446.200 and 446.225 to 446.285, and for the purposes of ORS  
 19 chapters 195, 196, 197, 215 and 227, the following definitions apply, unless the context requires oth-  
 20 erwise, or unless administration and enforcement by the State of Oregon under the existing or re-  
 21 vised National Manufactured Housing Construction and Safety Standards Act would be adversely  
 22 affected, and except as provided in ORS 446.265:

23 (1) “Accessory building or structure” means any portable, demountable or permanent structure  
 24 established for use of the occupant of the manufactured structure and as further defined by rule by  
 25 the Director of the Department of [*Consumer and Business Services*] **Building Codes**.

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

29 (b) “Alteration” does not include:

- 30 (A) Minor repairs with approved component parts;
- 31 (B) Conversion of listed fuel-burning appliances in accordance with the terms of their listing;
- 32 (C) Adjustment and maintenance of equipment; or
- 33 (D) Replacement of equipment or accessories in kind.

34 (3) “Approved” means approved, licensed or certified by the Department of [*Consumer and*  
 35 *Business Services*] **Building Codes** or its designee.

36 (4) “Board” means the Residential and Manufactured Structures Board.

37 (5) “Cabana” means a stationary, lightweight structure that may be prefabricated, or demount-  
 38 able, with two or more walls, used adjacent to and in conjunction with a manufactured structure to  
 39 provide additional living space.

40 (6) “Certification” means an evaluation process by which the department verifies a  
 41 manufacturer’s ability to produce manufactured structures to the department rules and to the de-  
 42 partment approved quality control manual.

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

45 (8) “Dealer” means any person engaged in the business of selling, leasing or distributing manu-

1 factured structures or equipment, or both, primarily to persons who in good faith purchase or lease  
2 manufactured structures or equipment, or both, for purposes other than resale.

3 (9) "Department" means the Department of [*Consumer and Business Services*] **Building Codes**.

4 (10) "Director" means the Director of the Department of [*Consumer and Business Services*]  
5 **Building Codes**.

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

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

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

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

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

18 (16) "Insignia of compliance" means:

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

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

22 (17) "Inspecting authority" or "inspector" means the Director of the Department of [*Consumer*  
23 *and Business Services*] **Building Codes** or representatives as appointed or authorized to administer  
24 and enforce provisions of ORS 446.111, 446.160, 446.176, 446.225 to 446.285, 446.310 to 446.350,  
25 446.990 and this section.

26 (18) "Installation" in relation to:

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

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

32 (19) "Installer" means any individual licensed by the director to install, set up, connect, hook  
33 up, block, tie down, secure, support, install temporary steps for, install skirting for or make elec-  
34 trical, plumbing or mechanical connections to manufactured dwellings or cabanas or who provides  
35 consultation or supervision for any of these activities, except architects registered under ORS  
36 671.010 to 671.220 or engineers registered under ORS 672.002 to 672.325.

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

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

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

1 (b) “Manufactured dwelling” does not include any building or structure constructed to conform  
 2 to the State of Oregon Structural Specialty Code or the Low-Rise Residential Dwelling Code adopted  
 3 pursuant to ORS [455.100 to 455.450 and 455.610 to 455.630] **chapter 455** or any unit identified as a  
 4 recreational vehicle by the manufacturer.

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

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

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

22 (25)(a) “Manufactured structure” means a recreational vehicle, manufactured dwelling or recre-  
 23 ational structure.

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

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

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

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

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

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

45 (31) “Municipality” means a city, county or other unit of local government otherwise authorized

1 by law to enact codes.

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

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

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

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

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

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

17 (38) "Transitional housing accommodations" means accommodations described under ORS  
 18 446.265.

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

21 **SECTION 34.** ORS 446.005 is amended to read:

22 446.005. As used in ORS 446.003 to 446.200, 446.225 to 446.285 and 446.425, unless the context  
 23 requires otherwise, or unless administration and enforcement by Oregon under the existing or re-  
 24 vised National Manufactured Housing Construction and Safety Standards Act would be adversely  
 25 affected, "issuing authority" means with respect to mobile home or manufactured dwelling park  
 26 plans review and construction, the Department of [*Consumer and Business Services*] **Building**  
 27 **Codes**.

28 **SECTION 35.** ORS 446.062 is amended to read:

29 446.062. (1)(a) The Director of the Department of [*Consumer and Business Services*] **Building**  
 30 **Codes** shall issue rules under ORS chapter 183 to regulate mobile home or manufactured dwelling  
 31 parks. These rules shall conform to ORS 446.090 to 446.140.

32 (b) Any water system serving a mobile home or manufactured dwelling park is subject to ORS  
 33 448.115 to 448.285 and the rules adopted pursuant thereto.

34 (2) Mobile home or manufactured dwelling parks are subject to ORS 446.003, 446.055, 446.072 to  
 35 446.100, 446.140 and 446.271 and the state building code, as defined in ORS 455.010, and the rules  
 36 adopted thereunder by the director under ORS chapter 183.

37 (3) The Department of [*Consumer and Business Services*] **Building Codes** shall review plans and  
 38 inspect construction of mobile home or manufactured dwelling parks to ensure compliance with  
 39 subsection (2) of this section. The director shall adopt rules under ORS chapter 183 to provide a  
 40 schedule for plan review fees and construction inspection fees.

41 (4) A person shall not construct a new mobile home or manufactured dwelling park or add lots  
 42 to an existing mobile home or manufactured dwelling park without approval by the department.

43 (5) Installation of a submeter as provided in ORS 90.537 to measure water consumption at a  
 44 space in an existing manufactured dwelling park is a minor plumbing installation under ORS 447.076  
 45 and may be performed under a statewide permit and inspection system for minor construction work

1 established under ORS 455.155.

2 **SECTION 36.** ORS 446.066 is amended to read:

3 446.066. The Department of [*Consumer and Business Services*] **Building Codes** may inspect every  
4 mobile home or manufactured dwelling park in order to determine whether it conforms with the  
5 provisions of ORS 446.003 to 446.200 and 446.225 to 446.285 and the rules adopted pursuant thereto.  
6 Any person operating such facilities shall at all reasonable times, upon request of the department,  
7 permit access to all parts of the facilities.

8 **SECTION 37.** ORS 446.072 is amended to read:

9 446.072. The Department of [*Consumer and Business Services*] **Building Codes** shall make sur-  
10 veys necessary to assure uniform enforcement throughout the state with respect to mobile home or  
11 manufactured dwelling parks.

12 **SECTION 38.** ORS 446.076 is amended to read:

13 446.076. All moneys received by the Department of [*Consumer and Business Services*] **Building**  
14 **Codes** under ORS 446.003 to 446.200 and 446.225 to 446.285 shall be paid into the [*Consumer and*  
15 *Business Services Fund created by ORS 705.145*] **Department of Building Codes Fund**. The moneys  
16 received under this section are continuously appropriated to the department for use as provided in  
17 ORS 446.423.

18 **SECTION 39.** ORS 446.095 is amended to read:

19 446.095. The owner or operator of a mobile home or manufactured dwelling park shall:

20 (1) Construct well-drained and hard-surfaced park streets at least 20 feet in width, unobstructed  
21 and open to traffic within the mobile home or manufactured dwelling park. If the owner or operator  
22 permits parking of motor vehicles on the park streets, the owner or operator shall construct the  
23 park streets at least 30 feet in width.

24 (2) Provide to each tenant an adequate supply of healthful water and adequate electric power  
25 and sewerage facilities. All plumbing shall be installed in compliance with ORS 447.010 to 447.156  
26 [*and 447.992*] and the rules of the Department of [*Consumer and Business Services*] **Building Codes**  
27 adopted thereunder.

28 (3) Provide, except as specified in subsection (4) of this section, a separate general play area  
29 restricted to that use, if the mobile home or manufactured dwelling park accommodates children  
30 who are under 14 years of age. No separate play area shall be less than 2,500 square feet in area.  
31 At least 100 square feet of play area shall be provided for each manufactured dwelling occupied by  
32 children.

33 (4) Not be required to provide a separate play area if the mobile home or manufactured dwelling  
34 park was in existence before March 13, 1989, and rented spaces as an all adult park.

35 **SECTION 40.** ORS 446.100 is amended to read:

36 446.100. (1) A person may not:

37 (a) Construct a mobile home or manufactured dwelling park at a place that is unsuitable due to  
38 swampy terrain, lack of adequate drainage or proximity to the breeding places of insects or rodents.

39 (b) Install a manufactured dwelling closer than five feet from a property boundary line.

40 (c) Construct in a mobile home or manufactured dwelling park a manufactured dwelling space  
41 less than 30 feet in width or less than 40 feet in length.

42 (2) The Director of the Department of [*Consumer and Business Services*] **Building Codes** shall  
43 adopt rules pursuant to the rulemaking provisions of ORS chapter 183 specifying minimum distances  
44 between adjacent manufactured dwellings and between manufactured dwellings and other structures.  
45 In adopting these rules, the director shall take into consideration the standards established by the

1 National Fire Protection Association and standards recommended by the State Fire Marshal.

2 (3) Except as provided in this subsection, the rules adopted by the director under subsection (2)  
 3 of this section must provide for at least 10 feet of space between manufactured dwellings. The di-  
 4 rector may adopt a rule allowing less than 10 feet of space between manufactured dwellings that  
 5 are separated by a one-hour fire-resistive wall. A standard established by the director for a one-hour  
 6 fire-resistive wall separating manufactured dwellings must be at least as stringent as the equivalent  
 7 standard, if any, for a fire-resistive wall in a two family dwelling under the Low-Rise Residential  
 8 Dwelling Code.

9 **SECTION 41.** ORS 446.105 is amended to read:

10 446.105. (1) The Director of the Department of [*Consumer and Business Services*] **Building Codes**  
 11 may issue a permit for the establishment of a temporary mobile home or manufactured dwelling park  
 12 to a construction company, timber company, government entity or farm if:

13 (a) There is no available space in a mobile home or manufactured dwelling park within a rea-  
 14 sonable distance; and

15 (b) A mobile home or manufactured dwelling park is necessary for the proper housing of em-  
 16 ployees until the project is finished.

17 (2) Upon approval by the Department of [*Consumer and Business Services*] **Building Codes** and  
 18 the county or city planning commission, a permit may be issued to a person to establish a temporary  
 19 mobile home or manufactured dwelling park on the person's own premises in areas having a critical  
 20 housing shortage due to large construction projects. The permit shall expire upon completion of the  
 21 project.

22 **SECTION 42.** ORS 446.155 is amended to read:

23 446.155. (1) A person may not sell or offer for sale within this state a manufactured dwelling  
 24 manufactured after January 1, 1962, that contains:

25 (a) Plumbing equipment, unless such equipment meets the requirements of the Department of  
 26 [*Consumer and Business Services*] **Building Codes**;

27 (b) Heating equipment, unless such equipment meets the requirements of the State Fire Marshal;  
 28 or

29 (c) Electrical equipment, unless such equipment meets the requirements of the department.

30 (2) A person may not rent, lease, sell or offer for rent, lease or sale within this state a manu-  
 31 factured structure manufactured after September 1, 1969, unless the manufactured structure bears  
 32 an insignia of compliance and contains:

33 (a) Plumbing, mechanical and electrical equipment or installations that meet the minimum safety  
 34 standards of the department;

35 (b) Thermal, fire and life safety equipment, material and installations that meet the minimum  
 36 safety standards of the department; or

37 (c) Structural and transportation equipment, materials, installations and construction that meet  
 38 the minimum safety standards of the department.

39 (3) A person may not rent, lease, sell or offer for rent, lease or sale within this state a recre-  
 40 ational vehicle unless the recreational vehicle:

41 (a) Bears an insignia of compliance;

42 (b) Has previously been lawfully registered and titled within the United States;

43 (c) Has previously been issued an ownership document under ORS 446.571 or recorded under  
 44 ORS 446.626; or

45 (d) Is exempt from registration, title or ownership document requirements because of United



1 States government ownership.

2 (4) Persons manufacturing, remanufacturing, converting, altering or repairing manufactured  
3 structures or equipment within the state or for use within the state shall comply with all applicable  
4 construction and safety rules of the department and the following:

5 (a) Alterations performed on a manufactured dwelling by the manufacturer or dealer before or  
6 at the time of sale to the first consumer shall be performed in conformance with the National  
7 Manufactured Housing Construction and Safety Standards Act.

8 (b) After the initial sale to a consumer by a manufacturer or dealer, all alterations to a manu-  
9 factured dwelling, except as identified by the Director of the Department of [*Consumer and Business*  
10 *Services*] **Building Codes** by rule, shall be in conformance with the specialty codes as described in  
11 ORS 455.010 [*to 455.740 and 479.855*].

12 (c) Solid fuel burning appliances shall be in conformance with the National Manufactured  
13 Housing Construction and Safety Standards Act and standards adopted by the department.

14 (d) Notwithstanding subsections (1) and (2) of this section, a previously owned manufactured  
15 dwelling may be sold “as is” provided that the seller discloses in the bill of sale that the manufac-  
16 tured dwelling is being sold on an “as is” or “with all faults” basis, and that the entire risk as to  
17 the quality and performance of the manufactured dwelling is with the buyer. If the manufactured  
18 dwelling is found to be defective after purchase, the buyer shall assume the entire cost of all ser-  
19 vicing and repair. The seller, manufacturer, distributor or retailer is not responsible for any cost  
20 for servicing and repair.

21 (5) Installations of manufactured structures shall be in conformance with the standards adopted  
22 by the department for site preparation, foundation support, anchoring, structural and utility con-  
23 nections, electrical and plumbing tests, underfloor enclosures, ventilation, vapor barriers and steps  
24 used for access and egress.

25 **SECTION 43.** ORS 446.160 is amended to read:

26 446.160. (1) The Department of [*Consumer and Business Services*] **Building Codes** may cause  
27 such inspections to be made, approve plans and specifications, provide technical services, issue  
28 insignia of compliance, collect fees provided by ORS 446.176 and, in compliance with ORS chapter  
29 183, promulgate and enforce such rules and regulations as are reasonably necessary to carry out its  
30 duties and [*insure*] **ensure** compliance with those parts of ORS 446.003 to 446.200, 446.225 to 446.285,  
31 446.310 to 446.350 and 446.395 to 446.440 within the jurisdiction of the department.

32 (2) The Director of the Department of [*Consumer and Business Services*] **Building Codes** shall  
33 adopt rules pursuant to ORS chapter 183 to [*insure*] **ensure** that manufacturers, distributors and  
34 dealers comply with the reporting requirements of the Department of [*Consumer and Business Ser-*  
35 *vices*] **Building Codes** of this state and the Secretary of Housing and Urban Development as re-  
36 quired by the National Manufactured Housing Construction and Safety Standards Act of 1974  
37 (Public Law 93-383).

38 (3) The director is authorized to conduct such inspections and investigations as may be neces-  
39 sary to administer and enforce any federal manufactured dwelling construction and safety standards  
40 adopted under ORS 446.155 or the National Manufactured Housing Construction and Safety Stan-  
41 dards Act of 1974 (Public Law 93-383). The director shall furnish to the Secretary of Housing and  
42 Urban Development or a designee any information obtained indicating noncompliance with such  
43 standards for appropriate action.

44 (4) The director or a designee is authorized to enter, at reasonable times and without advance  
45 notice, any factory, warehouse or establishment in which a manufactured structure or equipment is

1 manufactured, stored or held for sale; and to inspect at reasonable times within reasonable limits  
 2 in a reasonable manner, any such factory, warehouse or establishment, and to inspect such products,  
 3 books, papers, records and documents [which] **that** are relevant to the manufacture of a manufac-  
 4 tured structure or equipment and the manufacturer's, distributor's or dealer's compliance with ORS  
 5 446.155 and the National Manufactured Housing Construction and Safety Standards Act of 1974  
 6 (Public Law 93-383).

7 **SECTION 44.** ORS 446.170 is amended to read:

8 446.170. (1) Manufactured structures subject to the provisions of ORS 446.155 to 446.200, and  
 9 manufactured structures upon which additions, conversions or alterations of installations of equip-  
 10 ment or material are made shall have affixed to the manufactured structures insignia of compliance.

11 (2) A person may not place an insignia of compliance on a manufactured structure except as  
 12 provided by ORS 446.155 to 446.200 and the rules adopted under ORS 446.155 to 446.200.

13 (3) Insignia of compliance may be issued in bulk only to manufacturers, remanufacturers or  
 14 converters certified and registered with the Department of [*Consumer and Business Services*]  
 15 **Building Codes**.

16 (4) Insignia of compliance are not transferable, and the department may not make a refund  
 17 representing any unused insignia.

18 (5) Subsection (1) of this section does not apply to a recreational vehicle described in ORS  
 19 446.155 (3)(b) to (d).

20 **SECTION 45.** ORS 446.176 is amended to read:

21 446.176. (1) The Director of the Department of [*Consumer and Business Services*] **Building**  
 22 **Codes**, with the approval of the Residential and Manufactured Structures Board, shall adopt regu-  
 23 lations under the provisions of ORS chapter 183 to provide a schedule for plan review fees, insignia  
 24 fees, inspection fees and other necessary fees based on the estimated cost of administering ORS  
 25 446.003 to 446.200 and 446.225 to 446.285.

26 (2) Fees collected by the Department of **Building Codes** pursuant to this section shall be de-  
 27 posited in the [*Consumer and Business Services Fund established by ORS 705.145*] **Department of**  
 28 **Building Codes Fund**. Moneys deposited into the fund pursuant to this section are continuously  
 29 appropriated to the department for use as provided in ORS 446.423.

30 **SECTION 46.** ORS 446.180 is amended to read:

31 446.180. (1) If the Director of the Department of [*Consumer and Business Services*] **Building**  
 32 **Codes** determines that standards for construction, equipment and material installed in manufactured  
 33 structures provided by the statutes or rules and regulations of other states are at least equal to the  
 34 minimum safety standards prescribed under ORS 446.155 to 446.200, and that such statutes, rules and  
 35 regulations are being enforced, the director may provide by rule that manufactured structures ap-  
 36 proved by such other state shall be considered approved by the director.

37 (2) Mobile homes built between September 1, 1969, and June 15, 1976, to the American National  
 38 Standards Institute Mobile Home Standards A119.1 and [which] **that** also bear an insignia of com-  
 39 pliance from the State of California, Idaho, Nevada or Washington shall be considered to comply  
 40 with ORS 446.155 (2) provided no alterations have been made to the original structure.

41 **SECTION 47.** ORS 446.185 is amended to read:

42 446.185. (1) In compliance with ORS chapter 183, rules establishing minimum safety standards  
 43 and requirements shall be adopted and enforced by the Director of the Department of [*Consumer and*  
 44 *Business Services*] **Building Codes** for manufactured structures and manufactured structure instal-  
 45 lations as prescribed in ORS 446.155.

1 (2) Minimum safety standards prescribed in ORS 446.155 to 446.200 shall be reasonably consist-  
2 ent with nationally recognized standards for construction of manufactured structures, and the man-  
3 ufactured structures shall be designed to protect the health and safety of the people of this state  
4 from dangers inherent in the use of substandard and unsafe equipment, material and installations.

5 **SECTION 48.** ORS 446.210 is amended to read:

6 446.210. (1) The Director of the Department of [*Consumer and Business Services*] **Building Codes**  
7 shall issue a limited maintenance electrician's license to a person who:

8 (a) Pays the applicable application fee required under ORS 479.840;

9 (b) Complies with ORS 479.510 to 479.945 and the rules adopted under ORS 455.117 and 479.510  
10 to 479.945;

11 (c) Passes a written examination administered as provided by Department of **Building Codes**  
12 rule on basic electrical principles on repair and maintenance of electrical wiring and equipment  
13 used in a manufactured structure; and

14 (d) Submits proof as provided by department rule that the person has sufficient experience in  
15 the repair and maintenance of electrical problems of the type and nature found in a manufactured  
16 structure.

17 (2) A person licensed under this section may repair and maintain electrical wiring and equip-  
18 ment used in a manufactured structure.

19 **SECTION 49.** ORS 446.225 is amended to read:

20 446.225. (1) The Legislative Assembly intends to provide a procedure to [*assure*] **ensure** that  
21 Oregon assumes fullest responsibility for administration and enforcement of federal manufactured  
22 housing safety and construction standards in Oregon in accordance with the National Manufactured  
23 Housing Construction and Safety Standards Act of 1974 (Public Law 93-383).

24 (2) The Director of the Department of [*Consumer and Business Services*] **Building Codes** is au-  
25 thorized to apply for and receive grants from the Secretary of Housing and Urban Development for  
26 implementation and development of a plan for enforcement and administration of federal manufac-  
27 tured housing safety and construction standards for manufactured housing offered for sale or lease  
28 in this state.

29 (3) The director is authorized to adopt rules pursuant to ORS chapter 183 to [*insure*] **ensure**  
30 acceptance by the Secretary of Housing and Urban Development of Oregon's plan for administration  
31 and enforcement of federal manufactured housing safety and construction standards in accordance  
32 with the National Manufactured Housing Construction and Safety Standards Act of 1974 (Public  
33 Law 93-383).

34 **SECTION 50.** ORS 446.230 is amended to read:

35 446.230. (1) The Director of the Department of [*Consumer and Business Services*] **Building Codes**  
36 shall, by administrative rule, adopt and enforce safety and construction standards for installation,  
37 support and tiedown of manufactured dwellings on a lot. These safety standards shall be reasonably  
38 consistent with nationally recognized standards for placement, support and tiedown of manufactured  
39 dwellings, and shall be designed to protect the health and safety of occupants of manufactured  
40 dwellings against uplift, sliding, rotation and overturning of manufactured dwellings.

41 (2) The director shall designate wind pressure zones in which the rules for tiedown of manu-  
42 factured dwellings shall apply.

43 (3) Except as provided in ORS 446.395, an installer is not required to be licensed by the director  
44 to connect utilities from utility terminations provided on a lot to manufactured dwellings.

45 **SECTION 51.** ORS 446.240 is amended to read:

1       446.240. The Director of the Department of [*Consumer and Business Services*] **Building Codes**  
2 shall adopt and enforce rules establishing safety standards for construction and installation of ac-  
3 cessory buildings and structures. Prefabricated and site-built accessory buildings and structures  
4 shall be consistent with the provisions of the state building code adopted pursuant to ORS 455.020  
5 and 455.110 except where application of such standards would conflict with standards adopted under  
6 the National Manufactured Housing Construction and Safety Standards Act of 1974 and would pre-  
7 vent the Department of [*Consumer and Business Services*] **Building Codes** from enforcing the federal  
8 Act in Oregon.

9       **SECTION 52.** ORS 446.245 is amended to read:

10       446.245. (1) Manufactured dwellings shall be used as single-family dwellings.

11       (2) Manufactured dwellings shall not be used for commercial purposes.

12       (3) Exceptions to subsections (1) and (2) of this section are:

13       (a) Manufactured dwellings may be used for purposes other than as a single-family dwelling  
14 when specifically approved for a change in occupancy in accordance with the provisions of the  
15 Oregon specialty codes by the authority having jurisdiction. When a manufactured dwelling changes  
16 in occupancy it shall lose its identity as a manufactured dwelling and have the insignia removed and  
17 returned to the Department of [*Consumer and Business Services*] **Building Codes**.

18       (b) Manufactured dwellings may be used by dealers or distributors of manufactured structures  
19 as temporary sales offices when no alterations to the design, construction, transportation, fire and  
20 life safety, plumbing, mechanical or electrical systems are made to accommodate the office use and  
21 when the dealer or distributor continues to offer the manufactured dwelling for sale during the of-  
22 fice use.

23       (c) A portion of a manufactured dwelling may be used for an in-house business when the re-  
24 mainder of the structure is used as a single-family dwelling by the same person. The type and lo-  
25 cation of an in-home business shall be approved by the authority having jurisdiction and the local  
26 planning commission prior to the use.

27       **SECTION 53.** ORS 446.250 is amended to read:

28       446.250. The Director of the Department of [*Consumer and Business Services*] **Building Codes**  
29 shall cause inspections to be made, approve plans and specifications, provide technical services and  
30 issue permits for alteration of manufactured dwellings and installation of manufactured dwellings  
31 and manufactured structure accessory buildings and structures on a lot. The director shall appoint  
32 or contract with municipalities that request such appointment or contract for inspection and issu-  
33 ance of permits for alteration of manufactured dwellings and installation of manufactured dwellings  
34 and manufactured structure accessory buildings and structures and alterations of installations of  
35 plumbing, heating, illuminating, cooking or electrical equipment, provided the municipality employs  
36 as local inspectors qualified persons who have been certified by the director for inspection and is-  
37 suance of permits for alteration of manufactured dwellings and installation of manufactured  
38 dwellings and manufactured structure accessory buildings and structures, pursuant to ORS 446.003,  
39 446.111, 446.155, 446.160, 446.176, 446.225 to 446.285 and 446.990. However, the certification stan-  
40 dards under this section shall relate to the inspections to be performed and shall not be more  
41 stringent for municipal inspectors than those applying to state inspectors.

42       **SECTION 54.** ORS 446.252 is amended to read:

43       446.252. A person may not install a manufactured dwelling or manufactured structure accessory  
44 building or structure without first obtaining from the Department of [*Consumer and Business Ser-*  
45 *vices*] **Building Codes** or a municipality as provided under ORS 446.250 all permits necessary for

1 installing the manufactured dwelling or manufactured structure accessory building or structure on  
 2 a lot.

3 **SECTION 55.** ORS 446.253 is amended to read:

4 446.253. (1) The authority of the Director of the Department of [*Consumer and Business*  
 5 *Services*] **Building Codes** under ORS 446.250 shall be in addition to the provisions of ORS chapter  
 6 455. Where the provisions of ORS 446.252 and this section conflict with the provisions under ORS  
 7 chapter 455, the provisions of ORS 446.252 and this section shall control.

8 (2) Except as otherwise provided by this subsection, any municipality that establishes a program  
 9 under ORS 446.252 and 455.150 and this section to administer and enforce installations of manufac-  
 10 tured dwellings and manufactured structure accessory buildings and structures shall assume full  
 11 responsibility for permit issuance and inspections under that program including related electrical,  
 12 plumbing, structural and mechanical installations for a manufactured dwelling and manufactured  
 13 structure accessory buildings and structures as defined in ORS 446.003.

14 (3) The director may by order relieve a municipality from compliance with the requirements of  
 15 subsection (2) of this section under the following conditions:

- 16 (a) Budget limitations of the municipality;
- 17 (b) Inadequate staffing of the municipality;
- 18 (c) Inability to contract services with another municipality; or
- 19 (d) Where the public is inconvenienced by increased cost, travel distance or time loss.

20 (4) The Department of [*Consumer and Business Services*] **Building Codes**, subject to ORS chap-  
 21 ter 183, may revoke any authority of a local government to conduct inspections, administration or  
 22 enforcement of manufactured dwelling installations and manufactured structure accessory building  
 23 installations and manufactured dwelling alterations under ORS 455.150 if the director determines  
 24 that the municipality is not effectively carrying out duties assumed by the municipality.

25 **SECTION 56.** ORS 446.255 is amended to read:

26 446.255. (1) After written notice and hearing as provided in subsection (2) of this section, the  
 27 Director of the Department of [*Consumer and Business Services*] **Building Codes** may revoke the  
 28 certification of a local inspector certified under ORS 446.250, or the authority of a local government  
 29 to enforce provisions of ORS 446.003, 446.111, 446.160, 446.176, 446.225 to 446.285 and 446.990, when  
 30 it appears by competent evidence that the inspector or local government has consistently failed to  
 31 act in the public interest in the enforcement of the provisions of ORS 446.003, 446.111, 446.160,  
 32 446.176, 446.225 to 446.285 and 446.990.

33 (2) Any proceedings under subsection (1) of this section shall be conducted pursuant to the  
 34 provisions of ORS 183.415 to 183.430, 183.440 to 183.460, 183.470 to 183.485 and 183.490 to 183.540,  
 35 dealing with contested cases.

36 **SECTION 57.** ORS 446.260 is amended to read:

37 446.260. (1) Every manufacturer of manufactured homes offered for sale or lease in this state  
 38 shall furnish notification of any defect in any manufactured home produced by the manufacturer that  
 39 the manufacturer determines, in good faith, relates to a federal manufactured housing construction  
 40 or safety standard or constitutes an imminent safety hazard to the purchaser of the manufactured  
 41 home, within a reasonable time after such manufacturer has discovered the defect.

42 (2) The Director of the Department of [*Consumer and Business Services*] **Building Codes** is au-  
 43 thorized to adopt rules for notification required by subsection (1) of this section. The rules shall  
 44 conform to notification and correction of defects and record keeping requirements of the Secretary  
 45 of Housing and Urban Development under the National Manufactured Housing Construction and

1 Safety Standards Act of 1974 (Public Law 93-383).

2 (3)(a) In addition to the notification required under subsection (1) of this section, the director  
3 may adopt rules to identify the disclosures required of a dealer or distributor prior to the sale of  
4 new manufactured structures more than eight feet six inches wide in travel mode. Disclosure re-  
5 quired under this subsection shall be limited to information regarding permissible uses, roof snow  
6 loads and anchoring of manufactured structures.

7 (b) The Department of [*Consumer and Business Services*] **Building Codes** shall develop and make  
8 available to all dealers and distributors of manufactured structures a standard disclosure. The dis-  
9 closure shall be completed in writing by the dealer or distributor of any affected manufactured  
10 structure prior to sale. A completed disclosure shall be presented to the purchaser for signature  
11 at the time of sale and a copy of the signed disclosure provided to the purchaser. The signed dis-  
12 closure shall be retained by the dealer or distributor for not less than five years following the date  
13 of sale.

14 **SECTION 58.** ORS 446.265 is amended to read:

15 446.265. (1) A municipality may approve the establishment of a campground inside an urban  
16 growth boundary to be used for providing transitional housing accommodations. The accommo-  
17 dations may consist of separate facilities, in the form of yurts, for use as living units by one or more  
18 individuals or by families. The person establishing the accommodations may provide access to water,  
19 toilet, shower, laundry, cooking, telephone or other services either through separate or shared fa-  
20 cilities. The accommodations shall provide parking facilities and walkways.

21 (2) Transitional housing accommodations described under subsection (1) of this section shall be  
22 limited to persons who lack permanent shelter and cannot be placed in other low income housing.  
23 A municipality may limit the maximum amount of time that an individual or a family may use the  
24 accommodations.

25 (3) Campgrounds providing transitional housing accommodations described under this section  
26 may be operated by private persons or nonprofit organizations. The shared facilities of the  
27 campgrounds are subject to regulation under the recreation park specialty code described under  
28 ORS 446.310 to 446.350. The transitional housing accommodations are not subject to ORS chapter  
29 90.

30 (4) To the extent deemed relevant by the Department of [*Consumer and Business Services*]  
31 **Building Codes**, the construction and installation of yurts on campgrounds used for providing  
32 transitional housing accommodations established under this section is subject to the manufactured  
33 structures specialty code described in ORS 446.155. Transitional housing accommodations not  
34 appurtenant to a yurt are subject to regulation as provided under subsection (3) of this section.

35 (5) Campgrounds established for providing transitional housing accommodations shall not be al-  
36 lowed on more than two parcels in a municipality. In approving the use of parcels for a campground,  
37 the municipality shall give preference to locations that have access to grocery stores and public  
38 transit services.

39 (6) As used in this section, "yurt" means a round, domed tent of canvas or other weather re-  
40 sistant material, having a rigid framework, wooden floor, one or more windows or skylights and that  
41 may have plumbing, electrical service or heat.

42 **SECTION 59.** ORS 446.271 is amended to read:

43 446.271. The Department of [*Consumer and Business Services*] **Building Codes** may impose a  
44 civil penalty for a violation of ORS 446.003 to 446.200 or 446.225 to 446.285 or rules adopted or or-  
45 ders issued for the administration or enforcement of those sections. The department shall impose a

1 civil penalty authorized by this section as provided in ORS 455.895.

2 **SECTION 60.** ORS 446.280 is amended to read:

3 446.280. The Residential and Manufactured Structures Board shall serve in an advisory capacity  
4 to the Director of the Department of [*Consumer and Business Services*] **Building Codes** in  
5 promulgating, administering and enforcing the plan for the administration and enforcement of the  
6 National Manufactured Housing Construction and Safety Standards Act of 1974 (Public Law 93-383)  
7 and safety standards pursuant to ORS 446.003 to 446.200, 446.225 to 446.285, 446.310 to 446.350 and  
8 446.395 to 446.420.

9 **SECTION 61.** ORS 446.285 is amended to read:

10 446.285. To assist the Director of the Department of [*Consumer and Business Services*] **Building**  
11 **Codes** in administration and enforcement of the National Manufactured Housing Construction and  
12 Safety Standards Act of 1974, and safety standards pursuant to ORS 446.003 to 446.200, 446.225 to  
13 446.285, 446.310 to 446.350 and 446.395 to 446.420, the Residential and Manufactured Structures  
14 Board may approve or conduct programs of training and education that maintain and advance the  
15 professional skills and abilities of persons engaged in manufacturing, delivery, installation, sale or  
16 service of manufactured structures.

17 **SECTION 62.** ORS 446.322 is amended to read:

18 446.322. Upon receipt of a completed application on an Oregon Health Authority form, required  
19 fee, and after representation by the applicant that the facility is in compliance with the provisions  
20 of ORS 446.310 to 446.350, and the rules adopted pursuant thereto, and the requirements of the De-  
21 partment of [*Consumer and Business Services*] **Building Codes**, the authority shall issue a license,  
22 unless there is reason to believe noncompliance exists.

23 **SECTION 63.** ORS 446.395 is amended to read:

24 446.395. (1) Except as provided by rule by the Director of the Department of [*Consumer and*  
25 *Business Services*] **Building Codes**, an individual must obtain an installer license under ORS 446.400  
26 before installing a manufactured dwelling or cabana.

27 (2) An individual required by subsection (1) of this section to obtain a license shall comply with  
28 ORS 446.003 to 446.240 and 446.395 to 446.420 and Department of [*Consumer and Business Services*]  
29 **Building Codes** rules adopted under ORS 446.003 to 446.240, 446.395 to 446.420 and 455.117.

30 (3) Installer licenses may be issued only to individuals.

31 (4) A person may not employ any individual to install a manufactured dwelling or cabana unless  
32 the individual is licensed by the department to perform the work and complies with ORS 446.003 to  
33 446.240 and 446.395 to 446.420 and rules adopted under ORS 446.003 to 446.240, 446.395 to 446.420  
34 and 455.117.

35 (5) Licenses issued pursuant to ORS 446.395 to 446.420 and department rules adopted under ORS  
36 455.117 are not transferable.

37 **SECTION 64.** ORS 446.400 is amended to read:

38 446.400. (1) The Department of [*Consumer and Business Services*] **Building Codes**, subject to  
39 approval of the Residential and Manufactured Structures Board, shall issue licenses as provided by  
40 department rules adopted under ORS 455.117 to individuals to install manufactured dwellings and  
41 cabanas. The board may adopt classifications of installers including, but not limited to, temporary  
42 installer, limited installer and installer.

43 (2) In determining the appropriate initial license and renewal fees for installers, the Director  
44 of the Department of [*Consumer and Business Services*] **Building Codes**, with the approval of the  
45 board, shall ensure that the annual income to the department from license and renewal fees estab-

1 lished under this section does not exceed one-third of the estimated total cost of administering and  
 2 enforcing ORS 446.003 and 446.395 to 446.420.

3 (3) Fees collected by the department pursuant to this section shall be deposited in the [*Consumer*  
 4 *and Business Services Fund established by ORS 705.145*] **Department of Building Codes Fund** and  
 5 are continuously appropriated to the department for use as provided in ORS 446.423.

6 **SECTION 65.** ORS 446.405 is amended to read:

7 446.405. (1) If a manufactured dwelling or cabana is not installed in accordance with the rules  
 8 adopted under ORS 446.003 and 446.395 to 446.420, the owner of the manufactured dwelling or  
 9 cabana, at the time of installation, may, within one year of the completion date of such installation,  
 10 file a written complaint with the Department of [*Consumer and Business Services*] **Building Codes**.  
 11 The department shall provide a copy of the complaint to the installer and shall also notify the  
 12 dealer, if any, that arranged for such installation and may then investigate the complaint. If the  
 13 department determines that the installation fails to comply with licensure requirements as provided  
 14 by ORS 446.003 and 446.395 to 446.420 or the installation rules adopted by the Director of the De-  
 15 partment of [*Consumer and Business Services*] **Building Codes**, the department shall provide notice  
 16 of such failure to the installer and shall order the installer to bring the installation into compliance.

17 (2) The director shall establish, by rule, fees and a procedure for inspection of manufactured  
 18 dwellings and cabanas to carry out the provisions of this section.

19 (3) If the installer fails to bring the installation into compliance as ordered, the department may  
 20 suspend or revoke the installer’s license as provided under ORS 455.129.

21 (4) If the installer fails to bring the installation into compliance, the department shall order the  
 22 dealer, if any, that arranged for such installation to bring the installation into compliance with the  
 23 provisions of ORS 446.003 and 446.395 to 446.420 and the rules adopted under ORS 446.003 and  
 24 446.395 to 446.420. The dealer is responsible to bring only those installation activities into compli-  
 25 ance that the dealer arranged. The dealer shall have 30 days from the date of the order to bring  
 26 the installation into compliance. If the dealer fails to bring the installation into compliance within  
 27 30 days of the date of the order, the dealer shall be subject to civil penalties as provided by ORS  
 28 446.416.

29 (5) Hearings, penalties and appeals resulting from violation of this section shall be carried out  
 30 in conformance with ORS 183.325 to 183.497 and this section.

31 **SECTION 66.** ORS 446.410 is amended to read:

32 446.410. Fees collected by the Department of [*Consumer and Business Services*] **Building Codes**  
 33 pursuant to ORS 446.003 and 446.395 to 446.420 shall be deposited in the [*Consumer and Business*  
 34 *Services Fund established by ORS 705.145*] **Department of Building Codes Fund** and are contin-  
 35 uously appropriated to the department for use as provided in ORS 446.423.

36 **SECTION 67.** ORS 446.416 is amended to read:

37 446.416. The Department of [*Consumer and Business Services*] **Building Codes** may impose a  
 38 civil penalty for a violation of ORS 446.395 to 446.420 or rules adopted for the administration and  
 39 enforcement of those sections. The department shall impose a civil penalty authorized by this section  
 40 as provided in ORS 455.895.

41 **SECTION 68.** ORS 446.423 is amended to read:

42 446.423. Except as otherwise provided in ORS 455.220 (1), all moneys deposited to the [*Consumer*  
 43 *and Business Services Fund*] **Department of Building Codes Fund** that are derived pursuant to  
 44 ORS 446.003 to 446.200, 446.210, 446.225 to 446.285, 446.395 to 446.420, 446.566 to 446.646[, 446.661  
 45 *to 446.756*] and 455.220 (1) are continuously appropriated to the Department of [*Consumer and*



1 *Business Services*] **Building Codes** for carrying out any of the duties, functions and powers of the  
 2 department under ORS 446.003 to 446.200, 446.210, 446.225 to 446.285, 446.395 to 446.420[,] **and**  
 3 446.566 to 446.646 [*and 446.661 to 446.756*], and rules adopted thereunder.

4 **SECTION 69.** ORS 446.430 is amended to read:

5 446.430. (1) The Department of [*Consumer and Business Services*] **Building Codes** shall delegate  
 6 to any county board of commissioners or city governing body [*which*] **that** requests any of the au-  
 7 thority, responsibilities and functions of the department under ORS 446.062 if the department de-  
 8 termines that the county or city is willing and able to carry out the rules of the department relating  
 9 to fee collection, plan review, inspections, enforcement and issuance and revocation of permits in  
 10 compliance with standards for enforcement by the counties or cities and monitoring by the depart-  
 11 ment. Such standards shall be established by the department in consultation with the appropriate  
 12 county or city officials and in accordance with ORS 446.062. The department shall review and  
 13 monitor each county’s or city’s performance under this subsection. In accordance with ORS chapter  
 14 183, the department may suspend or rescind a delegation under this subsection. If it is determined  
 15 that a county or city is not carrying out such rules or the delegation is suspended, the unexpended  
 16 portion of the fees collected under subsection (2) of this section shall be available to the department  
 17 for carrying out the authority, responsibility and functions under this section.

18 (2) The county or city may determine the amount of, and retain, any fee for any function  
 19 undertaken pursuant to subsection (1) of this section. The amount of the fees shall not exceed the  
 20 costs of administering the inspection program. The county or city, quarterly, shall remit 15 percent  
 21 of the collected fees to the department for monitoring county or city programs and for providing  
 22 informational material necessary to maintain a uniform state program.

23 (3) The department shall be made a party to any action, suit or proceeding arising out of county  
 24 or city administration of functions pursuant to subsection (1) of this section and involving the va-  
 25 lidity of a rule adopted by the department.

26 **SECTION 70.** ORS 446.566 is amended to read:

27 446.566. The following information must be recorded on the ownership document issued for a  
 28 manufactured structure by the Department of [*Consumer and Business Services*] **Building Codes**:

- 29 (1) All ownership interests, for a manufactured structure sold in this state.
- 30 (2) A change in location, for a manufactured structure that has been sited in this state.
- 31 (3) The manufactured structure identification number as described by department rule.
- 32 (4) The manufacturer’s name and, if available, the model of the manufactured structure.
- 33 (5) The identifying physical characteristics of the manufactured structure, including but not  
 34 limited to the total square footage of the living area, type of siding, type of roof, number of  
 35 bedrooms, number of bathrooms and types of heating and cooling.
- 36 (6) If the ownership document is issued due to sale of the manufactured structure, the most re-  
 37 cent sales price and date of sale for the manufactured structure.
- 38 (7) Any other information required by department rule.

39 **SECTION 71.** ORS 446.568 is amended to read:

40 446.568. (1) Except as provided in this subsection, if a manufactured structure is purchased from  
 41 or otherwise acquired through a manufactured structure dealer, the dealer shall provide the infor-  
 42 mation described in ORS 446.566 (3) to (7) to the Department of [*Consumer and Business Services*]  
 43 **Building Codes**. A manufactured structure dealer is not required to provide the information to the  
 44 department if the dealer complies with an instruction from the purchaser to provide the information  
 45 to a lender, escrow agent, title company or other designee of the purchaser. A lender, escrow agent,

1 title company or other designee of the purchaser that receives the information described in ORS  
2 446.566 (3) to (7) from a manufactured structure dealer shall provide the information to the depart-  
3 ment. However, the provision of information described in ORS 446.566 (3) to (7) to the purchaser  
4 does not excuse a manufactured structure dealer from the duty to provide the information to the  
5 department.

6 (2) If the manufactured structure is sold by or otherwise acquired through a person other than  
7 a manufactured structure dealer, the information described in ORS 446.566 (3) to (7) shall be pro-  
8 vided to the department:

9 (a) By the seller if title is being transferred by a sale;

10 (b) By the person to whom the ownership interest is being transferred if title is being trans-  
11 ferred by operation of law; or

12 (c) By the owner if the owner will have a recorded ownership interest in the manufactured  
13 structure after issuance of the ownership document.

14 **SECTION 72.** ORS 446.571 is amended to read:

15 446.571. (1)(a) Except as provided in paragraph (b) of this subsection, the owner of a manufac-  
16 tured structure shall apply to the Department of [*Consumer and Business Services*] **Building Codes**  
17 for an ownership document. Upon receipt of an application in appropriate form as described in ORS  
18 446.736 (2), the Department of [*Consumer and Business Services*] **Building Codes** shall issue an  
19 ownership document for a manufactured structure. Except as provided in ORS 308.875, a manufac-  
20 tured structure for which an ownership document is issued is subject to assessment and taxation  
21 as personal property under the ad valorem tax laws of this state.

22 (b)(A) For a new manufactured structure, except as provided in subparagraph (C) of this para-  
23 graph, the application must be filed on behalf of the owner by the manufactured structure dealer  
24 as provided in ORS 446.736, by a lender or by an escrow agent as provided in ORS 446.591.

25 (B) For a used manufactured structure, except as provided in subparagraph (C) of this para-  
26 graph, the owner must file the application with the county assessor for the county in which the  
27 manufactured structure is sited.

28 (C) If a dealer, lender or escrow agent refuses to file an application as required by subparagraph  
29 (A) of this paragraph, or if a county assessor refuses to accept an application in appropriate form  
30 as required by subparagraph (B) of this paragraph, the owner may file an application for an owner-  
31 ship document directly with the department.

32 (2) The department shall maintain ownership records on manufactured structures for which the  
33 department has issued ownership documents. The department shall maintain a record of ownership  
34 documents or other documents evidencing ownership that have been canceled.

35 (3) The department shall note all security interests in the manufactured structure on the own-  
36 ership document and in the records maintained by the department pursuant to subsection (2) of this  
37 section. The recording of the security interests in the records maintained by the department is  
38 constructive notice of the interests.

39 (4) The department shall send the ownership document to the holder of the earliest perfected  
40 unreleased security interest in the manufactured structure or, if none, to the owner of the structure.  
41 The department shall also send a copy of the ownership document to the county assessor for the  
42 county in which the manufactured structure is being sited.

43 (5) If an interest in a manufactured structure other than an ownership interest is satisfied or  
44 assigned, the holder of the interest shall notify the department. If the holder of the satisfied interest  
45 is in possession of the ownership document for the structure, the holder shall return the ownership

1 document to the department. The department shall adjust the ownership document and send the  
 2 adjusted ownership document and copy as described in subsection (4) of this section.

3 **SECTION 73.** ORS 446.581 is amended to read:

4 446.581. The Department of [*Consumer and Business Services*] **Building Codes** shall adopt rules  
 5 to provide for the transference of an ownership document for an abandoned manufactured structure  
 6 to a landlord pursuant to ORS 90.425 or 90.675 and ORS 446.616 (2).

7 **SECTION 74.** ORS 446.586 is amended to read:

8 446.586. As used in ORS 446.586 to 446.606:

9 (1) "Holder or other person" means the manufactured structure owner or other person having  
 10 an interest in the structure as indicated in the records of the Department of [*Consumer and Business*  
 11 *Services*] **Building Codes**.

12 (2) "Last-known address" means:

13 (a) The address of a holder or other person that is the intended recipient of a notice described  
 14 in ORS 446.591 (4) as set forth in an ownership document, financing statement or other documenta-  
 15 tion;

16 (b) If the address for the intended recipient of the notice is not shown on a document or state-  
 17 ment, the address of the intended recipient's principal place of business; or

18 (c) If the address for the intended recipient of the notice is not shown on a document or state-  
 19 ment and the intended recipient does not have a principal place of business, the address of the in-  
 20 tended recipient's residence.

21 **SECTION 75.** ORS 446.591 is amended to read:

22 446.591. An ownership application, information described in ORS 446.736 or an ownership docu-  
 23 ment or other document evidencing ownership and any release thereon under ORS 446.571, 446.616  
 24 or 446.641 does not need to be submitted to the Department of [*Consumer and Business Services*]  
 25 **Building Codes** as a condition for the department recording an ownership interest in a manufac-  
 26 tured structure if all of the following conditions are met:

27 (1) The transaction involves the sale of a manufactured structure or the creation or transfer of  
 28 a security interest in a manufactured structure and is processed by an escrow agent licensed in this  
 29 state.

30 (2) Debt secured by a security interest in the manufactured structure has been or will be paid  
 31 in full by the escrow agent as part of the agent's processing of the transaction.

32 (3) The escrow agent sends the written notice, in the form described in ORS 446.596, at least  
 33 30 days prior to the application for issuance of a replacement or original ownership document or for  
 34 changes to an ownership document.

35 (4) The escrow agent mails a notice described in ORS 446.596 to the holder or other person that  
 36 is responsible for furnishing the application information, ownership document, other document evi-  
 37 dencing ownership, or release of interest, and mails a copy of the notice to any person who has  
 38 perfected a security interest under ORS chapter 79 in the inventory of a dealer selling the structure.

39 (5) The escrow agent provides the department [*of Consumer and Business Services*] with an ap-  
 40 plication as provided by department rule for an ownership document. The application must be signed  
 41 by the transferee, if any, and contain any information required by the department, including but not  
 42 limited to the following information:

43 (a) A description of the manufactured structure, including the identification number as described  
 44 by department rule.

45 (b) The name of the transferee, if any.

1 (c) A recital that the escrow agent did not receive the requested documents and did not receive  
 2 a written objection from the holder or other person.

3 **SECTION 76.** ORS 446.596 is amended to read:

4 446.596. The escrow agent shall send the notice under ORS 446.591 (4) by certified mail with  
 5 return receipt requested and by first class mail, both with postage prepaid, to the last-known address  
 6 of the holder or other person responsible for furnishing the documents and of any person having a  
 7 perfected security interest. The notice must:

8 (1) Contain a description of the manufactured structure, including the year of manufacture, the  
 9 make and the identification number as described by rule of the Department of [*Consumer and Busi-*  
 10 *ness Services*] **Building Codes**;

11 (2)(a) State that the debt or other obligation owed to the holder or other person has been paid  
 12 and satisfied and specify the date and amount of the final payment; or

13 (b) State that at or prior to the time that the security interest or other interest of the holder  
 14 or other person in the manufactured structure is terminated, the escrow agent will fully pay and  
 15 satisfy the debt or other obligation owed to the holder or other person;

16 (3) State that, unless the escrow agent receives the appropriate documents within 30 days after  
 17 the notice is received by the owner or other person responsible for providing or releasing the doc-  
 18 uments, an application for issuance of a replacement or original ownership document or for changes  
 19 to an ownership document will be made to the department [*of Consumer and Business Services*] as  
 20 described in ORS 446.591 (5); and

21 (4) State that, if the escrow agent receives from the holder or other person a written objection  
 22 to provision or release of the requested documents, the escrow agent will not apply for the issuance  
 23 or replacement of or changes to the ownership document unless the objection is withdrawn or the  
 24 escrow agent receives the documents from the holder or other person.

25 **SECTION 77.** ORS 446.601 is amended to read:

26 446.601. (1) The Department of [*Consumer and Business Services*] **Building Codes** shall treat an  
 27 application described in ORS 446.591 (5):

28 (a) As an application for issuance of a replacement or original ownership document that reflects  
 29 the sale of the manufactured structure or the creation or transfer of the security interest, or as an  
 30 application to make other changes to an ownership document consistent with the transaction;

31 (b) As satisfactory proof that any previously issued ownership document for the manufactured  
 32 structure is not available; and

33 (c) As a release of any perfected security interest in the manufactured structure by the holder  
 34 or other person responsible for providing the application information, ownership document or other  
 35 document evidencing ownership, or a release thereon.

36 (2) Upon receipt of an application described in ORS 446.591 (5) and the payment of appropriate  
 37 fees, the department may issue a replacement or original ownership document for the manufactured  
 38 structure, add or delete a security interest or make any other changes consistent with the trans-  
 39 action. The department shall send the ownership document to the holder of the earliest perfected  
 40 unreleased security interest in the manufactured structure or, if none, to the owner. The department  
 41 shall also send a copy of the ownership document to the county assessor for the county in which  
 42 the manufactured structure is sited or being sited.

43 **SECTION 78.** ORS 446.606 is amended to read:

44 446.606. (1) An escrow agent may not provide an application to the Department of [*Consumer*  
 45 *and Business Services*] **Building Codes** under ORS 446.591 (5) if the agent has received a written

1 objection in response to the notice provided under ORS 446.596.

2 (2) An escrow agent may charge the person owning the manufactured structure under the re-  
 3 placement ownership document a reasonable fee for services provided in compliance with ORS  
 4 446.591 and 446.596.

5 (3) In addition to any other remedy provided by law, a person may bring an action against an  
 6 escrow agent for damages sustained by the person due to the negligence or willful misconduct of the  
 7 escrow agent in complying with ORS 446.591 and 446.596.

8 **SECTION 79.** ORS 446.611 is amended to read:

9 446.611. (1)(a) Except as provided in paragraph (b) of this subsection, the exclusive means for  
 10 perfecting a security interest in a manufactured structure that has an ownership document is by  
 11 application for and notation of the security interest in the manufactured structure ownership docu-  
 12 ment records of the Department of [*Consumer and Business Services*] **Building Codes**. The applica-  
 13 tion to have a security interest noted may be included as part of the application for issuance of an  
 14 original ownership document. The department shall record the date of receipt of an application to  
 15 have a security interest noted on the ownership document. The security interest is perfected as  
 16 provided in ORS 79.0311 upon the department's entering the security interest in the records main-  
 17 tained by the department under ORS 446.571. The department shall note the interest on a new or  
 18 updated ownership document and send the document as provided in ORS 446.571. A security interest  
 19 perfected under this section continues in effect until released by the holder of the interest.

20 (b) Paragraph (a) of this subsection does not apply if the debtor who granted the security in-  
 21 terest is in the business of selling manufactured structures and the structure constitutes inventory  
 22 held for sale or lease. The filing provisions of ORS 79.0501 to 79.0528 apply to security interests in  
 23 manufactured structures described in this paragraph.

24 (2) The department shall issue or update an ownership document to reflect a security interest  
 25 described in subsection (1)(a) of this section and note the interest in the manufactured structure  
 26 ownership document records maintained by the department. The department shall deliver the own-  
 27 ership document to the holder of the earliest perfected unreleased security interest in the manu-  
 28 factured structure or, if none, to the owner of the structure. The department shall also send a copy  
 29 of the ownership document to the county assessor for the county in which the manufactured struc-  
 30 ture is being sited.

31 (3) If the department cancels an ownership document because the manufactured structure is re-  
 32 corded in the deed records of a county, the department shall notify the county assessor of any  
 33 unreleased security interest recorded in the department's record for the manufactured structure. The  
 34 county assessor shall record the security interest information for the structure in the deed records.

35 (4) If a manufactured structure is recorded in the deed records of a county prior to the record-  
 36 ing of a security interest, the recording of a security interest in the county deed records satisfies  
 37 the requirement in ORS 72A.3095 that the security interest be recorded as a mortgage on real estate  
 38 and is effective as a financing statement perfecting the security interest in the structure as provided  
 39 in ORS 79.0502 (3).

40 (5) If a manufactured structure ceases to be exempt from the ownership document requirement,  
 41 upon recording the termination of the exemption in the deed records, the county assessor shall no-  
 42 tify the department of any unreleased interest shown on the deed record for the manufactured  
 43 structure. The department shall note the security interest information on the ownership document  
 44 issued by the department.

45 **SECTION 80.** ORS 446.616 is amended to read:

1 446.616. (1) Except as otherwise provided in subsection (2) or (3) of this section, upon the  
 2 transfer of any interest in a manufactured structure shown on an ownership document, each person  
 3 whose interest is released, terminated, assigned or transferred shall acknowledge the release, ter-  
 4 mination, assignment or transfer of that interest in a manner specified by the Department of [*Con-*  
 5 *sumer and Business Services*] **Building Codes** by rule. The department shall design the rules adopted  
 6 for purposes of this subsection to protect the interests of all parties to the transfer of interest.

7 (2) Notwithstanding subsection (1) of this section:

8 (a) In the case of a transfer of an interest by operation of law, the personal representative, re-  
 9 ceiver, trustee, sheriff, landlord or other representative or successor in interest of the person whose  
 10 interest is transferred shall file the acknowledgment described in subsection (1) of this section. The  
 11 representative or successor shall also provide the transferee with information satisfactory to the  
 12 department concerning all facts entitling the representative or successor to transfer the interest. If  
 13 there is no person to transfer the interest, the person to whom interest is awarded or otherwise  
 14 transferred is responsible for providing the information concerning the person's entitlement to the  
 15 interest.

16 (b) In the case of a transfer at death of the interest of the owner or security interest holder of  
 17 the manufactured structure, if the estate is not being probated and ownership is not being trans-  
 18 ferred under the provisions of ORS 114.545, an interest in the manufactured structure may be as-  
 19 signed through the use of an affidavit. The affidavit must be on a form prescribed by the department  
 20 and signed by all of the known heirs of the person whose interest is being transferred, and shall  
 21 state the name of the person to whom the ownership interest has been passed. If any heir has not  
 22 arrived at the age of majority or is otherwise incapacitated, the parent or guardian of the heir shall  
 23 sign the affidavit.

24 (c) In the case of a transfer at death of the interest of the owner or security interest holder  
 25 where transfer occurs under ORS 114.545, the affiant, as defined in ORS 114.505, is the person re-  
 26 quired to assign interest.

27 (d) A security interest holder, without the consent of the owner, may assign interest of the  
 28 holder in a manufactured structure to a person other than the owner without affecting the interest  
 29 of the owner or the validity or priority of the interest. A person who is not given notice of the  
 30 assignment is protected in dealing with the security interest holder as the holder of the interest  
 31 until the assignee files notice of the interest with the department as provided in ORS 446.571. This  
 32 paragraph does not exempt an assignment of interest from the acknowledgment requirement under  
 33 subsection (1) of this section.

34 (e) If an interest in a manufactured structure is transferred pursuant to an application under  
 35 ORS 446.591 (5), the recital by the escrow company that no written objections were received con-  
 36 stitutes both a release, termination, assignment or transfer of interest and an acknowledgment by  
 37 the person whose interest is released, terminated, assigned or transferred.

38 (3) Subsection (1) of this section does not apply to a transfer of a security interest where the  
 39 security interest holder is a financial institution, a financial holding company or a bank holding  
 40 company, as those terms are defined in ORS 706.008, a licensee under ORS chapter 725, or any  
 41 subsidiary or affiliate of any of the foregoing and the transfer of the interest of the security interest  
 42 holder:

43 (a) Results from the merger, conversion, reorganization, consolidation or acquisition of the se-  
 44 curity interest holder; or

45 (b) Is to an entity that is a member of the same affiliated group as the security holder.

1        **SECTION 81.** ORS 446.621 is amended to read:

2        446.621. (1) A certificate of title for a manufactured structure issued by the Department of  
3        Transportation prior to May 1, 2005, is effective as a document evidencing ownership of the manu-  
4        factured structure. If the manufactured structure does not have a title pursuant to ORS 308.855 or  
5        308.860 (1969 Replacement Part), a tax record showing that a person has paid the ad valorem tax  
6        assessment on the structure since 1972 is a document evidencing the person's ownership of the  
7        structure.

8        (2) The owner of a manufactured structure described in subsection (1) of this section is not re-  
9        quired to obtain an ownership document for the structure unless the structure is moved or sold.  
10       Except as provided in subsections (3) and (5) of this section, upon the moving or sale of a manu-  
11       factured structure described in subsection (1) of this section, the owner shall submit the document  
12       evidencing ownership of the structure to the Department of [*Consumer and Business Services*]  
13       **Building Codes** as provided in ORS 446.631 and 446.641. Upon receipt of the document, the depart-  
14       ment shall enter the information regarding the manufactured structure in the department's records  
15       and issue an ownership document for the structure.

16       (3) If the owner of a manufactured structure has misplaced a certificate of title, the Department  
17       of [*Consumer and Business Services*] **Building Codes** may require the person to provide proof suffi-  
18       cient to satisfy the department concerning any questions about the ownership of the manufactured  
19       structure or security interests in the structure. The proof required by the department may include,  
20       but is not limited to, completion of an affidavit that:

21       (a) Is in a form required by the department by rule;

22       (b) Contains any information the department requires by rule as necessary to establish owner-  
23       ship of the manufactured structure or to determine any security interests in the structure; and

24       (c) Is verified by the person making the affidavit.

25       (4) The Department of [*Consumer and Business Services*] **Building Codes** is not liable to any  
26       person for issuing an ownership document based on proof provided under subsection (3) of this sec-  
27       tion.

28       (5) The movement or sale of a manufactured structure described in subsection (1) of this section  
29       does not require the owner to obtain an ownership document if:

30       (a) The move or sale will qualify the manufactured structure for recording in the deed records  
31       of a county under ORS 446.626; and

32       (b) The person who will own the structure after the move or sale files an affidavit with the  
33       Department of [*Consumer and Business Services*] **Building Codes** prior to the move or sale stating  
34       that the person will apply within 25 business days after completion of the move or sale to have the  
35       manufactured structure recorded in the county deed records.

36       (6) ORS 803.220 does not apply to a certificate of title for a manufactured structure issued by  
37       the Department of Transportation.

38       (7) If the Department of [*Consumer and Business Services*] **Building Codes** issues an ownership  
39       document for a manufactured structure that was previously issued a certificate of title by the De-  
40       partment of Transportation, the Department of [*Consumer and Business Services*] **Building Codes**  
41       shall record in the department's records and note on the ownership document any unreleased se-  
42       cured interest that was noted on the certificate of title. A secured interest described in this sub-  
43       section retains the original perfection date of the interest, but provides the same creditor rights and  
44       remedies available for a secured interest in personal property perfected under ORS 446.611 (1).

45       **SECTION 82.** ORS 446.626 is amended to read:

1 446.626. (1) The owner of a manufactured structure that qualifies under this subsection may  
 2 apply to the county assessor to have the structure recorded in the deed records of the county. The  
 3 application must be on a form approved by the Department of [*Consumer and Business Services*]  
 4 **Building Codes**. The application must include a description of the location of the real property on  
 5 which the manufactured structure is or will be sited. If the structure is being sold by a manufac-  
 6 tured structure dealer, the dealer may file the application on behalf of the owner within the time  
 7 described in ORS 446.736 (7). A manufactured structure qualifies for recording in the deed records  
 8 if the owner of the structure:

9 (a) Also owns the land on which the manufactured structure is located;

10 (b) Is the holder of a recorded leasehold estate of 20 years or more if the lease specifically  
 11 permits the manufactured structure owner to record the structure under this section; or

12 (c) Is a member of a manufactured dwelling park nonprofit cooperative formed under ORS 62.800  
 13 to 62.815 that owns the land on which the manufactured structure is located.

14 (2) If the assessor, as agent for the department, determines that the manufactured structure  
 15 qualifies for recording in the deed records of the county, the assessor shall cause the structure to  
 16 be recorded in the deed records. The deed records must contain any unreleased security interest in  
 17 the manufactured structure. If the department has issued an ownership document for the manufac-  
 18 tured structure, the owner must submit the ownership document to the assessor with the application  
 19 described in subsection (1) of this section. Upon recording the manufactured structure in the deed  
 20 records, the assessor shall send the ownership document to the department for cancellation. The  
 21 department shall cancel the ownership document and send confirmation of the cancellation to the  
 22 assessor and the owner.

23 (3) The recording of a security interest in the deed records of the county under this section  
 24 satisfies the requirements for filing a financing statement for a fixture to real property under ORS  
 25 79.0502. The recording of a manufactured structure in the deed records of the county is independent  
 26 of the assessment and taxation of the structure as real property under ORS 308.875. The recording  
 27 of a manufactured structure in the deed records of the county makes the structure subject to the  
 28 same provisions of law applicable to any other building, housing or structure on the land. However,  
 29 the manufactured structure may not be sold separately from the land or leasehold estate unless the  
 30 owner complies with subsection (4) of this section.

31 (4) The owner of a manufactured structure that is recorded in the deed records of the county  
 32 may apply to have the structure removed from the deed records and an ownership document issued  
 33 for the structure. Unless the manufactured structure is subject to ORS 446.631, the owner must ap-  
 34 ply to the county assessor, as agent for the department, for an ownership document as provided in  
 35 ORS 446.571. Upon approval of the application, the assessor shall terminate the recording of the  
 36 manufactured structure in the deed records.

37 (5) If a manufactured structure described in subsection (1)(b) or (c) of this section is recorded  
 38 in the deed records, the owner of the structure has a real property interest in the manufactured  
 39 structure for purposes of:

40 (a) Recordation of documents pursuant to ORS 93.600 to 93.802, 93.804, 93.806 and 93.808;

41 (b) Deed forms pursuant to ORS 93.850 to 93.870;

42 (c) Mortgages, trust deeds and other liens pursuant to ORS chapters 86, 87 and 88; and

43 (d) Real property tax collection pursuant to ORS chapters 311 and 312. The structure owner is  
 44 considered the owner of the real property for purposes of assessing the structure under ORS 308.875.

45 **SECTION 83.** ORS 446.631 is amended to read:



1 446.631. (1) A person may not move a manufactured structure to a different situs unless the  
 2 Department of [*Consumer and Business Services*] **Building Codes** approves the move and the county  
 3 assessor issues a trip permit on behalf of the department. An application to move a manufactured  
 4 structure must be filed in the manner and form required by department rule and include the fol-  
 5 lowing:

6 (a) The ownership document or, if an ownership document does not exist, another document  
 7 acceptable to the department evidencing ownership of the structure or, if the structure is recorded  
 8 in the deed records of the county, the property description for the current and proposed situs for  
 9 the structure.

10 (b) The identity of the owner of the proposed situs or, if the proposed situs is a facility as de-  
 11 fined in ORS 90.100, the name of the facility.

12 (c) Any other information required by the department by rule.

13 (2)(a) Except as provided in paragraph (b) of this subsection, the department may not approve  
 14 an application to move a manufactured structure to a situs in another county unless all taxes and  
 15 special assessments for the current year that will become a lien against the structure prior to the  
 16 move as described in ORS 311.405 and all delinquent taxes and special assessments for past years  
 17 are paid.

18 (b) A purchaser or landlord may obtain a trip permit from the county assessor without payment  
 19 if the county cancels the taxes and assessments as provided in ORS 90.425 or 90.675.

20 (3) If the assessor cannot compute the exact amount of taxes due, the owner shall pay an amount  
 21 based on the current assessed value of the manufactured structure or the value that would be used  
 22 on the next assessment roll, or an amount based on the assessor's best estimate of the total taxes  
 23 and assessments. ORS 311.370 applies to taxes and assessments collected under this section.

24 (4) If the county assessor determines that all due or pending taxes and assessments have been  
 25 paid, the assessor may issue a trip permit on behalf of the department and shall forward the appli-  
 26 cation information to the department. The department shall update the department's record for the  
 27 manufactured structure and issue an updated ownership document for the structure indicating the  
 28 change in information. If no ownership document exists for the manufactured structure, the depart-  
 29 ment shall record the information for the structure and issue an ownership document.

30 (5) The department shall deliver an ownership document updated or issued under subsection (4)  
 31 of this section to the holder of the earliest perfected unreleased security interest in the manufac-  
 32 tured structure or, if none, to the owner of the structure. The department shall also send a copy of  
 33 the ownership document to any other holders of unreleased security interests in the structure and  
 34 to the county assessor for the county in which the structure is to be sited.

35 (6) The department [*of Consumer and Business Services*] or a county may charge fees for services  
 36 provided under this section. The fees charged pursuant to this subsection may not exceed the cost  
 37 of the services provided.

38 (7) Subsections (1) to (6) of this section do not apply to the movement of a manufactured struc-  
 39 ture described under ORS 446.576 (1)(a) or (b) or 446.736.

40 **SECTION 84.** ORS 446.636 is amended to read:

41 446.636. (1) For a new manufactured structure, the manufactured structure dealer must obtain  
 42 the trip permit on behalf of the owner. If the dealer fails to obtain the trip permit prior to the  
 43 scheduled moving date, the vehicle transporter must obtain the trip permit on behalf of the owner.

44 (2) For a used manufactured structure, the owner must obtain a trip permit from the county  
 45 assessor for the county in which the manufactured structure is sited.

1 (3) Notwithstanding subsections (1) and (2) of this subsection, if a dealer or vehicle transporter  
 2 refuses to obtain a trip permit as required by subsection (1) of this section, or if a county assessor  
 3 refuses to issue a trip permit to an owner who has complied with ORS 446.631, the owner may apply  
 4 directly to the Department of [*Consumer and Business Services*] **Building Codes** for a trip permit.

5 (4) The department may issue trip permits in bulk to a manufactured structure dealer or vehicle  
 6 transporter.

7 **SECTION 85.** ORS 446.641 is amended to read:

8 446.641. (1) If a person sells an ownership interest in a manufactured structure for which there  
 9 is an ownership document issued under ORS 446.611 or a structure described in ORS 446.621 (1) to  
 10 (6), the seller shall give notice of the sale to the county assessor for the county in which the  
 11 structure is sited.

12 (2) The seller's notice must be on a form approved by the Department of [*Consumer and Business*  
 13 *Services*] **Building Codes**. Information required by the form must include, but need not be limited  
 14 to:

15 (a) The identities of the seller and the purchaser;

16 (b) Any change in the security interest in the structure resulting from the transaction; and

17 (c) For each holder of an unreleased security interest:

18 (A) A signed statement recorded on the ownership document for the manufactured structure  
 19 acknowledging that the interest holder is aware of the sale; or

20 (B) Documentation satisfactory to the department showing that acknowledgment by the holder  
 21 was requested but the holder has not responded.

22 (3) The seller shall submit the following with the notice:

23 (a) The ownership document or other document evidencing ownership of the manufactured  
 24 structure.

25 (b) A copy of the bill of sale.

26 (c) Documentation satisfactory to the county assessor that all taxes, special assessments and  
 27 other charges placed on the tax roll that have been certified for collection under ORS 311.105 and  
 28 311.110, all taxes in homestead deferral as described under ORS 311.666 to 311.701 and all delinquent  
 29 taxes and special assessments for past years are paid or have been canceled.

30 (4) The county assessor shall forward the information contained in the notice and the ownership  
 31 document or other document evidencing ownership to the department. The department shall update  
 32 the ownership document for the manufactured structure or, if no ownership document exists, enter  
 33 the information in the department's records and issue an ownership document for the structure.

34 (5) The department shall deliver an ownership document updated or issued under subsection (4)  
 35 of this section to the holder of the earliest perfected unreleased security interest in the manufac-  
 36 tured structure or, if none, to the owner of the structure. The department shall also send a copy of  
 37 the ownership document to the county assessor.

38 (6) A transfer of ownership of a manufactured structure by operation of law is a sale of the  
 39 manufactured structure for purposes of this section.

40 (7) Notice given to a county assessor under subsection (1) of this section is not an instrument  
 41 of conveyance.

42 (8) If a seller does not give a notice of sale to the county assessor within 30 days after closing  
 43 of the sale of a manufactured structure, a buyer may submit a notice of sale to the assessor if the  
 44 notice is accompanied by proof of sale acceptable to the department as provided by rule. Upon re-  
 45 ceipt of a notice of sale and acceptable proof of sale, the assessor shall forward the information to

1 the department as provided in subsection (4) of this section. Submission of a notice of sale by a  
 2 buyer does not excuse a seller from civil penalty under ORS 455.895 for a violation of subsection (1)  
 3 of this section.

4 **SECTION 86.** ORS 446.646 is amended to read:

5 446.646. (1) The Department of [*Consumer and Business Services*] **Building Codes** may adopt  
 6 rules necessary for carrying out the duties, functions and powers of the department under ORS  
 7 446.566 to 446.646.

8 (2) Except as provided in subsection (4) of this section, the department shall adopt appropriate  
 9 fees to cover the cost of services rendered under ORS 446.566 to 446.646 by the department and by  
 10 a county as agent for the department. The department may not vary the fee for issuance or renewal  
 11 of an ownership document, or for removal of a manufactured structure from the ownership document  
 12 system, based upon the applicant's status as an owner, dealer or escrow agent.

13 (3) A county carrying out functions under ORS 446.566 to 446.646 related to manufactured  
 14 structure ownership documents and trip permits is an agent of the department with regard to those  
 15 functions.

16 (4) Unless the department adopts a different fee pursuant to subsection (2) of this section, the  
 17 fee amount:

18 (a) For issuance of an ownership document is \$55.

19 (b) For issuance of a trip permit is \$5.

20 **SECTION 87.** ORS 446.686 is amended to read:

21 446.686. (1) If the Department of Consumer and Business Services proceeds under ORS 446.681  
 22 or [*455.895*] **446.995**, the department may post a notice on any manufactured structure held in in-  
 23 ventory by a person alleged to be acting as a manufactured structure dealer without a license. The  
 24 notice must state that the person offering the manufactured structure for sale is currently the sub-  
 25 ject of a proceeding to determine whether the person has a manufactured structure dealer license  
 26 and that it may be unlawful for the person to sell the manufactured structure to a retail customer.

27 (2) A person may remove a notice posted in accordance with subsection (1) of this section only  
 28 upon authorization by the department. The department shall authorize removal within 10 days after  
 29 any one of the following occurs:

30 (a) The dismissal or termination of the proceeding instituted under ORS 446.681 or [*455.895*]  
 31 **446.995**;

32 (b) Full payment of any lawfully owing civil penalty and compliance with ORS 446.661 to 446.756;  
 33 or

34 (c) A finding by the department or a court that the manufactured structure is being offered for  
 35 sale by a licensed manufactured structure dealer or a person who is exempt from the licensing re-  
 36 quirement under ORS 446.676.

37 **SECTION 88.** ORS 446.721 is amended to read:

38 446.721. (1) The fee for issuance or renewal of a manufactured structure dealer license under  
 39 ORS 446.691 is \$542.

40 (2) The fee for issuance or renewal of a supplemental license under ORS 446.716 is \$90 for each  
 41 additional place of business.

42 (3) The fee for issuance or renewal of a corrected dealer license under ORS 446.716 or corrected  
 43 limited manufactured structure dealer license under ORS 446.706 is \$30.

44 (4) The fee for issuance of a temporary manufactured structure dealer license under ORS 446.701  
 45 is \$100.

1 (5) The fee for issuance or renewal of a limited manufactured structure dealer license under  
 2 ORS 446.706 is \$150.

3 (6) Fees adopted pursuant to this section are not subject to proration or refund.

4 (7) Fees collected by the Department of Consumer and Business Services under this section must  
 5 be deposited in the Consumer and Business Services Fund. Moneys deposited into the fund pursuant  
 6 to this section *[are continuously appropriated to the department for use as provided in ORS 446.423]*  
 7 **shall be used for the administration and enforcement of ORS 446.661 to 446.756.**

8 **SECTION 89.** ORS 446.736 is amended to read:

9 446.736. (1) Except as provided in subsection (7) of this section, a manufactured structure dealer  
 10 who transfers an interest in a manufactured structure shall:

11 (a) Submit to the Department of *[Consumer and Business Services]* **Building Codes** an applica-  
 12 tion for an ownership document on behalf of the purchaser; or

13 (b) If the purchase is being financed, submit sufficient information to a lender to allow the  
 14 lender to make an application to the Department **of Building Codes** for an ownership document.

15 (2) An application under subsection (1) of this section must be on a form approved by the De-  
 16 partment **of Building Codes** and include:

17 (a) The year, manufacturer's name, model if available and identification number for the manu-  
 18 factured structure.

19 (b) Any existing ownership document for the structure or, if none, the manufacturer's certificate  
 20 of origin or other document evidencing ownership of the manufactured structure.

21 (c) The legal description or street address for the proposed situs for the manufactured structure.

22 (d) The identity of the owner of record for the location where the manufactured structure is  
 23 being sited or, if the structure is being sited in a facility as defined in ORS 90.100, the name of the  
 24 facility.

25 (e) The name and mailing address of each person acquiring an ownership interest in the manu-  
 26 factured structure.

27 (f) The name and mailing address of each person acquiring a security interest in the manufac-  
 28 tured structure.

29 (g) Any other information required by the department by rule for processing an application.

30 (3) If a manufactured structure dealer is unable to comply with subsection (1) of this section,  
 31 within 25 business days of the transfer the dealer shall provide a notice of delay to the security  
 32 interest holder next named, if any, and the purchaser. The notice must contain:

33 (a) The reason for the delay;

34 (b) The anticipated extent of the delay; and

35 (c) A statement of the rights and remedies available to the purchaser if the delay becomes un-  
 36 reasonably extended.

37 (4) A manufactured structure dealer that fails to comply with this section is subject to revoca-  
 38 tion or suspension of the dealer's license or being placed on probation by the Department of Con-  
 39 sumer and Business Services pursuant to ORS 446.741. A dealer that fails to comply with subsection  
 40 (1) of this section within 90 days is subject to criminal penalties under ORS 446.746 (1)(h).

41 (5) Notwithstanding subsections (1) and (4) of this section, if a purchaser is not in compliance  
 42 with the payment terms of a purchase agreement on the 20th calendar day after the transfer, the  
 43 dealer is not required to perform under subsection (1) of this section until 25 calendar days after the  
 44 purchaser is in compliance with the payment terms of the purchase agreement. This subsection does  
 45 not excuse the duty of the dealer under subsection (3) of this section.

1 (6) This section does not apply to a transfer of interest in a manufactured structure that is  
 2 subject to an escrow transaction.

3 (7) This section does not apply to a manufactured structure for which an application is filed  
 4 under ORS 446.626 within 25 business days of the transfer.

5 **SECTION 90.** ORS 446.995 is amended to read:

6 446.995. (1) The Department of Consumer and Business Services may impose a civil penalty [*as*  
 7 *provided in ORS 455.895 for each violation,*] against a licensed manufactured structure dealer or  
 8 against a person required by a rule adopted pursuant to ORS 446.666 to be licensed, if the dealer  
 9 or person violates a provision of ORS 446.661 to 446.756 or a rule adopted by the department relat-  
 10 ing to the sale of manufactured structures. If the dealer authorizes a person licensed pursuant to  
 11 ORS 446.666 to commit a violation, the dealer and person are both subject to civil penalty.  
 12 Notwithstanding subsection (2) of this section, if a dealer expressly or by implication authorizes an  
 13 act by a real estate agent described in ORS 446.676 (14) that is a violation, the dealer is subject to  
 14 the civil penalty for the violation.

15 (2) The department may impose a civil penalty, in an amount not to exceed \$5,000 for each  
 16 manufactured structure improperly sold, brokered or exchanged, or offered or displayed for sale,  
 17 against a person that:

18 (a) Violates a provision of ORS 446.661 to 446.756 or a rule adopted by the department relating  
 19 to the sale of manufactured structures if the person does not possess a license required by ORS  
 20 446.671 or by rule pursuant to ORS 446.666; or

21 (b) Violates a rule adopted by the department relating to the sale of manufactured structures  
 22 if the person is exempt from licensing under ORS 446.676.

23 **(3) The maximum penalty established by this section for a violation may be imposed only**  
 24 **upon a finding that the person has engaged in a pattern of violations. The department, by**  
 25 **rule, shall define what constitutes a pattern of violations.**

26 **(4) Civil penalties under this section shall be imposed as provided in ORS 183.745. Except**  
 27 **as provided in subsection (7) of this section, moneys from civil penalties imposed under this**  
 28 **section shall be deposited to the Consumer and Business Services Fund.**

29 **(5) A civil penalty imposed under this section may be remitted or reduced upon such**  
 30 **terms and conditions as the department considers proper and consistent with the public**  
 31 **health and safety. In any judicial review of a civil penalty imposed under this section, the**  
 32 **court may, in its discretion, reduce the penalty.**

33 **(6) Any officer, director, shareholder or agent of a corporation, or member or agent of**  
 34 **a partnership or association, who personally participates in or is an accessory to any vio-**  
 35 **lation by the corporation, partnership or association of a provision or rule described in this**  
 36 **section is subject to the penalties prescribed in this section.**

37 **(7) In addition to the civil penalty set forth in this section, the department may require**  
 38 **any person who violates a provision or rule described in this section to forfeit and pay to the**  
 39 **General Fund of the State Treasury a civil penalty in an amount determined by the depart-**  
 40 **ment that does not exceed five times the amount by which such person profited in any**  
 41 **transaction that violated the provision or rule.**

42 **SECTION 91.** ORS 447.010 is amended to read:

43 447.010. As used in ORS 447.010 to 447.156 and 447.992, unless the context requires otherwise:

44 (1) "Board" means the State Plumbing Board established under ORS 693.115.

45 (2) "Department" means the Department of [*Consumer and Business Services*] **Building Codes.**

(3) "Director" means the Director of the Department of *[Consumer and Business Services]*

**Building Codes.**

(4) "Journeyman plumber" has the meaning given that term in ORS 693.010.

(5) "Ordinary minor repairs" means the repair, replacement or maintenance of existing plumbing fixtures, appliances, appurtenances and related water supply and drain attachments for the purpose of restoring a plumbing installation to a safe and sanitary operating condition.

(6) "Plumbing" is the art of installing, altering or repairing in or adjacent to or serving buildings:

(a) Pipes, fixtures and other apparatus for bringing in the water supply and removing liquid and water-carried waste, including the water supply distributing pipes.

(b) Fixtures and fixture traps.

(c) Soil, waste and vent pipes.

(d) House drain and house sewer to the sewer service lateral at the curb, or in the street, or alley, or other disposal terminal holding human or domestic sewage.

(e) Storm water drainage, with their devices, appurtenances and connections.

(f) Pipes, fixtures and other apparatus for medical gas, anesthetic waste gas and vacuum systems.

(g) Solar heating and cooling systems.

**SECTION 92.** ORS 447.020 is amended to read:

447.020. (1) All installations of plumbing and drainage in buildings and structures in this state and all potable water supply, drainage, and waste installations, within or serving buildings or structures, except in temporary construction camps, and except as otherwise provided in ORS 447.010 to 447.156 *[and 447.992]*, shall be made in accordance with the requirements of ORS 447.010 to 447.156 *[and 447.992]* and ORS chapter 455.

(2) The Director of the Department of *[Consumer and Business Services]* **Building Codes**, with the approval of the State Plumbing Board, shall make rules pursuant to ORS chapter 183 for the purpose of setting standards for plumbing and defining compliance with the provisions of ORS 447.010 to 447.156 *[and 447.992 particularly pertaining to]* **including but not limited to rules regarding:**

(a) **The** installation of piping, protection and adequacy of the water supply[.];

(b) Workmanship and materials[.];

(c) Traps and cleanouts[.];

(d) Domestic hot water storage tanks and devices[.];

(e) Drinking fountains[.];

(f) Solar heating and cooling systems[.];

(g) Approval of devices, equipment and fixtures[.];

(h) Hangers and supports[.];

(i) Drainage and venting[.];

(j) House drains and house sewers[.];

(k) Storm water drains[.];

(l) Special wastes[.];

(m) Light and ventilation of water closets and bathrooms[.]; and

(n) Excavation and grading.

(3) The director shall appoint an adequate staff experienced and trained to serve as plumbing inspectors to enforce rules adopted under this section.

1        **SECTION 93.** ORS 447.026 is amended to read:

2        447.026. (1) All water pipe used to carry potable water sold in this state shall be clearly marked  
3 the entire length of pipe, at intervals of length set by the Director of the Department of [*Consumer*  
4 *and Business Services*] **Building Codes** with the approval of the State Plumbing Board, with:

5            (a) Identification of the manufacturer and the plant of origin; and

6            (b) The manufacturing standard under which the pipe was made.

7        (2) A label, shield or coding system may be used to identify the manufacturer, origin and man-  
8 ufacturing standard under which the pipe was made if the manufacturer has on file with the De-  
9 partment of [*Consumer and Business Services*] **Building Codes** a notice describing the identification  
10 system used.

11        **SECTION 94.** ORS 447.072 is amended to read:

12        447.072. Notwithstanding ORS 455.610, the Department of [*Consumer and Business Services*]  
13 **Building Codes**, with the approval of the State Plumbing Board, shall adopt rules to create an ex-  
14 emption from permit and inspection requirements for ordinary minor repairs in low-rise residential  
15 dwellings and commercial structures when the board finds that the plumbing does not involve any  
16 changes or alterations of the existing plumbing system. The exemption from the permit:

17            (1) May not include new construction or replacement of water heaters or underground plumbing;  
18 and

19            (2) Shall be available only to licensed plumbing contractors or persons described under ORS  
20 693.020.

21        **SECTION 95.** ORS 447.076 is amended to read:

22        447.076. Notwithstanding ORS 455.610, the Department of [*Consumer and Business Services*]  
23 **Building Codes**, with the approval of the State Plumbing Board, shall adopt rules to create a man-  
24 datory inspection program for minor plumbing installations made by licensed plumbing contractors  
25 in low-rise residential dwellings. The rules adopted by the department shall:

26            (1) Define the term “minor plumbing installations” in a manner that does not include new con-  
27 struction;

28            (2) Designate which minor plumbing installations are under the inspection program; and

29            (3) Provide for random inspection of minor plumbing installations.

30        **SECTION 96.** ORS 447.080 is amended to read:

31        447.080. No city or county shall enact or enforce any ordinances or building codes providing  
32 different requirements than those imposed by the state building code for the regulation of the busi-  
33 ness of master plumbing or the installation of drainage work unless authorized by the Director of  
34 the Department of [*Consumer and Business Services*] **Building Codes** under ORS 455.040.

35        **SECTION 97.** ORS 447.091 is amended to read:

36        447.091. The Department of [*Consumer and Business Services*] **Building Codes** or local govern-  
37 ment administering the plumbing specialty code adopted under ORS 447.020 (2) may, upon request  
38 of any sanitary district formed pursuant to ORS 450.005 to 450.245, sanitary authority established  
39 under ORS 450.600 to 450.989, or county service district established under ORS 451.410 to 451.610,  
40 contract for the inspection of building sewers constructed to connect a district sewage system if  
41 inspectors employed by such district are certified for sewer inspections under ORS 455.715 to  
42 455.740.

43        **SECTION 98.** ORS 447.095 is amended to read:

44        447.095. (1) Rules adopted under ORS 447.020 shall provide a plumbing inspection fee schedule.  
45 The schedule shall establish inspection fees for inspections made by the Department of [*Consumer*

1 *and Business Services*] **Building Codes** under ORS 447.010 to 447.156[, 447.992] and 455.610 to  
2 455.630 based on the cost of making inspections as measured by the time required of the inspector.

3 (2) Plumbing inspections may be made for other governmental units, upon request, pursuant to  
4 agreements entered into under ORS 190.003 to 190.620.

5 **SECTION 99.** ORS 447.097 is amended to read:

6 447.097. All moneys received by the Department of [*Consumer and Business Services*] **Building**  
7 **Codes** under ORS 447.010 to 447.156 and 447.992 shall be disposed of in accordance with ORS  
8 693.165.

9 **SECTION 100.** ORS 447.100 is amended to read:

10 447.100. [*(1) No new hotel, motel, apartment house, dwelling, office building or other structure shall*  
11 *be constructed which employs a tank-type water closet that is not approved by the Director of the De-*  
12 *partment of Consumer and Business Services, with the approval of the State Plumbing Board, as*  
13 *meeting adequate standards of safety and sanitation.*]

14 (1) **A tank-type water closet installed in a newly constructed hotel, motel, apartment**  
15 **house, dwelling, office building or other structure must be of a type that the Director of the**  
16 **Department of Building Codes, with the approval of the State Plumbing Board, has approved**  
17 **as meeting adequate standards of safety and sanitation.**

18 (2) The director, with the approval of the board, shall cause to have adopted and published,  
19 pursuant to ORS chapter 183, a list of approved types of tank-type water closets meeting [*the re-*  
20 *quirements of this section*] **adequate standards of safety and sanitation.**

21 **SECTION 101.** ORS 447.118 is amended to read:

22 447.118. (1) Nothing in ORS 447.010 to 447.156 [*and 447.992*] shall prohibit the installation of a  
23 compost toilet for a dwelling by the occupant of the dwelling if the compost toilet complies with the  
24 minimum requirements established under this section.

25 (2) Rules adopted under ORS 447.020 shall provide minimum requirements for the design, con-  
26 struction, installation and maintenance of compost toilets.

27 (3) The Director of the Department of [*Consumer and Business Services*] **Building Codes**, with  
28 the approval of the State Plumbing Board, may require by rule that, in addition to any other re-  
29 quirements provided by law, any manufacturer or distributor of a compost toilet and any person  
30 other than the owner of the dwelling in which the compost toilet is to be installed who proposes to  
31 install a compost toilet file with the Department of [*Consumer and Business Services*] **Building**  
32 **Codes** a satisfactory bond, irrevocable letter of credit issued by an insured institution as defined in  
33 ORS 706.008 or other security in an amount to be fixed by the department with approval of the  
34 board but not to exceed \$5,000, conditioned that such bond, letter of credit or security shall be  
35 forfeited in whole or in part to the department for the purpose of carrying out the provisions of ORS  
36 447.124 by failure of such manufacturer, distributor or person to comply with the rules adopted un-  
37 der this section.

38 **SECTION 102.** ORS 447.124 is amended to read:

39 447.124. For the purpose of enforcing ORS 447.118 and the rules adopted thereunder, the De-  
40 partment of [*Consumer and Business Services*] **Building Codes**, with the assistance of the Oregon  
41 Health Authority:

42 (1) May conduct periodic inspections of any compost toilet;

43 (2) Upon making a finding that a compost toilet is in violation of the rules adopted pursuant to  
44 ORS 447.118 (2), may issue an order requiring the owner of the dwelling served by the compost toilet  
45 to take action necessary to correct the violation; and



1 (3) Upon making a finding that a compost toilet presents or threatens to present a public health  
 2 hazard creating an emergency requiring immediate action to protect the public health, safety or  
 3 welfare, may issue an order requiring the owner of the dwelling served by the compost toilet to take  
 4 any action necessary to remove such hazard or threat thereof. If such owner fails to take the actions  
 5 required by such order, the department shall take such action, itself or by contract with outside  
 6 parties, as necessary to remove the hazard or threat thereof. The department shall keep a record  
 7 of all necessary expenses incurred by the department in carrying out such action, including a rea-  
 8 sonable charge for costs incurred and equipment and materials utilized by the state. Any owner who  
 9 fails to take action required by an order issued under this subsection shall be responsible for such  
 10 necessary expenses incurred by the state. Based on the record compiled by the department, an  
 11 owner responsible for expenses due to the failure of a manufacturer, distributor or person to comply  
 12 with the rules adopted under ORS 447.118 (2) shall have a setoff against the bond or other security  
 13 forfeited under ORS 447.118 (3) to the extent that such expenses are due to such failure of the  
 14 manufacturer, distributor or person. The department shall make a finding and enter an order against  
 15 the owner for the necessary expenses. Orders issued under this section may be appealed pursuant  
 16 to ORS chapter 183 but not as a contested case. Any amount due the department under this sub-  
 17 section and not paid in full within 30 days after the order is entered, or, if the order is appealed,  
 18 within 30 days after there is no further right to appeal, shall become a lien upon the dwelling of the  
 19 owner. The department shall file a notice of the lien with the recording officer of the county in  
 20 which the dwelling is located and the recording officer shall record the notice in a manner designed  
 21 to appear in the mortgage records of the county.

22 (4) The department may contract with any state or local agency for the purpose of carrying out  
 23 the provisions of this section.

24 **SECTION 103.** ORS 447.140 is amended to read:

25 447.140. (1) All waste water and sewage from plumbing fixtures shall be discharged into a sewer  
 26 system or alternate sewage disposal system approved by the Environmental Quality Commission or  
 27 Department of Environmental Quality under ORS chapters 468, 468A and 468B.

28 (2) No plumbing fixture, device or equipment shall be installed, maintained or offered for sale  
 29 [*which*] **that** will provide a cross-connection between the distributing system of water for drinking  
 30 and domestic purposes and any other water supply, or a drainage system, soil or waste pipe so as  
 31 to permit or make possible the backflow of contaminated water, sewage or waste into the water  
 32 supply system.

33 (3) No flush valve, vacuum breaker or syphon preventer shall be offered for sale or installed that  
 34 has not been approved by the Department of [*Consumer and Business Services*] **Building Codes** with  
 35 the approval of the State Plumbing Board.

36 (4) The use or installation of water-operated sump pumps or sewage ejectors, if connected to the  
 37 potable water supply, is prohibited.

38 (5) No pan, plunger, offset washout, washout, long hopper, frost proof or other water closets  
 39 having invisible seals or unventilated spaces, or walls not thoroughly washed at each flushing, shall  
 40 be installed or sold for use in any building.

41 (6) No plumbing fixture, appurtenance or device, the installation of which would be in violation  
 42 of the state plumbing specialty code and the rules of the department approved by the board shall  
 43 be sold, offered for sale or installed.

44 **SECTION 104.** ORS 447.145 is amended to read:

45 447.145. (1) All new fixtures approved for installation during construction, reconstruction, al-

1 teration and repair of buildings and other structures under ORS 447.020 shall comply with rules  
 2 adopted by the Director of the Department of [*Consumer and Business Services*] **Building Codes**.  
 3 The rules shall be consistent with performance requirements and test procedures established by the  
 4 American National Standards Institute, or other equivalent recognized North American standards  
 5 and procedures. [*Except for used fixtures allowed under subsection (4) of this section,*] The average  
 6 amount of water used by new or replacement fixtures under the applicable test procedures shall not  
 7 exceed:

- 8 (a) 1.6 gallons or 6.06 liters per flush for toilets;
- 9 (b) 1.0 gallons or 3.785 liters per flush for urinals;
- 10 (c) 2.5 gallons or 9.46 liters per minute for shower heads; and
- 11 (d) 2.5 gallons or 9.46 liters per minute for interior faucets.

12 (2) Notwithstanding subsection (1) of this section, the director by rule shall provide for ex-  
 13 emptions to the requirements under subsection (1) of this section if:

14 (a) The reconstruction, alteration or repair of a building does not include the installation of new  
 15 or replacement toilets or urinals, shower heads or faucets within the building;

16 (b) Due to the capacity, design or installation of the plumbing or sewage system within an ex-  
 17 isting building, toilets or urinals required by subsection (1) of this section would, if installed in the  
 18 building, be unable to meet the performance requirements of the American National Standards In-  
 19 stitute or other equivalent recognized North American standards as adopted by rule;

20 (c) The fixtures and fittings necessary to perform a specialized function, including but not lim-  
 21 ited to emergency showers and aspirator faucets, cannot meet the requirements;

22 (d) The installation of fixtures that do not comply with subsection (1) of this section is necessary  
 23 to maintain the historic character of a structure listed under ORS 358.480 to 358.545; or

24 (e) The fixtures and fittings to be installed are specifically designed to withstand unusual abuse  
 25 or installation in a penal institution or are located in an area with special needs, such as a labo-  
 26 ratory, hospital, nursing home or other health care facility.

27 (3) No person shall sell or offer for sale any new toilet, urinal, shower head or faucet that has  
 28 not been approved under ORS 447.020.

29 (4) [*On or after December 31, 1995, no person shall*] **A person may not** sell or offer for sale any  
 30 used toilet, urinal, shower head or interior faucet that does not meet the conservation standards  
 31 established in subsection (1) of this section.

32 (5) The director shall adopt rules and regulations for marking, labeling or otherwise identifying  
 33 fixtures that meet the standards of this section.

34 **SECTION 105.** ORS 447.152 is amended to read:

35 447.152. In compliance with ORS chapter 183, the Director of the Department of [*Consumer and*  
 36 *Business Services*] **Building Codes**, with the approval of the State Plumbing Board, shall adopt rules,  
 37 including but not limited to:

38 (1) Governing minimum safety standards for design and construction of plumbing products to be  
 39 sold or disposed of in this state.

40 (2) Establishing procedures for certification of plumbing products.

41 (3) Establishing criteria for approval of plumbing product testing laboratories and listing agen-  
 42 cies, including but not limited to:

- 43 (a) Independence from manufacturers, vendors and when applicable, testing laboratories;
- 44 (b) Ethical testing and business standards;
- 45 (c) Test quality control;

1 (d) Continuity of monitoring continuing product safety;

2 (e) Certification and listing procedures; and

3 (f) Record keeping.

4 (4) Providing for certified or listed product identification.

5 (5) Establishing criteria for approval of a plumbing product by a special deputy similar to those  
6 rules established for testing laboratories.

7 (6) Governing the internal organization and procedure for administering and enforcing ORS  
8 447.152, 447.154 and 447.156 (1) and (2).

9 **SECTION 106.** ORS 447.210 is amended to read:

10 447.210. As used in ORS 447.210 to 447.280, unless the context requires otherwise:

11 (1) "Affected buildings" includes any place of public accommodations and commercial facilities  
12 designed, constructed and altered in compliance with the accessibility standards established by the  
13 Americans with Disabilities Act. "Affected buildings" also includes any government building that is  
14 subject to Title II of the Americans with Disabilities Act. "Affected buildings" also includes private  
15 entities, private membership clubs and churches that have more than one floor level and more than  
16 4,000 square feet in ground area or that are more than 20 feet in height, measured from the top  
17 surface of the lowest flooring to the highest interior overhead finish of the building.

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

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

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

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

28 (6) "Department" means the Department of [*Consumer and Business Services*] **Building Codes**.

29 (7) "Director" means the Director of the Department of [*Consumer and Business Services*]  
30 **Building Codes**.

31 (8) "Fair Housing Act" means the Fair Housing Act of 1968, as amended in 1988, found at 42  
32 U.S.C. section [~~3604~~] **3601** et seq.

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

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

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

40 (a) Places of lodging not including owner-occupied establishments renting fewer than six rooms;

41 (b) Establishments serving food or drink;

42 (c) Places of exhibition or entertainment;

43 (d) Places of public gathering;

44 (e) Sales or rental establishments;

45 (f) Service establishments;

- 1 (g) Public transportation terminals, depots or stations;
- 2 (h) Places of public display or collection;
- 3 (i) Places of recreation;
- 4 (j) Places of education;
- 5 (k) Social service center establishments; and
- 6 (L) Places of exercise or recreation.

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

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

11 **SECTION 107.** ORS 447.220 is amended to read:

12 447.220. It is the purpose of ORS 447.210 to 447.280 to make affected buildings, including but not  
 13 limited to commercial facilities, public accommodations, private entities, private membership clubs  
 14 and churches, in the state accessible to and usable by persons with disabilities, as provided in the  
 15 Americans with Disabilities Act, and to make covered multifamily dwellings in the state accessible  
 16 to and usable by all persons with disabilities, as provided in the Fair Housing Act. In requiring that  
 17 buildings and facilities be usable by persons with disabilities, it is not the intention of the Legisla-  
 18 tive Assembly to require that items of personal convenience such as rest rooms, telephones and  
 19 drinking fountains be provided for members of the public who have disabilities if they are not oth-  
 20 erwise provided for members of the public who do not have disabilities. However, pursuant to the  
 21 Americans with Disabilities Act, the Director of the Department of [*Consumer and Business*  
 22 *Services*] **Building Codes** may provide greater protection to individuals with disabilities by adopting  
 23 more stringent standards than prescribed by the Americans with Disabilities Act.

24 **SECTION 108.** ORS 447.230 is amended to read:

25 447.230. (1) The Director of the Department of [*Consumer and Business Services*] **Building Codes**  
 26 shall, pursuant to ORS 455.030 and ORS chapter 183, establish standards and specifications in the  
 27 structural code necessary to eliminate architectural barriers to entry to and use of affected  
 28 buildings and their related facilities by persons who have disabilities.

29 (2) The director shall, to assist in the identification of architectural barriers and in the devel-  
 30 opment of the standards and specifications referred to in subsection (1) of this section, be assisted  
 31 by the Oregon Disabilities Commission or its designee.

32 **SECTION 109.** ORS 447.231 is amended to read:

33 447.231. Notwithstanding any other provision of law and the authority of any board within the  
 34 Department of [*Consumer and Business Services*] **Building Codes**, the Director of the Department  
 35 of [*Consumer and Business Services*] **Building Codes** shall adopt rules to conform the state building  
 36 code to the Americans with Disabilities Act and the Fair Housing Act and the regulations adopted  
 37 thereunder. In addition, the director shall adopt rules to conform the state building code to the  
 38 provisions of ORS 447.210 to 447.280, to the extent to which any statute is stricter than the Ameri-  
 39 cans with Disabilities Act or the Fair Housing Act.

40 **SECTION 110.** ORS 447.233 is amended to read:

41 447.233. (1) The Director of the Department of [*Consumer and Business Services*] **Building Codes**  
 42 shall include in the state building code, as defined in ORS 455.010, a requirement that the number  
 43 of accessible parking spaces specified in subsection (2) of this section be provided for affected  
 44 buildings subject to the state building code and that the spaces be signed as required by subsection  
 45 (2) of this section. Spaces may also be marked in a manner specified in the state building code.

(2)(a) The number of accessible parking spaces shall be:

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Total Parking In Lot	Required Minimum Number of Accessible Spaces	Required Minimum Number of Van Accessible Spaces	Required Minimum Number of “Wheelchair User Only” Spaces
1 to 25	1	1	-
26 to 50	2	1	-
51 to 75	3	1	-
76 to 100	4	1	-
101 to 150	5	-	1
151 to 200	6	-	1
201 to 300	7	-	1
301 to 400	8	-	1
401 to 500	9	-	2
501 to 1,000	2% of total	-	1 in every 8 accessible spaces or portion thereof
1,001 and over	20 plus 1 for each 100 over 1,000	-	1 in every 8 accessible spaces or portion thereof

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(b) In addition, one in every eight accessible spaces, but not less than one, shall be van accessible. Where five or more parking spaces are designated accessible, any space that is designated as van accessible shall be reserved for wheelchair users. A van accessible parking space shall be at least nine feet wide and shall have an adjacent access aisle that is at least eight feet wide.

(c) Accessible parking spaces shall be at least nine feet wide and shall have an adjacent access aisle that is at least six feet wide.

(d) The access aisle shall be located on the passenger side of the parking space except that two adjacent accessible parking spaces may share a common access aisle.

(e) A sign shall be posted for each accessible parking space. The sign shall be clearly visible to a person parking in the space, shall be marked with the International Symbol of Access and shall indicate that the spaces are reserved for persons with disabled person parking permits. A van accessible parking space shall have an additional sign marked “Van Accessible” mounted below the sign. A van accessible parking space reserved for wheelchair users shall have a sign that includes the words “Wheelchair User Only.”

(f) Accessible parking spaces and signs shall be designed in compliance with the standards set forth by the Oregon Transportation Commission in consultation with the Oregon Disabilities Commission.

(3) No ramp or obstacle may extend into the parking space or the aisle, and curb cuts and ramps may not be situated in such a way that they could be blocked by a legally parked vehicle.

(4) Parking spaces required by this section shall be maintained so as to meet the requirements of this section at all times and to meet the standards established by the state building code.

1 (5) The director is authorized to inspect parking spaces and facilities and buildings subject to  
2 the provisions of this section, and to do whatever is necessary to enforce the requirements, including  
3 the maintenance requirements, of this section. Municipalities and counties may administer and en-  
4 force the requirements of this section in the manner provided under ORS 455.148 or 455.150 for ad-  
5 ministration and enforcement of specialty codes. All plans for parking spaces subject to the  
6 provisions of this section must be approved by the director prior to the creation of the spaces.

7 (6) Requirements adopted under this section do not apply to long-term parking facilities at the  
8 Portland International Airport.

9 (7) Any reported violation of this section shall be investigated by the administrative authority.  
10 The administrative authority shall make a final decision and order correction, if necessary, within  
11 30 days of notification. Any aggrieved person may appeal within 30 days of the decision by the ad-  
12 ministrative authority to the appropriate municipal appeals board or, at the option of the local ju-  
13 risdiction, directly to the Building Codes Structures Board established under ORS 455.132. The  
14 appeal shall be acted upon within 60 days of filing. The decision of the municipal appeals board may  
15 be appealed to the board. The board shall act on the appeal within 60 days of filing. All appeals to  
16 the board shall be filed in accordance with ORS 455.690.

17 **SECTION 111.** ORS 447.247 is amended to read:

18 447.247. (1) Elevators are required:

19 (a) In all shopping centers, shopping malls, professional offices of health care providers and  
20 government buildings that are covered by Title II of the Americans with Disabilities Act;

21 (b) In all other commercial facilities, private entities and places of public accommodation cov-  
22 ered by Title III of the Americans with Disabilities Act that have more than one floor level and  
23 more than 3,000 square feet in ground area or that are more than 20 feet in height, measured from  
24 the top surface of the lowest flooring to the highest interior overhead finish of the building; and

25 (c) In all private membership clubs and churches that have more than one floor level and more  
26 than 4,000 square feet in ground area or that are more than 20 feet in height, measured from the  
27 top surface of the lowest flooring to the highest interior overhead finish of the building.

28 (2) The Department of [*Consumer and Business Services*] **Building Codes** may by rule create  
29 exceptions to the requirements of this section if this section would require an elevator in a building  
30 that would not be required to have an elevator under the provisions of the Americans with Disa-  
31 bilities Act or the Fair Housing Act.

32 **SECTION 112.** ORS 447.250 is amended to read:

33 447.250. (1) When a person or governmental entity undertaking the construction, renovation,  
34 alteration or modification of an affected building or its related facilities determines that a particular  
35 standard or specification exceeds the standards or specifications imposed by the Americans with  
36 Disabilities Act and the Fair Housing Act, and that full compliance with the standard or specifica-  
37 tion is impractical in that it would defeat the purpose of the project proposed or in process, it may  
38 apply to the appeals board having jurisdiction over the project for a waiver or modification of such  
39 standard or specification, setting forth the reasons for its determination and a proposal for the work  
40 complying with the particular standard or specification to the maximum extent that it considers  
41 practical.

42 (2)(a) For projects involving a state correctional facility as defined in ORS 421.005 (2), or a local  
43 correctional facility, as defined in ORS 169.005, the appeals board referred to in subsection (1) of  
44 this section is the Building Codes Structures Board established under ORS 455.132.

45 (b) For all other projects, the appeals board referred to in subsection (1) of this section is the

1 appeals board established under ORS 455.020 (4) by the municipality having jurisdiction over the  
 2 project.

3 (3) The appeals board shall thereupon investigate the application. The board in its investigation  
 4 shall be required to seek the advice of the Oregon Disabilities Commission or its designee in dealing  
 5 with architectural barrier waivers. If the appeals board finds that the proposal submitted with the  
 6 application would constitute a substantial compliance with, or an acceptable alternative to, the  
 7 particular standard or specification in view of the objectives of ORS 447.210 to 447.280, the waiver  
 8 shall be granted. If the board finds otherwise, the application shall be promptly denied with notice  
 9 to the requesting person or governmental entity of the denial.

10 (4) The findings of the appeals board shall include the estimated building costs and the addi-  
 11 tional cost of construction to conform to the requirements of ORS 447.210 to 447.280 over the cost  
 12 of a nonconforming feature or any other special reason or circumstance that, in the judgment of the  
 13 board, justifies the decision.

14 (5) Any person aggrieved by the final decision of an appeals board may within 30 days of the  
 15 decision appeal to the Director of the Department of [*Consumer and Business Services*] **Building**  
 16 **Codes**. [*In the case where no*] **If an** appeals board has **not** been created the director shall have  
 17 original jurisdiction of an application for a waiver. The applicant for a waiver or an appeal shall  
 18 submit a fee of \$20 payable to the director with the request for waiver or appeal. In determining  
 19 an appeal or an original application, the procedures and standards of subsections (1) to (4) of this  
 20 section shall apply to the director.

21 **SECTION 113.** ORS 447.260 is amended to read:

22 447.260. (1) The Director of the Department of [*Consumer and Business Services*] **Building Codes**  
 23 may promulgate rules reasonably necessary to implement and enforce ORS 447.210 to 447.280 as part  
 24 of the structural code including, but not limited to, rules authorizing the director to waive or modify  
 25 any standards and specifications with respect to work on affected buildings and their related facili-  
 26 ties where the director determines, with respect to emergency or temporary construction, that  
 27 compliance with such standards or specifications would not be necessary to fulfill the objectives of  
 28 ORS 447.210 to 447.280 or would be impractical.

29 (2) The director [*of the Department of Consumer and Business Services*] shall by rule establish  
 30 criteria for determining the lowest flooring of a building for the purposes of the definition of “af-  
 31 fected buildings” provided by ORS 447.210 and for the purposes of ORS 447.247.

32 **SECTION 114.** ORS 447.270 is amended to read:

33 447.270. The Director of the Department of [*Consumer and Business Services*] **Building Codes**  
 34 or the designated representative of the director shall cooperate with and receive the assistance of  
 35 all persons, all appropriate elective or appointive public officials and all state or governmental  
 36 agencies in carrying out the responsibilities of the director under ORS 447.210 to 447.280.

37 **SECTION 115.** ORS 447.275 is amended to read:

38 447.275. Architects, engineers or other persons designing buildings; contractors and other per-  
 39 sons erecting buildings; building officials, plans examiners, inspectors, the Director of the Depart-  
 40 ment of [*Consumer and Business Services*] **Building Codes**, the State Fire Marshal, State Fire  
 41 Marshal deputies, municipal fire marshals or municipal deputies inspecting buildings; or a municipal  
 42 appeals board shall be relieved of any personal or financial liability from persons suffering injury  
 43 or death or those persons’ heirs as the result of exiting deficiencies during emergencies resulting  
 44 from access for persons with disabilities required by ORS 447.210 to 447.280 or standards adopted  
 45 under them.

**SECTION 116.** ORS 448.330 is amended to read:

448.330. (1) The Director of the Oregon Health Authority may prohibit the sale of water pipe used to carry potable water and solders, fillers or brazing material used in making up joints and fittings in this state and the installation or use of water pipe used to carry potable water and solders, fillers or brazing material used in making up joints and fittings in any private or public potable water supply system or individual water user's lines until such time as the director determines that adequate standards exist and are practiced in the manufacture of water pipe used to carry potable water and solders, fillers or brazing material used in making up joints and fittings to ~~[insure]~~ **ensure** that the pipe and solder do not present a present or potential threat to the public health in this state.

(2) The director shall adopt, by rule, product acceptability criteria for water pipe used to carry potable water and solders, fillers or brazing material used in making up joints and fittings for water supply purposes ~~[which insure]~~ **that ensure** that the pipe and solder do not present a threat to the public health in this state. The Oregon Health Authority shall be responsible for the monitoring of the sale and use of water pipe used to carry potable water and solders, fillers or brazing material used in making up joints and fittings for compliance with the product acceptability criteria. The Department of ~~[Consumer and Business Services]~~ **Building Codes** shall cooperate with, and assist, the authority in its monitoring efforts.

(3) No water pipe used to carry potable water or solders, fillers or brazing material used in making up joints and fittings ~~[which]~~ **that** does not conform to the product acceptability criteria adopted under subsection (2) of this section shall be sold in this state or installed in any part of any public or private potable water supply system or individual water user's lines.

(4) Notwithstanding subsection (1) or (3) of this section, the director may grant exemptions from any prohibition of the sale or use of water pipe used to carry potable water for the emergency repair or replacement of any existing part of a water supply system, or for the necessary use by a well driller in the installation of a well. The director may require any person using water pipe used to carry potable water under this subsection to notify the authority of the date and location of that use.

**SECTION 117.** ORS 450.837 is amended to read:

450.837. (1) Water authorities and sanitary authorities are municipalities for the purposes of administering and enforcing the plumbing code as provided under ORS 455.150.

(2) However, notwithstanding ORS 455.150 (3), a building official appointed by a water authority or sanitary authority or an inspector acting under the authority and direction of such a building official shall administer and enforce only that portion of the plumbing code governing the installation and maintenance of connections between structures and the mains and sewers of the authority.

(3) Nothing in this section authorizes a building official or inspector of a water authority or sanitary authority to administer or enforce all or part of any specialty code except the plumbing code.

(4) A water authority or sanitary authority shall notify the Director of the Department of ~~[Consumer and Business Services]~~ **Building Codes** not later than May 1 of each year as to whether the authority will or will not exercise the code enforcement power granted by this section.

**SECTION 118.** ORS 453.370 is amended to read:

453.370. (1) In order to maintain and ensure the effectiveness of state programs established under ORS 453.307 to 453.414, as well as to ensure the effectiveness of local efforts, a local government may establish, enforce or enact a local community right to know regulatory program provided that



1 the local program complies with the requirements of this section.

2 (2) To the extent that a local program is supported in whole or in part by fees, those fees may  
 3 be set, imposed or assessed only by the local government that is implementing the local program.  
 4 Such fees are allowed only to the extent not otherwise prohibited or limited by law. Such fees:

5 (a) Shall be adopted by ordinance as a fee schedule, after notice and public hearing; and

6 (b) May not exceed \$2,000 for any single facility in any calendar year.

7 (3)(a) All local community right to know regulatory program enforcement, including but not  
 8 limited to penalties, may be imposed only by a local fire official or a board established by the local  
 9 government to implement the local community right to know regulatory program.

10 (b) Penalties for violations of a community right to know regulatory program may not exceed  
 11 \$1,000 per day and shall be assessed according to a schedule adopted by the local government after  
 12 notice and public hearing. Except when a local government has reasonable grounds to find that an  
 13 employer willfully and knowingly avoided compliance with the local program, and as long as the  
 14 employer submits the required information within 30 days following a written notification of non-  
 15 compliance, penalties shall be suspended if the employer has no history of violating the local pro-  
 16 gram.

17 (4) After notice and public hearing, the local government must determine that:

18 (a) Existing reporting to local, state or federal agencies is inadequate to meet the needs and  
 19 concerns of the local government;

20 (b) The state or federal government does not collect data that will provide substantially the  
 21 same information desired by the local government;

22 (c) The local government has asked the appropriate state agency to operate the program desired  
 23 by the local government and the state agency has not committed to do so within 180 days;

24 (d) The Department of Environmental Quality, the State Fire Marshal and the Oregon Health  
 25 Authority have had an opportunity to comment on the proposed program and the local government  
 26 has responded to those comments; and

27 (e) The local government has provided an opportunity for written and oral public comment on  
 28 the proposed program.

29 (5) Any local government that operates a local community right to know regulatory program  
 30 shall:

31 (a) Provide for an opportunity to report data electronically;

32 (b) Place data reported under the program on the Internet with instructions for the general  
 33 public that explain the organization of the data; and

34 (c) Keep records of data usage and otherwise document interest in the collected data.

35 (6) Data and other information presented under a local community right to know regulatory  
 36 program:

37 (a) Shall clearly distinguish, where appropriate, public health interpretations from the raw data;

38 (b) May, where feasible, indicate specifically which hazardous substances and toxic substances  
 39 are being released into the local air, water and land; and

40 (c) Shall include locations where a person may obtain epidemiological statistics related to health  
 41 effects of the hazardous substances and toxic substances, if available.

42 (7) For any hazardous substance or toxic substance that a local government proposes to require  
 43 an employer to report under a local community right to know regulatory program established pur-  
 44 suant to this section, the local government shall seek written and oral public comment and provide  
 45 written notice to interested parties prior to adoption as a reporting requirement. The local govern-

1 ment must provide the public with an opportunity to comment on the appropriateness of reporting  
 2 on the proposed hazardous substance or toxic substance, including but not limited to commenting  
 3 on health and environmental considerations, economic concerns and feasibility of compliance. The  
 4 local government shall consider the comments before adopting a list or making additions to a list  
 5 of hazardous substances and toxic substances to be reported.

6 (8) In administering a local community right to know regulatory program, a local government  
 7 shall establish procedures to exempt, when reasonable, an entity from all or part of the local pro-  
 8 gram for the purpose of protecting trade secrets or where the local government determines that the  
 9 operations of the entity pose little or no risk to the public health or the environment.

10 (9) Except as prohibited by federal or state law, a local program may not differentiate between  
 11 public and private employers.

12 (10) Nothing in this section shall be construed to limit the authority of a local government to:

13 (a) Distribute information collected under the state Community Right to Know and Protection  
 14 Act; or

15 (b) Adopt or enforce a local ordinance, rule or regulation strictly necessary to comply with:

16 (A) The Uniform Building Code as adopted and amended by the Director of the Department of  
 17 [*Consumer and Business Services*] **Building Codes**;

18 (B) A uniform fire code; or

19 (C) Any requirement of a state or federal statute, rule or regulation, including but not limited  
 20 to those controlling hazardous substances, toxic substances or other environmental contaminants.

21 **SECTION 119.** ORS 453.864 is amended to read:

22 453.864. The Director of the Oregon Health Authority shall adopt rules to carry out ORS  
 23 105.555, 431.175 and 453.855 to 453.912. The rules shall be developed in consultation with:

24 (1) The State Fire Marshal or designee;

25 (2) The director of the Poison Control and Drug Information Program of the Oregon Health and  
 26 Science University, or a designee thereof;

27 (3) The Director of the Department of Environmental Quality, or a designee thereof;

28 (4) The Director of the Department of [*Consumer and Business Services*] **Building Codes**, or a  
 29 designee thereof;

30 (5) The Director of Transportation, or a designee thereof; and

31 (6) Any other governmental agency determined appropriate by the Oregon Health Authority  
 32 whose advice and information is necessary for the formulation of the rules authorized by this sec-  
 33 tion.

34 **SECTION 120.** ORS 453.879 is amended to read:

35 453.879. When the Director of the Oregon Health Authority or a designee thereof, the State Fire  
 36 Marshal or designee thereof or any law enforcement agency makes a determination that property  
 37 subject to ORS 105.555, 431.175 and 453.855 to 453.912 is not fit for use, the Director of the Oregon  
 38 Health Authority or designee thereof shall notify the Director of the Department of [*Consumer and*  
 39 *Business Services*] **Building Codes** of the determination. The Director of the Department of [*Con-*  
 40 *sumer and Business Services*] **Building Codes** shall list the property as not fit for use until the Di-  
 41 rector of the Department of [*Consumer and Business Services*] **Building Codes** is notified that the  
 42 property has been certified by the Oregon Health Authority pursuant to ORS 453.885, or the initial  
 43 determination is reversed on appeal, or the property is destroyed. Upon receipt of the certificate,  
 44 the Director of the Department of [*Consumer and Business Services*] **Building Codes** shall cause the  
 45 property to be removed from the list described in this section.

**SECTION 121.** ORS 453.885 is amended to read:

453.885. (1) The owner of property determined to be not fit for use under ORS 105.555, 431.175 and 453.855 to 453.912 who desires to have the property certified as fit for use may use the services of a contractor licensed by the Oregon Health Authority to decontaminate the property or, upon approval by the authority, the owner, or an agent of the owner, may perform the decontamination work. The contractor, in coordination with the owner or agent of the owner, shall prepare and submit a written work plan for decontamination to the authority. If the work plan is approved and the decontamination work is completed according to the plan and is properly documented, the authority shall certify the property as having been decontaminated in compliance with rules of the authority. Upon the completion of the work plan, the authority shall require the licensed contractor's affidavit of compliance with the approved work plan.

(2) The property owner shall notify the Director of the Department of [*Consumer and Business Services*] **Building Codes** of the certification. No person who is not licensed by the authority under ORS 105.555, 431.175 and 453.855 to 453.912 shall advertise to undertake or perform the work necessary to decontaminate property determined to be not fit for use under ORS 105.555, 431.175 and 453.855 to 453.912.

(3) Upon receipt of the certificate and a request by the property owner to remove the property from the list, the Director of the Department of [*Consumer and Business Services*] **Building Codes** shall cause the property to be removed from the list.

**SECTION 122.** ORS 453.897 is amended to read:

453.897. The Oregon Health Authority shall provide lists of the names of contractors licensed under ORS 105.555, 431.175 and 453.855 to 453.912 to the Director of the Department of [*Consumer and Business Services*] **Building Codes** who shall distribute the lists to local building code enforcement agencies. The local agencies shall make the list available on request and shall supply a copy to any property owner whose property is determined to be not fit for use under ORS 105.555, 431.175 and 453.855 to 453.912.

**SECTION 123.** ORS 453.906 is amended to read:

453.906. The Director of the Department of [*Consumer and Business Services*] **Building Codes** shall adopt rules fixing uniform standards whereby local building code enforcement agencies may require that property determined under ORS 105.555, 431.175 and 453.855 to 453.912 to be not fit for use may be subject to action to condemn or demolish the property or to require the property be vacated or contents be removed from the property.

**SECTION 124.** ORS 455.010 is amended to read:

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

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

- (A) The Building Codes Structures Board established under ORS 455.132;
- (B) The Electrical and Elevator Board established under ORS 455.138;
- (C) The State Plumbing Board established under ORS 693.115;
- (D) The Board of Boiler Rules established under ORS 480.535;
- (E) The Residential and Manufactured Structures Board established under ORS 455.135;
- (F) The Mechanical Board established under ORS 455.140; or
- (G) The Construction Industry Energy Board established under ORS 455.492.

(b) "Appropriate advisory board" means the advisory board that has jurisdiction over a particular code, standard, license, certification or matter.

1 (2) “Department” means the Department of [*Consumer and Business Services*] **Building Codes**.

2 (3) “Director” means the Director of the Department of [*Consumer and Business Services*]  
 3 **Building Codes**.

4 (4) “Low-Rise Residential Dwelling Code” means the adopted specialty code prescribing stan-  
 5 dards for the construction of residential dwellings that are three stories or less above grade and  
 6 have an exterior door for each dwelling unit, but are not facilities or homes described in ORS  
 7 443.400 or transient lodging.

8 (5) “Municipality” means a city, county or other unit of local government otherwise authorized  
 9 by law to administer a building code.

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

14 (7) “Specialty code” means a code of regulations adopted under ORS 446.062, 446.185, 447.020 (2),  
 15 455.020 (2), 455.496, 455.610, 455.680, 460.085, 460.360, 479.730 (1) or 480.545, but does not include  
 16 regulations adopted by the State Fire Marshal pursuant to ORS chapter 476 or ORS 479.015 to  
 17 479.200 and 479.210 to 479.220.

18 (8) “State building code” means the combined specialty codes.

19 (9) “Structural code” means the specialty code prescribing structural standards for building  
 20 construction.

21 (10) “Unsafe condition” means a condition caused by earthquake [*which*] **that** is determined by  
 22 the department or any representative of the department to be dangerous to life and property. “Un-  
 23 safe condition” includes but is not limited to:

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

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

29 **SECTION 125.** ORS 455.015 is amended to read:

30 455.015. The Legislative Assembly finds and declares that:

31 (1)(a) It is in the best interests of this state that construction-related development activities  
 32 proceed in a manner that is as quick and efficient as practicable;

33 (b) Ensuring that construction-related development activities proceed quickly and efficiently re-  
 34 quires a flexible and responsive system for state building code administration and enforcement; and

35 (c) Having a flexible and responsive system for state building code administration and enforce-  
 36 ment requires that sufficient staff and resources be available to assist the Director of the Depart-  
 37 ment of [*Consumer and Business Services*] **Building Codes** as needed.

38 (2) It is in the best interests of this state that state building code regulations encourage eco-  
 39 nomic development, experimentation, innovation and cost effectiveness in construction, especially  
 40 construction in rural or remote parts of this state.

41 **SECTION 126.** ORS 455.020 is amended to read:

42 455.020. (1) This chapter is enacted to enable the Director of the Department of [*Consumer and*  
 43 *Business Services*] **Building Codes** to promulgate a state building code to govern the construction,  
 44 reconstruction, alteration and repair of buildings and other structures and the installation of me-  
 45 chanical devices and equipment therein, and to require the correction of unsafe conditions caused

1 by earthquakes in existing buildings. The state building code shall establish uniform performance  
 2 standards providing reasonable safeguards for health, safety, welfare, comfort and security of the  
 3 residents of this state who are occupants and users of buildings, and will provide for the use of  
 4 modern methods, devices, materials, techniques and practicable maximum energy conservation.

5 (2) The rules adopted pursuant to this chapter shall include structural standards; standards for  
 6 the installation and use of mechanical, heating and ventilating devices and equipment; and standards  
 7 for prefabricated structures; and shall, subject to ORS 455.210, prescribe reasonable fees for the is-  
 8 suance of building permits and similar documents, inspections and plan review services by the De-  
 9 partment of [*Consumer and Business Services*] **Building Codes**. The department may also establish,  
 10 by rule, the amount of any fee pertaining to the state building code or any specialty code that is  
 11 authorized by statute, but for which an amount is not specified by statute.

12 (3) This chapter does not affect the statutory jurisdiction and authority of the Workers' Com-  
 13 pensation Board, under ORS chapter 654, to promulgate occupational safety and health standards  
 14 relating to places of employment, and to administer and enforce all state laws, regulations, rules,  
 15 standards and lawful orders requiring places of employment to be safe and healthful.

16 (4) **Except where the power of municipalities to enact a regulation described in this sub-**  
 17 **section is expressly withheld or otherwise provided for by statute**, this chapter and any spe-  
 18 cialty code does not limit the authority of a municipality to enact regulations providing for:

19 (a) Local administration of the state building code;

20 (b) Local appeal boards;

21 (c) Fees and other charges;

22 (d) Abatement of nuisances and dangerous buildings;

23 (e) Enforcement through penalties, stop-work orders or other means; or

24 (f) Minimum health, sanitation and safety standards for governing the use of structures for  
 25 housing[, *except where the power of municipalities to enact any such regulations is expressly withheld*  
 26 *or otherwise provided for by statute*].

27 (5) Pursuant to the regulation of dangerous buildings, a municipality may adopt seismic reha-  
 28 bilitation plans that provide for phased completion of repairs that are designed to provide improved  
 29 life safety but that may be less than the standards for new buildings.

30 **SECTION 127.** ORS 455.022 is amended to read:

31 455.022. All moneys deposited to the [*Consumer and Business Services Fund*] **Department of**  
 32 **Building Codes Fund** that are derived pursuant to ORS 455.240 or 460.370, or from state building  
 33 code or specialty code program fees for which the amounts are established by Department of [*Con-*  
 34 *sumer and Business Services*] **Building Codes** rule pursuant to ORS 455.020 (2), [*are continuously*  
 35 *appropriated to*] **shall be used by** the department for carrying out any of the duties, functions and  
 36 powers of the department under ORS 455.240 or 460.310 to 460.370 or under a program for which a  
 37 fee amount is established by department rule pursuant to ORS 455.020 (2)[, *without regard to the*  
 38 *source of the moneys*].

39 **SECTION 128.** ORS 455.028 is amended to read:

40 455.028. (1) The Department of [*Consumer and Business Services*] **Building Codes** may enter into  
 41 interagency agreements with the Construction Contractors Board for the board to perform duties  
 42 on behalf of the department under ORS 446.566 to 446.646, [*446.666 to 446.746,*] 479.510 to 479.945  
 43 or 480.510 to 480.670, this chapter or ORS chapter 447, 460 or 693 regarding:

44 (a) Licenses, registrations and other authorizations; or

45 (b) The construction, reconstruction, renovation, alteration or repair of structures.

1 (2) Subject to the approval of the Director of the Department of [*Consumer and Business Ser-*  
2 *vices*] **Building Codes** or the affected advisory board, the department or advisory board may enter  
3 into an agreement with the Construction Contractors Board under this section regarding perform-  
4 ance of advisory board duties by the Construction Contractors Board. An agreement described in  
5 this subsection is considered for purposes of this section to be an agreement between the department  
6 and the Construction Contractors Board.

7 (3) An interagency agreement under this section may provide for the board to perform all or  
8 part of the duties described in the agreement within one or more municipalities, geographic areas  
9 described in agreements under ORS 455.185 or state building code administrative regions established  
10 as provided under ORS 455.042, or on a statewide basis. The director may use an agreement under  
11 this section for the purpose of ensuring adequate staff and resources as provided under ORS 455.192.  
12 Any board employees utilized to carry out an agreement under this section shall remain employees  
13 of the board without loss of seniority or reduction in pay or benefits, but the agreement may provide  
14 for the department to retain control over the final work product of the employees. An agreement  
15 under this section may not be used to avoid any provision of a collective bargaining agreement.

16 (4) An interagency agreement under this section may provide for:

17 (a) Good faith cooperation between the board and the department to enable the board and the  
18 department to carry out their respective duties under law or under the agreement;

19 (b) The sharing of resources, including but not limited to the system described in ORS 455.095  
20 and 455.097, equipment, systems, processes and records, documents and other information;

21 (c) Using board and department information, including but not limited to complaints, reports,  
22 findings and orders, to carry out the laws that the board administers and enforces on behalf of the  
23 department;

24 (d) Ensuring the security of information shared under the agreement;

25 (e) Purchases by the board of supplies and equipment to carry out duties on behalf of the de-  
26 partment, subject to the department's reimbursement of the board;

27 (f) The use of financing agreements to provide resources necessary or convenient to carry out  
28 the agreement; and

29 (g) Acceptance by the board of moneys in payment of department fees, the temporary retention  
30 and transfer of fee moneys and the reimbursement of the board's expenses under the agreement from  
31 those fee moneys.

32 (5)(a) A financing agreement provided for as described in subsection (4)(f) of this section is ex-  
33 empt from ORS 283.085 to 283.092 and ORS chapter 286A.

34 (b) Any department moneys accepted by the board as provided in subsection (4)(g) of this section  
35 must be identified and accounted for separately from any other moneys in the possession of or  
36 available to the board. Department moneys temporarily retained by the board, regardless of where  
37 kept or deposited, are moneys of the department. The retained moneys are not subject to any ap-  
38 propriation to the board, any authorization for or limitation on the expenditure of moneys by the  
39 board, any restriction on the source, use or transfer of board moneys or any judgment, lien or other  
40 claim against moneys of the board. Notwithstanding any requirement or limitation on the retention  
41 of moneys by a state agency, the retention of department moneys by the board under an interagency  
42 agreement described in this section shall be governed solely by the terms of the agreement.

43 (6) An interagency agreement under this section may not:

44 (a) Delegate the authority of the director to establish policies or to make a final determination  
45 on any matter;

1 (b) Allow the board to hold department fee moneys in a board account under ORS 182.470 that  
2 does not allow for the separate tracking and accounting of those moneys;

3 (c) Allow the board to hold department fee moneys past the end of the fiscal quarter in which  
4 the fee moneys were collected; or

5 (d) Transfer department expenses to the board.

6 **SECTION 129.** ORS 455.030 is amended to read:

7 455.030. (1) Subject to any requirement for approval by the appropriate advisory boards, the  
8 Director of the Department of [*Consumer and Business Services*] **Building Codes** may adopt, amend  
9 or repeal rules for carrying out the responsibilities of the Department of [*Consumer and Business*  
10 *Services*] **Building Codes** to develop, implement, administer and enforce a program that relates to  
11 the state building code or a specialty code. Except as otherwise provided by this section, the di-  
12 rector shall be subject to ORS chapter 183 in the adoption, amendment or repeal of regulations au-  
13 thorized by, and in the issuance of orders in contested cases arising under, this chapter.

14 (2)(a) In addition to the notice requirements of ORS 183.335, notice of a public hearing on  
15 adoption, amendment or repeal of a specialty code shall be given to the governing bodies of all  
16 municipalities and the notice shall state that copies of the proposed action may be obtained from  
17 the department.

18 (b) The notice of proposed rule change shall include a finding by the advisory board that the  
19 added cost, if any, is necessary to the health and safety of the occupants or the public or necessary  
20 to conserve scarce resources.

21 (c) The director shall maintain a roster of individuals who wish to be notified of any changes  
22 to or interpretations of the Low-Rise Residential Dwelling Code. Subscribers to the list may be  
23 charged a reasonable amount necessary to defray the cost of maintaining the list and advising the  
24 subscribers of changes in the code.

25 (3) The director is not required to publish or distribute those parts of a specialty code of regu-  
26 lations adopted by reference. However, the director shall publish with a specialty code and annually  
27 thereafter a list of places where copies of those parts of the specialty code adopted by reference  
28 may be obtained together with the approximate cost thereof. The director shall file one copy of the  
29 rule with the Secretary of State. All standards referred to in any specialty code or any of the mod-  
30 ifications thereto need not be so filed. All standards and specialty codes referred to in the specialty  
31 code shall be kept on file and available for inspection in the offices of the department.

32 (4) Any interested person may propose amendments to the state building code.[, *which*] **The**  
33 proposed amendments may be either applicable to all municipalities or, where it is alleged and es-  
34 tablished that conditions exist within a municipality or some municipalities that are not generally  
35 found within other municipalities, amendments may be restricted in application to such munici-  
36 palities. Amendments proposed to the state building code under this subsection shall be in con-  
37 formity with the policy and purpose prescribed by ORS 455.020. The justification and the particular  
38 circumstances requiring the proposed amendments shall be fully stated in the proposal. The director  
39 shall submit all proposed amendments to the appropriate advisory board. The board shall review and  
40 report its recommendations to the director on the amendments within 180 days after the date of  
41 submission by the director.

42 (5) The director, with the approval of the advisory board, may adopt or modify and adopt any  
43 amendments proposed to the director under subsection (4) of this section. The director shall, within  
44 30 days after the date of receipt of the recommendations of the advisory board, notify the person  
45 proposing the amendments of the adoption, modification and adoption or denial of the proposed

1 amendments. Upon adoption, a copy of each amendment shall be distributed to the governing bodies  
 2 of all municipalities affected thereby.

3 (6) The director shall from time to time make or cause to be made investigations, or may accept  
 4 authenticated reports from authoritative sources, concerning new materials or modes of construction  
 5 intended for use in the construction of buildings or structures, or intended for use in other activity  
 6 regulated by the state building code, and shall, where necessary, propose amendments to the code  
 7 setting forth the conditions under which the materials or modes may be used, in accordance with  
 8 the standards and procedures of this chapter.

9 **SECTION 130.** ORS 455.040 is amended to read:

10 455.040. [(1)] The state building code shall be applicable and uniform throughout this state and  
 11 in all municipalities, and no municipality shall enact or enforce any ordinance, rule or regulation  
 12 relating to the same matters encompassed by the state building code but [which] **that** provides dif-  
 13 ferent requirements unless authorized by the Director of the Department of [*Consumer and Business*  
 14 *Services*] **Building Codes**. The director’s authorization shall not be considered an amendment to the  
 15 state building code under ORS 455.030. The director shall encourage experimentation, innovation  
 16 and cost effectiveness by municipalities in the adoption of ordinances, rules or regulations [which]  
 17 **that** conflict with the state building code.

18 [(2) Subsection (1) of this section is operative:]

19 [(a) With regard to the state structural code, July 1, 1974.]

20 [(b) With regard to the state mechanical, heating and ventilating code, on the effective date of such  
 21 code as determined under ORS 183.355.]

22 [(c) With regard to each specialty code not named by paragraphs (a) and (b) of this subsection, on  
 23 the effective date, as determined under ORS 183.355, of the first amendments to such code adopted  
 24 pursuant to this chapter.]

25 **SECTION 131.** ORS 455.042 is amended to read:

26 455.042. The Director of the Department of [*Consumer and Business Services*] **Building Codes**  
 27 shall establish regions for all areas of the state to carry out the uniform administration of the state  
 28 building code. The director shall assign Department of [*Consumer and Business Services*] **Building**  
 29 **Codes** employees for the regions as necessary to:

30 (1) Promote consistent interpretation of the state building code;

31 (2) Resolve disputes between local building officials and contractors or developers regarding the  
 32 application of one or more provisions of the state building code; and

33 (3) Provide oversight and enforcement of ORS 446.003 to 446.200, 446.225 to 446.285, 446.395 to  
 34 446.420, 479.510 to 479.945, 479.950, 479.995 and 480.510 to 480.670 and ORS chapters 447, 455, 460  
 35 and 693 and the rules adopted under those statutes.

36 **SECTION 132.** ORS 455.044 is amended to read:

37 455.044. (1) The Department of [*Consumer and Business Services*] **Building Codes** may establish  
 38 and staff a Tri-County Building Industry Service Center to make available to licensed contractors  
 39 and their employees, local governments and the public the resources and services described in ORS  
 40 455.042 and 455.046.

41 (2) The Director of the Department of [*Consumer and Business Services*] **Building Codes** may  
 42 adopt by rule a reasonable fee schedule for the purpose of recovering the costs incurred by the de-  
 43 partment in providing services under ORS 455.046. Fees adopted and imposed under this section  
 44 shall be in addition to the total building permit fees otherwise imposed in Clackamas, Multnomah  
 45 and Washington Counties. A municipality shall collect fees adopted and imposed under this section



1 and remit the fees to the department.

2 **SECTION 133.** ORS 455.046 is amended to read:

3 455.046. (1) The Department of [*Consumer and Business Services*] **Building Codes** shall:

4 (a) Develop and administer an installation label program for minor installations under the state  
5 building code, including but not limited to electrical installations under ORS 455.627, 479.540 and  
6 479.570 and plumbing installations under ORS 447.076;

7 (b) Develop standard application forms and procedures for use by municipalities in Clackamas,  
8 Multnomah and Washington Counties when issuing structural, mechanical, electrical, plumbing and  
9 other permits when those permits do not require a review of building plans;

10 (c) Develop standard application forms and procedures for issuing building permits and record-  
11 ing inspections;

12 (d) Develop standard forms and procedures for reviewing building plans;

13 (e) Establish standardized criteria and methodology for determining fee amounts for permits that  
14 are required under the state building code established under ORS 455.030;

15 (f) Maintain and make available to the public the names of persons certified to review building  
16 plans;

17 (g) Maintain and make available to the public the names of persons certified to perform techni-  
18 cal inspections; and

19 (h) Administer prepaid building permit cost accounts.

20 (2) The department may use the resources of the Tri-County Building Industry Service Center  
21 to:

22 (a) Assist local building officials in the administration and enforcement of the state building  
23 code; and

24 (b) Establish a process to facilitate the consistent application of the state building code  
25 throughout the state.

26 **SECTION 134.** ORS 455.048 is amended to read:

27 455.048. In accordance with the applicable provisions of ORS chapter 183, the Director of the  
28 Department of [*Consumer and Business Services*] **Building Codes** may adopt rules necessary for the  
29 implementation of ORS 455.044 and 455.046.

30 **SECTION 135.** ORS 455.055 is amended to read:

31 455.055. The Director of the Department of [*Consumer and Business Services*] **Building Codes**  
32 may adopt rules establishing uniform permit, inspection and certificate of occupancy requirements  
33 under the state building code. The rules may include, but need not be limited to, rules establishing  
34 standards for building inspections and inspection procedures and rules establishing uniform forms  
35 for certificates of occupancy. In adopting rules under this section, the director may establish a  
36 process for a municipality to address conditions that are unique to the municipality's enforcement  
37 of the state building code or that are not addressed by the rules establishing uniform permit, in-  
38 spection and certificate of occupancy requirements.

39 **SECTION 136.** ORS 455.058 is amended to read:

40 455.058. (1) Except as provided in subsection (2) of this section, the Department of [*Consumer*  
41 *and Business Services*] **Building Codes**, or a municipality administering and enforcing a building  
42 inspection program, may assess an investigation fee against a person that is required to obtain a  
43 permit for work on the electrical, gas, mechanical, elevator, boiler, plumbing or other systems of a  
44 building or structure if the work is commenced before the permit required for the work is obtained.  
45 The amount of the investigation fee shall be the average or actual additional cost of ensuring that

1 a building, structure or system is in conformance with state building code requirements that results  
 2 from the person not obtaining a required permit before work for which the permit is required com-  
 3 mences.

4 (2) This section does not apply to:

5 (a) An emergency repair required for health, safety, the prevention of property damage or the  
 6 prevention of financial harm if the required building permit for the repair is obtained no later than  
 7 five business days after commencement of the repair; or

8 (b) Any project for which construction, alteration, repair, maintenance or installation in a  
 9 building or structure prior to obtaining a permit is expressly authorized by law.

10 (3) The department may adopt rules and establish policies and procedures for use by the de-  
 11 partment or municipalities in assessing an investigation fee under this section.

12 **SECTION 137.** ORS 455.060 is amended to read:

13 455.060. (1) Any person who desires to use or furnish any material, design or method of con-  
 14 struction or installation in the state, or any building official, may request the Director of the De-  
 15 partment of [*Consumer and Business Services*] **Building Codes** to issue a ruling with respect to the  
 16 acceptability of any material, design or method of construction about which there is a question un-  
 17 der any provision of the state building code. Requests shall be in writing and, if made by anyone  
 18 other than a building official, shall be made and the ruling issued prior to the use or attempted use  
 19 of such questioned material, design or method.

20 (2) In making rulings, the director shall obtain the approval of the appropriate advisory board  
 21 as to technical and scientific facts and shall consider the standards and interpretations published  
 22 by the body that promulgated any nationally recognized model code adopted as a specialty code of  
 23 this state.

24 (3) A copy of the ruling issued by the director shall be certified to the person making the re-  
 25 quest. Additional copies shall be transmitted to all building officials in the state. The director shall  
 26 keep a permanent record of all such rulings, and shall furnish copies thereof to any interested per-  
 27 son upon payment of such fees as the director may prescribe.

28 (4) A building official or inspector shall approve the use of any material, design or method of  
 29 construction approved by the director pursuant to this section if the requirements of all other local  
 30 ordinances are satisfied.

31 **SECTION 138.** ORS 455.062 is amended to read:

32 455.062. (1) A Department of [*Consumer and Business Services*] **Building Codes** employee acting  
 33 within the scope of that employment may provide typical plans and specifications:

34 (a) For structures of a type for which the provision of plans or specifications is exempted under  
 35 ORS 671.030 from the application of ORS 671.010 to 671.220 and exempted under ORS 672.060 from  
 36 the application of ORS 672.002 to 672.325; and

37 (b) Notwithstanding ORS 671.010 to 671.220 and 672.002 to 672.325, for structures that are metal  
 38 or wood frame Use and Occupancy Classification Group U structures under the structural specialty  
 39 code.

40 (2) A building official or inspector, as those terms are defined in ORS 455.715, when acting  
 41 within the scope of direct employment by a municipality, may provide typical plans and specifica-  
 42 tions for structures of a type for which the provision of plans or specifications is exempted under  
 43 ORS 671.030 from the application of ORS 671.010 to 671.220 and exempted under ORS 672.060 from  
 44 the application of ORS 672.002 to 672.325.

45 (3) This section does not alter any applicable requirement under ORS 671.010 to 671.220 or

1 672.002 to 672.325 regarding stamps and seals for a set of plans for a structure.

2 **SECTION 139.** ORS 455.065 is amended to read:

3 455.065. (1) Notwithstanding any provision of this chapter or ORS chapter 460, 479, 480 or 693,  
4 the Director of the Department of [*Consumer and Business Services*] **Building Codes** may establish  
5 by rule alternative regulatory options for emerging technologies without the approval of advisory  
6 boards. Before adopting rules under this section, the director shall consult with the chairperson of  
7 an advisory board that will be affected by the alternative regulatory option. Rules adopted by the  
8 director may include definitions of the types of products that qualify as emerging technologies and  
9 may approve the use of specific emerging technologies.

10 (2) The director shall consider national and international standards applicable to emerging  
11 technologies in adopting rules under this section.

12 (3) Rules adopted by the director under this section must be limited to a specific site unless  
13 statewide application is approved by an advisory board that will be affected by the alternative reg-  
14 ulatory option.

15 (4) Rules adopted by the director under this section may not adversely affect the scope of  
16 practice under any license issued by the Department of [*Consumer and Business Services*] **Building**  
17 **Codes**.

18 (5) As used in this section, “emerging technology” means a product that is of a unique type or  
19 that has a unique scope of application and that would provide a benefit to Oregon’s economy if de-  
20 veloped, used or produced by Oregon businesses.

21 **SECTION 140.** ORS 455.068 is amended to read:

22 455.068. (1) For the purposes of this section, “winery” means a facility used primarily for the  
23 commercial production of wine or cider, including but not limited to areas used for production,  
24 shipping and distribution, wholesale and retail sales, tasting, crushing, fermenting, blending, aging,  
25 storage, bottling, administrative functions and warehousing.

26 (2) In adopting any construction standards impacting a winery, the Department of [*Consumer*  
27 *and Business Services*] **Building Codes** shall ensure the standards are applicable to all wineries  
28 producing wine, as defined in ORS 471.001, and cider, as defined in ORS 471.023.

29 **SECTION 141.** ORS 455.070 is amended to read:

30 455.070. (1) Any person may report a suspected violation of the state building code that poses  
31 an imminent threat to public health or safety to the local building official or, where the code is  
32 state-administered, to the Department of [*Consumer and Business Services*] **Building Codes**. The  
33 complaint shall be in writing and submitted under rules adopted by the department. The rules of the  
34 department shall provide for the disposition of frivolous or harassing complaints by requiring de-  
35 tailed descriptions of the alleged violation and reference to the code sections allegedly violated.

36 (2) The municipality or the department shall give notice of the complaint to the contractor,  
37 building owner and subcontractor, if any, involved in the project alleged to be in violation. The  
38 municipality or the department may charge the complainant for the necessary costs of supplying,  
39 copying and distributing the complaint form.

40 (3) If, after five working days, no remedial action has taken place, the complainant has standing  
41 to appeal the matter to the appeals board of the municipality, where one is established, or directly  
42 to the appropriate advisory board where there is no local appeals board. The municipal appeals  
43 board or state advisory board shall reach a final decision within 14 days of the complainant’s appeal.  
44 A municipal appeals board decision shall then be subject to appeal to a state advisory board under  
45 ORS 455.690, provided that the state advisory board shall reach a final determination within 14 days

1 of notice of an appeal. A record of the written complaint and the findings of the appeals and advi-  
 2 sory boards may be introduced into evidence in any judicial proceeding for damages brought against  
 3 the complainant by any person suffering damages as a result of the complaint.

4 **SECTION 142.** ORS 455.083 is amended to read:

5 455.083. If the Department of [*Consumer and Business Services*] **Building Codes** has reason to  
 6 believe that any person has been engaged, or is engaging, or is about to engage in any violation of  
 7 the state building code or of ORS 446.003 to 446.200, 446.225 to 446.285, 446.395 to 446.420, 479.510  
 8 to 479.945, 479.950 or 480.510 to 480.670 or this chapter or ORS chapter 447, 460 or 693 or any rule  
 9 adopted under those statutes, the department may, without bond, bring suit in the name and on be-  
 10 half of the State of Oregon in the circuit court of any county of this state to enjoin the acts or  
 11 practices and to enforce compliance with the state building code and ORS 446.003 to 446.200, 446.225  
 12 to 446.285, 446.395 to 446.420, 479.510 to 479.945, 479.950 and 480.510 to 480.670 and this chapter,  
 13 and ORS chapter 447, 460 or 693 and any rule adopted under those statutes. Upon a proper showing,  
 14 a permanent or temporary injunction, restraining order or writ of mandamus shall be granted.

15 **SECTION 143.** ORS 455.085 is amended to read:

16 455.085. (1) The Director of the Department of [*Consumer and Business Services*] **Building Codes**  
 17 shall, upon receipt of adequate funds under subsection (2) of this section, publish all state building  
 18 code provisions relating to the design, construction, prefabrication, equipment or appliance instal-  
 19 lation, quality of materials, use and occupancy location and repair of detached low-rise residential  
 20 dwellings in two separate publications. One publication shall contain the applicable provisions of the  
 21 specialty code adopted under ORS 479.730 (1) and the other publication shall contain the remaining  
 22 applicable provisions of the state building code. The text of the publications made under this section  
 23 shall be readable at the ninth grade level of reading, as determined by the director under one or  
 24 more standard recognized readability formulas, including, but not limited to, the Flesch, Fry or Dale  
 25 Chall tests.

26 (2) The publications under subsection (1) of this section shall be paid for by funds donated by  
 27 interested citizens, who shall be made aware of the project by the Department of [*Consumer and*  
 28 *Business Services*] **Building Codes** through public service announcements and other nominal-cost  
 29 advertising. Funds shall be collected until sufficient funds are available to conduct the publication.  
 30 Refunds shall be made to the donors if sufficient funds are not collected.

31 **SECTION 144.** ORS 455.090 is amended to read:

32 455.090. The Department of [*Consumer and Business Services*] **Building Codes** may identify the  
 33 resources necessary to develop a system or network that provides electronic access to building  
 34 codes information and services for all building code jurisdictions in the state. The department may  
 35 explore the availability of alternative means for establishing a statewide system or network for  
 36 building codes information and services, including but not limited to developing resource sharing  
 37 arrangements with private industry, obtaining foundation grants and obtaining federal funding.

38 **SECTION 145.** ORS 455.095 is amended to read:

39 455.095. (1) The Department of [*Consumer and Business Services*] **Building Codes** shall develop  
 40 and implement a system that provides electronic access to building codes information. The depart-  
 41 ment shall make the system accessible for use by municipalities in carrying out the building in-  
 42 spection programs administered and enforced by the municipalities.

43 (2) The department may also make the system available for use by other public bodies that  
 44 provide construction-related services including, but not limited to, public bodies described in ORS  
 45 455.185 (4). The information and services available through the system may include, but need not

1 be limited to:

- 2 (a) Licensing, permit, inspection and other relevant information;
- 3 (b) Access to forms;
- 4 (c) Electronic submission of permit applications;
- 5 (d) Electronic submission of plans for review;
- 6 (e) Electronic issuance of minor label or other appropriate permits;
- 7 (f) Access to permit and inspection processes;
- 8 (g) Scheduling of inspections, tracking of corrections and granting of approvals; and
- 9 (h) The coordination and tracking of construction-related services.

10 (3) The use of the system described in this section by a municipality or other public body is  
 11 voluntary. Nonparticipation in the system by a municipality or other public body is not grounds for  
 12 the department to suspend, revoke authorization for or assume the administration of a building in-  
 13 spection program described in ORS 455.148 or 455.150 or to impose other disciplinary actions or  
 14 sanctions against a municipality or other public body.

15 **SECTION 146.** ORS 455.097 is amended to read:

16 455.097. (1) As used in this section, “form and format”:

17 (a) Means the arrangement, organization, configuration, structure or style of, or method of de-  
 18 livery for, providing required information or providing the substantive equivalent of required infor-  
 19 mation.

20 (b) Does not mean altering the substance of information or the addition or omission of informa-  
 21 tion.

22 (2) The purpose of this section and ORS 455.095 is to enable the Department of [*Consumer and*  
 23 *Business Services*] **Building Codes** to develop and implement a system that:

- 24 (a) Provides electronic access to building codes information;
- 25 (b) Is designed to offer a full range of electronic building permits services;
- 26 (c) Allows the streamlining of building inspection services;
- 27 (d) Provides a uniform form and format for submitting building codes information electronically;
- 28 (e) Is available for use by any municipality administering and enforcing a building inspection  
 29 program; and

30 (f) At the discretion of the department:

- 31 (A) Is available for use by other public bodies that provide construction-related services; and
- 32 (B) Supports access for other purposes that may include, but need not be limited to, access for  
 33 the coordination and tracking of construction-related services.

34 (3) The department shall adopt rules to govern the form and format of building permit applica-  
 35 tions, building plans, specifications, other building program information and any other information  
 36 exchanged through the electronic building codes information system described in ORS 455.095.

37 (4) The department may waive a contrary form and format requirement imposed by statute or  
 38 ordinance or by the rules of another agency for the submission of information in physical form to  
 39 the extent the waiver is necessary to facilitate the submission of the information electronically. The  
 40 department may accept an electronic reproduction of a signature, stamp, seal, certification or  
 41 notarization as the equivalent of the original or may accept the substitution of identifying informa-  
 42 tion for the signature, stamp, seal, certification or notarization. The department may not waive a  
 43 requirement imposed by statute or ordinance or by the rules of another agency, other than a form  
 44 and format requirement.

45 (5) A person exchanging information through the electronic building codes information system

1 in a form and format acceptable to the department is not subject to any licensing sanction, civil  
 2 penalty, fine, permit disapproval or revocation or other sanction for failure to comply with a form  
 3 or format requirement imposed by statute, ordinance or rule for submission of the information in  
 4 physical form, including but not limited to any requirement that the information be in a particular  
 5 form or of a particular size, be submitted with multiple copies, be physically attached to another  
 6 document, be an original document or be signed, stamped, sealed, certified or notarized.

7 **SECTION 147.** ORS 455.100 is amended to read:

8 455.100. The Director of the Department of [*Consumer and Business Services*] **Building Codes**  
 9 shall have general supervision over the administration of the state building code regulations, in-  
 10 cluding providing statewide interpretations for the plumbing, elevator, electrical, manufactured  
 11 structures, boiler, amusement ride, structural, mechanical, low-rise residential dwelling and prefab-  
 12 ricated structures codes.

13 **SECTION 148.** ORS 455.110 is amended to read:

14 455.110. Except as otherwise provided by ORS 479.015 to 479.200, 479.210 to 479.220, 479.510 to  
 15 479.945, 479.990 and 479.995 and ORS chapters 446, 447, 460, 476 and 480:

16 (1) The Director of the Department of [*Consumer and Business Services*] **Building Codes** shall  
 17 coordinate, interpret and generally supervise the adoption, administration and enforcement of the  
 18 state building code.

19 (2) The director, with the approval of the appropriate advisory boards, shall adopt codes and  
 20 standards, including regulations as authorized by ORS 455.020 governing the construction, recon-  
 21 struction, alteration and repair of buildings and other structures and the installation of mechanical  
 22 devices and equipment therein. The regulations may include rules for the administration and  
 23 enforcement of a certification system for persons performing work under the codes and standards  
 24 adopted under this subsection. However, this subsection does not authorize the establishment of a  
 25 separate certification for performing work on low-rise residential dwellings.

26 (3) The director, with the approval of the appropriate advisory boards, may amend such codes  
 27 from time to time. The codes of regulations and any amendment thereof shall conform insofar as  
 28 practicable to model building codes generally accepted and in use throughout the United States. If  
 29 there is no nationally recognized model code, consideration shall be given to the existing specialty  
 30 codes presently in use in this state. Such model codes with modifications considered necessary and  
 31 specialty codes may be adopted by reference. The codes so promulgated and any amendments thereof  
 32 shall be based on the application of scientific principles, approved tests and professional judgment  
 33 and, to the extent that it is practical to do so, the codes shall be promulgated in terms of desired  
 34 results instead of the means of achieving such results, avoiding wherever possible the incorporation  
 35 of specifications of particular methods or materials. To that end the codes shall encourage the use  
 36 of new methods, new materials and maximum energy conservation.

37 (4) The director shall adopt rules requiring a journeyman plumber licensed under ORS chapter  
 38 693 or an apprentice plumber, as defined in ORS 693.010, who tests backflow assemblies to complete  
 39 a state-approved training program for the testing of those assemblies.

40 (5) **Notwithstanding ORS 279.835 to 279.855 and ORS chapters 279A and 279B, the De-**  
 41 **partment of Building Codes may, after consultation with the appropriate specialty code ad-**  
 42 **visory boards established under ORS 455.132, 455.135, 455.138, 480.535 and 693.115, contract for**  
 43 **public or private parties to develop or provide training and education programs relating to**  
 44 **the state building code and associated licensing or certification programs.**

45 **SECTION 149.** ORS 455.112 is amended to read:

1       455.112. Notwithstanding any other provision of this chapter, the Director of the Department  
 2 of [*Consumer and Business Services*] **Building Codes** may initiate the adoption of rules the director  
 3 considers necessary to interpret, harmonize, streamline, adjust, promote consistency within, reduce  
 4 confusion regarding, administer or enforce the state building code or any requirement for a license,  
 5 registration, certification, endorsement or other authorization to perform work related to the ad-  
 6 ministration and enforcement of the state building code when any provision of the state building  
 7 code or a requirement for authorization to perform work is unclear, duplicative or in conflict with  
 8 another or when the code or a requirement for authorization to perform work does not adequately  
 9 address a project of a unique type or scope. The director must obtain the approval of the appropri-  
 10 ate advisory boards prior to adopting a rule under this section.

11       **SECTION 150.** ORS 455.117 is amended to read:

12       455.117. (1) Except as provided in subsection (3) of this section, a regulatory body listed in  
 13 subsection (2) of this section may adopt rules to administer the licensing, certification or registra-  
 14 tion of persons regulated by the body. The rules adopted under this section may include, but need  
 15 not be limited to:

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

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

20       (c) The form and content of and the process for preparing and administering examinations and  
 21 examination reviews;

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

23       (e) The creation of a system for combining two or more licenses, certificates or registrations  
 24 issued to an individual by an advisory board or the Department of [*Consumer and Business*  
 25 *Services*] **Building Codes** into a single license, certificate, registration or other authorization.

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

27       (a) Subject to ORS 446.003 to 446.200, 446.225 to 446.285 and 446.395 to 446.420, with the ap-  
 28 proval of the Residential and Manufactured Structures Board, the Department of [*Consumer and*  
 29 *Business Services*] **Building Codes** for purposes of licenses, certificates and registrations issued un-  
 30 der ORS 446.003 to 446.200, 446.225 to 446.285 and 446.395 to 446.420.

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

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

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

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

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

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

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

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

44       **SECTION 151.** ORS 455.122 is amended to read:

45       455.122. (1) The Director of the Department of [*Consumer and Business Services*] **Building**

1 **Codes**, with the approval of the appropriate advisory boards, shall establish a system that allows a  
 2 contractor or business possessing two or more licenses described in subsection (2) of this section to  
 3 have an approved combination of those licenses issued or renewed simultaneously.

4 (2) Notwithstanding any issuance or renewal dates established by rule under ORS 455.117, sub-  
 5 section (1) of this section applies to contractor or business licenses by the Electrical and Elevator  
 6 Board, the Board of Boiler Rules or the State Plumbing Board.

7 (3) The director shall establish rules to implement the system described in this section. The rules  
 8 must establish the combinations of licenses for which a simultaneous issuance or renewal is offered,  
 9 the term and expiration date for the combination, the appropriate fees for administering the system,  
 10 the criteria for issuance and renewal and the other standards and criteria deemed by the Depart-  
 11 ment of [*Consumer and Business Services*] **Building Codes** to be necessary to administer and enforce  
 12 the system.

13 **SECTION 152.** ORS 455.125 is amended to read:

14 455.125. (1) As used in this section, “person” includes individuals, corporations, associations,  
 15 firms, partnerships, limited liability companies, joint stock companies, public agencies and an owner  
 16 or holder of a direct or indirect interest in a corporation, association, firm, partnership, limited li-  
 17 ability company or joint stock company.

18 (2) In addition to any other sanction, remedy or penalty provided by law, the Director of the  
 19 Department of [*Consumer and Business Services*] **Building Codes** or an appropriate advisory board  
 20 may deny, suspend, condition or revoke a registration, certification, license or other authority of a  
 21 person to perform work or conduct business issued under laws administered by the Department of  
 22 [*Consumer and Business Services*] **Building Codes** or advisory board if the person:

23 (a) Fails to comply with a provision of ORS 446.003 to 446.200, 446.225 to 446.285, 446.395 to  
 24 446.420, 479.510 to 479.945, 479.950 or 480.510 to 480.670 or this chapter or ORS chapter 447, 460 or  
 25 693, or with any rule adopted under those statutes or under ORS 455.117; or

26 (b) Engages in an act for which the Construction Contractors Board imposes a sanction on the  
 27 holder under ORS 701.098.

28 (3) For purposes of ORS 701.106, a compliance failure described in subsection (2)(a) of this sec-  
 29 tion for which the director or an advisory board denies, suspends, conditions or revokes a registra-  
 30 tion, certification, license or other authority of a person to perform work or conduct business may  
 31 be treated as a failure to be in conformance with this chapter.

32 **SECTION 153.** ORS 455.127 is amended to read:

33 455.127. (1) As used in this section, “person” includes individuals, corporations, associations,  
 34 firms, partnerships, limited liability companies, joint stock companies, public agencies and an owner  
 35 or holder of a direct or indirect interest in a corporation, association, firm, partnership, limited li-  
 36 ability company or joint stock company.

37 (2) The Director of the Department of [*Consumer and Business Services*] **Building Codes**, the  
 38 Department of [*Consumer and Business Services*] **Building Codes** or an appropriate advisory board  
 39 may disqualify a person from obtaining or renewing a license, registration, certificate or certifica-  
 40 tion if the person:

41 (a) Is or has been subject to civil penalties, revocation, cancellation or suspension of a license,  
 42 registration, certificate or certification or other sanction by the director, department or an advisory  
 43 board; or

44 (b) Is or has been directly involved in an act for which the director, department or an advisory  
 45 board has levied civil penalties, revoked, canceled or suspended a license, registration, certificate



1 or certification or imposed other sanction while the person served as a principal, director, officer,  
 2 owner, majority shareholder, member or manager of a limited liability company or in another ca-  
 3 pacity with direct or indirect control over another business.

4 (3) A disqualification under subsection (2) of this section shall be for a period determined by the  
 5 director, department or appropriate advisory board by rule, not to exceed five years. If a person  
 6 applies for reinstatement of a revoked license, registration, certificate or certification after the pe-  
 7 riod of disqualification, the person must meet the qualifications for initial issuance of the license,  
 8 registration, certificate or certification.

9 **SECTION 154.** ORS 455.129 is amended to read:

10 455.129. (1) As used in this section, "relative" means an individual related within the third de-  
 11 gree as determined by the common law, a spouse, an individual related to a spouse within the third  
 12 degree as determined by the common law or an individual in an adoptive relationship within the  
 13 third degree as determined by the common law.

14 (2) Subject to ORS chapter 183, a regulatory body listed in subsection (3) of this section may  
 15 deny a license, certificate, registration or application or may suspend, revoke, condition or refuse  
 16 to renew a license, certificate or registration if the regulatory body finds that the licensee, certifi-  
 17 cate holder, registrant or applicant:

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

20 (b) Has failed to comply with an order of the regulatory body or the Director of the Department  
 21 of [*Consumer and Business Services*] **Building Codes**, including but not limited to the failure to pay  
 22 a civil penalty.

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

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

29 (e) Has advertised or otherwise held out as being a licensed, certified or registered specialty  
 30 code contractor without holding the appropriate specialty code contractor license, certificate or  
 31 registration.

32 (f) As a partner, officer, member or employee of a business, has advertised or held out that the  
 33 business is a licensed, certified or registered specialty code contractor if the business does not  
 34 possess the appropriate specialty code contractor license, certificate or registration.

35 (g) Has engaged in business as a specialty code contractor without holding a valid specialty  
 36 code contractor license, certificate or registration required for the business.

37 (h) Has failed to meet any condition or requirement to obtain or maintain a license, certificate  
 38 or registration.

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

40 (j) Has performed work or operated equipment within the scope of a specialty code license,  
 41 certificate or registration in a manner that violates an applicable minimum safety standard or a  
 42 statute or rule regarding safety.

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

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

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

9 (n) Has performed a code inspection or plan review on a project to construct, alter, repair or  
 10 make an installation in a structure if the inspector or reviewer, or an employer or relative of the  
 11 inspector or reviewer, has a financial interest in or business affiliation with the project or structure.

12 (o) Is a business, the owner or an officer of which has an outstanding obligation to pay a civil  
 13 penalty assessed under ORS 455.895 or has been the subject of action against the license, certificate  
 14 or registration by the Department of [*Consumer and Business Services*] **Building Codes**, the director  
 15 or an appropriate advisory board.

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

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

25 (r) Is a business, the owner or an officer of which was an owner or officer in another business  
 26 at the time:

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

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

31 (3) Subsection (2) of this section applies to:

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

34 (b) The Electrical and Elevator Board for purposes of licenses issued under ORS 446.210 or  
 35 479.510 to 479.945.

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

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

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

40 (f) The department, subject to Residential and Manufactured Structures Board approval, for  
 41 purposes of licenses, certificates and registrations issued under ORS 446.003 to 446.200, 446.225 to  
 42 446.285 and 446.395 to 446.420.

43 (4) The department may administer and enforce subsection (2) of this section in the same manner  
 44 and to the same extent as any advisory board.

45 **SECTION 155.** ORS 455.132 is amended to read:

1 455.132. (1) There is established in the Department of [*Consumer and Business Services*] **Building**  
 2 **Codes** a Building Codes Structures Board consisting of nine members.

3 (2) The Building Codes Structures Board shall assist the Director of the Department of [*Con-*  
 4 *sumer and Business Services*] **Building Codes** in administering the structural, prefabricated struc-  
 5 tures and energy programs described in this chapter and the accessibility to persons with physical  
 6 disabilities program described in ORS 447.210 to 447.280.

7 (3) The board shall consist of members broadly representative of the industries and professions  
 8 involved in the development and construction of buildings and energy conservation, including:

9 (a) An architect or engineer;

10 (b) A general contractor, as defined in ORS 701.005, specializing in the construction of buildings  
 11 more than three stories above grade;

12 (c) A contractor specializing in construction for heavy industry;

13 (d) A representative of the building trade;

14 (e) A representative of a utility or energy supplier;

15 (f) A representative of a fire protection agency;

16 (g) A building official;

17 (h) An owner or manager of a commercial office building; and

18 (i) A representative selected from individuals recommended by the Oregon Disabilities Commis-  
 19 sion.

20 **SECTION 156.** ORS 455.135 is amended to read:

21 455.135. (1) There is established a Residential and Manufactured Structures Board consisting of  
 22 11 members appointed by the Governor.

23 (2) The members of the board shall assist the Director of the Department of [*Consumer and*  
 24 *Business Services*] **Building Codes** in administering the low-rise residential dwelling program de-  
 25 scribed in this chapter.

26 (3) The board must consist of:

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

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

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

30 (d) One home designer or architect;

31 (e) One building official;

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

33 (g) One structural engineer;

34 (h) One representative of a utility or energy supplier;

35 (i) One manufacturer of manufactured dwellings;

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

37 (k) One public member who does not receive compensation from any interest represented under  
 38 paragraphs (a) to (j) of this subsection.

39 **SECTION 157.** ORS 455.138 is amended to read:

40 455.138. (1) There is established in the Department of [*Consumer and Business Services*] **Building**  
 41 **Codes** an Electrical and Elevator Board consisting of 15 members.

42 (2) The Electrical and Elevator Board shall assist the Director of the Department of [*Consumer*  
 43 *and Business Services*] **Building Codes** in administering the electrical program described in ORS  
 44 479.510 to 479.945 and 479.995 and the elevator program described in ORS 460.005 to 460.175.

45 (3) The board shall be composed of:

- 1 (a) A fire and casualty underwriter;
- 2 (b) A representative of industrial plants regularly employing licensed electricians;
- 3 (c) A person representing the power and light industry;
- 4 (d) An electrical equipment supplier who otherwise qualifies by experience in the industry;
- 5 (e) An elevator manufacturing representative;
- 6 (f) One member from the electrical equipment manufacturing industry who otherwise qualifies
- 7 by experience and training in electricity;
- 8 (g) Two journeyman electricians;
- 9 (h) An electrical inspector;
- 10 (i) Two electrical contractors;
- 11 (j) A municipal building official;
- 12 (k) A journeyman elevator installer;
- 13 (L) An owner or manager of a commercial office building; and
- 14 (m) A public member who does not receive compensation from any interest described in para-
- 15 graphs (a) to (L) of this subsection.

16 **SECTION 158.** ORS 455.140 is amended to read:

17 455.140. (1) There is established a Mechanical Board consisting of 10 members appointed by the  
18 Governor.

19 (2) The members of the board shall assist the Director of the Department of [*Consumer and*  
20 *Business Services*] **Building Codes** in administering the code adopted pursuant to ORS 455.020 for  
21 mechanical devices and equipment.

22 (3) The board must consist of:

- 23 (a) One representative of the plumbing industry;
- 24 (b) One sheet metal and air conditioner contractor;
- 25 (c) One municipal mechanical inspector possessing the highest level of mechanical inspector
- 26 certification issued by the Department of [*Consumer and Business Services*] **Building Codes**;
- 27 (d) One heating, venting and air conditioning contractor;
- 28 (e) One heating, venting and air conditioning installer;
- 29 (f) One sheet metal and air conditioner installer;
- 30 (g) One representative of a natural gas company or other utility;
- 31 (h) One building official;
- 32 (i) One insulation craftsperson who has experience with heat and frost insulation; and
- 33 (j) One public member who does not receive compensation from any interest represented under
- 34 paragraphs (a) to (i) of this subsection.

35 (4) At least one of the board members described in subsection (3)(b) or (d) of this section must  
36 be an owner or operator of a contracting business employing 10 or fewer persons at the time of the  
37 member's appointment to the term.

38 **SECTION 159.** ORS 455.144 is amended to read:

39 455.144. (1) The Building Codes Structures Board, the Electrical and Elevator Board, the Resi-  
40 dential and Manufactured Structures Board and the Mechanical Board shall each be organized and  
41 governed as described in this section.

42 (2)(a) The term of office of each member is four years and a member is not eligible for appoint-  
43 ment to more than two full terms of office. The Governor shall appoint the members of each board  
44 and the board members shall serve at the pleasure of the Governor.

45 (b) Before the expiration of the term of a member, the Governor shall appoint a successor whose

1 term begins on July 1 next following. If there is a vacancy for any cause, the Governor shall make  
2 an appointment to become immediately effective for the unexpired term.

3 (3) A member of each board is entitled to compensation and expenses as provided in ORS  
4 292.495.

5 (4) A board shall select one of its members as chairperson and another as vice chairperson, for  
6 such terms and with duties and powers necessary for the performance of the functions of such po-  
7 sition as the board determines.

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

9 (6) In accordance with applicable provisions of ORS chapter 183, the Director **of the Depart-**  
10 **ment of Building Codes** may adopt rules necessary for the administration of the laws that the  
11 Department of [*Consumer and Business Services*] **Building Codes** is charged with administering.

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

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

17 **SECTION 160.** ORS 455.148 is amended to read:

18 455.148. (1)(a) A municipality that assumes the administration and enforcement of a building in-  
19 spection program shall administer and enforce the program for all of the following:

20 (A) The state building code, as defined in ORS 455.010, except as set forth in paragraph (b) of  
21 this subsection.

22 (B) Manufactured structure installation requirements under ORS 446.155, 446.185 (1) and 446.230.

23 (C) Manufactured dwelling parks and mobile home parks under ORS chapter 446.

24 (D) Park and camp programs regulated under ORS 455.680.

25 (E) Tourist facilities regulated under ORS 446.310 to 446.350.

26 (F) Manufactured dwelling alterations regulated under ORS 446.155.

27 (G) Manufactured structure accessory buildings and structures under ORS 446.253.

28 (H) Boilers and pressure vessels described in rules adopted under ORS 480.525 (5).

29 (b) A building inspection program of a municipality may not include:

30 (A) Boiler and pressure vessel programs under ORS 480.510 to 480.670 except those described  
31 in rules adopted under ORS 480.525 (5);

32 (B) Elevator programs under ORS 460.005 to 460.175;

33 (C) Amusement ride regulation under ORS 460.310 to 460.370;

34 (D) Prefabricated structure regulation under ORS chapter 455;

35 (E) Manufacture of manufactured structures programs under ORS 446.155 to 446.285, including  
36 the administration and enforcement of federal manufactured dwelling construction and safety stan-  
37 dards adopted under ORS 446.155 or the National Manufactured Housing Construction and Safety  
38 Standards Act of 1974;

39 (F) Licensing and certification, or the adoption of statewide codes and standards, under ORS  
40 chapter 446, 447, 455, 479 or 693; or

41 (G) Review of plans and specifications as provided in ORS 455.685.

42 (2) A municipality that administers a building inspection program as allowed under this section  
43 shall do so for periods of four years. The Department of [*Consumer and Business Services*] **Building**  
44 **Codes** shall adopt rules to adjust time periods for administration of a building inspection program  
45 to allow for variations in the needs of the department and participants.

1 (3) When a municipality administers a building inspection program, the governing body of the  
2 municipality shall, unless other means are already provided, appoint a person to administer and  
3 enforce the building inspection program, who shall be known as the building official. A building of-  
4 ficial shall, in the municipality for which appointed, attend to all aspects of code enforcement, in-  
5 cluding the issuance of all building permits. Two or more municipalities may combine in the  
6 appointment of a single building official for the purpose of administering a building inspection pro-  
7 gram within their communities.

8 (4)(a) By January 1 of the year preceding the expiration of the four-year period described in  
9 subsection (2) of this section, the governing body of the municipality shall notify the Director of the  
10 Department of [*Consumer and Business Services*] **Building Codes** and, if the municipality is not a  
11 county, notify the county whether the municipality will continue to administer and enforce the  
12 building inspection program after expiration of the four-year period.

13 (b) Notwithstanding the January 1 date set forth in paragraph (a) of this subsection, the director  
14 and the municipality and, if the municipality is not a county, the county may by agreement extend  
15 that date to no later than March 1.

16 (5) If a city does not notify the director, or notifies the director that it will not administer the  
17 building inspection program, the county or counties in which the city is located shall administer and  
18 enforce the county program within the city in the same manner as the program is administered and  
19 enforced outside the city, except as provided by subsection (6) of this section.

20 (6) If a county does not notify the director, or notifies the director that it will not administer  
21 and enforce a building inspection program, the director shall contract with a municipality or other  
22 person or use such state employees or state agencies as are necessary to administer and enforce a  
23 building inspection program, and permit or other fees arising therefrom shall be paid into the  
24 [*Consumer and Business Services Fund created by ORS 705.145*] **Department of Building Codes**  
25 **Fund** and credited to the account responsible for paying the expenses thereof. A state employee  
26 may not be displaced as a result of using contract personnel.

27 (7) The governing body of a municipality may commence responsibility for the administration  
28 and enforcement of a building inspection program beginning July 1 of any year by notifying the di-  
29 rector no later than January 1 of the same year and obtaining the director's approval of an as-  
30 sumption plan as described in subsection (11)(c) of this section.

31 (8) The department shall adopt rules to require the governing body of each municipality assum-  
32 ing or continuing a building inspection program under this section to submit a written plan with the  
33 notice required under subsection (4) or (7) of this section. If the department is the governing body,  
34 the department shall have a plan on file. The plan must specify how cooperation with the State Fire  
35 Marshal or a designee of the State Fire Marshal will be achieved and how a uniform fire code will  
36 be considered in the review process of the design and construction phases of buildings or structures.

37 (9) A municipality that administers and enforces a building inspection program pursuant to this  
38 section shall recognize and accept the performances of state building code activities by businesses  
39 and persons authorized under ORS 455.457 to perform the activities as if the activities were per-  
40 formed by the municipality. A municipality is not required to accept an inspection, a plan or a plan  
41 review that does not meet the requirements of the state building code.

42 (10) The department or a municipality that accepts an inspection or plan review as required by  
43 this section by a person licensed under ORS 455.457 has no responsibility or liability for the activ-  
44 ities of the licensee.

45 (11) In addition to the requirements of ORS 455.100 and 455.110, the director shall regulate

1 building inspection programs that municipalities assume on or after January 1, 2002. Regulation  
 2 under this subsection shall include but not be limited to:

3 (a) Creating building inspection program application and amendment requirements and proce-  
 4 dures;

5 (b) Granting or denying applications for building inspection program authority and amendments;

6 (c) Requiring a municipality assuming a building inspection program to submit with the notice  
 7 given under subsection (7) of this section an assumption plan that includes, at a minimum:

8 (A) A description of the intended availability of program services, including proposed service  
 9 agreements for carrying out the program during at least the first two years;

10 (B) Demonstration of the ability and intent to provide building inspection program services for  
 11 at least two years;

12 (C) An estimate of proposed permit revenue and program operating expenses;

13 (D) Proposed staffing levels; and

14 (E) Proposed service levels;

15 (d) Reviewing procedures and program operations of municipalities;

16 (e) Creating standards for efficient, effective, timely and acceptable building inspection pro-  
 17 grams;

18 (f) Creating standards for justifying increases in building inspection program fees adopted by a  
 19 municipality;

20 (g) Creating standards for determining whether a county or department building inspection  
 21 program is economically impaired in its ability to reasonably continue providing the program  
 22 throughout a county, if another municipality is allowed to provide a building inspection program  
 23 within the same county; and

24 (h) Enforcing the requirements of this section.

25 (12) The department may assume administration and enforcement of a building inspection pro-  
 26 gram:

27 (a) During the pendency of activities under ORS 455.770;

28 (b) If a municipality abandons or is no longer able to administer the building inspection program;  
 29 *[and] or*

30 (c) If a municipality fails to substantially comply with any provision of this section or of ORS  
 31 455.465, 455.467 and 455.469.

32 (13) If the department assumes the administration and enforcement of a building inspection  
 33 program under this section, in addition to any other power granted to the director, the director may:

34 (a) Enter into agreements with local governments under ORS 455.185 regarding the adminis-  
 35 tration and enforcement of the assumed building inspection program;

36 (b) Take action as described in ORS 455.192 to ensure that sufficient staff and other resources  
 37 are available for the administration and enforcement of the assumed building inspection program;  
 38 and

39 (c) Charge fees described in ORS 455.195 for department services provided in administering and  
 40 enforcing the assumed building inspection program.

41 (14) A municipality that abandons or otherwise ceases to administer and enforce a building in-  
 42 spection program that the municipality assumed under this section may not resume the adminis-  
 43 tration or enforcement of the program for at least two years. The municipality may resume the  
 44 administration and enforcement of the abandoned program only on July 1 of an odd-numbered year.  
 45 Prior to resuming the administration and enforcement of the program, the municipality must follow

1 the notification procedure set forth in subsection (7) of this section.

2 **SECTION 161.** ORS 455.150 is amended to read:

3 455.150. (1) Except as provided in subsection (15) of this section, a municipality that assumes the  
4 administration and enforcement of a building inspection program prior to January 1, 2002, may ad-  
5 minister and enforce all or part of a building inspection program. A building inspection program:

6 (a) Is a program that includes the following:

7 (A) The state building code, as defined in ORS 455.010, except as set forth in paragraph (b) of  
8 this subsection.

9 (B) Manufactured structure installation requirements under ORS 446.155, 446.185 (1) and 446.230.

10 (C) Manufactured dwelling parks and mobile home parks under ORS chapter 446.

11 (D) Park and camp programs regulated under ORS 455.680.

12 (E) Tourist facilities regulated under ORS 446.310 to 446.350.

13 (F) Manufactured dwelling alterations regulated under ORS 446.155.

14 (G) Manufactured structure accessory buildings and structures under ORS 446.253.

15 (H) Boilers and pressure vessels described in rules adopted under ORS 480.525 (5).

16 (b) Is not a program that includes:

17 (A) Boiler and pressure vessel programs under ORS 480.510 to 480.670 except those described  
18 in rules adopted under ORS 480.525 (5);

19 (B) Elevator programs under ORS 460.005 to 460.175;

20 (C) Amusement ride regulation under ORS 460.310 to 460.370;

21 (D) Prefabricated structure regulation under ORS chapter 455;

22 (E) Manufacture of manufactured structures programs under ORS 446.155 to 446.285, including  
23 the administration and enforcement of federal manufactured dwelling construction and safety stan-  
24 dards adopted under ORS 446.155 or the National Manufactured Housing Construction and Safety  
25 Standards Act of 1974;

26 (F) Licensing and certification, or the adoption of statewide codes and standards, under ORS  
27 chapter 446, 447, 455, 479 or 693; and

28 (G) Review of plans and specifications as provided in ORS 455.685.

29 (2) A municipality that administers a building inspection program as allowed under this section  
30 shall do so for periods of four years. The Department of [*Consumer and Business Services*] **Building**  
31 **Codes** shall adopt rules to adjust time periods for administration of a building inspection program  
32 to allow for variations in the needs of the department and participants.

33 (3) When a municipality administers a building inspection program, the governing body of the  
34 municipality shall, unless other means are already provided, appoint a person to administer and  
35 enforce the building inspection program or parts thereof, who shall be known as the building official.  
36 A building official shall, in the municipality for which appointed, attend to all aspects of code  
37 enforcement, including the issuance of all building permits. Two or more municipalities may combine  
38 in the appointment of a single building official for the purpose of administering a building inspection  
39 program within their communities.

40 (4)(a) By January 1 of the year preceding the expiration of the four-year period described in  
41 subsection (2) of this section, the governing body of the municipality shall notify the Director of the  
42 Department of [*Consumer and Business Services*] **Building Codes** and, if not a county, notify the  
43 county whether the municipality will continue to administer the building inspection program, or  
44 parts thereof, after expiration of the four-year period. If parts of a building inspection program are  
45 to be administered and enforced by a municipality, the parts shall correspond to a classification



1 designated by the director as reasonable divisions of work.

2 (b) Notwithstanding the January 1 date set forth in paragraph (a) of this subsection, the director  
 3 and the municipality and, if the municipality is not a county, the county may by agreement extend  
 4 that date to no later than March 1.

5 (5) If a city does not notify the director, or notifies the director that it will not administer cer-  
 6 tain specialty codes or parts thereof under the building inspection program, the county or counties  
 7 in which the city is located shall administer and enforce those codes or parts thereof within the city  
 8 in the same manner as it administers and enforces them outside the city, except as provided by  
 9 subsection (6) of this section.

10 (6) If a county does not notify the director, or notifies the director that it will not administer  
 11 and enforce certain specialty codes or parts thereof under the building inspection program, the di-  
 12 rector shall contract with a municipality or other person or use such state employees or state  
 13 agencies as are necessary to administer and enforce those codes or parts thereof, and permit or  
 14 other fees arising therefrom shall be paid into the [*Consumer and Business Services Fund created*  
 15 *by ORS 705.145*] **Department of Building Codes Fund** and credited to the account responsible for  
 16 paying such expenses. A state employee may not be displaced as a result of using contract person-  
 17 nel.

18 (7) If a municipality administering a building inspection program under this section seeks to  
 19 administer additional parts of a program, the municipality must comply with ORS 455.148, including  
 20 the requirement that the municipality administer and enforce all aspects of the building inspection  
 21 program. Thereafter, the municipality is subject to ORS 455.148 and ceases to be subject to this  
 22 section.

23 (8) The department shall adopt rules to require the governing body of each municipality to  
 24 submit a written plan with the notice required under subsection (4) of this section. If the department  
 25 is the governing body, the department shall have a plan on file. The plan shall specify how coop-  
 26 eration with the State Fire Marshal or a designee of the State Fire Marshal will be achieved and  
 27 how a uniform fire code will be considered in the review process of the design and construction  
 28 phases of buildings or structures.

29 (9) A municipality that administers a code for which persons or businesses are authorized under  
 30 ORS 455.457 to perform activities shall recognize and accept those activities as if performed by the  
 31 municipality. A municipality is not required to accept an inspection, a plan or a plan review that  
 32 does not meet the requirements of the state building code.

33 (10) The department or a municipality that accepts an inspection or plan review as required by  
 34 this section by a person licensed under ORS 455.457 has no responsibility or liability for the activ-  
 35 ities of the licensee.

36 (11) In addition to the requirements of ORS 455.100 and 455.110, the director shall regulate  
 37 building inspection programs of municipalities assumed prior to January 1, 2002. Regulation under  
 38 this subsection shall include but not be limited to:

- 39 (a) Creating building inspection program application and amendment requirements and proce-  
 40 dures;
- 41 (b) Granting or denying applications for building inspection program authority and amendments;
- 42 (c) Reviewing procedures and program operations of municipalities;
- 43 (d) Creating standards for efficient, effective, timely and acceptable building inspection pro-  
 44 grams;
- 45 (e) Creating standards for justifying increases in building inspection program fees adopted by a

1 municipality;

2 (f) Creating standards for determining whether a county or department building inspection pro-  
 3 gram is economically impaired in its ability to reasonably continue providing the program or part  
 4 of the program throughout a county, if another municipality is allowed to provide a building in-  
 5 spection program or part of a program within the same county; and

6 (g) Enforcing the requirements of this section.

7 (12) The department may assume administration and enforcement of a building inspection pro-  
 8 gram:

9 (a) During the pendency of activities under ORS 455.770;

10 (b) If a municipality abandons any part of the building inspection program or is no longer able  
 11 to administer the building inspection program; *[and]* **or**

12 (c) If a municipality fails to substantially comply with any provision of this section or of ORS  
 13 455.465, 455.467 and 455.469.

14 (13) If the department assumes the administration and enforcement of a building inspection  
 15 program under this section, in addition to any other power granted to the director, the director may:

16 (a) Enter into agreements with local governments under ORS 455.185 regarding the adminis-  
 17 tration and enforcement of the assumed building inspection program;

18 (b) Take action as described in ORS 455.192 to ensure that sufficient staff and other resources  
 19 are available for the administration and enforcement of the assumed building inspection program;  
 20 and

21 (c) Charge fees described in ORS 455.195 for department services provided in administering and  
 22 enforcing the assumed building inspection program.

23 (14) If a municipality abandons or otherwise ceases to administer all or part of a building in-  
 24 spection program described in this section, the municipality may not resume the administration and  
 25 enforcement of the abandoned program or part of a program for at least two years. The municipality  
 26 may resume the administration and enforcement of the abandoned program or part of a program only  
 27 on July 1 of an odd-numbered year. To resume the administration and enforcement of the abandoned  
 28 program or part of a program, the municipality must comply with ORS 455.148, including the re-  
 29 quirement that the municipality administer and enforce all aspects of the building inspection pro-  
 30 gram. Thereafter, the municipality is subject to ORS 455.148 and ceases to be subject to this  
 31 section.

32 (15) A municipality that administers and enforces a building inspection program under this sec-  
 33 tion shall include in the program the inspection of boilers and pressure vessels described in sub-  
 34 section (1)(a)(H) of this section.

35 **SECTION 162.** ORS 455.152 is amended to read:

36 455.152. (1) A municipality, 10 or more persons or an association with 10 or more members may  
 37 file objections to a municipality's assumption of a building inspection program. The objections must  
 38 be filed within 30 days after the Director of the Department of *[Consumer and Business Services]*  
 39 **Building Codes** gives notice of the application.

40 (2) The director, by rule, shall establish a process for reviewing objections filed under subsection  
 41 (1) of this section. The review process shall include but need not be limited to:

42 (a) Identification of economic impairment, if any, affecting the municipality;

43 (b) Demonstration by the municipality that all building inspection program permits and services  
 44 will be available, including any service agreements for carrying out building program services;

45 (c) Review of all elements of the assumption plan submitted by the municipality;

1 (d) Demonstration by the municipality of the ability to provide building inspection program  
2 services for at least two years; and

3 (e) Review of proposed levels of service, including the municipality's ability to maintain or im-  
4 prove upon existing service levels.

5 (3) Upon completion of a review under subsection (2) of this section, the director shall issue a  
6 final agency order approving or disapproving the application.

7 **SECTION 163.** ORS 455.153 is amended to read:

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

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

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

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

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

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

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

24 **SECTION 164.** ORS 455.154 is amended to read:

25 455.154. (1) Notwithstanding ORS 447.076, 455.627, 479.560 and 479.565, the Department of [*Con-*  
26 *sumer and Business Services*] **Building Codes**, in consultation with the appropriate advisory boards,  
27 may establish special alternative permit and inspection programs for any installations or equipment  
28 regulated under the state building code. The alternative programs may include, but need not be  
29 limited to:

30 (a) Programs for work, other than life-safety work, performed in commercial, manufacturing, in-  
31 dustrial and institutional facilities; and

32 (b) Inspection programs for in-plant construction.

33 (2) Every municipality that administers and enforces a building program under ORS 455.148 or  
34 455.150 shall administer and enforce within the municipality any special alternative permit and in-  
35 spection program that the department makes applicable to that municipality.

36 (3) A municipality may apply to the department for approval of municipal application forms,  
37 procedures and criteria for plan review, permits and inspections and methodologies for determining  
38 fee amounts, for use by the municipality in carrying out an applicable special alternative permit and  
39 inspection program.

40 (4) If the department determines that an optional special alternative permit and inspection pro-  
41 gram affects only some of the jurisdictions that are subject to ORS 455.046, the requirements of ORS  
42 455.046 are applicable only to standard permit and inspection programs and not to the optional  
43 program.

44 **SECTION 165.** ORS 455.155 is amended to read:

45 455.155. Notwithstanding ORS 447.076, 455.627, 479.560 and 479.565, the Department of [*Con-*

1 *sumer and Business Services*] **Building Codes**, in consultation with the appropriate advisory boards,  
2 may establish a statewide permitting and inspection system for minor construction work. Every  
3 municipality that administers and enforces a building program under ORS 455.148 or 455.150 must  
4 recognize and accept permits issued by the department under this section.

5 **SECTION 166.** ORS 455.156 is amended to read:

6 455.156. (1) Notwithstanding any other provision of this chapter, ORS chapter 693 or ORS  
7 447.010 to 447.156, 447.992, 479.510 to 479.945, 479.990 or 479.995, the Department of [*Consumer and*  
8 *Business Services*] **Building Codes** shall carry out the provisions of this section.

9 (2)(a) A municipality that establishes a building inspection program under ORS 455.148 or a  
10 plumbing inspection program under ORS 455.150 covering installations under the plumbing specialty  
11 code or Low-Rise Residential Dwelling Code may act on behalf of the State Plumbing Board to in-  
12 vestigate violations of and enforce ORS 447.040, 693.030 and 693.040 and to issue notices of proposed  
13 assessment of civil penalties for those violations.

14 (b) A municipality that establishes a building inspection program under ORS 455.148 or an  
15 electrical inspection program under ORS 455.150 covering installations under the electrical specialty  
16 code or Low-Rise Residential Dwelling Code may act on behalf of the Electrical and Elevator Board  
17 to investigate violations of and enforce ORS 479.550 (1) and 479.620 and to issue notices of proposed  
18 assessment of civil penalties for those violations.

19 (c) A municipality that establishes a building inspection program under ORS 455.148 or 455.150  
20 may investigate violations and enforce any provisions of the program administered by the munici-  
21 pality.

22 (3) The department shall establish:

23 (a) Procedures, forms and standards to carry out the provisions of this section, including but  
24 not limited to creating preprinted notices of proposed assessment of penalties that can be completed  
25 and served by municipal inspectors;

26 (b) A program to provide that all of the moneys recovered by the department, less collection  
27 expenses, be paid to the municipality that initiated the charges when a person charged with a vio-  
28 lation as provided in subsection (2) of this section, other than a violation of a licensing requirement,  
29 agrees to the entry of an assessment of civil penalty or does not request a hearing, and an order  
30 assessing a penalty is entered against the person;

31 (c) A uniform citation process to be used in all jurisdictions of the state for violation of a li-  
32 censing requirement. The process may include but need not be limited to all program areas admin-  
33 istered by a municipality under ORS 455.148 or 455.150 and may provide a uniform method for  
34 checking license status and issuing citations for violation of a licensing requirement, and a con-  
35 sistent basis for enforcement of licensing requirements and treatment of violations, including fine  
36 amounts;

37 (d) A program to provide a division of the moneys recovered by the department with the  
38 municipality that initiated the charges, when a person charged with a violation as provided in sub-  
39 section (2) of this section, other than a violation of a licensing requirement, requests a hearing and  
40 is assessed a penalty. One-half of the amounts recovered shall be paid to the municipality. The de-  
41 partment shall keep an amount equal to its costs of processing the proceeding and collection ex-  
42 penses out of the remaining one-half and remit the balance, if any, to the municipality; and

43 (e) A program to require municipalities to investigate violations of the department's permit re-  
44 quirements for plumbing installations and services under the plumbing specialty code and for  
45 plumbing and electrical installations and services under the Low-Rise Residential Dwelling Code,

1 and to:

2 (A) Initiate notices of proposed assessment of civil penalties as agents of the boards designated  
3 in subsection (2) of this section; and

4 (B) Pay the agents of the boards out of net civil penalty recoveries as if the recoveries were  
5 under paragraphs (b) and (d) of this subsection.

6 (4) The assessment of a civil penalty under this section by a municipality is subject to the  
7 amount limitations set forth in ORS 455.895.

8 (5)(a) It shall be a defense for any person charged with a penalty for violation of a building in-  
9 spection program permit requirement covering plumbing installations under the plumbing specialty  
10 code, electrical permit requirements under ORS 479.550 or plumbing or electrical requirements un-  
11 der the Low-Rise Residential Dwelling Code that the person was previously penalized for the same  
12 occurrence.

13 (b) A building inspection program permit requirement is a requirement contained in a specialty  
14 code or municipal ordinance or rule requiring a permit before the particular installations covered  
15 by the codes are commenced.

16 (c) A penalty for the same occurrence includes a combination of two or more of the following  
17 that are based on the same plumbing or electrical installation:

18 (A)(i) An investigative or other fee added to an electrical permit fee when a permit was obtained  
19 after the electrical installation was started;

20 (ii) A civil penalty pursuant to ORS 479.995 for violation of ORS 479.550 for failure to obtain  
21 an electrical permit;

22 (iii) A civil penalty pursuant to ORS 455.895 for failure to obtain an electrical permit under the  
23 Low-Rise Residential Dwelling Code; or

24 (iv) A municipal penalty, other than an investigative fee, for making an electrical installation  
25 under the electrical specialty code or the Low-Rise Residential Dwelling Code without a permit; or

26 (B)(i) An investigative or other fee added to a plumbing permit fee when a permit was obtained  
27 after the plumbing installation was started;

28 (ii) A civil penalty pursuant to ORS 447.992 for failure to obtain a plumbing permit as required  
29 under the plumbing specialty code;

30 (iii) A civil penalty pursuant to ORS 455.895 for failure to obtain a plumbing permit under the  
31 Low-Rise Residential Dwelling Code; or

32 (iv) A municipal penalty, other than an investigative fee, for making a plumbing installation  
33 under the plumbing specialty code or the Low-Rise Residential Dwelling Code without a permit.

34 **SECTION 167.** ORS 455.158 is amended to read:

35 455.158. (1) As used in this section:

36 (a) "Public body" has the meaning given that term in ORS 174.109.

37 (b) "Work on a structure" means the construction, reconstruction, alteration or repair of a  
38 structure.

39 (2) A public body that administers and enforces a building inspection program shall ensure that  
40 a person required to be licensed under a provision of ORS 446.003 to 446.200, 446.225 to 446.285,  
41 446.395 to 446.420, 446.566 to 446.646, [446.666 to 446.746,] 479.510 to 479.945, 479.950 and 480.510 to  
42 480.670, this chapter or ORS chapter 447, 460 or 693 in order to obtain a permit for work on a  
43 structure has a current, valid license of the type required for the permit.

44 **SECTION 168.** ORS 455.160 is amended to read:

45 455.160. (1) The municipality that is responsible for state building code administration and

1 enforcement in a municipality pursuant to ORS 455.148 or 455.150, or the Department of [*Consumer*  
2 *and Business Services*] **Building Codes** if the department is responsible for state building code ad-  
3 ministration and enforcement pursuant to ORS 455.148 or 455.150, may not engage in a pattern of  
4 conduct of failing to provide timely inspections or plan reviews without reasonable cause.

5 (2) Any person adversely affected by a pattern of conduct prohibited in subsection (1) of this  
6 section may serve the municipality or the department with a written demand to provide timely in-  
7 spections or plan reviews.

8 (3) If a municipality, within five days of receipt of the demand, fails to provide timely inspections  
9 or plan reviews without reasonable cause, the person who served the demand may seek to compel  
10 the inspections or plan reviews through a writ of mandamus pursuant to ORS 34.105 to 34.240. If the  
11 court finds that the municipality has engaged in a pattern of conduct of failing to provide timely  
12 inspections or plan reviews without reasonable cause, it may direct the municipality to provide  
13 timely inspections or plan reviews or to transfer the administration and enforcement of the code in  
14 question under procedures outlined in ORS 455.148 (5) and (6) or 455.150 (5) and (6).

15 (4) If the department, within five days of receipt of the demand, fails to provide timely in-  
16 spections or plan reviews without reasonable cause, the person who served the demand may seek  
17 to compel the inspections or plan reviews through a writ of mandamus pursuant to ORS 34.105 to  
18 34.240. If the court finds that the department has engaged in a pattern of conduct of failing to pro-  
19 vide timely inspections or plan reviews without reasonable cause, it may direct the department to  
20 provide timely inspections or plan reviews or to transfer the administration and enforcement of the  
21 code in question to an appropriate municipality, if the municipality accepts the responsibility. A  
22 municipality may accept the transfer of the administration and enforcement of a code under this  
23 subsection without becoming subject to ORS 455.148 as a result of accepting the transfer.

24 **SECTION 169.** ORS 455.165 is amended to read:

25 455.165. (1) As used in this section:

26 (a) "Form and format" has the meaning given that term in ORS 455.097.

27 (b) "Standards" means the content, processing, form and format of building codes information  
28 collected and maintained by municipalities.

29 (2) The Department of [*Consumer and Business Services*] **Building Codes** may adopt rules es-  
30 tablishing building codes information standards for municipalities administering and enforcing  
31 building inspection programs. The department shall design the standards to ensure consistency be-  
32 tween municipalities regarding building inspections, permits, plans specifications and other building  
33 codes information. The department may not adopt standards that:

34 (a) Waive any requirement imposed by statute or by rule of another state agency for submitting  
35 building permit applications, building plans, specifications or other building program information in  
36 physical form.

37 (b) Require a municipality to assume or expand a building inspection program or to provide  
38 additional building inspection program services.

39 **SECTION 170.** ORS 455.170 is amended to read:

40 455.170. (1) The Director of the Department of [*Consumer and Business Services*] **Building Codes**  
41 shall delegate to any municipality [*which*] **that** requests any of the authority, responsibilities and  
42 functions of the director relating to [*recreational*] **recreation** parks, organizational camps and picnic  
43 parks as defined in ORS 446.310, including but not limited to plan review and inspections, if the di-  
44 rector determines that the municipality is willing and able to carry out the rules of the director  
45 relating to such authority, responsibilities and functions. The director shall review and monitor each

1 municipality's performance under this subsection. In accordance with ORS chapter 183, the director  
2 may suspend or rescind a delegation under this subsection. If it is determined that a municipality  
3 is not carrying out such rules or the delegation is suspended, the unexpended portion of the fees  
4 collected under subsection (2) of this section shall be available to the director for carrying out the  
5 authority, responsibility and functions under this section.

6 (2) The director shall determine, by administrative rule, the amount of fee [which] **that** the  
7 municipality may charge and retain for any function undertaken pursuant to subsection (1) of this  
8 section. The amount of the fees [shall] **may** not exceed the costs of administering the delegated  
9 functions. The municipality, quarterly, shall remit 15 percent of the collected fees to the director for  
10 monitoring municipal programs and for providing informational material necessary to maintain a  
11 uniform state program.

12 (3) In any action, suit or proceeding arising out of municipal administration of functions pursu-  
13 ant to subsection (1) of this section and involving the validity of a rule adopted by the director, the  
14 director shall be made a party to the action, suit or proceeding.

15 **SECTION 171.** ORS 455.185 is amended to read:

16 455.185. (1) Notwithstanding ORS 455.148, 455.150 and 455.153, upon request by one or more  
17 municipalities and with the consent of all affected parties, the Director of the Department of [*Con-*  
18 *sumer and Business Services*] **Building Codes** may enter into an agreement for the Department of  
19 [*Consumer and Business Services*] **Building Codes** to uniformly administer and enforce all or a por-  
20 tion of a building inspection program within a geographic area. The geographic area may be a  
21 municipality, a region comprising parts of more than one municipality or a region comprising mul-  
22 tiple municipalities. The geographic area need not correspond to the jurisdictional boundaries of  
23 municipalities. The agreement may provide for the department to perform administration and  
24 enforcement for a specified period or for carrying out one or more particular projects.

25 (2) The terms of an agreement under subsection (1) of this section may specify whether the de-  
26 partment is to utilize department resources or combine resources with one or more of the munici-  
27 palities to carry out an agreement. An agreement may combine department and local government  
28 resources in any manner that the parties believe will provide for the efficient and uniform adminis-  
29 tration of the building inspection program within the geographic area, including but not limited to  
30 full, divided, mutual or joint performance of any of the administrative or enforcement functions by  
31 any of the parties to the agreement. A decision by the director regarding whether to enter into an  
32 agreement under subsection (1) of this section, and the content of any agreement that the director  
33 enters into under subsection (1) of this section, is not subject to review by the Attorney General  
34 or the Oregon Department of Administrative Services and is subject to challenge or appeal under  
35 ORS chapter 183 only for failure to comply with an express requirement created under ORS 455.185  
36 to 455.198.

37 (3) An agreement under subsection (1) of this section is not an abandonment of a building in-  
38 spection program for purposes of ORS 455.148 or 455.150.

39 (4) If the Department of [*Consumer and Business Services*] **Building Codes** enters into an  
40 agreement under subsection (1) of this section, the department and a public body that offers  
41 construction-related services in the geographic area may enter into an agreement for providing ac-  
42 cess to the construction-related services on the electronic information system described in ORS  
43 455.095 and 455.097. The agreement may include, but need not be limited to, provision for access that  
44 allows the electronic submission of an application to the public body for a construction-related  
45 permit. As used in this subsection, "public body" has the meaning given that term in ORS 174.109.

**SECTION 172.** ORS 455.188 is amended to read:

455.188. (1) An agreement under ORS 455.185 may provide for the parties to the agreement to share any fee revenue generated by the administration and enforcement of the agreement and to expend the fee revenue anywhere within the geographic area covered by the agreement.

(2) Notwithstanding ORS 455.210, if an agreement under ORS 455.185 provides for the Department of [*Consumer and Business Services*] **Building Codes** to administer and enforce a building inspection program for which one or more municipalities have adopted a fee or hourly rate, subject to subsection (3)(a) of this section the department may charge the municipally adopted fee or hourly rate when providing the building inspection program services within a municipality.

(3) Fees described in subsection (2) of this section that are charged by the department:

(a) Are subject to any surcharges described under ORS 455.210, 455.220 or 455.447; and

(b) Notwithstanding ORS 455.210, are not subject to Oregon Department of Administrative Services approval.

(4) Notwithstanding ORS 293.265, moneys from fees described in this section that are collected or received by, or in the possession of, a party to an agreement under ORS 455.185 and are to be expended by or on behalf of the state shall be turned over to the State Treasurer no later than one business day after the parties to the agreement have determined that the moneys are moneys to be expended by or on behalf of the state.

**SECTION 173.** ORS 455.192 is amended to read:

455.192. (1) Subject to ORS 293.235 to 293.245, 293.250, 293.260 to 293.280, 293.285 and 293.293 and any rules adopted under ORS 293.235 to 293.245, 293.250, 293.260 to 293.280, 293.285 and 293.293, and notwithstanding ORS chapter 240, 276, 282, 283, 291 or 292 or other provisions of ORS chapter 293 or the rules adopted under ORS chapter 240, 276, 282, 283, 291 or 292, except as provided under this section the Director of the Department of [*Consumer and Business Services*] **Building Codes** may take any action the director considers reasonable to ensure that sufficient staff and other resources are available for the administration and enforcement of the state building code. Subject to subsections (2) to (5) of this section, actions that the director may take under this section include, but are not limited to:

(a) Utilizing municipal personnel, or hiring former municipal personnel, to carry out the administrative and enforcement duties of the Department of [*Consumer and Business Services*] **Building Codes** under an agreement described in ORS 455.185;

(b) Employing additional department [*of Consumer and Business Services*] staff for carrying out the administrative and enforcement duties of the department under an agreement described in ORS 455.185; and

(c) Expending available resources to carry out department responsibilities to provide sufficient staff and other resources under an agreement described in ORS 455.185.

(2) Subsection (1) of this section does not authorize action within a municipality administering and enforcing a building inspection program under ORS 455.148 or 455.150 except as provided in an agreement described in ORS 455.185 to which the municipality is a party or has consented.

(3) The utilization of municipal personnel or hiring of former municipal personnel under subsection (1)(a) of this section is subject to any applicable collective bargaining agreements and may not be used to displace any state employee. Municipal personnel whom the department utilizes under subsection (1)(a) of this section retain their status as municipal personnel for purposes of ORS 30.260 to 30.300 while carrying out the administrative and enforcement duties of the department under an agreement.



1 (4) The employment of additional staff under subsection (1)(b) of this section is subject to any  
 2 limitations established by the Legislative Assembly on the number of total personnel approved for  
 3 the department. To the extent practicable, the director shall give preference to the use of available  
 4 state employees to fulfill additional staffing requirements.

5 (5) The employment of additional staff under subsection (1)(b) of this section and the expenditure  
 6 of available resources under subsection (1)(c) of this section must be predicated upon the availability  
 7 of adequate revenue, [which] **that** may include but need not be limited to revenue derived from  
 8 municipal sources through an agreement described under ORS 455.185. The use of existing revenue  
 9 and available resources to carry out an agreement under ORS 455.185 is not an addition to or  
 10 amendment of the legislatively adopted budget for the department.

11 (6) Notwithstanding ORS 455.230, the director may use moneys deposited in the [*Consumer and*  
 12 *Business Services Fund*] **Department of Building Codes Fund** from fees collected under this sec-  
 13 tion for the purpose of paying the department’s costs of carrying out the administrative and  
 14 enforcement duties of the department within any administrative region established by the director  
 15 or a geographic region established by an agreement under ORS 455.185 or for the purpose of as-  
 16 sisting a local government to carry out an agreement under ORS 455.185.

17 **SECTION 174.** ORS 455.195 is amended to read:

18 455.195. (1) If the Department of [*Consumer and Business Services*] **Building Codes** assumes the  
 19 administration and enforcement of a building inspection program that has been surrendered or  
 20 abandoned by a municipality, and immediately prior to the surrender or abandonment the munici-  
 21 pality was charging a fee adopted under ORS 455.210 (3) that was different from the fee authorized  
 22 under ORS 455.210 (1) for the same services, the department may charge the fee adopted by the  
 23 municipality for the services that the department provides under the program.

24 (2) Fees described in subsection (1) of this section that are charged by the department:

25 (a) Are subject to any surcharges described under ORS 455.210, 455.220 or 455.447; and

26 (b) Notwithstanding ORS 455.210, are not subject to Oregon Department of Administrative Ser-  
 27 vices approval.

28 **SECTION 175.** ORS 455.198 is amended to read:

29 455.198. Notwithstanding any surcharge use described in ORS 455.210 (4), the Director of the  
 30 Department of [*Consumer and Business Services*] **Building Codes** may use moneys from surcharges  
 31 imposed under ORS 455.210 (4) for the purpose of paying the Department of [*Consumer and Business*  
 32 *Services*]’ **Building Codes**’ costs of carrying out the administration and enforcement of the state  
 33 building code within an administrative region established by the director or a geographic region  
 34 established by an agreement that the director enters into under ORS 455.185.

35 **SECTION 176.** ORS 455.200 is amended to read:

36 455.200. The Director of the Department of [*Consumer and Business Services*] **Building Codes**:

37 (1) May adopt rules, establish policies and procedures and take other actions the director con-  
 38 siders reasonable or expedient for carrying out agreements under ORS 455.148 (13), 455.150 (13) or  
 39 455.185 and any duties, functions and powers of the director or the Department of [*Consumer and*  
 40 *Business Services*] **Building Codes** under ORS 455.148 (13), 455.150 (13) or 455.185 to 455.198;

41 (2) Shall consult at least annually with appropriate advisory boards regarding any agreements  
 42 under ORS 455.185 or actions taken by the director under ORS 455.148 (13), 455.150 (13) or 455.185  
 43 to 455.198; and

44 (3) Shall report annually to the Legislative Assembly as provided under ORS 192.230 to 192.250  
 45 regarding any department activities under ORS 455.148 (13), 455.150 (13) or 455.185 to 455.198. The

1 report shall include, but not be limited to, information regarding any projected need for an increase  
2 in department resources required for carrying out the administration and enforcement of building  
3 inspection programs under ORS 455.148 (13), 455.150 (13) or 455.185 to 455.198.

4 **SECTION 177.** ORS 455.210 is amended to read:

5 455.210. (1) Fees shall be prescribed as required by ORS 455.020 for plan review and permits  
6 issued by the Department of [*Consumer and Business Services*] **Building Codes** for the construction,  
7 reconstruction, alteration and repair of prefabricated structures and of buildings and other struc-  
8 tures and the installation of mechanical heating and ventilating devices and equipment. The fees  
9 may not exceed 130 percent of the fee schedule printed in the "Uniform Building Code," 1979 Edi-  
10 tion, and in the "Uniform Mechanical Code," 1979 Edition, both published by the International  
11 Conference of Building Officials. Fees are not effective until approved by the Oregon Department  
12 of Administrative Services.

13 (2) Notwithstanding subsection (1) of this section, the maximum fee the Director of the Depart-  
14 ment of [*Consumer and Business Services*] **Building Codes** may prescribe for a limited plan review  
15 for fire and life safety as required under ORS 479.155 shall be 40 percent of the prescribed permit  
16 fee.

17 (3)(a) A municipality may adopt by ordinance or regulation such fees as may be necessary and  
18 reasonable to provide for the administration and enforcement of any specialty code or codes for  
19 which the municipality has assumed responsibility under ORS 455.148 or 455.150. A municipality  
20 shall give the director notice of the proposed adoption of a new or increased fee under this sub-  
21 section. The municipality shall give the notice to the director at the time the municipality provides  
22 the opportunity for public comment under ORS 294.160 regarding the fee or, if the proposed fee is  
23 contained in an estimate of municipal budget resources, at the time notice of the last budget meeting  
24 is published under ORS 294.426.

25 (b) Ten or more persons or an association with 10 or more members may appeal the adoption  
26 of a fee described in this subsection to the director [*of the Department of Consumer and Business*  
27 *Services*]. The persons or association must file the appeal no later than 60 days after the director  
28 receives notice of the proposed adoption of the fee from the municipality under paragraph (a) of this  
29 subsection. However, if the municipality failed to give notice to the director, an appeal may be filed  
30 with the director within one year after adoption of the new or increased fee. Upon receiving a  
31 timely appeal, the director shall, after notice to affected parties and hearing, review the  
32 municipality's fee adoption process and the costs of administering and enforcing the specialty code  
33 or codes referred to in paragraph (a) of this subsection. The director shall approve the fee if the  
34 director feels the fee is necessary and reasonable. If the director does not approve the fee upon  
35 appeal, the fee is not effective. The appeal process provided in this paragraph does not apply to fees  
36 that have been submitted for a vote and approved by a majority of the electors voting on the ques-  
37 tion.

38 (c) Fees collected by a municipality under this subsection shall be used for the administration  
39 and enforcement of a building inspection program for which the municipality has assumed responsi-  
40 bility under ORS 455.148 or 455.150.

41 (d) For purposes of paragraph (b) of this subsection, in determining whether a fee is reasonable  
42 the director shall consider whether:

43 (A) The fee is the same amount as or closely approximates the amount of the fee charged by  
44 other municipalities of a similar size and geographic location for the same level of service;

45 (B) The fee is calculated with the same or a similar calculation method as the fee charged by

1 other municipalities for the same service;

2 (C) The fee is the same type as the fee charged by other municipalities for the same level of  
3 service; and

4 (D) The municipality, in adopting the fee, complied with ORS 294.160, 294.361 and 294.426 and  
5 this section and standards adopted by the director under ORS 455.148 (11) or 455.150 (11).

6 (4) Notwithstanding any other provision of this chapter:

7 (a) For the purpose of partially defraying state administrative costs, there is imposed a sur-  
8 charge in the amount of four percent of the total permit fees or, if the applicant chooses to pay an  
9 hourly rate instead of purchasing a permit, four percent of the total hourly charges collected.

10 (b) For the purpose of partially defraying state inspection costs, there is imposed a surcharge  
11 in the amount of two percent of the total permit fees or, if the applicant chooses to pay an hourly  
12 rate instead of purchasing a permit, two percent of the total hourly charges collected.

13 (c) For the purpose of defraying the cost of administering and enforcing the state building code,  
14 there is imposed a surcharge on permit fees and on hourly charges collected instead of permit fees.  
15 The surcharge may not exceed one percent of the total permit fees or, if the applicant chooses to  
16 pay an hourly rate instead of purchasing a permit, one percent of the total hourly charges collected.

17 (d) For the purpose of defraying the cost of developing and administering the electronic building  
18 codes information system described in ORS 455.095 and 455.097, there is imposed a surcharge in the  
19 amount of four percent on permit fees, or if the applicant chooses to pay an hourly rate instead of  
20 purchasing a permit, four percent of the total hourly charges collected.

21 (5) Municipalities shall collect and remit surcharges imposed under subsection (4) of this section  
22 to the director as provided in ORS 455.220.

23 (6) The director shall adopt administrative rules to allow reduced fees for review of plans that  
24 have been previously reviewed.

25 **SECTION 178.** ORS 455.220 is amended to read:

26 455.220. (1) There is hereby imposed a surcharge in the amount of one percent of the total  
27 building permit fees or, if the applicant chooses to pay an hourly rate instead of purchasing a per-  
28 mit, one percent of the total hourly charges collected in connection with the construction of, or  
29 addition or alteration to, buildings and equipment or appurtenances. Up to one-half of the surcharge  
30 collected under this subsection may be used to fund the activities described in ORS 455.042 and  
31 455.046. The remainder of the surcharge collected under this subsection shall be used for the pur-  
32 pose of defraying the costs of training and other educational programs administered by the Depart-  
33 ment of [*Consumer and Business Services*] **Building Codes** under this chapter.

34 (2) Permit surcharges shall be collected by each municipality and remitted to the Director of the  
35 Department of [*Consumer and Business Services*] **Building Codes**. Each municipality having a pop-  
36 ulation greater than 40,000 shall, on a monthly basis, prepare and submit to the director a report  
37 of permits and certificates issued in each class or category and fees and surcharges thereon col-  
38 lected during the month, together with other statistical information as required by the director  
39 concerning construction activity regulated by the parts of the state building code administered by  
40 the municipality. All other municipalities shall submit a report described in this subsection on a  
41 quarterly basis. The report shall be in a form prescribed by the director and shall be submitted,  
42 together with a remittance covering the surcharges collected, by no later than the 15th day follow-  
43 ing the month or quarter in which the surcharges are collected.

44 (3)(a) All surcharges and other fees prescribed by ORS 455.010 to 455.240 and 455.410 to 455.740  
45 and payable to the department, except fees received under ORS 455.148 (6) or 455.150 (6), shall be

1 deposited by the director in the [*Consumer and Business Services Fund created by ORS 705.145*]

2 **Department of Building Codes Fund.**

3 (b) Notwithstanding subsection (1) of this section, the surcharge imposed under subsection (1)  
 4 of this section for permits established under ORS 446.062 (3), 446.176, 446.405 (2), 446.430 (2) and  
 5 455.170 (2) shall be deposited in the [*Consumer and Business Services Fund established under ORS*  
 6 *705.145 and is continuously appropriated to the department*] **Department of Building Codes Fund**  
 7 for use as provided in ORS 446.423.

8 (4) Except as provided in subsection (5) of this section, the director shall administer training and  
 9 other education programs under this chapter through contracts with local educational institutions,  
 10 professional associations or other training providers.

11 (5) The director may:

12 (a) Arrange for the department to offer training and other education programs for building offi-  
 13 cials and building inspectors; or

14 (b) Arrange for local educational institutions, professional associations or other training pro-  
 15 viders to offer training and other education programs for building officials and building inspectors.  
 16 A contract between the director and a training provider under this paragraph is subject to ORS  
 17 279B.235, but is otherwise exempt from ORS chapters 279A and 279B and ORS 279C.100 to 279C.125  
 18 and 279C.300 to 279C.470.

19 **SECTION 179.** ORS 455.230 is amended to read:

20 455.230. (1) Except as otherwise provided by law, all moneys appropriated or credited to the  
 21 [*Consumer and Business Services Fund*] **Department of Building Codes Fund** and received under  
 22 this chapter, ORS 447.010 to 447.156, 447.992, 460.005 to 460.175, 460.310 to 460.370, 479.510 to  
 23 479.945, 479.995, 480.510 to 480.670 and ORS chapter 693 [*hereby are appropriated continuously for*  
 24 *and*] shall be used [*by the director*] for the purpose of carrying out [*the duties and responsibilities*  
 25 *imposed upon the department under*] this chapter, ORS 446.566 to 446.646, [*446.661 to 446.756,*] 447.010  
 26 to 447.156, 447.992, 460.005 to 460.175, 460.310 to 460.370, 479.510 to 479.945, 479.995 and 480.510 to  
 27 480.670 and ORS chapter 693.

28 (2) Except as otherwise provided by law, all moneys appropriated or credited to the [*Consumer*  
 29 *and Business Services Fund*] **Department of Building Codes Fund** and received under ORS 446.003  
 30 to 446.200, 446.210, 446.225 to 446.285, 446.395 to 446.420, 446.566 to 446.646[, *446.661 to 446.756*] and  
 31 455.220 (1) [*hereby are appropriated continuously for and*] shall be used [*by the director*] for the pur-  
 32 pose of carrying out [*the duties and responsibilities imposed upon the department under*] ORS 446.003  
 33 to 446.200, 446.210, 446.225 to 446.285, 446.395 to 446.420[,] **and** 446.566 to 446.646 [*and 446.661 to*  
 34 *446.756*], and education and training programs pertaining thereto.

35 **SECTION 180.** ORS 455.240 is amended to read:

36 455.240. (1) All revenues derived from the sale of publications of the Department of [*Consumer*  
 37 *and Business Services*] **Building Codes** relating to building codes shall be deposited in the [*Con-*  
 38 *sumer and Business Services Fund*] **Department of Building Codes Fund.**

39 (2) Moneys [*credited to the Consumer and Business Services Fund*] **deposited** under subsection  
 40 (1) of this section [*are continuously appropriated to the department for use*] **shall be used** as provided  
 41 in ORS 455.022.

42 **SECTION 181.** ORS 455.310 is amended to read:

43 455.310. (1) It is not the purpose of this chapter to require that permits be obtained or fees be  
 44 paid for repairs and maintenance that do not violate the intent of the structural and fire and life  
 45 safety specialty provisions of the State of Oregon Structural Specialty Code and the Low-Rise Resi-

1 denial Dwelling Code, adopted pursuant to ORS 455.020 and 455.610, ORS chapter 476, ORS 479.015  
 2 to 479.200 and 479.210 to 479.220, when such repair or maintenance is done on a single-family resi-  
 3 dence, or a private garage, carport or storage shed that is accessory to a single-family residence.

4 (2) Items designated by the Director of the Department of [*Consumer and Business Services*]  
 5 **Building Codes**, with the advice of the Residential and Manufactured Structures Board, shall be  
 6 exempt from permits and fees required under this chapter. The director shall, pursuant to ORS  
 7 chapter 183, develop and maintain an applicable list of such exempt items, [*which*] **that** shall in-  
 8 clude, but not be limited to[,]:

- 9 (a) Concrete slabs, driveways, sidewalks[,] **and** masonry repair[,];
- 10 (b) Porches[,] **and** patio covers[,];
- 11 (c) Painting[,];
- 12 (d) Interior wall, floor or ceiling covering[,];
- 13 (e) Nonbearing partitions[,];
- 14 (f) Shelving[,] **and** cabinet work[,];
- 15 (g) Gutters[,] **and** downspouts[,];
- 16 (h) Small accessory buildings[,];
- 17 (i) Door and window replacements[,];
- 18 (j) Replacement or repair of siding; and
- 19 (k) Replacement or repair of roofing.

20 (3) In making the list of exempt items **under subsection (2) of this section**, the director shall  
 21 further define the items on the list [*contained in this subsection*] so that no item which adversely  
 22 affects the structural integrity of the dwelling shall be on the list.

23 **SECTION 182.** ORS 455.312 is amended to read:

24 455.312. (1) For a residential prefabricated structure manufactured in this state and intended for  
 25 delivery in another state, the Director of the Department of [*Consumer and Business Services*]  
 26 **Building Codes** may not require that:

- 27 (a) The prefabricated structure conform to the state building code.
- 28 (b) An inspector provide plan approvals and inspections pursuant to ORS 455.715 to 455.740.
- 29 (c) A person licensed under ORS 479.630, 693.060 or 693.103 perform electrical or plumbing in-  
 30 stallations in the prefabricated structure.

31 (2) Nothing in subsection (1) of this section exempts a person that is renting, leasing, selling,  
 32 exchanging, installing or offering for rent, lease, sale, exchange or installation a residential prefab-  
 33 ricated structure from meeting the insignia of compliance or certification stamp requirements pre-  
 34 scribed under ORS 455.705 if the prefabricated structure is delivered in or relocated to this state.

35 **SECTION 183.** ORS 455.355 is amended to read:

36 455.355. (1) The Director of the Department of [*Consumer and Business Services*] **Building Codes**  
 37 shall, by rule:

- 38 (a) Prohibit the installation of thermostats that contain mercury in commercial and residential  
 39 buildings. The director may not, under rules developed pursuant to this paragraph, prohibit the in-  
 40 stallation of thermostats that contain mercury on industrial equipment used for safety controls.
- 41 (b) Establish a uniform notification and process for disposal and delivery of mercury thermostats  
 42 by persons installing heating, ventilation or air conditioning systems. Persons installing heating,  
 43 ventilation or air conditioning systems shall dispose of mercury thermostats according to the pro-  
 44 cess established pursuant to this paragraph.

45 (2) As used in this section, “thermostat” means a device commonly used to sense and, through

1 electrical communication with heating, cooling or ventilation equipment, control room temperature.

2 **SECTION 184.** ORS 455.365 is amended to read:

3 455.365. (1) The Building Codes Structures Board and the Residential and Manufactured Structures Board shall adopt design and construction standards for mitigating radon levels in new residential buildings that are identified under the structural specialty code as Group R-2 or R-3 buildings and new public buildings. In adopting the standards, the boards shall give consideration to any standards recommended by the United States Environmental Protection Agency for radon mitigation systems in buildings.

9 (2) The boards shall make the design and construction standards for mitigating radon levels applicable in:

11 (a) Baker, Clackamas, Hood River, Multnomah, Polk, Washington and Yamhill Counties; and

12 (b) Any county for which the boards, after consultation with the Oregon Health Authority, consider the standards appropriate due to local radon levels.

13 (3) The Director of the Department of [*Consumer and Business Services*] **Building Codes** may authorize a municipality that administers and enforces one or more building inspection programs under ORS 455.148 or 455.150 to also administer and enforce any applicable standards for mitigating radon that are adopted by the boards.

14 (4) The director, in consultation with the boards, may adopt rules for the implementation, administration and enforcement of this section.

15 **SECTION 185.** ORS 455.380 is amended to read:

16 455.380. (1) Notwithstanding the provisions of ORS 455.148 and 455.150, the Department of [*Consumer and Business Services*] **Building Codes** is the final authority in interpretation, execution and enforcement of state and municipal administration of building codes and rules with respect to construction of agriculture workforce housing as defined in ORS 315.163.

21 (2) The department shall provide for a statewide uniform application and method of calculating permit fees for agriculture workforce housing as defined in ORS 315.163.

22 (3) The department shall adopt rules to carry out the provisions of subsections (1) and (2) of this section.

23 **SECTION 186.** ORS 455.412 is amended to read:]

24 455.412. (1) The Department of [*Consumer and Business Services*] **Building Codes** shall amend the state building code as necessary for the purpose of reducing the frequency of false alarms from smoke alarms and smoke detectors. Rules adopted under this section shall be designed to address smoke alarms and smoke detectors in single family and multifamily dwellings, hotels and lodging houses and shall not apply to recreational vehicles, commercial vehicles, railroad equipment, aircraft, marine vessels and manufactured dwellings.

25 (2) As used in this section, “smoke alarm” and “smoke detector” shall have the meanings provided in ORS 479.250.

26 **SECTION 187.** ORS 455.415 is amended to read:

27 455.415. (1) A person who is licensed by the State Plumbing Board or the Department of [*Consumer and Business Services*] **Building Codes** pursuant to ORS 460.057, 460.059, 479.630, 479.910, **479.915**, 480.630, 693.060, 693.103 or 693.111 must wear and visibly display an identification badge indicating the person’s current license status while performing work for which the license is required. The authority that licenses the person shall specify the size and content of the identification badge and may establish such other specifications as the authority deems appropriate.

28 (2) Subsection (1) of this section does not apply if wearing or displaying the identification badge

1 may create a danger to the public health or to the safety of the person or the public.

2 (3) This section does not require the display of a contractor or business license.

3 **SECTION 188.** ORS 455.420 is amended to read:

4 455.420. (1) Each individual dwelling unit in a multifamily residential building constructed after  
5 October 4, 1977, shall have installed a separate, individual electrical meter for each such dwelling  
6 unit except where a building inspector certified under ORS 455.715 to 455.740 determines that pur-  
7 suant to standards adopted by the Director of the Department of [*Consumer and Business Services*]  
8 **Building Codes** the installation of a single, central electrical meter for all the dwelling units in such  
9 building would facilitate an overall reduction in electrical consumption by such units.

10 (2) For the purpose of carrying out the provisions of subsection (1) of this section, the director,  
11 based on recommendations of the Residential and Manufactured Structures Board, shall adopt by  
12 rule standards for determining whether the installation of a single electrical meter for all dwelling  
13 units in a multifamily residential building facilitates an overall reduction in electrical consumption  
14 by such units.

15 **SECTION 189.** ORS 455.425 is amended to read:

16 455.425. (1) Any low-income housing for the elderly on which construction begins after January  
17 1, 1978, and [*which*] **that** is financed in whole or in part by federal or state funds shall contain a  
18 multiservice room adequate in size to seat all of the tenants.

19 (2) The Director of the Department of [*Consumer and Business Services*] **Building Codes** shall  
20 adopt rules, in accordance with the applicable provisions of ORS chapter 183, establishing standards  
21 and specifications for low-income elderly housing multiservice rooms required under subsection (1)  
22 of this section. In development of standards and specifications, the director may take into account  
23 any standards or specifications established pursuant to any federal program under which the con-  
24 struction of such housing is funded.

25 (3) No housing described in subsection (1) of this section that contains 20 or fewer units is re-  
26 quired to provide a multiservice room.

27 **SECTION 190.** ORS 455.430 is amended to read:

28 455.430. If the Director of the Department of [*Consumer and Business Services*] **Building Codes**  
29 determines that the standards for prefabricated structures prescribed by statute, rule or regulation  
30 of another state are at least equal to the regulations prescribed under this chapter, and that such  
31 standards are actually enforced by such other state, the director may provide by regulation that  
32 prefabricated structures approved by such other state shall be deemed to have been approved by the  
33 director.

34 **SECTION 191.** ORS 455.445 is amended to read:

35 455.445. (1) [*After considering the recommendations of the Indoor Air Pollution Task Force, and*  
36 *as expeditiously as possible,*] The Director of the Department of [*Consumer and Business Services*]  
37 **Building Codes** shall adopt ventilation standards for public areas and office workplaces that are  
38 at least equivalent to the most recent, nationally recognized ventilation standards generally ac-  
39 cepted and in use throughout the United States.

40 (2) The director shall adopt building codes and building product standards to protect the indoor  
41 air quality of private residences but only as necessary to address serious or unique indoor air  
42 quality problems in Oregon when federal statutes, regulations and national codes fail to address  
43 building product and building code related indoor air quality problems.

44 [(3) *As expeditiously as possible, the director shall consider for adoption the ventilation standards*  
45 *recommended by the Indoor Air Pollution Task Force.*]

**SECTION 192.** ORS 455.447 is amended to read:

455.447. (1) As used in this section, unless the context requires otherwise:

(a) “Essential facility” means:

(A) Hospitals and other medical facilities having surgery and emergency treatment areas;

(B) Fire and police stations;

(C) Tanks or other structures containing, housing or supporting water or fire-suppression materials or equipment required for the protection of essential or hazardous facilities or special occupancy structures;

(D) Emergency vehicle shelters and garages;

(E) Structures and equipment in emergency-preparedness centers;

(F) Standby power generating equipment for essential facilities; and

(G) Structures and equipment in government communication centers and other facilities required for emergency response.

(b) “Hazardous facility” means structures housing, supporting or containing sufficient quantities of toxic or explosive substances to be of danger to the safety of the public if released.

(c) “Major structure” means a building over six stories in height with an aggregate floor area of 60,000 square feet or more, every building over 10 stories in height and parking structures as determined by Department of [*Consumer and Business Services*] **Building Codes** rule.

(d) “Seismic hazard” means a geologic condition that is a potential danger to life and property that includes but is not limited to earthquake, landslide, liquefaction, tsunami inundation, fault displacement[,] and subsidence.

(e) “Special occupancy structure” means:

(A) Covered structures whose primary occupancy is public assembly with a capacity greater than 300 persons;

(B) Buildings with a capacity greater than 250 individuals for every public, private or parochial school through secondary level or child care centers;

(C) Buildings for colleges or adult education schools with a capacity greater than 500 persons;

(D) Medical facilities with 50 or more resident, incapacitated patients not included in subparagraphs (A) to (C) of this paragraph;

(E) Jails and detention facilities; and

(F) All structures and occupancies with a capacity greater than 5,000 persons.

(2) The Department of [*Consumer and Business Services*] **Building Codes** shall consult with the Seismic Safety Policy Advisory Commission and the State Department of Geology and Mineral Industries prior to adopting rules. Thereafter, the Department of [*Consumer and Business Services*] **Building Codes** may adopt rules as set forth in ORS 183.325 to 183.410 to amend the state building code to:

(a) Require new building sites for essential facilities, hazardous facilities, major structures and special occupancy structures to be evaluated on a site specific basis for vulnerability to seismic geologic hazards.

(b) Require a program for the installation of strong motions accelerographs in or near selected major buildings.

(c) Provide for the review of geologic and engineering reports for seismic design of new buildings of large size, high occupancy or critical use.

(d) Provide for filing of noninterpretive seismic data from site evaluation in a manner accessible to the public.



1 (3) For the purpose of defraying the cost of applying the regulations in subsection (2) of this  
 2 section, there is hereby imposed a surcharge in the amount of one percent of the total fees collected  
 3 under the structural and mechanical specialty codes for essential facilities, hazardous facilities,  
 4 major structures and special occupancy structures. [*which*] **The** fees shall be retained by the ju-  
 5 risdiction enforcing the particular specialty code as provided in ORS 455.150 or enforcing a building  
 6 inspection program under ORS 455.148.

7 (4) Developers of new essential facilities, hazardous facilities and major structures described in  
 8 subsection (1)(a)(E), (b) and (c) of this section and new special occupancy structures described in  
 9 subsection (1)(e)(A), (D) and (F) of this section that are located in an identified tsunami inundation  
 10 zone shall consult with the State Department of Geology and Mineral Industries for assistance in  
 11 determining the impact of possible tsunamis on the proposed development and for assistance in  
 12 preparing methods to mitigate risk at the site of a potential tsunami. Consultation shall take place  
 13 prior to submittal of design plans to the building official for final approval.

14 **SECTION 193.** ORS 455.448 is amended to read:]

15 455.448. (1) For the purposes of enforcement of this chapter the building inspector or any person  
 16 appointed by the Department of [*Consumer and Business Services*] **Building Codes**, after showing  
 17 official identification and, if necessary, a warrant issued to the building owner or agent of the owner  
 18 under subsection (2) of this section, may:

19 (a) Enter, at reasonable times, any property that is known to be damaged, or for which there  
 20 are reasonable grounds to believe that the structure has been damaged, as a result of an earthquake.

21 (b) Inspect, at reasonable times, within reasonable limits and in a reasonable manner property  
 22 that is known to be damaged, or for which there are reasonable grounds to believe that the struc-  
 23 ture has been damaged, as a result of an earthquake.

24 (2) If entry is refused, the building inspector or any duly appointed representative of the de-  
 25 partment [*of Consumer and Business Services*] may appear before any magistrate empowered to issue  
 26 warrants and request such magistrate to issue an inspection warrant, directing it to any peace of-  
 27 ficer, as defined in ORS 161.015 to enter the described property to remove any person or obstacle  
 28 and assist the building inspector or representative of the department inspecting the property in any  
 29 way necessary to complete the inspection.

30 **SECTION 194.** ORS 455.449 is amended to read:

31 455.449. (1) All buildings or portions [*thereof which*] **of buildings that** are determined after in-  
 32 spection by a building inspector or a representative of the Department of [*Consumer and Business*  
 33 *Services*] **Building Codes** to be in unsafe condition as a result of earthquake damage may be de-  
 34 clared to be a public nuisance and shall be abated by repair, rehabilitation, demolition or removal  
 35 in accordance with the procedure specified by rules adopted by the [*agency*] **department**.

36 (2) Any building declared to be in unsafe condition under subsection (1) of this section shall be  
 37 made to comply with one of the following:

38 (a) The building shall be repaired in accordance with the current building code or other current  
 39 code applicable to the type of substandard conditions requiring repair;

40 (b) The building shall be demolished if the owner of the building consents; or

41 (c) The building may be vacated, secured and maintained against entry if the building does not  
 42 constitute an immediate danger to the life, limb, property or safety of the public.

43 (3) If the building or structure is in such condition as to make it immediately dangerous to the  
 44 life, limb, property or safety of the public or its occupants, the department [*of Consumer and Busi-*  
 45 *ness Services*] or a representative of the department shall order [*it to*] **that the building or struc-**

1 **ture** be vacated.

2 (4) If the structure, in whole or in part, is listed on or is eligible for listing on the National  
3 Register of Historic Places, established and maintained under the National Historic Preservation  
4 Act of 1966 (P.L. 89-665), or if the National Register of Historic Places ceases accepting nominations,  
5 is approved for listing on an Oregon register of historic places, or is a locally designated landmark  
6 protected by ordinance against demolition without due process, alternative compliance with the  
7 provisions of subsection (2)(a) and (c) of this section shall be allowed if the repaired or rehabilitated  
8 building is no more hazardous than it would be if repaired or rehabilitated in accordance with (2)(a)  
9 of this section.

10 **SECTION 195.** ORS 455.450 is amended to read:

11 455.450. A person may not:

12 (1) Violate, or procure or assist in the violation of, any final order of the Director of the De-  
13 partment of [*Consumer and Business Services*] **Building Codes**, an advisory board, a state adminis-  
14 trative officer or any local appeals board, building official or inspector, concerning the application  
15 of the state building code in a particular case or concerning a license, certificate, registration or  
16 other authorization.

17 (2) Engage in, or procure or assist any other person to engage in, any conduct or activity for  
18 which a permit, label, license, certificate, registration or other formal authorization is required by  
19 any specialty code, any provision of ORS 446.003 to 446.200, 446.225 to 446.285, 446.395 to 446.420,  
20 446.566 to 446.646, [~~446.666 to 446.746,~~] 479.510 to 479.945, 479.950 and 480.510 to 480.670, this chap-  
21 ter or ORS chapter 447, 460 or 693, or any rule adopted or order issued for the administration and  
22 enforcement of those provisions, without first having obtained such permit, label, license, certificate,  
23 registration or other formal authorization.

24 (3) Violate, or procure or assist in the violation of, any standard, specification, requirement,  
25 prohibition or other technical provision set forth in the state building code or an applicable local  
26 building code or in any rule or order of the Department of [*Consumer and Business Services*]  
27 **Building Codes**, an advisory board, a local governing body or local building official.

28 **SECTION 196.** ORS 455.457 is amended to read:

29 455.457. In accordance with the applicable provisions of ORS chapter 183, the Director of the  
30 Department of [*Consumer and Business Services*] **Building Codes** by rule shall establish a licensing  
31 system for persons that perform specialty code inspections or plan reviews and for businesses that  
32 employ persons that perform specialty code inspections or plan reviews. Such a system shall include  
33 but not be limited to the following provisions:

34 (1) Prescribing the form and content of and the times and procedures for submitting an appli-  
35 cation for the issuance or renewal of a license.

36 (2) Prescribing the terms of the licenses and the fees for the original issue and renewal in  
37 amounts that do not exceed the cost to the Department of [*Consumer and Business Services*]  
38 **Building Codes** of administering the licensing system.

39 (3) Prescribing the requirements for and the manner of testing the competency of applicants for  
40 the protection of the public health and safety.

41 (4) Prescribing the amounts and conditions of bonds and liability insurance.

42 (5) Setting forth those actions or circumstances that constitute failure to achieve or maintain  
43 licensing competency or that otherwise constitute a danger to the public health or safety and for  
44 which the director may refuse to issue or renew or may suspend or revoke a license or impose a  
45 civil penalty.

1        **SECTION 197.** ORS 455.461 is amended to read:

2        455.461. (1) The Director of the Department of [*Consumer and Business Services*] **Building**  
3 **Codes**, by rule, shall develop quality control procedures for the activities of specialty code inspec-  
4 tors, plan reviewers and businesses that employ specialty code inspectors and plan reviewers li-  
5 censed under ORS 455.457. These procedures shall include but are not limited to random sampling  
6 of the work of such persons and businesses.

7        (2) The director [*of the Department of Consumer and Business Services*] shall appoint by rule a  
8 chief inspector for each specialty code under this chapter.

9        **SECTION 198.** ORS 455.463 is amended to read:

10       455.463. (1) In addition to any other authority and power granted to the Director of the De-  
11 partment of [*Consumer and Business Services*] **Building Codes** under this chapter and ORS chapters  
12 447 and 479, with respect to specialty code inspectors, plan reviewers and businesses that employ  
13 specialty code inspectors and plan reviewers licensed under ORS 455.457, if the director has reason  
14 to believe that there is a failure to enforce or there is a violation of any provision of this chapter  
15 or ORS chapters 447 and 479 or any rule adopted thereunder, the director may:

16       (a) Examine building code activities of specialty code inspectors, plan reviewers and businesses  
17 that employ specialty code inspectors and plan reviewers;

18       (b) Take sworn testimony; and

19       (c) With the authorization of the office of the Attorney General, subpoena persons and records  
20 to obtain testimony on official actions that were taken or omitted or to obtain documents otherwise  
21 subject to public inspection under ORS 192.410 to 192.505.

22       (2) The investigative authority authorized by subsection (1) of this section covers violations or  
23 omissions by specialty code inspectors, plan reviewers and businesses that employ specialty code  
24 inspectors and plan reviewers licensed under ORS 455.457 related to enforcement of codes or ad-  
25 ministrative rules, licensing of inspectors or financial transactions.

26       **SECTION 199.** ORS 455.465 is amended to read:

27       455.465. (1) In administering a building inspection program, the Department of [*Consumer and*  
28 *Business Services*] **Building Codes** or a municipality shall:

29       (a) Designate at least three persons licensed under ORS 455.457 from whom the department or  
30 municipality will accept plan reviews; or

31       (b) Contract with a person licensed under ORS 455.457 and may include as a term of the con-  
32 tract a process for collection of plan review fees.

33       (2) For plan reviews conducted under subsection (1) of this section, the department or a  
34 municipality may:

35       (a) Establish the process for collecting fees from a person licensed under ORS 455.457; and

36       (b) Collect an administrative fee as provided in ORS 455.210.

37       (3) The provisions of ORS 279C.100 to 279C.125 and 279C.300 to 279C.470 and ORS chapters  
38 279A and 279B, except ORS 279B.235, do not apply to a personal services contract between the de-  
39 partment or a municipality and a person licensed under ORS 455.457.

40       **SECTION 200.** ORS 455.466 is amended to read:

41       455.466. (1) As used in this section, "essential project" means a:

42       (a) State owned or operated development;

43       (b) Development of industries in the traded sector as defined in ORS 285A.010 for structures  
44 more than 100,000 square feet in size;

45       (c) Project in an industrial site listed by the Oregon Business Development Department as ready

1 for development and for which the project construction totals more than 100,000 square feet in size;  
 2 or

3 (d) Development designated by the Director of the Oregon Business Development Department  
 4 as essential to the economic well-being of the state.

5 (2) Notwithstanding any municipal building inspection program under ORS 455.148 or 455.150,  
 6 an applicant for a building permit for an essential project or the municipality having jurisdiction  
 7 over an essential project may request in writing that the Department of [*Consumer and Business*  
 8 *Services*] **Building Codes** administer and enforce the state building code for the project.

9 (3) Upon receipt by the Department of [*Consumer and Business Services*] **Building Codes** of a  
 10 written request under this section, the Director of the Department of [*Consumer and Business Ser-*  
 11 *vices*] **Building Codes** shall assemble a rapid approval assessment team consisting of such depart-  
 12 ment employees and other persons as the director considers appropriate. The purpose of the rapid  
 13 approval assessment team shall be to provide assistance and advice to the director.

14 (4) The Director of the Department of [*Consumer and Business Services*] **Building Codes**, in  
 15 consultation with the rapid approval assessment team, shall determine whether adequate resources  
 16 are available to ensure that an essential project may proceed in a timely, consistent and flexible  
 17 manner. In determining the availability of resources under this subsection, the director and the  
 18 rapid approval assessment team shall give first consideration to the availability of municipal re-  
 19 sources. If the director determines that municipal resources may be inadequate for the essential  
 20 project, the director may consider whether state resources or a combination of municipal and state  
 21 resources is available to ensure that the essential project may proceed in a timely, consistent and  
 22 flexible manner. A determination by the director under this subsection is not appealable.

23 (5) The Director of the Department of [*Consumer and Business Services*] **Building Codes** may  
 24 take all actions that the director considers reasonable and necessary to ensure that an essential  
 25 project may proceed in a timely, consistent and flexible manner, including but not limited to:

- 26 (a) Establishing policies, procedures and rules as necessary;
- 27 (b) Working directly with local municipalities and other state agencies to resolve conflicts and  
 28 disputes related to the state building code;
- 29 (c) Encouraging cooperation between state and municipal building officials and inspectors;
- 30 (d) Developing agreements;
- 31 (e) Developing site-specific dispute resolution and appeals related to state building code re-  
 32 quirements;
- 33 (f) Expediting, coordinating or providing building inspection program plan review, permitting  
 34 and inspection services;
- 35 (g) Assisting a municipality or seeking assistance from a municipality; and
- 36 (h) Establishing fees to cover the cost of provided services.

37 **SECTION 201.** ORS 455.467 is amended to read:

38 455.467. (1) Except as provided in subsection (2) of this section, for specialty code plan reviews  
 39 of simple low-rise residential dwellings, the Department of [*Consumer and Business Services*] **Build-**  
 40 **ing Codes** or a municipality that administers a building inspection program under ORS 455.148 or  
 41 455.150 shall approve or disapprove the specialty code building plan:

- 42 (a) For a jurisdiction with a population that is less than 300,000, within 10 business days of re-  
 43 ceiving a complete application, or shall implement the process described in ORS 455.465.
- 44 (b) For a jurisdiction with a population that is 300,000 or more, within 15 business days of re-  
 45 ceiving a complete application, or shall implement the process described in ORS 455.465.

1 (2) The 10-day and 15-day requirements in subsection (1) of this section do not apply if:

2 (a) The plan requires approval by federal, state or local agencies outside the jurisdiction of the  
3 issuing agency;

4 (b) The plan is for a complex structure that requires additional review as determined by the  
5 department or municipality; or

6 (c) Based on conditions that exist in the affected municipality, the Director of the Department  
7 of [*Consumer and Business Services*] **Building Codes** authorizes a different plan review schedule as  
8 described in a building inspection program submitted under ORS 455.148 or 455.150.

9 (3) For specialty code plan reviews of commercial structures, a municipality shall include in its  
10 building inspection program submitted under ORS 455.148 or 455.150 a process for plan review ser-  
11 vices. The municipality shall include in its program detailed reasons supporting the proposed plan  
12 review process. The plan review services provided by the municipality shall:

13 (a) Allow an applicant to defer the submittal of plans for one or more construction phases for  
14 a commercial construction project in accordance with the state building code; and

15 (b) Allow an applicant to receive permits for each of the phases of a commercial construction  
16 project as described in the state building code when the plan review for that phase is approved.

17 (4) For a phased commercial construction project as described in subsection (3) of this section,  
18 the municipality shall inform the applicant of the detailed plans necessary for each phase of the  
19 project and the estimated time for initial and phased review of the building plans for conformance  
20 with the state building code.

21 (5) An applicant submitting plans under subsection (3) of this section is responsible for ensuring  
22 that the project meets all specialty code requirements and that the project does not proceed beyond  
23 the level of approval authorized by the building official.

24 (6) A municipality that repeatedly fails to meet the plan review period described in this section  
25 or otherwise authorized in its building inspection program submitted under ORS 455.148 or 455.150  
26 shall be considered to be engaging in a pattern of conduct of failing to provide timely plan reviews  
27 under ORS 455.160.

28 **SECTION 202.** ORS 455.471 is amended to read:

29 455.471. (1) Fee amounts shall not be established by the Director of the Department of [*Con-*  
30 *sumer and Business Services*] **Building Codes** or any municipality for fees charged by persons li-  
31 censed under ORS 455.457.

32 (2) Fees charged by a person licensed under ORS 455.457 shall include a surcharge equal to the  
33 percentage amounts established for municipalities under ORS 455.210 (4)(a) and (b) and 455.220 (1).  
34 The surcharges shall be remitted quarterly to the Department of **Consumer and Business Services**  
35 to partially defray the department's administration, inspection and training costs incurred pursuant  
36 to ORS 455.455, 455.457, 455.461 and 455.463. Funds received by the department under this section  
37 shall be deposited in the [*Consumer and Business Services Fund created by ORS 705.145*] **Depart-**  
38 **ment of Building Codes Fund.**

39 **SECTION 203.** ORS 455.473 is amended to read:

40 455.473. All moneys received by the Department of [*Consumer and Business Services*] **Building**  
41 **Codes** pursuant to ORS 455.457 and 455.471 shall be paid into the [*State Treasury*] **Department of**  
42 **Building Codes Fund** and credited to the appropriate specialty code account. [*under this chapter*  
43 *or ORS 479.510 to 479.945. All moneys deposited in the accounts under this section are continuously*  
44 *appropriated to the department to carry out the provisions of ORS 455.455 to 455.463, 455.471, 455.473,*  
45 *455.477 and 455.897 and section 10, chapter 1045, Oregon Laws 1999.]*

1        **SECTION 204.** ORS 455.475 is amended to read:

2        455.475. (1) An applicant for a building permit may appeal a decision made by a building official  
3 under authority established pursuant to ORS 455.148, 455.150 or 455.467. The following apply to an  
4 appeal under this subsection:

5        (a) An appeal regarding the interpretation or application of a particular specialty code provision  
6 shall be made first to the appropriate specialty code chief inspector of the Department of [*Consumer*  
7 *and Business Services*] **Building Codes**. The decision of the department chief inspector may be ap-  
8 pealed to the appropriate advisory board. The decision of the advisory board may only be appealed  
9 to the Director of the Department of [*Consumer and Business Services*] **Building Codes** if codes in  
10 addition to the applicable specialty code are at issue.

11        (b) If the appropriate advisory board determines that a decision by the department chief in-  
12 spector is a major code interpretation, then the inspector shall distribute the decision in writing to  
13 all applicable specialty code public and private inspection authorities in the state. The decision shall  
14 be distributed within 60 days after the board's determination, and there shall be no charge for the  
15 distribution of the decision. As used in this paragraph, a "major code interpretation" means a code  
16 interpretation decision that affects or may affect more than one job site or more than one inspection  
17 jurisdiction.

18        (2) Except as provided in subsection (1) of this section, an applicant for a building permit may  
19 appeal the decision of a building official on any matter relating to the administration and enforce-  
20 ment of this chapter to the department. The appeal must be in writing. A decision by the department  
21 on an appeal filed under this subsection is subject to judicial review as provided in ORS 183.484.

22        (3) If an appeal is made under this section, an inspection authority shall extend the plan review  
23 deadline by the number of days it takes for a final decision to be issued for the appeal.

24        **SECTION 205.** ORS 455.479 is amended to read:

25        455.479. Nothing in ORS 455.455 to 455.477 and 455.897 and section 10, chapter 1045, Oregon  
26 Laws 1999, applies to special inspections as described in each specialty code as adopted by the Di-  
27 rector of the Department of [*Consumer and Business Services*] **Building Codes**.

28        **SECTION 206.** ORS 455.483 is amended to read:

29        455.483. (1) The Department of [*Consumer and Business Services*] **Building Codes**, with the ap-  
30 proval of the Electrical and Elevator Board, shall adopt rules to make electrical code plan review  
31 mandatory only for complex structures located in jurisdictions that offer electrical code plan review  
32 services.

33        (2) The department shall adopt rules to make plumbing code plan review mandatory only for  
34 complex structures located in jurisdictions that offer plumbing code plan review services.

35        (3) Notwithstanding any rules adopted pursuant to subsections (1) and (2) of this section, an  
36 owner of a complex structure or the owner's agent may request and receive plan review and in-  
37 spections for any electrical and plumbing materials and installations that are subject to the state  
38 building code.

39        **SECTION 207.** ORS 455.485 is amended to read:

40        455.485. (1) When adopting the state building code, the Director of the Department of [*Consumer*  
41 *and Business Services*] **Building Codes** shall give special consideration to the unique needs of con-  
42 struction in rural or remote parts of this state.

43        (2) Notwithstanding any description of State Fire Marshal duties in ORS 476.030, 476.033,  
44 476.035, 476.150 or 476.155, the director [*of the Department of Consumer and Business Services*] or a  
45 local building official administering a building inspection program under ORS 455.148 or 455.150 may

1 determine whether the structure as set forth in the plans and specifications or as constructed meets  
2 the standards of the state building code, including but not limited to fire and life safety standards.  
3 The State Fire Marshal, or a local fire official for a governmental subdivision exempted from State  
4 Fire Marshal regulations as described under ORS 476.030, may provide advice to building officials,  
5 inspectors or Department of [*Consumer and Business Services*] **Building Codes** employees concern-  
6 ing state building code standards. A local building official or department employee shall give con-  
7 sideration to advice of the State Fire Marshal or local fire official that does not conflict with the  
8 state building code, but shall retain the authority to make final decisions regarding the code.

9 **SECTION 208.** ORS 455.490 is amended to read:

10 455.490. The Legislative Assembly finds and declares that:

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

16 (2) The establishment of a Construction Industry Energy Board as an advisory board to the  
17 Department of [*Consumer and Business Services*] **Building Codes** is an appropriate means for fur-  
18 thering the goal of facilitating and expediting state building code compliance related to energy ef-  
19 ficiency and energy conservation.

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

23 (4) The reorganization of certain existing advisory boards and the realignment of code enforce-  
24 ment responsibilities will enable the department [*of Consumer and Business Services*] to more effec-  
25 tively ensure compliance with state building code specialty codes by increasing the focus of  
26 appropriate technical expertise, making the advisory boards more responsive to inquiries regarding  
27 code requirements and streamlining code enforcement responsibilities.

28 **SECTION 209.** ORS 455.492 is amended to read:

29 455.492. (1) There is established a Construction Industry Energy Board, consisting of 11 mem-  
30 bers. The membership shall consist of the following:

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

33 (b) Two members selected by the Residential and Manufactured Structures Board from the  
34 members of the Residential and Manufactured Structures Board who have practical experience in  
35 the residential structure industry or manufactured structure industry.

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

38 (d) Two members selected by the State Plumbing Board from the members of the State Plumbing  
39 Board who have practical experience in construction.

40 (e) Two members selected by the Mechanical Board from the members of the Mechanical Board  
41 who have practical experience in construction.

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

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

1 ance of the functions of those positions as the board determines.

2 (3) Except as provided in ORS 455.496 (2), a majority of the members of the board constitutes  
3 a quorum for the transaction of business.

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

9 **SECTION 210.** ORS 455.496 is amended to read:

10 455.496. (1) The Construction Industry Energy Board may evaluate and approve or disapprove  
11 proposed state building code standards relating to the energy use and energy efficiency aspects of  
12 the electrical, structural, prefabricated structure and low-rise residential specialty codes. The pro-  
13 posed standards evaluated by the board may include, but need not be limited to, standards regarding  
14 energy-conserving technology, construction methods, products and materials. The board shall for-  
15 ward any proposed standards recommended by the board to the Director of the Department of  
16 [*Consumer and Business Services*] **Building Codes** for adoption or rejection by the director.

17 (2) Approval by seven or more board members is required in order to recommend adoption of  
18 an energy construction standard to the director. If the standard relates to a specialty code that is  
19 administered by an advisory board described in ORS 455.492 (1)(a) to (e), the Construction Industry  
20 Energy Board may not recommend the standard to the director unless all of the Construction In-  
21 dustry Energy Board members who are members of the advisory board that administers that spe-  
22 cialty code approve of recommending the standard.

23 (3) Notwithstanding any provision of this chapter or ORS chapter 446 or ORS 479.510 to 479.945  
24 or 479.950, or any provision of ORS chapter 447 regulating fixture installations or regulating  
25 plumbing products, the director may adopt or reject a proposed standard recommended by the Con-  
26 struction Industry Energy Board without further consultation of an advisory board. No later than  
27 30 days after the director receives the proposed standard, the director shall initiate a process for  
28 considering the approval or rejection of the recommended proposed standard. If the director ap-  
29 proves the standard, the director shall file the standard with the Secretary of State under ORS  
30 183.335 as a rule amending the state building code.

31 (4) The Construction Industry Energy Board shall identify and give notice to the director of the  
32 specialty codes that are affected by a recommended proposed standard. If the director adopts the  
33 standard as a rule, the rule shall be enforceable as a specialty code provision administered by the  
34 board and enforceable by any appropriate advisory board as a provision of the code administered  
35 by that advisory board.

36 **SECTION 211.** ORS 455.500 is amended to read:

37 455.500. (1) The Director of the Department of [*Consumer and Business Services*] **Building**  
38 **Codes**, in consultation with the appropriate advisory boards, shall adopt, amend and administer a  
39 code separate from the state building code, to be known as the Reach Code. The director shall de-  
40 sign the code to increase energy efficiency in buildings that are newly constructed, reconstructed,  
41 altered or repaired.

42 (2) The Reach Code shall be a set of statewide optional construction standards and methods that  
43 are economically and technically feasible, including any published generally accepted codes and  
44 standards newly developed for construction or for the installation of products, equipment and de-  
45 vices. When adopting or amending the code, the director, in consultation with the appropriate ad-



1 visory boards, shall:

2 (a) Review generally accepted codes and standards that achieve greater energy efficiency than  
3 the energy efficiency required by the state building code; and

4 (b) Review technical components of generally accepted construction documents as the director  
5 considers necessary to address federal, state and local financial incentives and advances in con-  
6 struction methods, standards and technologies.

7 (3) When amending the state building code under ORS 455.030, the director shall consider  
8 whether any of the standards and methods contained in the Reach Code should be removed from the  
9 Reach Code and adopted in the state building code.

10 (4) The inclusion of a standard or method for construction or for the installation of products,  
11 equipment or devices in the Reach Code:

12 (a) Does not alter any licensing or certification requirements under ORS 446.003 to 446.200,  
13 446.225 to 446.285, 447.010 to 447.156, 460.005 to 460.175, 479.510 to 479.945 or 480.510 to 480.670 or  
14 this chapter or ORS chapter 693 or Department of [*Consumer and Business Services*] **Building Codes**  
15 rules;

16 (b) Exempts products, equipment and devices from product certification requirements under ORS  
17 447.010 to 447.156 and 479.510 to 479.945 and the state building code; and

18 (c) Requires that a municipality administering and enforcing a building inspection program un-  
19 der ORS 455.148 or 455.150 must recognize and accept the standard, method, installation, product,  
20 equipment or device if a person applies to construct, reconstruct, alter or repair a building in con-  
21 formance with the Reach Code.

22 **SECTION 212.** ORS 455.505 is amended to read:

23 455.505. The Director of the Department of [*Consumer and Business Services*] **Building Codes**,  
24 subject to the approval of the appropriate advisory boards, shall adopt rules establishing uniform  
25 energy conservation standards for inclusion under the state building code. The director shall design  
26 the energy conservation standards to increase energy efficiency in buildings that are newly con-  
27 structed, reconstructed, altered or repaired. The director shall periodically review the energy con-  
28 servation standards of the state building code and propose updates to the standards as the director  
29 considers necessary to reflect changing technology in energy efficiency and to encourage continual  
30 improvements in building energy efficiency in accordance with ORS 455.511. In reviewing the energy  
31 conservation standards, the director shall consider the target standards described in the Architec-  
32 ture 2030 organization's 2030 Challenge and may consider other available nationally recognized en-  
33 ergy conservation standards.

34 **SECTION 213.** ORS 455.511 is amended to read:

35 455.511. (1) As used in this section, "energy efficiency" means the use of construction and design  
36 standards, construction methods, products, equipment and devices to increase efficient use of, and  
37 reduce consumption of, electricity, natural gas and fossil fuels in buildings undergoing new con-  
38 struction, reconstruction, alteration or repair.

39 (2) The Director of the Department of [*Consumer and Business Services*] **Building Codes**, after  
40 consultation with the State Department of Energy and subject to the approval of the appropriate  
41 advisory boards, shall adopt amendments to the state building code under ORS 455.030 to increase  
42 energy efficiency in buildings that are newly constructed, reconstructed, altered or repaired. In  
43 adopting the amendments, the director shall consider generally accepted model codes, products and  
44 product standards, the Reach Code adopted under ORS 455.500 and other available data to evaluate  
45 codes and standards that promote energy efficiency in buildings.

(3) The director, in consultation with the appropriate advisory boards, shall develop a schedule for the periodic review of energy efficiency standards and shall establish goals for increasing the level of energy conservation achieved by the use of energy efficiency standards contained in the state building code and the Reach Code. In establishing goals and the schedule for periodic review of standards under this section, the director shall consider the publication schedule of generally accepted construction codes and standards. If the director determines that the adopted review schedule or energy efficiency goals are not practicable for economic or technical reasons, the director may amend the schedule or goals as the director considers appropriate.

**SECTION 214.** ORS 455.525 is amended to read:

455.525. (1) In the manner provided in ORS chapter 183 for the adoption of rules and after consideration of available technology and costs, the Building Codes Structures Board and the Residential and Manufactured Structures Board, or the Construction Industry Energy Board, may make recommendations to the Director of the Department of [*Consumer and Business Services*] **Building Codes** for the establishment of basic and uniform performance standards to provide maximum energy conservation and use of passive solar energy in the design, construction, reconstruction, alteration and repair of buildings and other structures. Such standards shall be submitted to the director [*of the Department of Consumer and Business Services*] for proposed inclusion in the state building code by the Building Codes Structures Board or the Residential and Manufactured Structures Board as provided by ORS 455.030 (4) or by the Construction Industry Energy Board as provided under ORS 455.496.

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

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

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

(3) The Residential and Manufactured Structures Board or the Construction Industry Energy Board shall develop, for adoption by the director, default thermal performance values for residential fenestration products that are produced in low volume. Any testing requirements adopted under subsection (1) of this section or ORS 455.020, 455.030 or 455.496 do not apply to residential fenestration products that are produced in low volume.

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

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

(b) Triple-layered acrylic.

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

**SECTION 215.** ORS 455.560 is amended to read:

455.560. As used in ORS 455.560 to 455.580, unless the context requires otherwise:

(1) "Department" means the Department of [*Consumer and Business Services*] **Building Codes**.

(2) "Director" means the Director of the Department of [*Consumer and Business Services*] **Building Codes**.

1 (3) "Person" means an individual, partnership, joint venture, private or public corporation, as-  
 2 sociation, firm, public service company, political subdivision, municipal corporation, government  
 3 agency, people's utility district, or any other entity, public or private, however organized.

4 (4) "Public buildings" means any building, including outdoor area adjacent thereto, *[which]* **that**  
 5 is open to the public during normal business hours, except exempted buildings. Each of the following  
 6 is a public building within the meaning of ORS 455.560 to 455.580, unless it or any portion thereof  
 7 is exempted by rule or order pursuant to ORS 455.570 (2), (3) and (4):

8 (a) Any building *[which]* **that** provides facilities or shelter for public assembly, or *[which]* is used  
 9 for educational, office or institutional purposes;

10 (b) Any inn, hotel, motel, sports arena, supermarket, transportation terminal, retail store, res-  
 11 taurant, or other commercial establishment *[which]* **that** provides services or retails merchandise;

12 (c) Any portion of an industrial plant building used primarily as office space; or

13 (d) Any building owned by the state or political subdivision thereof, including libraries, muse-  
 14 ums, schools, hospitals, auditoriums, sports arenas and university buildings.

15 **SECTION 216.** ORS 455.570 is amended to read:

16 455.570. (1) After consultation with the Building Codes Structures Board or with the Con-  
 17 struction Industry Energy Board, the Director of the Department of [*Consumer and Business Ser-*  
 18 *VICES*] **Building Codes**, as provided in this chapter, shall establish maximum lighting standards for  
 19 public buildings constructed on or after July 1, 1978. Such standards may distinguish between type  
 20 of design, the uses to which buildings are put, location, age or any other applicable classification.

21 (2) Such standards shall allow for:

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

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

26 (c) Occupational safety and health standards.

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

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

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

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

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

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

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

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

39 **SECTION 217.** ORS 455.575 is amended to read:

40 455.575. After consultation with the Building Codes Structures Board or with the Construction  
 41 Industry Energy Board, the Director of the Department of [*Consumer and Business Services*] **Build-**  
 42 **ing Codes**, as provided in ORS chapter 183, shall establish advisory maximum lighting standards for  
 43 public buildings constructed before July 1, 1978, based on the factors set forth in ORS 455.570.

44 **SECTION 218.** ORS 455.580 is amended to read:

45 455.580. The powers and duties given the Director of the Department of [*Consumer and Business*

1 *Services*] **Building Codes** by ORS 455.560 to 455.580 shall be in addition to, and not in derogation  
2 of, all other powers, duties and responsibilities vested in the director.

3 **SECTION 219.** ORS 455.610 is amended to read:

4 455.610. (1) The Director of the Department of [*Consumer and Business Services*] **Building Codes**  
5 shall adopt, and amend as necessary, a Low-Rise Residential Dwelling Code that contains all re-  
6 quirements, including structural design provisions, related to the construction of residential  
7 dwellings three stories or less above grade. The code provisions for plumbing and electrical re-  
8 quirements must be compatible with other specialty codes adopted by the director. The Electrical  
9 and Elevator Board, the Mechanical Board and the State Plumbing Board shall review, respectively,  
10 amendments to the electrical, mechanical or plumbing provisions of the code.

11 (2) Changes or amendments to the code adopted under subsection (1) of this section may be made  
12 when:

13 (a) Required by geographic or climatic conditions unique to Oregon;

14 (b) Necessary to be compatible with other statutory provisions;

15 (c) Changes to the national codes are adopted in Oregon; or

16 (d) Necessary to authorize the use of building materials and techniques that are consistent with  
17 nationally recognized standards and building practices.

18 (3) Notwithstanding ORS 455.030, 455.035, 455.110 and 455.112, the director may, at any time  
19 following appropriate consultation with the Mechanical Board or Building Codes Structures Board,  
20 amend the mechanical specialty code or structural specialty code to ensure compatibility with the  
21 Low-Rise Residential Dwelling Code.

22 (4) The water conservation provisions for toilets, urinals, shower heads and interior faucets  
23 adopted in the Low-Rise Residential Dwelling Code shall be the same as those adopted under ORS  
24 447.020 to meet the requirements of ORS 447.145.

25 (5) The Low-Rise Residential Dwelling Code shall be adopted and amended as provided by ORS  
26 455.030 and 455.110.

27 (6) The director, by rule, shall establish uniform standards for a municipality to allow an alter-  
28 nate method of construction to the requirements for one and two family dwellings built to the  
29 Low-Rise Residential Dwelling Code in areas where the local jurisdiction determines that the fire  
30 apparatus means of approach to a property or water supply serving a property does not meet ap-  
31 plicable fire code or state building code requirements. The alternate method of construction, which  
32 may include but is not limited to the installation of automatic fire sprinkler systems, must be ap-  
33 proved in conjunction with the approval of an application under ORS 197.522.

34 (7) For lots of record existing before July 2, 2001, or property that receives any approval for  
35 partition, subdivision or construction under ORS 197.522 before July 2, 2001, a municipality allowing  
36 an alternate method of construction to the requirements for one and two family dwellings built to  
37 the Low-Rise Residential Dwelling Code may apply the uniform standards established by the director  
38 pursuant to subsection (6) of this section. For property that receives all approvals for partition,  
39 subdivision or construction under ORS 197.522 on or after July 2, 2001, a municipality allowing an  
40 alternate method of construction to the requirements for one and two family dwellings built to the  
41 Low-Rise Residential Dwelling Code must apply the uniform standards established by the director  
42 pursuant to subsection (6) of this section.

43 **SECTION 220.** ORS 455.622 is amended to read:

44 455.622. Notwithstanding ORS 447.020, 455.715 to 455.740, 479.810 (3) or 479.855, the Department  
45 of [*Consumer and Business Services*] **Building Codes** shall adopt education, training and examination

1 requirements that allow certification of inspectors to perform inspections on one and two family  
2 dwellings under one or more aspects of the Low-Rise Residential Dwelling Code adopted under ORS  
3 455.610 to 455.630.

4 **SECTION 221.** ORS 455.625 is amended to read:

5 455.625. The Director of the Department of [*Consumer and Business Services*] **Building Codes**  
6 shall, by rule, adopt:

7 (1) A list of information required for low-rise residential dwelling building permits; and

8 (2) A priority schedule for low-rise residential dwelling inspections and plan review require-  
9 ments.

10 **SECTION 222.** ORS 455.626 is amended to read:

11 455.626. The Director of the Department of [*Consumer and Business Services*] **Building Codes**  
12 shall adopt, amend or repeal the state building code as necessary to establish viable standards for  
13 providing advanced telecommunications and cable service technology to newly constructed low-rise  
14 residential dwellings.

15 **SECTION 223.** ORS 455.627 is amended to read:

16 455.627. The Department of [*Consumer and Business Services*] **Building Codes**, in consultation  
17 with the Residential and Manufactured Structures Board, shall adopt rules to create a mandatory  
18 random inspection program for minor electrical installations made by electrical contractors in low-  
19 rise residential dwellings.

20 **SECTION 224.** ORS 455.628 is amended to read:

21 455.628. (1) The Department of [*Consumer and Business Services*] **Building Codes** or a municipi-  
22 pality administering and enforcing a building inspection program under ORS 455.148 or 455.150 may  
23 not require a plan review for one and two family dwellings that are of conventional light frame  
24 construction, as defined by the department by rule, if:

25 (a) The plans for the dwelling are designed and stamped by a professional engineer registered  
26 under ORS 672.002 to 672.325 or an architect registered under ORS 671.060; and

27 (b) The engineer or architect is certified by the Director of the Department of [*Consumer and*  
28 *Business Services*] **Building Codes** under ORS 455.720 as being qualified to examine one and two  
29 family dwelling plans.

30 (2) The department or municipality is exempt from liability for any damages arising from the  
31 nonperformance of a plan review pursuant to this section.

32 **SECTION 225.** ORS 455.630 is amended to read:

33 455.630. (1) The Low-Rise Residential Dwelling Code shall be enforced by inspectors and building  
34 officials qualified pursuant to ORS 455.715 to 455.740.

35 (2) Notwithstanding subsection (1) of this section, enforcement of electrical specialty code, per-  
36 mit and licensing provisions shall be under the sole authority of the Electrical and Elevator Board  
37 in the Department of [*Consumer and Business Services*] **Building Codes**.

38 **SECTION 226.** ORS 455.680 is amended to read:

39 455.680. (1) Plan approval and permits shall be obtained from the Department of [*Consumer and*  
40 *Business Services*] **Building Codes** prior to construction, enlargement or alteration of any recreation  
41 park, picnic park or organizational camp as defined in ORS 446.310.

42 (2) If the department determines that the work conforms to the approved plans and specifica-  
43 tions, it shall issue a final approval [*which*] **that** shall, if all other conditions of ORS 455.010 to  
44 455.240, 455.410 to 455.450 and 455.595 to 455.740 are met, authorize the issuance of a license by the  
45 Oregon Health Authority to operate the park or, in the case of then currently licensed parks, shall

1 authorize continued operation for the remaining part of the licensing year.

2 (3) In accordance with ORS 455.010 to 455.240, 455.410 to 455.450 and 455.595 to 455.740 and in  
3 consultation and agreement with the authority, the department shall adopt rules to carry out this  
4 section. The rules adopted pursuant to this section shall be a specialty code as defined in ORS  
5 455.010.

6 **SECTION 227.** ORS 455.685 is amended to read:

7 455.685. The Director of the Department of [*Consumer and Business Services*] **Building Codes**  
8 may, upon an application setting forth a set of plans and specifications that will be utilized in one  
9 or more municipalities to acquire building permits, review and approve the application for the con-  
10 struction or erection of any building or structure if such set of plans meets the requirements of the  
11 state building code. All costs incurred by the director by virtue of the examination of such a set of  
12 plans and specifications shall be paid by the applicant. The plans and specifications or any plans  
13 and specifications required to be submitted to a state agency shall be submitted to the director who  
14 shall examine the instruments and if necessary distribute them to the appropriate state agencies for  
15 scrutiny regarding adequacy as to fire safety, life safety and all other appropriate features. The  
16 state agencies shall examine and promptly return the plans and specifications together with their  
17 certified statement as to the adequacy of the instruments regarding that agency's area of concern.  
18 The applicant shall submit the plans and specifications to a local building official prior to applica-  
19 tion for a building permit. The local building official shall review the plan for those features re-  
20 quired by local ordinance or by any site-specific, geographic, geologic or climatic code requirements.  
21 A local building official shall issue a building permit upon application and presentation to the local  
22 building official of such a set of plans and specifications bearing the approval of the director if the  
23 requirements of all other local ordinances are satisfied. The director or local building official may  
24 assess such fees as necessary to recover the reasonable costs incurred to ensure the compliance of  
25 the plans and specifications with the state building code.

26 **SECTION 228.** ORS 455.690 is amended to read:

27 455.690. Any person aggrieved by the final decision of a municipal appeals board or a subordi-  
28 nate officer of the Department of [*Consumer and Business Services*] **Building Codes** as to the ap-  
29 plication of any provision of a specialty code may, within 30 days after the date of the decision,  
30 appeal to the appropriate advisory board. The appellant shall submit a fee of \$20, payable to the  
31 department, with the request for appeal. The final decision of the involved municipality or state of-  
32 ficer shall be subject to review and final determination by the appropriate advisory board as to  
33 technical and scientific determinations related to the application of the specialty code involved.

34 **SECTION 229.** ORS 455.705 is amended to read:

35 455.705. (1) A manufacturer of prefabricated structures or manufacturer of prefabricated struc-  
36 ture components may not contract with a municipality or a person to perform prefabricated struc-  
37 ture plan approvals or inspections unless the person providing the plan approvals or inspections is  
38 certified or approved under subsection (2) of this section or is providing plan approvals or in-  
39 spections for a residential prefabricated structure that is intended for delivery in another state.

40 (2)(a) A person may not engage in prefabricated structure plan approvals or inspections without  
41 being certified under ORS 455.715 to 455.740 or 479.810 unless the person is providing plan approvals  
42 or inspections for a residential prefabricated structure that is intended for delivery in another state.

43 (b) A person may not engage in the business of providing prefabricated structure plan approvals  
44 or inspections without an approval issued by the Department of [*Consumer and Business Services*]  
45 **Building Codes**.

1 (3) In accordance with any applicable provisions of ORS chapter 183, the Director of the De-  
2 partment of [*Consumer and Business Services*] **Building Codes** shall establish by rule a system for  
3 approval and regulation of businesses and persons who perform prefabricated structure plan ap-  
4 provals or inspections. The system shall include but not be limited to the following provisions:

5 (a) Prescribing the form and content of and the times and procedures for submitting an appli-  
6 cation for the issuance or renewal of an approval.

7 (b) Prescribing the term of the approval and the fee for the original issue and renewal in an  
8 amount that does not exceed the cost of administering the approval system. The charge for review  
9 and approval of a third party inspection service shall not exceed, for the original issue, \$400 and for  
10 the renewal, \$200.

11 (c) Prescribing the conditions for initial issuance, renewal and maintenance of the approval for  
12 a person certified under ORS 455.715 to 455.740 or 479.810, including but not limited to the following  
13 provisions:

14 (A) Procedures and reports for plan approvals and inspections;

15 (B) Ethical practices and prohibitions of conflicts of interests with manufacturers of prefabri-  
16 cated structures and manufacturers and suppliers of parts and services;

17 (C) Insurance compliance requirements;

18 (D) Procedures for use and application of insignia of compliance; and

19 (E) Fees for and procedures for use and application of certification stamps.

20 (d) Prescribing other actions or circumstances that constitute failure to achieve or maintain  
21 approval competency or that otherwise constitute a danger to the public health or safety and for  
22 which the director may refuse to issue or renew or may suspend or revoke a certification, permit  
23 or certificate.

24 (e) Prescribing the authority of the department to perform oversight monitoring including but  
25 not limited to:

26 (A) Right of entry and access to third party records and information;

27 (B) Frequency, type and extent of the oversight monitoring and inspection of third party agen-  
28 cies and manufacturing facilities; and

29 (C) Frequency and description of information to be submitted as part of the monitoring process.

30 (f) Prescribing fees for monitoring conducted by the department at the manufacturing plant site  
31 or at third party inspection service locations.[, *which*] **The** fees shall not exceed \$60 per hour.

32 (4)(a) The department shall establish by rule a manufacturer compliance program to allow for  
33 plan approvals or inspections of prefabricated structures or prefabricated structure components at  
34 the facility at which the prefabrication takes place, including but not limited to the following pro-  
35 visions:

36 (A) Quality assurance programs;

37 (B) Procedures for use and application of insignia of compliance; and

38 (C) Fees for and procedures for use and application of certification stamps.

39 (b) A manufacturer of prefabricated structures shall provide the department with written notice  
40 at least 60 days before a manufacturer may provide for plan approval or inspection service as al-  
41 lowed under subsection (2) of this section.

42 (c) The department is not required to provide plan approval for or inspection of any prefabri-  
43 cated structure or prefabricated structure components unless the department has been notified in  
44 writing by the manufacturer of the prefabricated structure 180 days in advance of the proposed as-  
45 sumption of department inspections.

1 (5) A person may not rent, lease, sell, exchange, install or offer for rent, lease, sale, exchange  
 2 or installation within this state a prefabricated structure constructed on or after July 1, 1991, unless  
 3 it bears an insignia of compliance or certification stamp issued by the department or a third party  
 4 indicating compliance with this state’s building regulations and standards for prefabricated struc-  
 5 tures. The prohibition in this subsection does not apply to a residential prefabricated structure in-  
 6 tended for delivery in another state unless the residential prefabricated structure is installed or  
 7 offered for installation in this state. A prefabricated structure with an insignia of compliance or  
 8 certification stamp shall be acceptable to municipalities as meeting the state building code regu-  
 9 lations. Prefabricated structures constructed prior to July 1, 1991, are subject to the building code  
 10 regulations in effect at the time of original construction.

11 (6) The provisions of this section do not apply to employees of the department [*of Consumer and*  
 12 *Business Services and*] **or to** testing laboratories approved under ORS chapters 447 and 479.

13 (7) For purposes of this section, “insignia of compliance” means the plate affixed to a structure  
 14 by the department [*of Consumer and Business Services*] or a third party to signify compliance with  
 15 all state building code requirements for which the structure was inspected.

16 (8) Prefabricated structures or components found by the department or a third party to repre-  
 17 sent a danger to public health or safety shall be brought into compliance with building code regu-  
 18 lations or removed from the state.

19 (9) All plan approvals and inspections of prefabricated structures and prefabricated components  
 20 constructed at manufacturing plants outside of Oregon but intended for delivery into Oregon shall  
 21 be performed by the department or conducted under ORS 455.430.

22 **SECTION 230.** ORS 455.715 is amended to read:

23 455.715. As used in ORS 455.715 to 455.740, unless the context otherwise requires:

24 (1) “Building official” means a person charged by a municipality with responsibility for admin-  
 25 istration and enforcement of the state building code in the municipality.

26 (2) “Business of providing prefabricated structure plan approvals and inspections” means an in-  
 27 dependent contractor providing prefabricated structure plan approval or inspection services, or both,  
 28 under the following specialty codes, as provided in ORS 455.020, 455.705 and 455.715:

- 29 (a) Structural;
- 30 (b) Mechanical;
- 31 (c) Plumbing;
- 32 (d) Electrical; and
- 33 (e) Low-rise residential dwelling.

34 (3) “Inspector” means:

35 (a) A person, including a plans examiner, acting under the authority and direction of a building  
 36 official and charged with the responsibility of routine enforcement of one or more specialty codes  
 37 or parts of specialty codes;

38 (b) A person, including a plans examiner, who provides enforcement of one or more specialty  
 39 codes or parts of specialty codes and who is personally in the business of providing prefabricated  
 40 structure plan approvals or inspections or is employed by such a business;

41 (c) A specialized building inspector certified under ORS 455.723 who is employed by a munici-  
 42 pality or by the Department of [*Consumer and Business Services*] **Building Codes**;

43 (d) A person employed by a municipality or the department who is certified under ORS 455.732  
 44 to perform inspections under one or more specialty codes throughout a building code administrative  
 45 region; or



1 (e) A person designated by the Director of the Department of [*Consumer and Business*  
2 *Services*] **Building Codes** to ensure compliance with a specialty code or with any requirement for  
3 a license, registration, certification, endorsement or other authorization to perform work related to  
4 the administration and enforcement of the state building code.

5 **SECTION 231.** ORS 455.720 is amended to read:

6 455.720. (1) In accordance with applicable provisions of ORS chapter 183, to promote effective  
7 and uniform enforcement of the state building code by improving the competence of building officials  
8 and inspectors, the Director of the Department of [*Consumer and Business Services*] **Building**  
9 **Codes**, with the advice of the advisory boards, shall:

10 (a) Establish for building officials and inspectors reasonable minimum training and experience  
11 standards, including but not limited to courses or subjects for instruction, facilities for instruction,  
12 qualification of instructors and methods of instruction. The standards shall include provisions for  
13 determining a practical experience equivalent.

14 (b) Establish a procedure to be used by municipalities to determine whether a person meets  
15 minimum standards or has minimum training to be appointed or employed as a building official or  
16 inspector. The procedure shall allow for a field examination of a person to determine if the person  
17 meets the practical experience equivalent of a minimum standard.

18 (c) Subject to such terms, conditions and classifications as the director may impose, certify  
19 building officials as being qualified, and revoke such certifications in the manner provided in ORS  
20 455.740.

21 (d) Require an applicant for a certificate as a building official or inspector to demonstrate  
22 knowledge of the laws governing accessibility to buildings by persons with disabilities by passing  
23 an examination prescribed by the director.

24 (2) The director shall maintain and, upon request of municipalities, furnish information on ap-  
25 plicants for appointment or employment as building officials or inspectors.

26 (3) Pursuant to ORS chapter 183, the director shall adopt rules necessary to carry out the cer-  
27 tification programs provided by subsection (1) of this section.

28 (4) The director, by rule, may require evidence of completion of continuing education covering  
29 any certification created under this section as a condition of maintaining the certification. Nothing  
30 in this subsection shall prohibit the director from delegating any of this power to a municipality.

31 (5) The director, with the advice of the appropriate advisory boards, may adopt rules for certi-  
32 fying inspectors as being qualified to enforce one or more particular specialty codes, subject to any  
33 terms, conditions and classifications the director may impose, and for revoking those certifications  
34 in the manner provided in ORS 455.740.

35 **SECTION 232.** ORS 455.723 is amended to read:

36 455.723. (1) The Director of the Department of [*Consumer and Business Services*] **Building**  
37 **Codes**, with the advice of the appropriate advisory boards, may adopt rules establishing one or more  
38 programs to train, qualify and certify an individual as a specialized building inspector authorized to  
39 enforce portions of specialty codes. Notwithstanding ORS 455.720 (1) and 455.725, the rules may in-  
40 clude, but need not be limited to, rules that establish:

41 (a) Work experience, training and other qualifications for program participation;

42 (b) Content and presentation requirements for training programs;

43 (c) Methods for verifying the qualification of the individual to enforce portions of specialty codes  
44 as a specialized building inspector certified under this section;

45 (d) The portions of various specialty codes that each program will enable a qualifying individual

1 to enforce and any terms, conditions or classifications applicable for that enforcement; and

2 (e) Requirements the director believes reasonable for the administration and enforcement of this  
3 section.

4 (2) Notwithstanding ORS 446.250, 455.630, 455.720, 455.725, 479.530, 479.810 and 479.855, the di-  
5 rector may issue or cause to be issued a certificate as a specialized building inspector to an indi-  
6 vidual who successfully completes an approved training program and satisfies qualification  
7 verification under this section.

8 (3) An individual certified as a specialized building inspector under this section may conduct  
9 inspections and enforce portions of specialty codes under ORS 479.510 to 479.945 and 479.950 and  
10 this chapter and ORS chapters 446, 447 and 693 as identified by the director. The enforcement of  
11 portions of specialty codes by a specialized building inspector is subject to any terms, conditions or  
12 classifications applicable to that enforcement established by the director by rule.

13 **SECTION 233.** ORS 455.725 is amended to read:

14 455.725. (1) Upon application, the Director of the Department of [*Consumer and Business Ser-*  
15 *vices*] **Building Codes** or an authorized representative shall examine and evaluate any program or  
16 facility established by a municipality or educational institution for the training of building officials,  
17 inspectors and specialty code inspectors and plan reviewers licensed under ORS 455.457.

18 (2) If the director finds that a training program is qualified under the minimum requirements  
19 established pursuant to ORS 455.720, the director shall, in writing, certify the training program as  
20 being qualified for such a period of time and upon such conditions as the director may prescribe.  
21 An individual complies with any minimum requirement for building officials or inspectors established  
22 pursuant to ORS 455.720 when the individual satisfactorily completes a training program certified  
23 under this section.

24 **SECTION 234.** ORS 455.732 is amended to read:

25 455.732. (1) As used in this section, "building code administrative region" means a region es-  
26 tablished by the Director of the Department of [*Consumer and Business Services*] **Building Codes**  
27 under ORS 455.042 for the uniform administration of the state building code.

28 (2) The authority of the director under ORS 455.720 and 455.723 to specify terms, conditions and  
29 classifications for the certification of inspectors includes the authority to certify an inspector to  
30 perform inspections under multiple specialty codes or parts of a specialty code.

31 (3) The director may provide for an inspector who is likely to be employed within a specific  
32 building code administrative region to be certified to perform inspections throughout a building code  
33 administrative region, whether within or outside of a municipality. The director may recognize any  
34 training program certified by the director under ORS 455.723 or 455.725 for purposes of certifying  
35 an inspector to perform inspections throughout a building code administrative region. This sub-  
36 section does not require a municipality administering and enforcing a building inspection program  
37 under ORS 455.148 or 455.150 to allow an inspector certified under this subsection who is not em-  
38 ployed by the municipality to perform building inspections on behalf of the municipality.

39 (4) In determining the appropriate experience, training or other qualifications for an inspector  
40 under ORS 455.720 or 455.723, the director shall consult with the appropriate advisory boards. The  
41 factors to be considered by the director may include, but need not be limited to:

42 (a) Any factors specific to, or of particular relevance to, a specialty code or to the types of  
43 buildings, structures, systems or equipment in a geographic area that are inspected under the spe-  
44 cialty code;

45 (b) Staffing levels or other specific criteria for building inspection programs established by a

1 municipality where the inspector is likely to be employed or for building inspection programs es-  
2 tablished by the director; and

3 (c) Any factors specific to, or of particular relevance to, the building code administrative region  
4 within which the inspector is likely to be employed.

5 (5) In determining the scope of certifications and qualifications for an inspector, the director  
6 may utilize field training equivalency, independent evaluations or other methods the director deems  
7 appropriate.

8 **SECTION 235.** ORS 455.735 is amended to read:

9 455.735. (1) The Director of the Department of [*Consumer and Business Services*] **Building Codes**  
10 may issue certificates for building officials and building inspectors under ORS 455.715 to 455.740.

11 (2) Any person desiring issuance of an initial certificate as a building official or inspector shall  
12 make application to the director upon such forms as the director may prescribe for such purpose  
13 and pay an application fee.

14 (3) If the director requires, by rule, an applicant for a particular certification to pass an exam-  
15 ination prepared by a national organization, the applicant shall pay in addition to the fee required  
16 in subsection (2) of this section, the cost of the examination. If the director requires an applicant  
17 for certification to pass an examination administered by the Department of [*Consumer and Business*  
18 *Services*] **Building Codes**, the department may charge the applicant an examination administration  
19 fee.

20 (4) Upon determining that the applicant is qualified under ORS 455.715 to 455.740, the director  
21 shall issue a certificate or cause a certificate to be issued to the applicant.

22 (5) A certificate issued under this section shall be valid for a term established by the department  
23 by rule. An applicant for renewal of a certificate shall submit an application on a form approved  
24 by the director and pay a renewal application fee.

25 (6) The department may adopt rules establishing certificate renewal requirements and estab-  
26 lishing reasonable fees under this section.

27 (7) The department may charge fees for participation in training programs approved or estab-  
28 lished by the department under ORS 455.220 or 455.715 to 455.740.

29 **SECTION 236.** ORS 455.737 is amended to read:

30 455.737. (1) Notwithstanding ORS 455.720 (1), the Director of the Department of [*Consumer and*  
31 *Business Services*] **Building Codes**, by rule, shall adopt criteria for review of the experience and  
32 training in building inspection and building plan review acquired by a person outside the State of  
33 Oregon. The criteria shall be adopted in a manner that facilitates review of a person's qualifications  
34 by a local building official.

35 (2)(a) A local building official who wishes to employ a person who is not certified under ORS  
36 455.735 as an inspector shall submit the person's qualifications to the director. The director shall  
37 review the stated qualifications against the criteria adopted under subsection (1) of this section,  
38 including verification of experience and training. The director shall respond to the local building  
39 official in writing within 10 working days of receiving the applicant's qualifications, stating whether  
40 the person meets the applicable criteria.

41 (b) Upon application and payment of the required fee, the director shall allow a person whose  
42 qualifications meet the criteria adopted under subsection (1) of this section to sit for any examina-  
43 tion necessary for the required certification.

44 **SECTION 237.** ORS 455.740 is amended to read:

45 455.740. (1) Subject to ORS chapter 183, the Director of the Department of [*Consumer and*

1 *Business Services*] **Building Codes** may deny, condition, suspend, revoke or refuse to renew a cer-  
 2 tificate of a building official or inspector if the director finds that the building official or inspector  
 3 has:

- 4 (a) Consistently failed to act in the public interest in the performance of duties;
- 5 (b) Failed to complete the continuing education requirements as required under ORS 455.720 (4);
- 6 (c) Provided false information to the department; or
- 7 (d) Committed an act described in ORS 455.125 or 455.129.

8 (2) In any revocation proceeding under this section, the municipality that employs the building  
 9 official or inspector shall be entitled to appear as a party in interest, either for or against the re-  
 10 vocation.

11 (3) When a certification is suspended or revoked under this section, the director may also sus-  
 12 pend, deny or place conditions on that person's right to reapply for certification under ORS 455.735  
 13 for a period not to exceed 12 months.

14 (4) This section does not limit or otherwise affect the authority of a municipality to dismiss or  
 15 suspend a building official or inspector at the discretion of the municipality.

16 (5) Notwithstanding the requirements of subsections (1) to (4) of this section, the director may  
 17 adopt rules that:

- 18 (a) Allow certifications to be placed on inactive status; and
- 19 (b) Extend continuing education compliance requirements in case of illness or hardship.

20 **SECTION 238.** ORS 455.770 is amended to read:

21 455.770. (1) In addition to any other authority and power granted to the Director of the De-  
 22 partment of [*Consumer and Business Services*] **Building Codes** under ORS 446.003 to 446.200, 446.225  
 23 to 446.285, 446.395 to 446.420, 479.510 to 479.945, 479.995 and 480.510 to 480.670 and this chapter and  
 24 ORS chapters 447, 460 and 693, with respect to municipalities, building officials and inspectors, if  
 25 the director has reason to believe that there is a failure to enforce or a violation of any provision  
 26 of the state building code or ORS 446.003 to 446.200, 446.225 to 446.285, 446.395 to 446.420, 479.510  
 27 to 479.945, 479.995 or 480.510 to 480.670 or this chapter or ORS chapter 447, 460 or 693 or any rule  
 28 adopted under those statutes, the director may:

- 29 (a) Examine building code activities of the municipality;
- 30 (b) Take sworn testimony; and
- 31 (c) With the authorization of the Office of the Attorney General, subpoena persons and records  
 32 to obtain testimony on official actions that were taken or omitted or to obtain documents otherwise  
 33 subject to public inspection under ORS 192.410 to 192.505.

34 (2) The investigative authority authorized in subsection (1) of this section covers the violation  
 35 or omission by a municipality related to enforcement of codes or administrative rules, certification  
 36 of inspectors or financial transactions dealing with permit fees and surcharges under any of the  
 37 following circumstances when:

- 38 (a) The duties are clearly established by law, rule or agreement;
- 39 (b) The duty involves procedures for which the means and methods are clearly established by  
 40 law, rule or agreement; or
- 41 (c) The duty is described by clear performance standards.

42 (3) Prior to starting an investigation under subsection (1) of this section, the director shall notify  
 43 the municipality in writing setting forth the allegation and the rules or statutes pertaining to the  
 44 allegation and give the municipality 30 days to respond to the allegation. If the municipality does  
 45 not satisfy the director's concerns, the director may then commence an investigation.

1 (4) If the Department of [*Consumer and Business Services*] **Building Codes** or the director di-  
2 rects corrective action, the following shall be done:

3 (a) The corrective action shall be in writing and served on the building official and the chief  
4 executive officers of all municipalities affected;

5 (b) The corrective action shall identify the facts and law relied upon for the required action; and

6 (c) A reasonable time shall be provided to the municipality for compliance.

7 (5) The director may revoke any authority of the municipality to administer any part of the state  
8 building code or ORS 446.003 to 446.200, 446.225 to 446.285, 446.395 to 446.420, 479.510 to 479.945,  
9 479.995 or 480.510 to 480.670 or this chapter or ORS chapter 447, 460 or 693 or any rule adopted  
10 under those statutes if the director determines after a hearing conducted under ORS 183.413 to  
11 183.497 that:

12 (a) All of the requirements of this section and ORS 455.775 and 455.895 were met; and

13 (b) The municipality did not comply with the corrective action required.

14 **SECTION 239.** ORS 455.775 is amended to read:

15 455.775. In addition to any other authority and power granted under this chapter and ORS  
16 chapters 446, 447, 460, 479, 480 and 693:

17 (1) The Director of the Department of [*Consumer and Business Services*] **Building Codes** may,  
18 at the discretion of the director, enforce the provisions of the state building code and ORS 446.003  
19 to 446.200, 446.225 to 446.285, 446.395 to 446.420, 479.510 to 479.945, 479.950, 479.995 and 480.510 to  
20 480.670 and this chapter and ORS chapters 447, 460 and 693 against any person regardless of  
21 whether a permit, certificate, license or other indicia of authority has been issued. The director may:

22 (a) Make an investigation;

23 (b) Take sworn testimony;

24 (c) With the authorization of the Office of the Attorney General, subpoena persons and records;

25 (d) Order corrective action; and

26 (e) If an immediate hazard to health and safety is imminent, issue an order to stop all or any  
27 part of the work under the applicable specialty code.

28 (2) If the director has reason to believe that any person has been engaged, or is engaging, or  
29 is about to engage in any violation of the state building code, or ORS 446.003 to 446.200, 446.225 to  
30 446.285, 446.395 to 446.420, 479.510 to 479.945, 479.950 or 480.510 to 480.670 or this chapter or ORS  
31 chapter 447, 460 or 693 or any rule adopted under those statutes, the director may issue an order,  
32 subject to ORS 183.413 to 183.497, directed to the person to cease and desist from the violation or  
33 threatened violation.

34 (3) If the director has reason to believe that any person has been engaged, or is engaging, or  
35 is about to engage in any violation of the state building code or ORS 446.003 to 446.200, 446.225 to  
36 446.285, 446.395 to 446.420, 479.510 to 479.945, 479.950 or 480.510 to 480.670 or this chapter or ORS  
37 chapters 447, 460 and 693 or any rule adopted under those statutes, the director may, without bond,  
38 bring suit in the name and on behalf of the State of Oregon in the circuit court of any county of this  
39 state to enjoin the acts or practices and to enforce compliance with the state building code and ORS  
40 446.003 to 446.200, 446.225 to 446.285, 446.395 to 446.420, 479.510 to 479.945, 479.950 and 480.510 to  
41 480.670 and this chapter and ORS chapters 447, 460 and 693 and any rule adopted under those  
42 statutes. Upon a proper showing, a permanent or temporary injunction, restraining order or writ of  
43 mandamus shall be granted.

44 (4) This section does not grant any authority over a municipality or an inspector employed by  
45 a municipality.

1        **SECTION 240.** ORS 455.800 is amended to read:

2        455.800. As used in ORS 455.800 to 455.820:

3        (1) “Building official” means a person who is a building official as defined in ORS 455.715 or a  
4 Department of [*Consumer and Business Services*] **Building Codes** employee charged with enforce-  
5 ment or administration of the state building code.

6        (2) “Building trade committee” means a group composed of experienced and knowledgeable local  
7 general contractors or other persons having substantial expertise in various aspects of one and two  
8 family dwelling construction under the Low-Rise Residential Dwelling Code.

9        (3) “General contractor” has the meaning given that term in ORS 701.005.

10       (4) “Master builder” means a person certified under ORS 455.810.

11       (5) “Qualified construction company” means a company that has been:

12       (a) Continuously licensed by the Construction Contractors Board during the preceding 60  
13 months as a general contractor; or

14       (b) Continuously licensed by the Construction Contractors Board during at least the preceding  
15 24 months as a general contractor and by one or more other states during the balance of the pre-  
16 ceding 60 months in an occupation equivalent to that of a general contractor.

17       (6) “Regular employee” means a person who:

18       (a) Is continuously employed by, and on the regular payroll of, a qualified construction company;

19       (b) Has filed a withholding exemption certificate pursuant to ORS 316.182 for work performed  
20 for the qualified construction company; and

21       (c) Is available during working hours to supervise on-site dwelling construction, including but  
22 not limited to supervising the installation of:

23       (A) Drywall;

24       (B) Electrical systems;

25       (C) Footings;

26       (D) Foundations;

27       (E) Framing;

28       (F) Insulation;

29       (G) Mechanical systems;

30       (H) Plumbing systems; and

31       (I) Stairs.

32       (7) “Whole dwelling remodel” means a project that includes the installation in an existing  
33 dwelling of all of the following:

34       (a) Drywall;

35       (b) Electrical systems;

36       (c) Footings;

37       (d) Foundations;

38       (e) Framing;

39       (f) Insulation;

40       (g) Mechanical systems; and

41       (h) Plumbing systems.

42       **SECTION 241.** ORS 455.805 is amended to read:

43       455.805. An individual may apply to the Department of [*Consumer and Business Services*]  
44 **Building Codes** to be tested and certified as a master builder. The department shall establish uni-  
45 form criteria for use in determining whether to grant an application. The criteria must, at a mini-

1 mum, provide that:

2 (1) The individual must be an owner or regular employee of a qualified construction company  
 3 and be authorized by the company to provide assurance to the department that all state and local  
 4 code requirements are met.

5 (2) In each of the five preceding calendar years, the individual must either have performed or  
 6 supervised a dwelling construction or whole dwelling remodel. In at least two of the years, the  
 7 construction or remodel must have occurred in a geographic area that had a master builder pro-  
 8 gram.

9 (3) The individual must have completed a program sponsored by a local building trade committee  
 10 or other program approved by the department, providing training relating to the construction of one  
 11 and two family dwellings under the Low-Rise Residential Dwelling Code. A program must include  
 12 but need not be limited to instruction in:

- 13 (a) Administration;
- 14 (b) Chimneys and fireplaces;
- 15 (c) Decay and termite protections;
- 16 (d) Energy conservation;
- 17 (e) Footings and foundations;
- 18 (f) Roof-ceiling construction;
- 19 (g) Roof coverings;
- 20 (h) Site inspections;
- 21 (i) Wall construction, assemblies and coverings; and
- 22 (j) Wood and metal framing.

23 (4) The individual must have scored at least 75 percent on a written examination, approved and  
 24 administered by the department, covering the appropriate aspects of the Low-Rise Residential  
 25 Dwelling Code.

26 (5)(a) The individual must not be the subject of an adverse final order issued by the Construction  
 27 Contractors Board or **the** department [*of Consumer and Business Services*] based upon acts commit-  
 28 ted within 36 months preceding the application date that:

- 29 (A) Violated a specialty code, licensing or permit requirement; or
- 30 (B) Resulted in a claim being filed with the board or department against the individual.

31 (b) For purposes of this subsection, if the individual is an owner of a qualified construction  
 32 company, an adverse final order issued against the company is an adverse final order issued against  
 33 that individual.

34 **SECTION 242.** ORS 455.810 is amended to read:

35 455.810. (1) An individual seeking certification as a master builder must apply to the Department  
 36 of [*Consumer and Business Services*] **Building Codes** on the form prescribed by the department.  
 37 Upon determining that the applicant meets the criteria for certification set forth in ORS 455.805, the  
 38 department shall issue the certificate.

39 (2) Certification as a master builder is valid for three years unless suspended or revoked. An  
 40 individual may renew a certificate that is in good standing by:

- 41 (a) Providing evidence of continuing education as required by department rule; and
- 42 (b) Paying a renewal fee established by the department by rule.

43 (3) The department may deny, refuse to renew, suspend or revoke certification as a master  
 44 builder if the individual fails or ceases to meet the criteria for certification set forth in ORS 455.805  
 45 or engages in actions resulting in a waiver revocation under ORS 455.820 (3). The department must

1 afford an individual an opportunity for a hearing pursuant to ORS chapter 183 upon a denial or re-  
2 fusual to renew or prior to a suspension or revocation of certification.

3 (4) The department may adopt all rules necessary and proper for administering ORS 455.800 to  
4 455.820, including but not limited to rules establishing application, examination, certification and  
5 renewal fees.

6 **SECTION 243.** ORS 455.815 is amended to read:

7 455.815. (1) Local government establishment of a master builder program is voluntary. A local  
8 government electing to establish or terminate a program shall notify the Department of [*Consumer*  
9 *and Business Services*] **Building Codes**. If terminating a program, the local government must give  
10 the notice six months before the program terminates.

11 (2) The department [*of Consumer and Business Services*] may implement a master builder pro-  
12 gram in one or more geographic areas for which the department provides plan review or inspection  
13 services. A department decision to include an area as a participant in the program affects only those  
14 areas, and those reviews or inspections, for which the department provides services instead of a  
15 local government. The department shall notify a county prior to implementing a master builder  
16 program in areas of the county that are served by the department.

17 (3) A local government may not allow an individual to perform the duties of a master builder  
18 unless the local government has a master builder program. The department may allow an individual  
19 to perform the duties of a master builder in any geographic area administered by the department.

20 (4) A building official of a government having a master builder program may waive plan review  
21 elements by that government and may waive government performance of one or more of the required  
22 inspections identified by department rule, including but not limited to inspections described in sub-  
23 section (6) of this section, if:

24 (a) An individual certified as a master builder submits construction plans for a one or two family  
25 dwelling regulated by the Low-Rise Residential Dwelling Code; and

26 (b) The building official determines that:

27 (A) The work is not of a highly technical nature; and

28 (B) There is no unreasonable potential risk to safety of the structure.

29 (5) A building official may not waive government performance of plan review or required in-  
30 spections for:

31 (a) Special design applications that are complex and highly technical engineered systems; or

32 (b) Unique building sites, including but not limited to sites containing geologic hazards such as  
33 landslide hazard areas, floodplains and wetlands.

34 (6) Subject to subsections (3) to (5) of this section, a building official may allow a master builder  
35 to verify that the master builder has properly performed an installation on a project and, to the  
36 extent that inspection would duplicate the verification conducted by the master builder, may waive  
37 government performance of the following required inspections:

38 (a) Drywall;

39 (b) Footings and setbacks;

40 (c) Foundation walls, Ufer grounding rods and rebar;

41 (d) Insulation;

42 (e) Masonry fireplace pre-cover;

43 (f) Masonry rebar;

44 (g) Gutters, downspouts and foundation drains;

45 (h) Roof sheathing nailing;



- 1 (i) Suspended ceilings;
- 2 (j) Underfloor structural; and
- 3 (k) Wall sheathing nailing.

4 **SECTION 244.** ORS 455.820 is amended to read:

5 455.820. (1) A master builder must perform all plan review and required verifications for which  
 6 government review or inspection has been waived by a building official. The master builder shall  
 7 maintain copies of all documents and reports required by the government granting the waiver and  
 8 provide those copies to the building official.

9 (2) When waiving government performance of plan review or required inspections, a building  
 10 official shall require the master builder to sign a form that specifically identifies each waiver and  
 11 states that the master builder accepts the duty of performing the review and verifications. A master  
 12 builder who accepts the duty of performing a review or verification remains responsible for that  
 13 duty unless released by written and signed permission of the building official. A building official may  
 14 release a master builder from a review or verification duty by a written and signed assumption of  
 15 the review or inspection duty by the building official or written and signed assumption of the review  
 16 and verification duty by another master builder.

17 (3) A building official for a government that has a master builder program:

18 (a) Must conduct inspections of at least 10 percent of projects that are built under a master  
 19 builder program;

20 (b) May revoke a waiver for a plan review or required inspection if the master builder fails to  
 21 properly perform, or document performance of, review or verification duties; and

22 (c) Must notify the Department of [*Consumer and Business Services*] **Building Codes** when the  
 23 official revokes a waiver pursuant to paragraph (b) of this subsection.

24 (4) When revoking a waiver, a building official shall provide the master builder with a release  
 25 under subsection (2) of this section from future performance of review or verification duties. A re-  
 26 lease does not relieve a master builder from liability for the failure to perform, or document per-  
 27 formance of, review or verification duties prior to the revocation of the waiver.

28 (5) A government having a master builder program has no legal duty with regard to plan review  
 29 or required inspections properly waived under ORS 455.815 and accepted by a master builder in a  
 30 signed form described under subsection (2) of this section. This subsection does not release a gov-  
 31 ernment from a duty arising due to a waiver revocation under subsection (3) of this section or an  
 32 assumption under subsection (2) of this section.

33 (6) A local government may refuse to grant recognition to a certified master builder if a waiver  
 34 granted to the master builder under that government's master builder program has been revoked  
 35 pursuant to subsection (3)(b) of this section. If a waiver is revoked pursuant to subsection (3)(b) of  
 36 this section, a local government or building official may send a recommendation to the department  
 37 for action against the master builder who was granted the waiver. The local government or building  
 38 official may also send the department any information supporting the recommendation.

39 **SECTION 245.** ORS 455.895 is amended to read:

40 455.895. (1)(a) The State Plumbing Board may impose a civil penalty against a person as pro-  
 41 vided under ORS 447.992 and 693.992. Amounts recovered under this paragraph are subject to ORS  
 42 693.165.

43 (b) The Electrical and Elevator Board may impose a civil penalty against a person as provided  
 44 under ORS 479.995. Amounts recovered under this paragraph are subject to ORS 479.850.

45 (c) The Board of Boiler Rules may impose a civil penalty against a person as provided under

1 ORS 480.670. Amounts recovered under this paragraph are subject to ORS 480.670.

2 (2) The Department of [*Consumer and Business Services*] **Building Codes**, or an appropriate ad-  
3 visory board, if any, may at its discretion impose a civil penalty against any person who violates the  
4 state building code or ORS 446.003 to 446.200, 446.225 to 446.285, 446.395 to 446.420, 446.566 to  
5 446.646, [~~446.666 to 446.746,~~] 479.510 to 479.945, 479.950 or 480.510 to 480.670, or this chapter or ORS  
6 chapter 447, 460 or 693, or any rule adopted or order issued for the administration and enforcement  
7 of those statutes. Except as provided in subsections (3), (4) and (9) of this section [*or ORS 446.995*],  
8 a civil penalty imposed under this section must be in an amount determined by the appropriate ad-  
9 visory board or the department of not more than \$5,000 for each offense or, in the case of a con-  
10 tinuing offense, not more than \$1,000 for each day of the offense.

11 (3) Each violation of ORS 446.003 to 446.200 or 446.225 to 446.285, or any rule or order issued  
12 under ORS 446.003 to 446.200 or 446.225 to 446.285, constitutes a separate violation with respect to  
13 each manufactured structure or with respect to each failure or refusal to allow or perform an act  
14 required thereby, except that the maximum civil penalty may not exceed \$1 million for any related  
15 series of violations occurring within one year from the date of the first violation.

16 (4) The department may impose a civil penalty of not more than \$25,000 against a public body  
17 responsible for administering and enforcing a building inspection program. As used in this sub-  
18 section, “public body” has the meaning given that term in ORS 174.109.

19 (5) The maximum penalty established by this section for a violation may be imposed only upon  
20 a finding that the person has engaged in a pattern of violations. The department, by rule, shall de-  
21 fine what constitutes a pattern of violations. Except as provided in subsections (1) and (10) of this  
22 section, moneys received from any civil penalty under this section are appropriated continuously for  
23 and shall be used by the department for enforcement and administration of provisions and rules de-  
24 scribed in subsection (2) of this section.

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

26 (7) A civil penalty imposed under this section may be remitted or reduced upon such terms and  
27 conditions as the department or the appropriate advisory board considers proper and consistent with  
28 the public health and safety. In any judicial review of a civil penalty imposed under this section, the  
29 court may, in its discretion, reduce the penalty.

30 (8) Any officer, director, shareholder or agent of a corporation, or member or agent of a part-  
31 nership or association, who personally participates in or is an accessory to any violation by the  
32 partnership, association or corporation of a provision or rule described in subsection (2) of this  
33 section is subject to the penalties prescribed in this section.

34 (9) In addition to the civil penalty set forth in subsection (1) or (2) of this section, any person  
35 who violates a provision or rule described in subsection (2) of this section may be required by the  
36 department or the appropriate advisory board to forfeit and pay to the General Fund of the State  
37 Treasury a civil penalty in an amount determined by the department or advisory board that does  
38 not exceed five times the amount by which such person profited in any transaction that violates a  
39 provision or rule described in subsection (2) of this section.

40 (10) If a civil penalty is imposed for a violation of a provision of ORS 446.566 to 446.646 and the  
41 violation relates to a filing or failure to file with a county assessor functioning as agent of the de-  
42 partment, the department, after deducting an amount equal to the department’s procedural, col-  
43 lection and other related costs and expenses, shall forward one-half of the remaining civil penalty  
44 amount to the county in which the manufactured structure is located at the time of the violation.

45 **SECTION 246.** ORS 460.005 is amended to read:

1 460.005. As used in ORS 460.005 to 460.175, unless the context requires otherwise:

2 (1) "Alteration" means a change or addition to equipment, other than the ordinary repair or  
3 replacement of an existing part of the equipment.

4 (2) "Certified elevator inspector" means an employee or representative of a casualty insurance  
5 company or companies who has passed the required examination and has been issued a certificate  
6 of competency as an elevator inspector by the Department of [*Consumer and Business Services*]  
7 **Building Codes**.

8 (3) "Elevator" means a hoisting and lowering mechanism equipped with a car or platform that  
9 moves in guides, and that serves two or more landings, and includes but is not limited to  
10 dumbwaiters, escalators, manlifts, platform hoists, vertical parking units for motor vehicles and  
11 moving walks.

12 (4) "Elevator contractor license" means an authorization issued by the department under ORS  
13 460.005 to 460.175 for the licensee to engage in the business of installing, altering, repairing and  
14 maintaining elevators.

15 (5) "Installation permit" means a permit issued by the department for the installation, alteration  
16 or repair of an elevator.

17 (6) "Minimum safety standards" means safety standards provided by ORS 460.005 to 460.175 or  
18 by rules adopted under ORS 460.005 to 460.175.

19 (7) "Moving walk" means a power-driven, horizontal or inclined, or combination, passenger-  
20 carrying device, in which the passenger-carrying surface remains parallel to its direction of motion,  
21 and is uninterrupted.

22 (8) "Operating permit" means a permit issued by the department for the operation of an elevator.

23 (9) "Platform hoist" means a hoisting and lowering mechanism equipped with an open platform  
24 that moves in a substantially vertical direction and that travels a limited distance above or below  
25 a building floor or dock level.

26 (10) "Provisional operating permit" means a permit issued by the department on the basis of a  
27 variance from the minimum safety standards under ORS 460.005 to 460.175.

28 (11) "Temporary operation authorization" means an authorization issued by the department to  
29 operate an elevator for a specified period pending the issuance of an operating permit.

30 **SECTION 247.** ORS 460.024 is amended to read:

31 460.024. The purpose of ORS 460.005 to 460.175 is to protect the health and safety of the people  
32 of Oregon from the danger of unsafe elevators. To accomplish this purpose the Legislative Assembly  
33 intends by ORS 460.005 to 460.175:

34 (1) To provide minimum safety standards for the installation, alteration, repair and maintenance  
35 of elevators to be operated in this state.

36 (2) To ensure compliance with minimum safety standards in installation, alteration, repair and  
37 maintenance of elevators to be operated within the state.

38 (3) To provide for the administration and enforcement of ORS 460.005 to 460.175 by the De-  
39 partment of [*Consumer and Business Services*] **Building Codes**.

40 (4) To provide for defraying the cost of administering and enforcing ORS 460.005 to 460.175 by  
41 fees collected in connection with licensing, approval or rejection of plans, inspections, processing  
42 reports and issuing of elevator installation permits and operating permits.

43 **SECTION 248.** ORS 460.035 is amended to read:

44 460.035. (1) Fees are not required under ORS 460.005 to 460.175 to install, alter, repair, operate  
45 or maintain an elevator:

1 (a) Under the supervision of the United States Government.

2 (b) That is a nonpower-driven lifting device.

3 (c) Located in a private residence, except for initial installation.

4 (2) The owner or user of an elevator described in subsection (1) of this section may request that  
5 the Department of [*Consumer and Business Services*] **Building Codes** inspect the elevator. If the  
6 department performs the inspection, the department, notwithstanding subsection (1) of this section,  
7 may collect the appropriate fee for performing the inspection.

8 (3) Pipes installed in an elevator hoistway prior to July 1, 1961, that do not convey gases or  
9 liquids that would endanger life if discharged into the hoistway need not be removed.

10 (4) ORS 460.005 to 460.175 do not apply to:

11 (a) Belt, bucket, scoop, roller or similar type material conveyors.

12 (b) Hoists for raising or lowering materials and that are provided with unguided hooks, slings  
13 and similar means for attachment to the materials.

14 (c) Material hoists used only to raise and lower building material in buildings under con-  
15 struction.

16 (d) Stackers that serve one floor only.

17 (e) Window-washing scaffolds.

18 (f) Nonpower-driven lifting devices.

19 (g) Amusement rides.

20 (h) Mine elevators.

21 (i) Elevators under the supervision of the United States Government.

22 (j) Elevators located in private residences, except for initial installation permits and installation  
23 inspections.

24 (k) Other elevators and equipment as provided by the department by rule.

25 **SECTION 249.** ORS 460.045 is amended to read:

26 460.045. A person may not:

27 (1) Engage in the business of installation, alteration, repair or maintenance of an elevator  
28 without an elevator contractor license issued under ORS 460.005 to 460.175 or 479.510 to 479.945.

29 (2) Install, alter, repair or maintain an elevator unless the person possesses a valid license is-  
30 sued under ORS 460.059 or 479.630 (6).

31 (3) Install, alter, or commence to install or alter, an elevator covered by ORS 460.005 to 460.175  
32 unless the Department of [*Consumer and Business Services*] **Building Codes** has issued an installa-  
33 tion permit.

34 (4) Permit or suffer an elevator to be operated, without a valid temporary operation authori-  
35 zation or current operating permit, on property that the person owns, controls, manages or super-  
36 vises.

37 (5) Act or offer to act as a certified elevator inspector unless the person has a current certif-  
38 icate of competency as an elevator inspector issued by the department.

39 (6) Place in service a new or altered elevator without a current operating permit issued after  
40 a satisfactory acceptance inspection made by the department and satisfactory acceptance tests per-  
41 formed in the presence of a member of the department's staff of elevator inspectors.

42 (7) Place in service an elevator that has caused an injury to a person or persons unless per-  
43 mission has been obtained from the department.

44 **SECTION 250.** ORS 460.055 is amended to read:

45 460.055. (1) The Department of [*Consumer and Business Services*] **Building Codes** shall give its

1 decision within a reasonable time, not exceeding 30 days:

2 (a) Approving or rejecting plans and pertinent data for proposed elevator installations or alter-  
3 ations submitted for the department's examination.

4 (b) Issuing or denying an installation permit.

5 (c) Issuing or denying a certificate of competency to applicants after examinations for the cer-  
6 tificate have been taken.

7 (d) Issuing or denying operating permits for elevators inspected by a member of the department's  
8 staff of elevator inspectors or by a certified elevator inspector.

9 (2) Except as provided in subsection (3) of this section operating permits may not be issued or  
10 renewed for elevators failing to meet minimum safety standards.

11 (3) A provisional operating permit may be issued for elevators whose safety standards vary from  
12 the minimum safety standards, if in the opinion of the department no immediate hazard to health  
13 or safety exists. The department shall issue a provisional operating permit for a specific period of  
14 time determined by the department at the time the permit is granted. During the life of the provi-  
15 sional operating permit, the elevator must be brought into compliance with the safety standards  
16 found at variance at the time of the issuance of the provisional permit.

17 (4) The department may adopt rules regarding installation permits and operating permits. The  
18 rules may include, but need not be limited to, rules for the use of standardized forms and terms and  
19 conditions for permit validity.

20 (5) The department shall issue a certificate of competency as an elevator inspector only to an  
21 individual who has passed an examination administered by the department for that purpose and who  
22 is employed by the department or is a representative of a casualty insurance company or companies  
23 as an elevator inspector. The examination shall:

24 (a) Include questions, the answers to which are confined to matters that will aid in determining  
25 the fitness and competency of the applicant for the intended service.

26 (b) Include a practical demonstration of manipulative skill directly related to the intended ser-  
27 vice, or the requirement of previous related experience in lieu of a practical demonstration.

28 (c) Be maintained on file with the records of practical demonstrations for no less than three  
29 years and shall be produced by the department upon the request of any court, or the Electrical and  
30 Elevator Board, or a person with a legitimate interest.

31 (6) If for a period of more than two years after the person is issued a certificate of competency  
32 as an elevator inspector, a holder of the certificate is not employed as an elevator inspector, the  
33 person is not entitled to renewal of the certificate. The person may qualify for issuance of a new  
34 certificate in the manner provided for in subsection (5) of this section.

35 **SECTION 251.** ORS 460.057 is amended to read:

36 460.057. The Department of [*Consumer and Business Services*] **Building Codes** may issue a spe-  
37 cial limited license to a person who can document to the satisfaction of the department that the  
38 person possesses sufficient work experience in the mechanical aspects of elevator installation, al-  
39 teration, maintenance and repair acquired prior to October 23, 1999. In addition to any other con-  
40 ditions or limitations imposed by department rule on the scope of work that may be performed under  
41 the license, the license shall limit the person to performing mechanical installation, alteration,  
42 maintenance and repair on elevators.

43 **SECTION 252.** ORS 460.059 is amended to read:

44 460.059. The Department of [*Consumer and Business Services*] **Building Codes** may issue a spe-  
45 cial limited license to a person engaged in an approved apprenticeship program that allows the

1 person to engage in the installation, alteration, maintenance and repair of elevators. The depart-  
 2 ment, after consultation with the Electrical and Elevator Board, shall establish conditions and the  
 3 specific scope of work that may be performed by a person licensed under this section.

4 **SECTION 253.** ORS 460.061 is amended to read:

5 460.061. (1) As used in this section, "reciprocating conveyor" means a self-contained, power-  
 6 driven stationary device that moves objects on a platform equipped with safety guards, or that  
 7 moves individuals on a motorized chair, along a predetermined horizontal, inclined or vertical path  
 8 between loading and discharge points.

9 (2) The Department of [*Consumer and Business Services*] **Building Codes** may adopt rules es-  
 10 tablishing a reciprocating conveyor mechanic license and a restricted reciprocating conveyor me-  
 11 chanic license that allow the holder to install, alter, repair and maintain the mechanical portions  
 12 of reciprocating conveyors.

13 (3) If the department adopts rules under this section, the rules shall include, but need not be  
 14 limited to, rules that establish:

15 (a) Subject to subsection (4) of this section, the type of work experience and training required  
 16 to qualify for a reciprocating conveyor mechanic license or restricted reciprocating conveyor me-  
 17 chanic license;

18 (b) Supervision and oversight requirements for reciprocating conveyor mechanics or restricted  
 19 reciprocating conveyor mechanics; and

20 (c) Procedures for administering and enforcing this section and the rules adopted under this  
 21 section.

22 (4) An applicant for a reciprocating conveyor mechanic license must demonstrate 3,000 hours  
 23 of work experience in the installation, alteration, repair and maintenance of reciprocating conveyors  
 24 or of other forms of elevators identified by the department by rule.

25 (5) ORS 460.045 (2) does not apply to a reciprocating conveyor mechanic or restricted  
 26 reciprocating conveyor mechanic engaged in installing, altering, repairing or maintaining the me-  
 27 chanical portions of a reciprocating conveyor.

28 (6) Department rules adopted under this section may not prohibit a person who holds a license  
 29 issued under ORS 460.057, 460.059 or 479.630 (6) from installing, altering, repairing or maintaining  
 30 reciprocating conveyors or prohibit a limited journeyman electrician licensed under ORS 479.630 (5)  
 31 from repairing or maintaining a reciprocating conveyor located in an industrial plant.

32 (7) Notwithstanding ORS 460.045 (2), a person is exempt from any licensing requirement estab-  
 33 lished by rules adopted under this section or established under ORS 460.057, 460.059 or 479.630 (6)  
 34 when engaging in the installation, alteration, repair or maintenance of the mechanical portions of  
 35 a reciprocating conveyor that is located in a residence and designed for moving an individual on a  
 36 motorized chair.

37 (8)(a) The fee for the issuance or renewal of a reciprocating conveyor mechanic license is \$100  
 38 per year.

39 (b) The fee for the issuance or renewal of a restricted reciprocating conveyor mechanic license  
 40 is \$50 for a three-year period.

41 **SECTION 254.** ORS 460.065 is amended to read:

42 460.065. (1) A certified elevator inspector certificate of competency expires on December 31 of  
 43 the year in which the certificate is issued or on a date established by rule of the Department of  
 44 [*Consumer and Business Services*] **Building Codes**.

45 (2) An elevator installation permit or operating permit expires on a date established by depart-

1 ment rule.

2 (3) Except as provided in ORS 460.055, a holder of a valid elevator inspector certificate of  
 3 competency or elevator operating permit who has complied with ORS 460.005 to 460.175 and the  
 4 rules adopted under ORS 460.085 (1) is entitled to renewal at the expiration of the certificate or  
 5 permit.

6 **SECTION 255.** ORS 460.075 is amended to read:

7 460.075. (1) Subject to the provisions of ORS chapter 183, the Department of [*Consumer and*  
 8 *Business Services*] **Building Codes** may cancel, revoke or suspend the installation permit, temporary  
 9 operation authorization or operating permit for any elevator that does not comply with minimum  
 10 safety standards.

11 (2) Subject to the provisions of ORS chapter 183, the department may suspend or revoke the  
 12 certificate of competency of any certified elevator inspector:

13 (a) Whom the department finds to be performing the work in a manner inconsistent with the  
 14 intent and purposes of ORS 460.005 to 460.175.

15 (b) Who fails to file in advance with the department the name of any company for which the  
 16 inspector performs an inspection.

17 (c) Who willfully violates ORS 460.005 to 460.175 or rules adopted under ORS 460.085 (1).

18 (d) Who deliberately falsified the application of the inspector for the certificate or the inspection  
 19 report made to the department.

20 (e) Who persistently fails to properly report to the department in writing regarding elevators  
 21 inspected by the inspector.

22 **SECTION 256.** ORS 460.085 is amended to read:

23 460.085. (1) In accordance with the applicable provisions of ORS chapter 183, the Director of the  
 24 Department of [*Consumer and Business Services*] **Building Codes**, after consultation with the Elec-  
 25 trical and Elevator Board, shall adopt reasonable rules:

26 (a) Establishing safety standards applicable to the installation of elevators.

27 (b) Establishing safety standards applicable to the alteration, repair or maintenance of elevators.  
 28 The director may provide differing standards for elevators installed prior to July 1, 1961, and **ele-**  
 29 **vators installed on or** after July 1, 1961.

30 (c) Governing the issuance, renewal, suspension and revocation of permits and certificates of  
 31 competency issued under ORS 460.005 to 460.175.

32 (d) Prescribing the time, place and circumstances under which permits, licenses and certificates  
 33 of competency shall be exhibited for inspection.

34 (e) Governing the internal organization and procedure of the Department of [*Consumer and*  
 35 *Business Services*] **Building Codes** for administering and enforcing ORS 460.005 to 460.175.

36 (f) Prescribing, requiring and governing reports by the department's staff of elevator inspectors  
 37 and certified elevator inspectors on elevators inspected by them.

38 (g) Establishing standards, criteria and intervals for the periodic inspection under ORS 460.125  
 39 of the various types of elevators.

40 (h) Establishing standards for the inspection of, and safety testing on, a new or altered elevator  
 41 prior to placement of the elevator into service.

42 (i) Establishing reasonable fees, in addition to the fees established by ORS 460.165, that the de-  
 43 partment considers appropriate for the purpose of administering and enforcing ORS 460.005 to  
 44 460.175.

45 (2) In adopting rules under subsection (1) of this section, the director shall consider:

1 (a) Technological advances in the elevator industry.

2 (b) The practicability of following the standards under consideration, if adopted.

3 (c) The probability, extent and gravity of the injury to the public or property that would result  
4 from failure to follow the standards under consideration.

5 (d) Safety standards followed, proposed or approved by responsible members of the elevator in-  
6 dustry.

7 (3) The sole purpose of subsection (1)(b) of this section is to provide reasonable safety for life  
8 and limb. In case of practical difficulty or unnecessary hardship, the director shall grant exceptions  
9 from the literal requirements or permit the use of other devices or methods than specified pursuant  
10 to subsection (1)(b) of this section when it is evident that reasonable safety is thereby secured.

11 (4) Any owner, user or other person aggrieved by the application by the department of the  
12 minimum safety standards established by the director pursuant to subsection (1)(b) of this section  
13 may appeal in the same manner and for the same reasons as provided under ORS 460.155.

14 **SECTION 257.** ORS 460.125 is amended to read:

15 460.125. (1) The Department of [*Consumer and Business Services*] **Building Codes** shall:

16 (a) Except as provided in this subsection, periodically inspect each elevator to ascertain if the  
17 elevator is being operated and maintained in accordance with ORS 460.005 to 460.175. The depart-  
18 ment is not required to inspect an elevator if the department is notified in writing, by the employer  
19 of a certified elevator inspector, that inspection will be made by the certified inspector and a copy  
20 of the inspection report is filed with the department within 30 days of the date the elevator is due  
21 for inspection.

22 (b) Periodically check the authenticity, appropriateness and expiration date of elevator operat-  
23 ing permits.

24 (c) Review with the Electrical and Elevator Board any appeals from the decisions of the in-  
25 spectors.

26 (d) To the extent necessary to ensure safety, perform inspections and witness safety tests of new  
27 or altered elevators before the elevators are placed in service.

28 (2) Inspection reports provided to owners, users or other affected parties shall contain a notifi-  
29 cation of the right of appeal as provided in ORS 460.155.

30 (3) If the department finds that an elevator is not being operated in compliance with ORS  
31 460.005 to 460.175, and the rules adopted under ORS 460.005 to 460.175, the department may cause  
32 the elevator to be disconnected from the source of power for the elevator. The department shall give  
33 reasonable notice to the owner or operator prior to causing the elevator to be disconnected unless  
34 continued operation of the elevator would constitute an immediate hazard to the health and safety  
35 of persons.

36 **SECTION 258.** ORS 460.135 is amended to read:

37 460.135. For the purpose of discharging any duty imposed by or exercising any authority con-  
38 ferred by ORS 460.005 to 460.175, the Department of [*Consumer and Business Services*] **Building**  
39 **Codes** may, during reasonable hours, enter any building, enclosure or upon any premises where an  
40 elevator is in operation or about to be put into operation. No person shall obstruct or interfere with  
41 the department in the performance of its duties or the exercise of any authority conferred by ORS  
42 460.005 to 460.175.

43 **SECTION 259.** ORS 460.145 is amended to read:

44 460.145. When it appears to the Department of [*Consumer and Business Services*] **Building**  
45 **Codes** that a person subject to ORS 460.005 to 460.175 is engaged or about to engage in an act or



1 practice [*which*] **that** constitutes a violation of ORS 460.005 to 460.175 or rules issued thereunder,  
 2 the department may, without bond, obtain an order from an appropriate circuit court restraining or  
 3 enjoining such act or practice.

4 **SECTION 260.** ORS 460.155 is amended to read:

5 460.155. (1) The Department of [*Consumer and Business Services*] **Building Codes** shall hear the  
 6 appeal of an appellant:

7 (a) Who has filed a written request:

8 (A) Within 10 days of receiving written notice that an injunction will be sought; or

9 (B) Within 30 days after receiving notice that a permit or certificate of competency will be  
 10 canceled, revoked or suspended; or

11 (b) Who is affected by a notice described in paragraph (a) of this subsection.

12 (2) If there is a timely appeal, the injunction will not be sought or the permit or certificate of  
 13 competency will not be canceled, suspended or revoked pending the appeal unless the reason for the  
 14 injunction, cancellation, suspension or revocation constitutes an immediate menace to health or  
 15 safety.

16 (3) The department shall likewise hear the appeal of an appellant who has filed a written request  
 17 and who has reason to desire a change in the minimum safety standards or the rules under ORS  
 18 460.005 to 460.175, or has been denied a permit under ORS 460.055 or a certificate of competency.

19 (4) The department shall set the time and place for hearing and give the appellant 10 days'  
 20 written notice.

21 (5) All appeals shall be heard within three months of receipt of the request, except that if im-  
 22 mediate menace to health or safety is involved the appeal shall be heard within 20 days of receipt  
 23 of the request.

24 (6)(a) Two or more appeals may be consolidated for hearing, if based upon substantially the same  
 25 facts.

26 (b) The department and the appellant may subpoena witnesses who shall receive the same com-  
 27 pensation and mileage pay as circuit court witnesses.

28 (c) The appeal shall be heard by the department before the Electrical and Elevator Board.

29 (d) A written record shall be kept.

30 (e) The department shall determine the appeal after consultation with and giving consideration  
 31 to the views of the board.

32 (7) Judicial review of any final order or decision of the department shall be taken pursuant to  
 33 the provisions of ORS chapter 183.

34 **SECTION 261.** ORS 460.165 is amended to read:

35 460.165. (1) Subject to ORS 460.035 (1) and 460.085 (1), the Department of [*Consumer and Busi-*  
 36 *ness Services*] **Building Codes** may collect the following fees:

37 (a) For each year of an elevator contractor's license for each place of business operated by the  
 38 applicant, \$195.

39 (b) For the submission of plans and other pertinent data when required, for each elevator, \$78.

40 (c) For each year of an inspection period for an operating permit:

41 (A) A dumbwaiter, sidewalk elevator, residential elevator, residential inclinor or subveyor,  
 42 \$60.

43 (B) An escalator, lowerator, manlift, stagelift, inclined elevator, platform hoist or moving walk,  
 44 \$98.

45 (C) A power-driven elevator with a four floor rise or under, \$88.

1 (D) A power-driven elevator with over a four floor rise, but under a 10-floor rise, \$108.

2 (E) A power-driven elevator with a 10-floor rise or over, but under a 20-floor rise, \$134.

3 (F) A power-driven elevator with a 20-floor rise or over, \$157.

4 (d) For a reinspection, \$75.

5 (e) For special inspections of hoisting or lowering mechanisms other than elevators, or for in-  
6 spections, testing, consultations, site visits or other services for which no fee is otherwise specified,  
7 \$75 per hour for travel and inspection time.

8 (f) For an elevator installation permit, if the total cost of the installation or alteration is:

9 (A) \$1,000 or under, \$98.

10 (B) Over \$1,000 but under \$15,000, \$98 plus \$13 for each \$1,000 or fraction of \$1,000 by which  
11 the cost exceeds \$1,000.

12 (C) \$15,000 or over but under \$50,000, \$280 plus \$8 for each \$1,000 or fraction of \$1,000 by which  
13 the cost exceeds \$15,000.

14 (D) \$50,000 or over, \$553 plus \$3 for each \$1,000 or fraction of \$1,000 by which the cost exceeds  
15 \$50,000.

16 (2) If an owner or user of any elevator equipment fails to pay a fee required under this section  
17 within 90 days after the billing date, the department may consider the fee delinquent and double the  
18 amount of the fee.

19 **SECTION 262.** ORS 460.175 is amended to read:

20 460.175. All receipts from fees, charges, costs and expenses provided for in ORS 460.005 to  
21 460.175 shall be collected by the Department of [*Consumer and Business Services*] **Building Codes**  
22 and paid into the [*Consumer and Business Services Fund created by ORS 705.145*] **Department of**  
23 **Building Codes Fund.**

24 **SECTION 263.** ORS 460.310 is amended to read:

25 460.310. As used in ORS 460.310 to 460.370, unless the context requires otherwise:

26 (1) "Amusement devices" means a structure, electrical or mechanical contrivance or combina-  
27 tion thereof [*which*] **that** is intended to supply revenue to the owner or operator of the device by  
28 providing or offering to provide amusement, pleasures, thrills or excitement at carnivals, fairs or  
29 amusement parks. "Amusement device" does not include games, concessions and associated struc-  
30 tures.

31 (2) "Amusement ride" means any vehicle, boat or other mechanical device except "water  
32 slides" moving upon or within a flow perimeter or structure, along cables, rails or ground, through  
33 the air by centrifugal force or otherwise, or across water, that is used to convey one or more indi-  
34 viduals for amusement, entertainment, diversion or recreation. The term "amusement ride" includes,  
35 but is not limited to:

36 (a) Rides commonly known as Ferris wheels, carousels, parachute towers, bungee jumping, tun-  
37 nels of love and roller coasters.

38 (b) Equipment generally associated with winter sports activities, such as ski lifts, ski tows, j-  
39 bars, t-bars, ski mobiles, chair lifts and aerial tramways.

40 (c) Equipment not originally designed to be used as an amusement ride, such as cranes or other  
41 lifting devices, when used as part of an amusement ride or device.

42 (3) "Amusement ride inspector" means an employee or representative of a casualty insurance  
43 company or companies who is qualified and regularly employed or otherwise authorized by the in-  
44 surance company to inspect amusement rides and devices for safety.

45 (4) "Department" means the Department of [*Consumer and Business Services*] **Building Codes.**

1 (5) "Director" means the Director of the Department of [*Consumer and Business Services*]

2 **Building Codes.**

3 (6) "Water slide" means a recreational device designed to provide a descending ride on a flowing  
4 water film into a splash down pool at the base of the slide.

5 **SECTION 264.** ORS 460.320 is amended to read:

6 460.320. (1) No person shall:

7 (a) Operate an amusement ride or device without a valid operation permit therefor issued under  
8 ORS 460.330, or allow an amusement ride or device owned, leased, controlled or managed by the  
9 person to be so operated.

10 (b) Operate an amusement ride or device without first having obtained insurance from a com-  
11 pany authorized to transact insurance in this state or an eligible surplus lines insurer as defined in  
12 ORS 735.405. The insurance policy shall insure the public and all persons riding or otherwise in  
13 contact with the ride or device against loss or injury, in an amount not less than \$1 million per  
14 occurrence and an aggregate total of not less than \$2 million.

15 (2) Whenever an insurance company notifies its insured that it will no longer insure an  
16 amusement ride or device, or that insurance on a ride or device is no longer in force, the insurance  
17 company shall also notify the Department of [*Consumer and Business Services*] **Building Codes**, in  
18 a form and manner prescribed by rule by the department, of the description or identification number  
19 of the ride or device for which insurance is canceled or suspended or is not to be renewed.

20 **SECTION 265.** ORS 460.330 is amended to read:

21 460.330. (1) An application for an operating permit to operate an amusement ride or device shall  
22 be made on an annual basis by the person owning the ride or device or the person's agent or lessee.  
23 The application shall be on forms provided by the Department of [*Consumer and Business Services*]  
24 **Building Codes.**

25 (2) An application for an annual operating permit shall include an inspection report by an  
26 amusement ride inspector employed or otherwise authorized to inspect by the insurance carrier in-  
27 suring the ride or device. The inspector shall indorse upon the application any restrictions and  
28 conditions that, in the inspector's judgment, should be imposed upon the operation of the amusement  
29 ride or device to protect human life and property. In addition, the inspector shall indicate whether  
30 the amusement ride or device:

31 (a) Meets the underwriter's standards;

32 (b) Meets safety standards approved by ASTM International; and

33 (c) Is assembled and operated in compliance with the manual supplied by the manufacturer of  
34 the ride or device.

35 (3) The inspection shall be performed no more than 90 days prior to the issuance or renewal  
36 date of the permit. The department may issue a temporary renewal permit without the required in-  
37 spection report, allowing continued operation of a previously inspected ride or device if it appears  
38 to the department that the owner or operator has attempted to obtain an inspection, but inspection  
39 services are temporarily unavailable.

40 (4) An application shall include the name of the insurance carrier and the number of the insur-  
41 ance policy insuring the ride or device as required by ORS 460.320 (1)(b).

42 (5) The department shall disapprove and reject an application for a permit if it determines that  
43 the:

44 (a) Owner or lessee of the amusement ride or device is not insured as required by ORS 460.320  
45 (1)(b);

1 (b) Operation does not meet safety standards as guided by the safety standards approved by  
 2 ASTM International;

3 (c) Amusement ride or device is not assembled and operated in compliance with the manual  
 4 supplied by the manufacturer; or

5 (d) Operation may endanger human life or property.

6 (6) Upon approval of an application and payment of fees as prescribed by rule, the department  
 7 shall issue a permit authorizing operation of the amusement ride or device.

8 **SECTION 266.** ORS 460.350 is amended to read:

9 460.350. (1) In addition to the inspections required under ORS 460.330, the Department of [*Con-*  
 10 *sumer and Business Services*] **Building Codes** may cause an amusement ride or device to be in-  
 11 spected at any reasonable time to [*insure*] **ensure** compliance with ORS 460.310 to 460.370.

12 (2) The department may deny, suspend or revoke a permit at any time if, in its judgment, the  
 13 amusement ride or device for which the permit was issued is not installed or being operated in  
 14 compliance with ORS 460.310 to 460.370.

15 (3) The department may disconnect an unlawfully installed or operated amusement ride or device  
 16 from its source of power at any time and prevent its use until the amusement ride or device is  
 17 brought into compliance with ORS 460.310 to 460.370.

18 (4) Any person may demand from the operator of any amusement ride or device proof of a valid  
 19 operation permit issued pursuant to ORS 460.330.

20 **SECTION 267.** ORS 460.352 is amended to read:

21 460.352. Subject to the provisions of ORS chapter 183, the Department of [*Consumer and Busi-*  
 22 *ness Services*] **Building Codes** shall cancel, revoke or suspend the operating permit for any person  
 23 who fails to comply with the minimum safety standards provided by ORS 460.310 to 460.370.

24 **SECTION 268.** ORS 460.355 is amended to read:

25 460.355. (1) In adopting rules pursuant to ORS 460.360 (1), applicable to equipment mentioned in  
 26 ORS 460.310 (2)(b), the Department of [*Consumer and Business Services*] **Building Codes** shall be  
 27 guided by the safety standards approved by ASTM International.

28 (2) The owner or operator shall be deemed not a common carrier; however, such owner or op-  
 29 erator shall exercise the highest degree of care for the safety of users.

30 (3) If the department finds that the United States Forest Service or other agency of government  
 31 has jurisdiction over and regulates and provides inspection of the equipment mentioned in ORS  
 32 460.310 (2)(b) pursuant to promulgated safety standards not lower than provided by ORS 460.310 to  
 33 460.370, it shall by its rules exempt operators from the requirements of ORS 460.310 to 460.370.

34 (4) The department shall adopt rules to:

35 (a) Govern the issuance, renewal, suspension and revocation of permits and certificates of com-  
 36 petency issued under ORS 460.310 to 460.370.

37 (b) Govern the internal organization and procedure of the department for administering and  
 38 enforcing ORS 460.310 to 460.370.

39 (c) Govern reports by the department's staff of amusement ride inspectors on amusement rides  
 40 or devices inspected by them.

41 (d) Set permit fees sufficient to pay but not to exceed the department's costs of carrying out the  
 42 amusement ride program.

43 (5) In adopting rules under this section, the department shall consider:

44 (a) Technological advances in the amusement ride industry.

45 (b) The practicability of following the standards under consideration, if adopted.

1 (c) The probability, extent and gravity of the injury to the public or property that would result  
2 from failure to follow the standards under consideration.

3 (d) Safety standards followed, proposed or approved by responsible members of the amusement  
4 ride industry and by ASTM International.

5 **SECTION 269.** ORS 460.360 is amended to read:

6 460.360. (1) The Department of [*Consumer and Business Services*] **Building Codes** shall, in com-  
7 pliance with ORS chapter 183, make, amend, repeal, promulgate and enforce rules to carry out ORS  
8 460.310 to 460.370.

9 (2) All proceedings relating to permits under ORS 460.310 to 460.370 shall be conducted in  
10 compliance with ORS chapter 183.

11 **SECTION 270.** ORS 460.370 is amended to read:

12 460.370. All moneys from fees collected by the Department of [*Consumer and Business Services*]  
13 **Building Codes** under ORS 460.310 to 460.370 shall be paid into the [*Consumer and Business Ser-*  
14 *VICES Fund created by ORS 705.145*] **Department of Building Codes Fund** and are continuously  
15 appropriated to the department for use as provided in ORS 455.022.

16 **SECTION 271.** ORS 466.735 is amended to read:

17 466.735. Nothing in ORS 466.706 to 466.882 and 466.994 is intended to interfere with, limit or  
18 abridge the authority of the Department of [*Consumer and Business Services*] **Building Codes** or the  
19 State Fire Marshal, or any other state agency or local unit of government relating to combustion  
20 and explosion hazards, hazard communications or land use. The complementary relationship between  
21 the protection of the public safety from combustion and explosion hazards, and protection of the  
22 public health, safety, welfare and the environment from releases of regulated substances from  
23 underground storage tanks is recognized. Therefore, the Department of Environmental Quality shall  
24 work cooperatively with the Department of [*Consumer and Business Services*] **Building Codes**, the  
25 State Fire Marshal and local units of government in developing the rules and procedures necessary  
26 to carry out the provisions of ORS 466.706 to 466.882 and 466.994.

27 **SECTION 272.** ORS 468A.707 is amended to read:

28 468A.707. (1) The Environmental Quality Commission by rule shall:

29 (a) Establish an asbestos abatement program that assures the proper and safe abatement of  
30 asbestos hazards through contractor licensing and worker training.

31 (b) Establish the date after which a contractor must be licensed under ORS 468A.720 and a  
32 worker must hold a certificate under ORS 468A.730.

33 (c) Establish criteria and provisions for granting an extension of time for contractor licensing  
34 and worker certification.[, *which*] **The criteria and provisions** may consider the number of workers  
35 and the availability of accredited training courses.

36 (2) The program established under subsection (1) of this section shall include at least:

37 (a) Criteria for contractor licensing and training;

38 (b) Criteria for worker certification and training;

39 (c) Standardized training courses; and

40 (d) A procedure for inspecting asbestos abatement projects.

41 (3) In establishing the training requirements under subsections (1) and (2) of this section, the  
42 commission shall adopt different training requirements that reflect the different levels of responsi-  
43 bility of the contractor or worker, so that within the category of contractor, sublevels shall be  
44 separately licensed or exempted and within the category of worker, sublevels shall be separately  
45 certified or exempted. The commission shall specifically address as a separate class, those contrac-

1 tors and workers who perform small scale, short duration renovating and maintenance activity. As  
 2 used in this subsection, “small scale, short duration renovating and maintenance activity” means a  
 3 task for which the removal of asbestos is not the primary objective of the job, including but not  
 4 limited to:

- 5 (a) Removal of asbestos-containing insulation on pipes;
- 6 (b) Removal of small quantities of asbestos-containing insulation on beams or above ceilings;
- 7 (c) Replacement of an asbestos-containing gasket on a valve;
- 8 (d) Installation or removal of a small section of drywall; or
- 9 (e) Installation of electrical conduits through or proximate to asbestos-containing materials.

10 (4) The Department of Environmental Quality, on behalf of the commission, shall consult with  
 11 the Department of [*Consumer and Business Services*] **Building Codes** and the Oregon Health Au-  
 12 thority about proposed rules for the asbestos abatement program to [*assure*] **ensure** that the rules  
 13 are compatible with all other state and federal statutes and regulations related to asbestos abate-  
 14 ment.

15 (5) The Department of Environmental Quality shall cooperate with the Department of [*Consumer*  
 16 *and Business Services*] **Building Codes** and the Oregon Health Authority to promote proper and safe  
 17 asbestos abatement work practices and compliance with the provisions of ORS 279B.055 (2)(g),  
 18 279B.060 (2)(g), 279C.365 (1)(j), 468.126, 468A.135 and 468A.700 to 468A.760.

19 **SECTION 273.** ORS 468A.745 is amended to read:

20 468A.745. The Environmental Quality Commission shall adopt rules to carry out its duties under  
 21 ORS 279B.055 (2)(g), 279B.060 (2)(g), 279C.365 (1)(j), 468A.135 and 468A.700 to 468A.760. In addition,  
 22 the commission may:

- 23 (1) Allow variances from the provisions of ORS 468A.700 to 468A.755 in the same manner vari-  
 24 ances are granted under ORS 468A.075.
- 25 (2) Establish training requirements for contractors applying for an asbestos abatement license.
- 26 (3) Establish training requirements for workers applying for a certificate to work on asbestos  
 27 abatement projects.
- 28 (4) Establish standards and procedures to accredit asbestos abatement training courses for con-  
 29 tractors and workers.
- 30 (5) Establish standards and procedures for licensing contractors and certifying workers.
- 31 (6) Issue, renew, suspend and revoke licenses, certificates and accreditations.
- 32 (7) Determine those classes of asbestos abatement projects for which the person undertaking the  
 33 project must notify the Department of Environmental Quality before beginning the project.
- 34 (8) Establish work practice standards, compatible with standards of the Department of [*Con-*  
 35 *sumer and Business Services*] **Building Codes**, for the abatement of asbestos hazards and the han-  
 36 dling and disposal of waste materials containing asbestos.
- 37 (9) Provide for asbestos abatement training courses that satisfy the requirements for contractor  
 38 licensing under ORS 468A.720 or worker certification under ORS 468A.730.

39 **SECTION 274.** ORS 469.700 is amended to read:

40 469.700. (1) The Residential and Manufactured Structures Board or the Construction Industry  
 41 Energy Board, after public hearing and subject to the approval of the Director of the Department  
 42 of [*Consumer and Business Services*] **Building Codes**, shall adopt a recommended voluntary energy  
 43 efficiency rating system for single family residences and provide the State Department of Energy  
 44 with a copy thereof.

45 (2) The rating system shall provide a single numerical value or other simple concise means to

1 measure the energy efficiency of any single family residence, taking into account factors including,  
 2 but not limited to, the heat loss characteristics of ceilings, walls, floors, windows, doors and heating  
 3 ducts.

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

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

10 **SECTION 275.** ORS 469.735 is amended to read:

11 469.735. As used in ORS 469.730 to 469.745, unless the context requires otherwise:

12 (1) “Department” means the Department of [*Consumer and Business Services*] **Building Codes**.

13 (2) “Director” means the Director of the Department of [*Consumer and Business Services*]  
 14 **Building Codes**.

15 (3) “Public building” means any publicly or privately owned building constructed prior to Jan-  
 16 uary 1, 1978, including the outdoor areas adjacent thereto, [*which*] **that**:

17 (a) Is open to and frequented by the public; or

18 (b) Serves as a place of employment.

19 **SECTION 276.** ORS 469.740 is amended to read:

20 469.740. In accordance with ORS chapter 183 and after consultation with the Building Codes  
 21 Structures Board or with the Construction Industry Energy Board, the Director of the Department  
 22 of [*Consumer and Business Services*] **Building Codes** shall adopt rules establishing energy conser-  
 23 vation standards for public buildings. The standards shall provide means of measuring and reducing  
 24 total energy consumption and shall take into account:

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

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

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

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

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

32 **SECTION 277.** ORS 469.745 is amended to read:

33 469.745. To provide the public with a guide for energy conservation, the Director of the State  
 34 Department of Energy shall adopt a program for voluntary compliance by the public with the  
 35 standard adopted by the Director of the Department of [*Consumer and Business Services*] **Building**  
 36 **Codes** under ORS 469.740.

37 **SECTION 278.** ORS 469B.103 is amended to read:

38 469B.103. (1) For the purposes of carrying out ORS 469B.100 to 469B.118, the State Department  
 39 of Energy may adopt rules prescribing minimum performance criteria for alternative energy devices  
 40 for dwellings. The department may, in prescribing criteria, rely on applicable federal, state and local  
 41 requirements for energy efficiency, including the state building code, state and federal appliance  
 42 standards and any specialty codes and any code adopted by [*the Building Codes Division of*] the  
 43 Department of [*Consumer and Business Services*] **Building Codes**.

44 (2) The **State Department of Energy** shall take into consideration evolving market conditions  
 45 in prescribing minimum performance criteria for alternative energy devices and in determining

1 credit amounts, consistent with ORS 316.116.

2 (3) The department, in adopting rules under this section for solar heating and cooling systems,  
 3 shall take into consideration applicable standards of federal performance criteria prescribed pursu-  
 4 ant to the provisions of the Solar Heating and Cooling Demonstration Act of 1974, 42 U.S.C. 5506.

5 (4) The Director of the State Department of Energy shall adopt rules governing the determi-  
 6 nation of eligibility, verification and certification of an alternative fuel device for purposes of the  
 7 tax credits granted under ORS 316.116, including but not limited to rules that further define an al-  
 8 ternative fuel device and that govern the computation of costs eligible for credit.

9 (5) The department shall by rule establish policies and procedures for the administration and  
 10 enforcement of the provisions of ORS 316.116 and 469B.100 to 469B.118.

11 **SECTION 279.** ORS 469B.279 is amended to read:

12 469B.279. The State Department of Energy shall by rule establish the following standards relat-  
 13 ing to energy conservation projects:

14 (1) In consultation with the Department of [*Consumer and Business Services Building Codes Di-*  
 15 *vision*] **Building Codes**, standards relating to energy savings in new construction.

16 (2) Standards relating to what constitutes a replacement of inefficient equipment.

17 (3) Standards for the determination of total project cost.

18 (4) Standards for the application of third party review of research and development projects by  
 19 a qualified third party selected by the Director of the State Department of Energy, as required in  
 20 ORS 469B.285.

21 **SECTION 280.** ORS 479.155 is amended to read:

22 479.155. (1) As used in this section, “director” means the Director of the Department of [*Con-*  
 23 *sumer and Business Services*] **Building Codes**.

24 (2) Prior to construction or alteration of a hospital, public building as defined in ORS 479.168,  
 25 public garage, dry cleaning establishment, apartment house, hotel, bulk oil storage plant, school,  
 26 institution as defined in ORS 479.210, or any other building or structure regulated by the State Fire  
 27 Marshal for use and occupancy or requiring approval by the State Fire Marshal pursuant to statute,  
 28 the owner shall submit to the director two copies of a plan or sketch showing the location of the  
 29 building or structure with relation to the premises, distances, lengths and details of construction as  
 30 the director shall require. A filing is not required with respect to any such building or structure in  
 31 any area exempted by order of the State Fire Marshal pursuant to ORS 476.030. Approval of the  
 32 plans or sketches by the director is considered approval by the State Fire Marshal and satisfies any  
 33 statutory provision requiring approval by the State Fire Marshal.

34 (3) A declaration of the value of the proposed construction or alteration and the appropriate fee  
 35 required under ORS 455.210 must accompany the plan or sketch. However, the determination of  
 36 value or valuation shall be made by the director.

37 (4) The director shall be furnished with not fewer than two accurate copies of the plan or sketch  
 38 and details for the purpose of ascertaining compliance with applicable fire prevention and protection  
 39 statutes and regulations. The plan examiner shall indicate on the plan or sketch and in writing ap-  
 40 proval or disapproval and conditions for approval of the construction or alteration. One copy of the  
 41 plan or sketch shall be retained by the director and one copy shall be returned to the applicant.  
 42 No building or structure referred to in subsection (2) of this section shall be erected or constructed  
 43 without approval by the director if the building or structure requires approval by the State Fire  
 44 Marshal. After such approval or issuance of the required permit, construction or alteration must  
 45 comply with the plan or sketch in all respects unless modified by subsequent permit or order of the



1 director.

2 (5) The approval of a plan or sketch may not be construed to be a permit for, or an approval  
3 of, any violation of any statute or regulation or the applicable ordinances and regulations of any  
4 governmental subdivision of the state. The approval of a plan or sketch may not be construed as  
5 an approval for noncompliance with fire marshal regulations. Any condition upon approval or dis-  
6 approval is an order subject to appeal as other orders are appealable.

7 (6) Notwithstanding the requirements of subsections (2) and (4) of this section, the State Fire  
8 Marshal may, by rule, require an additional copy of a plan or sketch for local government use and  
9 may specify that plans or sketches submitted for review be drawn clearly and to scale.

10 **SECTION 281.** ORS 479.520 is amended to read:

11 479.520. The purpose of the Electrical Safety Law is to protect the health and safety of the  
12 people of Oregon from the danger of electrically caused shocks, fires and explosions and to protect  
13 property situated in Oregon from the hazard of electrically caused fires and explosions. To accom-  
14 plish this purpose the Legislative Assembly intends to provide a procedure:

15 (1) For determining where and by whom electrical installations are being made and where  
16 electrical products are sold in this state.

17 (2) To assure the public that persons making electrical installations in this state are qualified  
18 by experience and training.

19 (3) To assure the public that electrical installations meet minimum safety standards and that  
20 electrical products meet electrical product safety standards.

21 (4) For the administration and enforcement of the Electrical Safety Law by the Department of  
22 [*Consumer and Business Services*] **Building Codes** and the Electrical and Elevator Board.

23 (5) By which the cost of administering and enforcing the Electrical Safety Law is defrayed by  
24 the collection of fees in connection with the issuing of permits and electrical licenses and the col-  
25 lection of civil penalties.

26 **SECTION 282.** ORS 479.530 is amended to read:

27 479.530. As used in ORS 479.510 to 479.945 and 479.995, unless the context requires otherwise:

28 (1) "Approved testing laboratory" means a testing laboratory that meets criteria for electrical  
29 product evaluation established by the Director of the Department of [*Consumer and Business Ser-*  
30 *VICES*] **Building Codes** with the approval of the Electrical and Elevator Board under ORS 479.730.

31 (2) "Board" means the Electrical and Elevator Board established under ORS 455.138.

32 (3) "Certified electrical product" means an electrical product that is certified under ORS 479.760  
33 and that is not decertified.

34 (4) "Competent inspection service" means an electrical inspection service of a city or county  
35 administered under ORS 455.148 or 455.150 that employs electrical inspectors who are certified to  
36 meet standards under ORS 479.810.

37 (5) "Commercial electrical air conditioning equipment" means heating, cooling, refrigeration,  
38 dehumidifying, humidifying and filtering equipment used for climatizing or moving of air if used in  
39 commerce, industry or government and if installed in a place not accessible to the general public  
40 other than the switches regulating the operation of the equipment.

41 (6) "Demarcation point" means the place of interconnection between the communications cabl-  
42 ing, terminal equipment or protective apparatus of the telecommunications service provider and the  
43 customer's premises.

44 (7) "Department" means the Department of [*Consumer and Business Services*] **Building Codes**.

45 (8) "Director" means the Director of the Department of [*Consumer and Business Services*]

1 **Building Codes.**

2 (9) "Dwelling unit" means one or more rooms for the use of one or more persons as a house-  
3 keeping unit with space for eating, living and sleeping and permanent provisions for cooking and  
4 sanitation.

5 (10) "Electrical installations" means the construction or installation of electrical wiring and the  
6 permanent attachment or installation of electrical products in or on any structure that is not itself  
7 an electrical product. "Electrical installation" also means the maintenance or repair of installed  
8 electrical wiring and permanently attached electrical products. "Electrical installation" does not  
9 include an oil module.

10 (11) "Electrical product" means any electrical equipment, material, device or apparatus that,  
11 except as provided in ORS 479.540, requires a license or permit to install and either conveys or is  
12 operated by electrical current.

13 (12) "Equipment" means any material, fittings, devices, appliances, fixtures, apparatus or the like  
14 that are used as part of or in connection with an electrical installation.

15 (13) "Field evaluation firm" means an independent organization that provides:

16 (a) Evaluations or testing, or both; and

17 (b) Documentation regarding compliance with electrical product safety standards and with the  
18 electrical installation safety code.

19 (14) "Industrial electrical equipment" means electrical products used in industry or government  
20 that utilize electric energy for mechanical, chemical, heating, lighting or similar purposes, that are  
21 designed to service or produce a product and that are used directly in the production of the service  
22 or product.

23 (15) "Installation label" means an adhesive tag issued by governmental agencies that administer  
24 the Electrical Safety Law to licensed electrical contractors for application to those minor electrical  
25 installations for which the board by rule determines to be appropriate for random inspections.

26 (16) "License" means a permit issued by the department under ORS 479.630 authorizing the  
27 person whose name appears as licensee thereon to act as an electrical contractor, supervising  
28 electrician, journeyman electrician, electrical apprentice or limited elevator journeyman as indicated  
29 thereon.

30 (17) "Minimum safety standards" means safety standards prescribed by concurrence of the board  
31 and the director under ORS 479.730.

32 (18) "Multifamily dwelling" means a building containing more than one dwelling unit.

33 (19) "Oil module" means a prefabricated structure manufactured to the specifications of the  
34 purchaser and used outside this state in the exploration for or processing or extraction of petroleum  
35 products.

36 (20) "Permit" means an official document or card issued by the enforcing agency to authorize  
37 performance of a specified electrical installation.

38 (21) "Single family dwelling" means a building consisting solely of one dwelling unit.

39 (22) "Telecommunications service provider" means a telecommunications carrier as defined in  
40 ORS 133.721 or a telecommunications utility or competitive telecommunications provider, both as  
41 defined in ORS 759.005.

42 (23) "Uncertified product" means any electrical product that is not an electrical product certi-  
43 fied under ORS 479.760.

44 **SECTION 283.** ORS 479.540 is amended to read:

45 479.540. (1) Except as otherwise provided in this subsection, a person is not required to obtain

1 a license to make an electrical installation on residential or farm property that is owned by the  
 2 person or a member of the person's immediate family if the property is not intended for sale, ex-  
 3 change, lease or rent. The following apply to the exemption established in this subsection:

4 (a) The exemption established for a person under this subsection does not exempt the work  
 5 performed by the person from having to comply with the requirements for such work under ORS  
 6 chapter 455 or this chapter and rules adopted thereunder.

7 (b) If the property is a building used as a residence and is for rent, lease, sale or exchange, this  
 8 subsection establishes an exemption for work on, alterations to or replacement of parts of electrical  
 9 installations as necessary for maintenance of the existing electrical installations on that property,  
 10 but does not exempt new electrical installations or substantial alterations to existing electrical in-  
 11 stallations on that property. As used in this paragraph, "new electrical installations or substantial  
 12 alterations" does not include the replacement of an existing garbage disposal, dishwasher or electric  
 13 hot water heater with a similar appliance of 30 amps or less, single phase, by a landlord, landlord's  
 14 agent or the employee of the landlord or landlord's agent.

15 (2) An electrical contractor license is not required in connection with an electrical installation:

16 (a) Of meters and similar devices for measuring electricity by a person principally engaged in  
 17 the business of generating or selling electricity in connection with the construction or maintenance  
 18 of electrical lines, wires or equipment.

19 (b) Of ignition or lighting systems for motor vehicles.

20 (c) To be made by a person on the person's property in connection with the person's business.

21 (d) To be made by a public utility, consumer-owned utility as defined in ORS 757.270, telecom-  
 22 munications carrier as defined in ORS 133.721, competitive telecommunications provider as defined  
 23 in ORS 759.005 or municipality for generation, transmission or distribution of electricity on property  
 24 that the utility, carrier, provider or municipality owns or manages.

25 (3) A person whose sole business is generating or selling electricity in connection with the  
 26 construction or maintenance of electrical lines, wires or equipment, is not required to obtain a li-  
 27 cense to transform, transmit or distribute electricity from its source to the service head of the  
 28 premises to be supplied thereby.

29 (4)(a) A person is not required to obtain a license for the repair or replacement of light fixtures,  
 30 light switches, lighting ballast, electrical outlets or smoke alarms in a building used for housing  
 31 purposes that is owned, leased, managed or operated by a housing authority and the person doing  
 32 the repair or replacement is a member of the housing authority's regular maintenance staff.

33 (b) A license is not required for:

34 (A) Temporary demonstrations;

35 (B) A street lighting system located on a public street or in a right of way if the system is  
 36 similar to a system provided by a public utility and the installation or maintenance, or both, is  
 37 performed by a qualified employee of a licensed electrical contractor principally engaged in the  
 38 business of installing and maintaining such systems; or

39 (C) An outdoor transmission or distribution system, whether overhead or underground, if the  
 40 system is similar to a system provided by a public utility and the installation or maintenance, or  
 41 both, is performed by a qualified employee of a licensed electrical contractor principally engaged in  
 42 the business of installing and maintaining such systems.

43 (c) For the purposes of this subsection, "qualified employee" means an employee who has regis-  
 44 tered with or graduated from a State of Oregon or federally approved apprenticeship course de-  
 45 signed for the work being performed. The supervising electrician signature required under ORS

1 479.560 (1)(b) does not apply to contractors working under this subsection.

2 (5) The provisions of ORS 479.510 to 479.945 and 479.995 do not apply:

3 (a) To electrical products owned by, supplied to or to be supplied to a public utility as defined  
4 in ORS 757.005, consumer-owned utility as defined in ORS 757.270, telecommunications carrier as  
5 defined in ORS 133.721 or competitive telecommunications provider as defined in ORS 759.005;

6 (b) To electrical installations made by or for a public utility, consumer-owned utility, telecom-  
7 munications carrier or competitive telecommunications provider if the electrical installations are  
8 an integral part of the equipment or electrical products of the utility, carrier or provider; or

9 (c) To any electrical generation plant owned or operated by a municipality to the same extent  
10 that a utility, telecommunications carrier or competitive telecommunications provider is exempted  
11 under paragraphs (a) and (b) of this subsection.

12 (6) A permit is not required:

13 (a) For the repair or replacement of light fixtures, light switches, lighting ballast, electrical  
14 outlets or smoke alarms in a building used for housing purposes that is owned, leased, managed or  
15 operated by a housing authority; or

16 (b) For the repair, alteration or replacement of existing electrical products or electrical instal-  
17 lations authorized by ORS 479.560 (3) at an industrial plant, a commercial office building, a building  
18 that is owned, leased, managed or operated by the state or a local government entity or other fa-  
19 cilities designated by the Electrical and Elevator Board when the owner, operating manager or  
20 electrical contractor of the facility meets the provisions of ORS 479.630 (1) and (2) and:

21 (A) Obtains a master permit for inspection under ORS 479.560 (3); or

22 (B) Obtains a master individual inspection permit under ORS 479.565.

23 (7) In cases of emergency in industrial plants, a permit is not required in advance for electrical  
24 installation made by a person licensed as a general supervising electrician, a general journeyman  
25 electrician or an electrical apprentice under ORS 479.630 if an application accompanied by appro-  
26 priate fee for a permit is submitted to the Department of [*Consumer and Business Services*] **Building**  
27 **Codes** within five days after the commencement of such electrical work.

28 (8)(a) A license or permit is not required for the installation or assembly of industrial electrical  
29 equipment by the duly authorized agents of the factory, vendor or owner.

30 (b) The license and permit exemptions of this subsection do not apply to activity in an area  
31 where industrial electrical equipment is installed in or enters a hazardous location or penetrates  
32 or enters a fire rated assembly or plenum rated assembly.

33 (c) As used in this subsection:

34 (A) "Duly authorized agents" means individuals trained by the factory or a vendor or by expe-  
35 rience and who are knowledgeable in the operation, maintenance, repair and installation of indus-  
36 trial electrical equipment.

37 (B) "Installation or assembly" means the reassembly at a job site of equipment that is wired and  
38 assembled at the factory and then disassembled for shipping purposes or of existing equipment that  
39 is relocated. "Installation or assembly" does not include work involving field fabricated assemblies  
40 or any other electrical product that is not an original part of the industrial electrical equipment.  
41 "Installation or assembly" does not include the connection of industrial electrical equipment to a  
42 power source.

43 (9) The provisions of ORS 479.510 to 479.945 and 479.995 do not apply to:

44 (a) Electrical installations and repairs involving communication and signal systems of railroad  
45 companies.

1 (b) Electrical installations and repairs involving remote and permanent broadcast systems of  
 2 radio and television stations licensed by the Federal Communications Commission if the systems are  
 3 not part of the building's permanent wiring.

4 (c) The installing, maintaining, repairing or replacement of telecommunications systems on the  
 5 provider side of the demarcation point by a telecommunications service provider.

6 (d) The maintaining, repairing or replacement of telecommunications equipment on the customer  
 7 side of the demarcation point by a telecommunications service provider.

8 (e) Installations, by a telecommunications service provider or an appropriately licensed elec-  
 9 trical contractor, of telecommunications systems on the customer side of the demarcation point ex-  
 10 cept:

11 (A) Installations involving more than 10 telecommunications outlets; and

12 (B) Installations of any size that penetrate fire-resistive construction or air handling systems or  
 13 that pass through hazardous locations.

14 (f) Notwithstanding paragraph (e) of this subsection, installation of telecommunications systems  
 15 on the customer side of the demarcation point in:

16 (A) One and two family dwellings; and

17 (B) Multifamily dwellings having not more than four dwelling units if the installation is by a  
 18 telecommunications service provider.

19 (g) Notwithstanding paragraph (e) of this subsection, installation or replacement of cord or plug  
 20 connected telecommunications equipment on the customer side of the demarcation point.

21 (h) Notwithstanding paragraph (e) of this subsection, installation of patch cord and jumper  
 22 cross-connected equipment on the customer side of the demarcation point.

23 (10)(a) The board may grant partial or complete exemptions by rule for any electrical product  
 24 from any of the provisions of ORS 455.610 to 455.630 or 479.510 to 479.945 and 479.995 if the board  
 25 determines that the electrical product does not present a danger to the health and safety of the  
 26 people of this state.

27 (b) If the board grants an exemption pursuant to subsection (1) of this section, the board may  
 28 determine that the product may be installed by a person not licensed under ORS 479.510 to 479.945.

29 (11) ORS 479.760 does not apply to products described in this subsection that comply with the  
 30 electrical product safety standards established by concurrence of the board and the [*Director of*  
 31 *the*] Department of [*Consumer and Business Services*] **Building Codes** as described under ORS  
 32 479.730. This subsection does not exempt any products used in locations determined to be hazardous  
 33 in the electrical code of this state. The following apply to this subsection:

34 (a) Except as provided in paragraph (b) of this subsection, the exemption under this subsection  
 35 applies to:

36 (A) The rotating equipment portion of power generation equipment.

37 (B) Testing equipment used in a laboratory or hospital.

38 (C) Commercial electrical air conditioning equipment.

39 (D) Prefabricated work performed by an electrical contractor with licensed electrical personnel  
 40 in the contractor's place of business for assembly on the job site if the work is composed of parts  
 41 that meet the electrical product safety standards established by concurrence of the board and the  
 42 [*director*] **department**.

43 (b) Notwithstanding paragraph (a) of this subsection, the board may require any of the products  
 44 described in paragraph (a) of this subsection to be subject to the certification requirements under  
 45 ORS 479.760 if the board determines that the product or class of products has presented a fire or

1 life safety hazard in use. A determination under this paragraph shall be effective as to any such  
 2 product or class of products installed after the date of the determination becomes final. The board  
 3 may reinstate any exemption removed under this paragraph if the board determines that the reasons  
 4 for the removal of the exemption have been corrected.

5 (12)(a) ORS 479.610 does not apply to installations of industrial electrical equipment unless the  
 6 board determines that the product or class of products may present a fire or life safety hazard.

7 (b) The board may reinstate an exemption removed under this subsection if the product qualifies  
 8 for reinstatement under:

9 (A) An equipment safety program approved by the board;

10 (B) Equipment minimum safety standards established by concurrence of the board and the [*di-*  
 11 *rector*] **department**;

12 (C) An evaluation by an approved field evaluation firm;

13 (D) A listing from a nationally recognized testing laboratory;

14 (E) An evaluation of a first model of a product by the board; or

15 (F) Any other method approved by the board.

16 (13) ORS 479.760 does not apply to electrical equipment that has been installed and in use for  
 17 one year or more.

18 (14) A person who holds a limited maintenance specialty contractor license or a limited pump  
 19 installation specialty contractor license issued under ORS 479.510 to 479.945 or a person who is the  
 20 employee of such license holder and who is listed with the board as an employee is not required to  
 21 have a journeyman license or supervising electrician's license to perform work authorized under the  
 22 person's license.

23 (15) A person is not required to obtain a permit for work on, alterations to or replacement of  
 24 parts of electrical installations as necessary for maintenance of existing electrical installations on  
 25 residential property owned by the person or by a member of the person's immediate family. This  
 26 subsection does not establish an exemption for new electrical installations or substantial alterations  
 27 to existing electrical installations.

28 (16) A permit is not required for those minor electrical installations for which the board has  
 29 authorized an installation label.

30 (17) A residential home, as defined in ORS 443.580, and an adult foster home, as defined in ORS  
 31 443.705, is not a multifamily dwelling and only electrical installation standards and safety require-  
 32 ments applicable to single family dwellings apply to such homes.

33 (18) The permit requirements of ORS 479.550 and the license requirements of ORS 479.620 do  
 34 not apply to cable television installations.

35 (19) The provisions of any electrical products code or rule adopted pursuant to ORS 479.510 to  
 36 479.945 and 479.995 apply to cable and such products installed as part of a cable television instal-  
 37 lation.

38 (20) A person is not required to obtain a license to make an electrical installation in a prefab-  
 39 ricated structure, as defined in ORS 455.010, that is designed for residential use and intended for  
 40 delivery in another state.

41 (21) As used in this section, "smoke alarm" has the meaning given that term under ORS 479.250.

42 **SECTION 284.** ORS 479.560 is amended to read:

43 479.560. (1) The Department of [*Consumer and Business Services*] **Building Codes** or a desig-  
 44 nated agent shall issue a permit to:

45 (a) Any applicant who has complied with ORS 479.510 to 479.945 and the rules issued there-

1 under, covering an electrical installation to be made on residential or farm property owned by the  
 2 applicant or a member of the applicant's immediate family as allowed under ORS 479.540 (1).

3 (b) A licensed electrical contractor or an agent the contractor has designated to the department  
 4 or the department's designated agent in a record signed by the electrical contractor. The depart-  
 5 ment or department's designated agent shall only issue a permit under this subsection if the appli-  
 6 cation for the permit is accompanied by a signed statement that the electrical contractor's general  
 7 supervising electrician of record will sign the permit before an inspection of the electrical work is  
 8 requested. A contractor or the contractor's general supervisor will promptly request an inspection  
 9 of electrical work performed under a permit issued under this subsection. A permit issued under this  
 10 subsection shall state the name of the electrical contractor.

11 (2) A permit issued to an electrical contractor upon the request of the contractor's supervising  
 12 electrician is void upon the end of the employment of such supervising electrician before completion  
 13 of the electrical installation.

14 (3) Except for the installation or alteration of an electrical service, the owner, operating man-  
 15 ager or electrical contractor of an industrial plant who meets the provisions of ORS 479.630 (1) and  
 16 (2), a commercial office building, a building that is owned, leased, managed or operated by the state  
 17 or a local government entity or other facilities designated by the Electrical and Elevator Board, in  
 18 lieu of the required inspection permit, may apply to the department or municipality providing in-  
 19 spection service for a master electrical inspection permit. Under the permit the authority having  
 20 jurisdiction shall cause a periodic inspection to be made of the electrical installations. The authority  
 21 may also cause a cover inspection, *[which]* **that** shall be made before electrical installations are  
 22 covered. The periodic inspection under the permit shall be done at least once a year or more fre-  
 23 quently based on the needs of the particular plant, building or facility. The department shall adopt  
 24 rules in accordance with ORS chapter 183 for:

- 25 (a) The annual issuance of the master electrical inspection permit;
- 26 (b) The conduct of the inspections on the electrical installations and electrical products;
- 27 (c) The granting of a waiver of payment of permit fees other than for the master electrical in-  
 28 spection permit; and
- 29 (d) The fixing and collecting of inspection fees at the cost of making the inspection according  
 30 to the time required of the inspector.

31 **SECTION 285.** ORS 479.570 is amended to read:

32 479.570. (1) Except as provided in subsection (2) of this section, a person who sells electricity  
 33 may not energize an electrical installation unless the installation is first approved by an inspector  
 34 authorized to perform inspections under ORS 479.510 to 479.945.

35 (2) Subsection (1) of this section does not apply to:

- 36 (a) An installation for which a written request to energize has been made by a licensed super-  
 37 vising electrician qualified pursuant to ORS 479.630 (2) and to which the appropriate electrical  
 38 permit has been attached;
- 39 (b) A temporary installation of less than 480 volts made to provide service to a construction site  
 40 or irrigation pump if the installation is properly grounded and the appropriate electrical permit is  
 41 attached thereto;
- 42 (c) An installation within a plant or system of a person who sells electricity. As used in this  
 43 paragraph, "person who sells electricity" does not include small power production facilities as de-  
 44 fined in ORS 758.500 (1981 Replacement Part); or
- 45 (d) A minor electrical installation for which a valid installation label has been issued.

1 (3) Electrical installations energized without inspection pursuant to subsection (2)(a) and (b) of  
2 this section must receive final inspection as required by ORS 479.510 to 479.945.

3 (4) Notwithstanding ORS 756.040, 756.060 and 757.035, the Department of [*Consumer and Busi-*  
4 *ness Services*] **Building Codes**, in consultation with the Electrical and Elevator Board, may adopt  
5 rules regulating the use of a written request by a licensed supervising electrician as described in  
6 subsection (2)(a) of this section as adequate authority for a person who sells electricity to energize  
7 an electrical installation.

8 **SECTION 286.** ORS 479.630 is amended to read:

9 479.630. If the person pays the applicable application fee required under ORS 479.840 and com-  
10 plies with ORS 479.510 to 479.945 and the rules adopted under ORS 455.117 and 479.510 to 479.945,  
11 the Department of [*Consumer and Business Services*] **Building Codes** shall issue:

12 (1) An electrical contractor's license to a person engaging in or carrying on a business of mak-  
13 ing electrical installations.

14 (2) A general supervising electrician's license to a person who:

15 (a) Passes a written examination prepared by the Electrical and Elevator Board and adminis-  
16 tered by the department; and

17 (b) Submits proof satisfactory to the board that the person has had at least four years of expe-  
18 rience as a general journeyman electrician or its equivalent, as determined by the board by rule, in  
19 installing, maintaining and repairing electrical wires and equipment.

20 (3) A limited supervising electrician's license to a person who qualifies under this subsection.  
21 A person licensed under this subsection is authorized to supervise the class of electrical work in-  
22 cluded in the branch of the electrical trade and for which the person has passed the examination  
23 administered by the department. A person qualifies under this subsection if the person:

24 (a) Passes a written examination prepared by the board and administered by the department; and

25 (b) Submits proof satisfactory to the board that the person has had at least four years of spe-  
26 cialized experience in a recognized branch of the electrical trade on the journeyman level.

27 (4) A general journeyman electrician's license to a person who:

28 (a) Passes a written examination prepared by the board and administered by the department; and

29 (b) Submits proof satisfactory to the board that:

30 (A) The person has had at least four years of general experience as an apprentice or its equiv-  
31 alent, as determined by the board by rule, in installing, maintaining and repairing electrical wires  
32 and equipment, including not fewer than 1,000 hours in wiring on single or multifamily dwelling  
33 units; or

34 (B) If the person is licensed as a limited residential electrician under subsection (14) of this  
35 section, subsequent to receiving that license, the person has worked for at least two years as a  
36 limited residential electrician and subsequent to those two years has completed an additional two  
37 years' experience as an apprentice or its equivalent, as determined by the board by rule, for that  
38 period of apprenticeship time worked exclusively in installing, maintaining and repairing electrical  
39 wires and equipment in the commercial and industrial branches of the electrical trade under the  
40 supervision of a licensed electrical contractor.

41 (5) A limited journeyman electrician's license to a person who qualifies under this subsection.  
42 A person licensed under this subsection is authorized to perform the class of electrical work in-  
43 cluded in the branch of the electrical trade for which the person has passed the examination ad-  
44 ministered by the department. A person qualifies under this subsection if the person:

45 (a) Passes a written examination prepared by the board and administered by the department; and



1 (b)(A) Except as provided in subparagraph (B) of this paragraph, submits proof satisfactory to  
2 the board that the person has had at least four years of specialized experience as an apprentice or  
3 its equivalent, as determined by the board by rule, in a recognized branch of the electrical trade;  
4 or

5 (B) If applying for licensing as a limited journeyman sign electrician or limited journeyman stage  
6 electrician, submits proof satisfactory to the board that the person has had at least two years of  
7 specialized experience as an apprentice or its equivalent, as determined by the board by rule, in the  
8 sign or stage branch of the electrical trade.

9 (6) A limited elevator journeyman license to a person who qualifies under this subsection. A  
10 person licensed under this subsection is authorized to install, maintain and repair elevators, in-  
11 cluding all electrical and mechanical systems. A person qualifies under this subsection if the person  
12 has completed an elevator apprenticeship program, including both electrical and mechanical training  
13 components, approved by the board by rule and the person submits an application for licensure to  
14 the board in writing. A person issued a license under this subsection is exempt from continuing ed-  
15 ucation requirements established under ORS 455.117 and 479.680.

16 (7) An electrical apprentice's license to a person who has complied with ORS 660.002 to 660.210  
17 as an electrical apprentice.

18 (8) An electrical apprentice's license to a trainee toward a limited residential electrician's li-  
19 cense who has complied with ORS 660.002 to 660.210 as an electrical apprentice.

20 (9) An electrical apprentice's license to a trainee toward a limited journeyman's license in a  
21 recognized branch of the electrical trade who is employed by an employer who also:

22 (a) Employs a holder of either a general journeyman electrician's license or a limited  
23 journeyman electrician's license; and

24 (b) Conducts an electrical training program in a recognized branch of the electrical trade ap-  
25 proved by the board as being a training program that will adequately prepare the trainee for the  
26 limited journeyman's license.

27 (10) A limited maintenance electrician's license to a person who qualifies under this subsection.  
28 A person licensed under this subsection is authorized to maintain, repair and replace electrical in-  
29 stallations, including electrical components, required on the premises of industrial plants, and  
30 maintain, repair and replace electrical installations on systems that are less than 600 volts phase  
31 to phase, including electrical components, required on the premises of commercial office buildings,  
32 buildings occupied by the state or a local government entity or facilities designated by the board.  
33 The following apply to this subsection:

34 (a) A person qualifies under this subsection if the person:

35 (A) Passes a written examination prepared by the board and administered by the department on  
36 repair, replacement and maintenance of equipment of the type and nature normally used in an in-  
37 dustrial plant, commercial office building or government building and on the use of testing equip-  
38 ment; and

39 (B)(i) Completes a two-year training program approved by the board that provides for training  
40 and supervision of the trainee or apprentice; or

41 (ii) Submits proof satisfactory to the board that the person has had sufficient experience and  
42 related educational training in the repair, replacement and maintenance of electrical wiring and  
43 equipment of the type and nature used in an industrial plant, commercial office building or govern-  
44 ment building, as determined by the board or by an appropriate local apprenticeship committee re-  
45 cognized by the State Apprenticeship and Training Council.

1 (b) An annual inspection of the premises upon which electrical work is performed by persons  
2 licensed under this subsection shall be made by the electrical inspector for an annual fee determined  
3 by the board by rule, based upon the time required for the inspection, payable to the department.

4 (c) A person licensed under this subsection may be employed directly by the owner, or owner's  
5 agent, of any government building or commercial office building. A building owner or owner's agent  
6 need not be licensed under this section to supervise a limited maintenance electrician.

7 (d) The department, in consultation with the board, shall adopt rules defining government  
8 buildings and commercial office buildings subject to this subsection.

9 (11) A limited building maintenance electrician's license to a person who qualifies under this  
10 subsection. The following apply to this subsection:

11 (a) A person licensed under this subsection is authorized to maintain, repair and replace the  
12 following electrical installations required on the premises of commercial office buildings, buildings  
13 occupied by the state or a local government entity or facilities designated by the board in electrical  
14 systems not exceeding 300 volts to ground:

15 (A) Electrical appliances;

16 (B) Light switches;

17 (C) Light fixtures;

18 (D) Fans;

19 (E) Receptacles; and

20 (F) Fluorescent ballasts.

21 (b) A person qualifies under this subsection if the person:

22 (A) Passes a written examination prepared by the board and administered by the department on  
23 maintenance, repair and replacement of equipment of the type and nature normally used in a com-  
24 mercial office building or government building and on the use of testing equipment; and

25 (B) Submits proof satisfactory to the board that the person has:

26 (i) Had sufficient experience in the maintenance, repair and replacement of electrical wiring and  
27 equipment of the type and nature normally used in a commercial office building or government  
28 building; or

29 (ii) Completed a one-year training course, with classroom and on-the-job training components  
30 approved by the board, on the maintenance, repair and replacement of electrical wiring and equip-  
31 ment of the type and nature normally used in a commercial office building or government building.

32 (c) An annual inspection of the premises upon which electrical work is performed by persons  
33 licensed under this subsection shall be made by the electrical inspector for an annual fee determined  
34 by the board by rule, based upon the time required for the inspection, payable to the department,  
35 or the inspection shall be performed under an electrical master permit program.

36 (d) Building owners may perform work regulated by this subsection and for which a license is  
37 required under this subsection without obtaining a license.

38 (e) A person who owns more than 50 percent of a corporation that controls a building is a  
39 building owner.

40 (f) A person licensed under this subsection may be employed by the owner of a commercial office  
41 building or the owner's agent. A building owner or owner's agent need not be licensed under this  
42 section to supervise a limited building maintenance electrician.

43 (12) A limited maintenance specialty contractor license to a person who qualifies under this  
44 subsection. A person licensed under this subsection is authorized to engage in the electrical work  
45 related to the repair, service, maintenance, installation or replacement of existing, built-in or per-

1 manently connected appliances, fluorescent ballasts or similar equipment and to employ individuals  
 2 to engage in that work. This subsection does not authorize the installation of appliances, ballasts  
 3 or other equipment if there is no existing installation of similar equipment. A person qualifies under  
 4 this subsection if the person:

5 (a) Submits proof satisfactory to the board that the person has had sufficient experience in the  
 6 type of work permitted under the license issued under this subsection; and

7 (b) Maintains with the board a current list of all individuals employed by the person to engage  
 8 in work permitted under this subsection.

9 (13) A limited pump installation specialty contractor license to a person who qualifies under this  
 10 subsection. A person licensed under this subsection is authorized to engage in electrical work re-  
 11 lated to the testing, repair, service, maintenance, installation or replacement of new or existing  
 12 pump equipment for potable or irrigation water systems, sump pumps, effluent pumps and ground  
 13 water pumps on residential and agricultural property and to employ individuals to engage in such  
 14 work. A person qualifies under this subsection if the person:

15 (a) Submits proof satisfactory to the board that the person has had sufficient experience in the  
 16 type of work permitted under the license issued under this subsection; and

17 (b) Maintains with the board a current list of all individuals employed by the person to engage  
 18 in work permitted under this subsection.

19 (14) A limited residential electrician's license to a person who qualifies under this subsection.  
 20 A person licensed under this subsection is authorized to perform the class of electrical work in-  
 21 cluded in the branch of the electrical trade for which the person has passed the examination ad-  
 22 ministered by the department and approved by the board. However, a person licensed under this  
 23 subsection shall perform the electrical work allowed by the license only on single and multifamily  
 24 dwelling units not exceeding three floors above grade. For purposes of this subsection, the first floor  
 25 of a building is the floor that is designed for human habitation and that has 50 percent or more of  
 26 its perimeter level with or above finished grade of the exterior wall line. A person qualifies under  
 27 this subsection if the person:

28 (a) Has received the same number of hours of electrical safety training as required by rule for  
 29 an electrical apprentice or its equivalent and has received training in electrical theory;

30 (b) Submits documented proof to the board of at least two years of apprenticeship or trainee  
 31 experience in residential wiring of single and multifamily dwelling units or its equivalent, as deter-  
 32 mined by the board by rule; and

33 (c) Passes a written examination prepared by the board and administered by the department.

34 (15) A limited renewable energy contractor license to a person who:

35 (a) Employs at least one full-time renewable energy technician; and

36 (b) Does not engage in electrical work other than work that may be performed by a limited  
 37 renewable energy technician. A limited renewable energy contractor may not make, direct, supervise  
 38 or control the making of an electrical installation unless the contractor is licensed for that activity.

39 (16) A limited renewable energy technician license to a person who qualifies under this sub-  
 40 section. A person qualifies for licensing as a limited renewable energy technician if the person  
 41 completes a two-year apprenticeship program and passes an examination approved by the board. A  
 42 person licensed under this subsection may, while in the employ of a licensed electrical contractor  
 43 or a limited renewable energy contractor:

44 (a) Install, maintain, replace or repair electrical wiring and electrical products that convey or  
 45 operate on renewable electrical energy not exceeding 25 kilowatts AC; and

(b) Make electrical installations not exceeding 25 kilowatts AC:

(A) On devices using renewable energy involving wind, solar energy systems, micro-hydroelectricity, photovoltaic systems or fuel cells.

(B) Up to the load side of an inverter.

(C) To connect generators that are sized to facilitate the inverter in an off-grid system.

**SECTION 287.** ORS 479.632 is amended to read:

479.632. Notwithstanding any other provision of ORS 479.510 to 479.945 or any rule adopted by the Electrical and Elevator Board under ORS 455.117, the board may not administer an examination to, and the Department of [*Consumer and Business Services*] **Building Codes** may not issue any license to, a person whose practical experience qualification for the license is based upon training or experience in another state if the board determines that the training or experience is not equivalent to the standards for electrical training programs prescribed in this state.

**SECTION 288.** ORS 479.730 is amended to read:

479.730. In compliance with ORS chapter 183 [*the Director of*] the Department of [*Consumer and Business Services*] **Building Codes**, with the approval of the Electrical and Elevator Board, shall adopt reasonable rules:

(1) Establishing, altering or revoking minimum safety standards for workmanship and materials in various classifications of electrical installations.

(2) Establishing, altering or revoking electrical product safety standards for design and construction of electrical products to be installed in this state. The standards may allow the certification of electrical products that a testing laboratory approved by the Director **of the Department of Building Codes** and the board under ORS 479.760 has tested and found to be safe within the electrical product safety standards established under this subsection.

(3) Relating to the procedure for certifying and decertifying electrical products to be installed in this state. The department [*of Consumer and Business Services*], with the approval of the board, may limit the type of electrical products it accepts for certification under ORS 479.760 (3).

(4) Prescribing times, places and circumstances that permits shall be exhibited for inspection.

(5) Governing the internal organization and procedure for administering and enforcing ORS 479.510 to 479.945 and 479.995.

(6) Establishing, altering, approving or revoking minimum standards for electrical training programs.

(7)(a) Establishing which electrical products may be field evaluated by a field evaluation firm rather than certified;

(b) Establishing cost-based fees, requirements and procedures for approving, maintaining and suspending or revoking approvals of field evaluation firms;

(c) Establishing:

(A) Requirements and procedures for the field evaluation of electrical products; and

(B) Requirements and procedures for issuing field evaluation labels for the electrical products evaluated by field evaluation firms and testing laboratories;

(d) Establishing requirements and procedures for preparation of reports regarding installation safety issued by field evaluation firms;

(e) Establishing when an inspecting jurisdiction may require a report from a field evaluation firm; and

(f) Establishing other requirements as necessary to carry out this subsection.

**SECTION 289.** ORS 479.740 is amended to read:

1 479.740. (1) In adopting rules under ORS 479.730 the Department of [*Consumer and Business*  
2 *Services*] **Building Codes** shall consider:

3 (a) Technological advances in the electrical industry.

4 (b) The practicability of following the standards under consideration, if adopted.

5 (c) The probability, extent and gravity of the injury to the public or property [*which*] **that** would  
6 result from failure to follow the standards under consideration.

7 (d) Safety standards followed, proposed or approved by responsible members of the electrical  
8 industry.

9 (2) After considering the factors in subsection (1) of this section, the department may incorpo-  
10 rate by reference proposed safety standards of the electrical industry or independent organizations.  
11 The department may formulate and adopt independent safety standards if standards proposed by the  
12 industry and independent organizations are not acceptable to [*it*] **the department**.

13 **SECTION 290.** ORS 479.760 is amended to read:

14 479.760. (1) An electrical product may not be certified unless the product meets electrical prod-  
15 uct safety standards established in rule by concurrence of the Electrical and Elevator Board and the  
16 [*Director of the*] Department of [*Consumer and Business Services*] **Building Codes**.

17 (2) Any person may apply to have the department [*of Consumer and Business Services*] certify  
18 an electrical product. The department shall certify an electrical product if the product is shown to  
19 meet electrical product safety standards by one of the following methods:

20 (a) An equipment safety program approved by the board;

21 (b) Equipment minimum safety standards established by concurrence of the board and the [*di-*  
22 *rector*] **department**;

23 (c) An evaluation by an approved field evaluation firm;

24 (d) A listing from a nationally recognized testing laboratory;

25 (e) An evaluation of a first model of a product by the board; or

26 (f) Any other method approved by the board.

27 (3) To have an electrical product certified, a person may submit a specimen, sample or prototype  
28 to the department within a reasonable time before the date on which certification will be required,  
29 together with a fee set by the department sufficient to defray the cost of shipment and evaluation.  
30 The department shall evaluate the electrical product to determine whether the product meets elec-  
31 trical product safety standards. Not later than six months after receipt of a specimen, prototype or  
32 sample the department shall complete the required evaluation and give a decision certifying or re-  
33 jecting the product. The department may appoint a special deputy or enter into an appropriate  
34 contract with a testing laboratory approved by the board under this section for the evaluation re-  
35 quired under this subsection.

36 (4) The Director **of the Department of Building Codes** with the approval of the board may  
37 establish standards and procedures for the approval of testing laboratories to test electrical pro-  
38 ducts in the certification process under this section.

39 **SECTION 291.** ORS 479.770 is amended to read:

40 479.770. No person shall sell or offer for sale in this state any new gas-fired, forced-air central  
41 space heating equipment, clothes dryer, domestic range or new gas-fired swimming pool heaters,  
42 unless such equipment, heater, dryer or range is equipped with an electric ignition pilot that com-  
43 plies with the rules of the Department of [*Consumer and Business Services*] **Building Codes** adopted  
44 pursuant to ORS 479.740.

45 **SECTION 292.** ORS 479.810 is amended to read:

1 479.810. (1) The Electrical and Elevator Board shall administer and enforce ORS 479.510 to  
 2 479.945 and 479.995. The Director of the Department of [*Consumer and Business Services*] **Building**  
 3 **Codes** shall appoint an adequate staff of competent persons experienced and trained to serve as  
 4 electrical inspectors. The board shall assist the director in reviewing determinations made by the  
 5 staff involving electrical installations or products and [*to*] assist **the Department of Building**  
 6 **Codes** in formulating rules under ORS 479.730.

7 (2) The director, in consultation with the board, shall appoint a representative of the  
 8 department's staff of electrical inspectors who shall serve ex officio as secretary of the board. This  
 9 person shall be known as the Chief Electrical Inspector.

10 (3) The director shall certify a person as an electrical inspector if:

11 (a) The person:

12 (A) Completes a general journeyman electrical apprenticeship program in Oregon;

13 (B) Has two years' experience as a licensed electrician in Oregon; and

14 (C) Passes the examination required for certification as a supervising electrician; or

15 (b) For a person with experience outside the State of Oregon, the person:

16 (A)(i) Has five years' experience in commercial or industrial electrical inspection; and

17 (ii) Passes the examination required for certification as a general supervising electrician; or

18 (B) Has six years of out-of-state experience as an electrician and passes the examination re-  
 19 quired for certification as a general supervising electrician.

20 (4) The board may, by rule, allow certification of persons as electrical inspectors with experi-  
 21 ence or training that does not meet the requirements specified in subsection (3) of this section.

22 (5) Rules adopted under this section shall provide for the recognition of equivalent experience  
 23 acquired by a person outside the State of Oregon.

24 (6) An examination taken for purposes of applying for certification as an electrical inspector  
 25 under this section shall not be valid for use in an application to become licensed as a supervising  
 26 electrician.

27 **SECTION 293.** ORS 479.815 is amended to read:

28 479.815. The [*Director of the*] Department of [*Consumer and Business Services*] **Building Codes**,  
 29 with the approval of the Electrical and Elevator Board, may adopt rules regulating or prohibiting  
 30 conflicts of interest for electrical inspectors in regard to any work performed by an inspector or a  
 31 related party under a license issued under ORS 479.630.

32 **SECTION 294.** ORS 479.820 is amended to read:

33 479.820. (1) The Department of [*Consumer and Business Services*] **Building Codes** shall:

34 (a) Check the authenticity, appropriateness and expiration dates of licenses issued under ORS  
 35 479.510 to 479.945.

36 (b) Inspect electrical installations and products for which a permit or license is required by ORS  
 37 479.510 to 479.945.

38 (c) Inspect permits attached to electrical installations or products for which a permit is required  
 39 by ORS 479.510 to 479.945.

40 (2) If the department finds that the electrical installation or product fails to comply with mini-  
 41 mum safety standards or electrical product safety standards, the department may disconnect or or-  
 42 der the disconnection of service thereto.

43 (3) If the department finds that the condition of an electrical installation or product constitutes  
 44 an immediate hazard to life or property, the department may cut or disconnect any wire necessary  
 45 to remove such hazard or take corrective action as provided by rules adopted under ORS 479.730.

1 (4) Upon written request of appropriate municipal personnel, the department may make in-  
 2 spections of electrical installations and products within cities and counties. Such inspections shall  
 3 be made at cost, in accordance with local municipal ordinances, payable on a monthly basis.

4 (5) For the purpose of discharging any duty imposed by ORS 479.510 to 479.945 and 479.995 or  
 5 exercising authority conferred hereby the department may enter, during reasonable hours, any  
 6 building, enclosure, or upon any premises where electrical work is in progress, where an electrical  
 7 installation has been made or where electrical equipment or products may be located.

8 (6) A person may not obstruct or interfere with the department in performance of any of the  
 9 department's duties or the exercise of any authority conferred under this section.

10 **SECTION 295.** ORS 479.840 is amended to read:

11 479.840. (1) Upon receiving payment of the applicable application fee, the Department of [*Con-*  
 12 *sumer and Business Services*] **Building Codes** may issue or renew a license or permit applied for  
 13 under ORS 479.510 to 479.945. The fee to apply for or renew a license is:

14 (a) \$125 per year for an electrical contractor license for each place of business operated by the  
 15 applicant.

16 (b) \$125 per year for a limited energy contractor, restricted energy contractor or limited sign  
 17 contractor license.

18 (c) \$25 per year for a pump specialty contractor or limited maintenance specialty contractor li-  
 19 cense.

20 (d) \$150 per year for an elevator contractor license.

21 (e) \$100 for a three-year license for a:

22 (A) General journeyman electrician;

23 (B) General supervising electrician;

24 (C) Limited supervising industrial electrician;

25 (D) Limited supervising manufacturing plant electrician;

26 (E) Limited maintenance industrial electrician;

27 (F) Limited maintenance manufactured dwelling or recreational vehicle electrician; or

28 (G) Limited journeyman manufacturing plant electrician.

29 (f) \$50 for a three-year license for a:

30 (A) Limited elevator journeyman;

31 (B) Class A or Class B limited energy technician;

32 (C) Limited journeyman sign electrician;

33 (D) Limited journeyman stage electrician; or

34 (E) Limited building maintenance electrician.

35 (2) The Electrical and Elevator Board shall set uniform permit fees, by rule, not to exceed the  
 36 cost of administration.

37 (3) The fees provided for in this section do not apply to persons paying inspection fees under the  
 38 terms of ORS 479.560 (3) or 479.630 (10).

39 (4) Each electrical contractor may furnish to the department a corporate surety bond to be ap-  
 40 proved by the department, an irrevocable letter of credit issued by an insured institution as defined  
 41 in ORS 706.008 or a cash bond under procedures approved by the department, in the sum of \$2,000  
 42 guaranteeing the payment of all fees provided for under ORS 479.510 to 479.945. Before commencing  
 43 any electrical job an electrical contractor who has a current bond or letter of credit under this  
 44 subsection may apply to the department for a working permit [*which*] **that** shall cost an amount  
 45 established by the department by rule. The working permit shall authorize the electrical contractor

1 to commence work. The total of all fees due for permits for each job, and the time such fees are  
 2 payable, shall be determined by the department by administrative rule under ORS 479.730. The  
 3 contractor shall keep the bond or letter of credit in force at all times. Any cancellation or revoca-  
 4 tion of the bond or letter of credit shall revoke and suspend the license issued to the principal until  
 5 such time as a new bond or letter of credit shall be filed and approved. The department may bring  
 6 an action against the surety named in the bond or the letter of credit issuer with or without joining  
 7 in such action the principal named in the bond or letter of credit.

8 **SECTION 296.** ORS 479.850 is amended to read:

9 479.850. All receipts from civil penalties, fees, charges, costs and expenses provided for in ORS  
 10 455.895 (1)(b), 479.510 to 479.945, 479.990 and 479.995 when collected shall be:

11 (1) Paid into the [*Consumer and Business Services Fund created by ORS 705.145*] **Department**  
 12 **of Building Codes Fund**; and

13 (2) Used only for the enforcement and administration of ORS 479.510 to 479.945 and 479.995.

14 **SECTION 297.** ORS 479.853 is amended to read:

15 479.853. If any person is aggrieved by a decision made upon inspection under authority of ORS  
 16 455.148, 455.150 or 479.510 to 479.945 and 479.995 of an electrical product or electrical inspection,  
 17 the person may appeal the decision. The following apply to an appeal under this section:

18 (1) An appeal under this section is subject to ORS chapter 183.

19 (2) An appeal under this section must be made first to the Chief Electrical Inspector of the  
 20 Department of [*Consumer and Business Services*] **Building Codes**. The decision of the Chief Elec-  
 21 trical Inspector may be appealed to the Electrical and Elevator Board. The decision of the Electrical  
 22 and Elevator Board may be appealed to the Director of the Department of [*Consumer and Business*  
 23 *Services*] **Building Codes** only if codes in addition to the electrical code are at issue.

24 (3) If the Electrical and Elevator Board determines that a decision by the Chief Electrical In-  
 25 spector is a major code interpretation, then the inspector shall distribute the decision in writing to  
 26 all public and private electrical inspection authorities in the state. The decision shall be distributed  
 27 within 60 days after the board's determination, and there shall be no charge for the distribution of  
 28 the decision. As used in this subsection, a "major code interpretation" means a code interpretation  
 29 decision that affects or may affect more than one job site or more than one inspection jurisdiction.

30 (4) If an appeal is made under this section, an inspection authority shall extend the electrical  
 31 plan review deadline by the number of days it takes for a final decision to be issued for the appeal.

32 (5) Unless the Department **of Building Codes** determines that the electrical product or elec-  
 33 trical installation presents an immediate fire or life safety hazard, a person may operate an elec-  
 34 trical product or electrical installation that is the subject of an appeal under this section until the  
 35 appeal process is complete. If the department determines that an immediate fire or life safety hazard  
 36 exists and the product or installation may not be operated during appeal, the department shall pro-  
 37 vide the person with a written report detailing the problems found by the department. If a determi-  
 38 nation is made under this subsection that products described in ORS 479.540 (11) may not be  
 39 operated during appeal, that determination may be appealed immediately under the procedure es-  
 40 tablished in subsection (2) of this section without first completing any appeal procedure established  
 41 by a city or county.

42 **SECTION 298.** ORS 479.854 is amended to read:

43 479.854. (1) A municipality may enact and enforce an ordinance requiring a municipal general  
 44 supervising electrician's license upon the approval of the Electrical and Elevator Board and the  
 45 Director of the Department of [*Consumer and Business Services*] **Building Codes**.



1 (2) The Electrical and Elevator Board and director may approve an ordinance under subsection  
2 (1) of this section only if electrical installations within the municipality's jurisdiction are of a unique  
3 character beyond the education or experience of a general supervising electrician licensed under  
4 ORS 479.630 (2), and the ordinance applies only to such installations.

5 (3) The director, after obtaining the opinion of the board, shall revoke approval of an ordinance  
6 upon a finding that in issuing its general supervising electrician's license, a municipality has en-  
7 gaged in a pattern or practice of discrimination against electricians from outside the municipality.

8 **SECTION 299.** ORS 479.855 is amended to read:

9 479.855. (1) In addition to the provisions of ORS 455.010 to [455.310 and 455.410 to] 455.740, any  
10 inspection and enforcement program established by a city or county under ORS 455.148 or 455.150  
11 is subject to the provisions of this section. Where the provisions of this section conflict with pro-  
12 visions under ORS 455.010 to [455.310 and 455.410 to] 455.740, the provisions of this section shall  
13 control.

14 (2)(a) Except as otherwise provided in this section, any city or county that wishes to establish  
15 a program under ORS 455.150 to enforce and administer ORS 479.510 to 479.945 and 479.995, in-  
16 cluding a program for inspection under a master permit pursuant to ORS 479.560 (3), must first make  
17 application to the Department of [Consumer and Business Services] **Building Codes**. The program  
18 for inspection under a master permit shall be delegated separately from the general electrical pro-  
19 gram authorization. The department may authorize the city or county to administer and enforce the  
20 provisions of this section and ORS 479.540 and 479.560 if it finds that the city or county can comply  
21 with the minimum standards and meet the qualifications for inspections, permit applications and  
22 other matters to assure adequate administration and enforcement of electrical inspection programs.  
23 The department may authorize the city or county to administer and enforce ORS 479.510 to 479.945  
24 and 479.995 if the department finds that the city or county:

25 (A) Can comply with minimum standards adopted by the Electrical and Elevator Board by rule  
26 for inspections, permit applications and other matters to assure adequate administration and  
27 enforcement of ORS 479.510 to 479.945 and 479.995.

28 (B) Can conduct the electrical plan review, if required by the city or county, in a timely manner  
29 and by qualified personnel who meet the standards adopted by rule by the board.

30 (b) The city or county must assume full responsibility allowed under ORS 455.010 to [455.310 and  
31 455.410 to] 455.740 for the enforcement, inspection and administration of the electrical safety laws  
32 under that specialty code and ORS 479.510 to 479.945 and 479.995. This subsection does not require  
33 a city or county to assume full responsibility for enforcement, inspection and administration of the  
34 electrical safety laws if the only enforcement performed by the city or county involves manufactured  
35 dwelling electrical utility connections.

36 (3) The department, subject to ORS chapter 183, shall revoke any authority of a city or county  
37 to carry on inspections, enforcement or administration of electrical installations and electrical pro-  
38 ducts under ORS 455.148 or 455.150 if the department determines that the city or county fails to  
39 comply with standards adopted by the board or otherwise is not effectively carrying out duties as-  
40 sumed by the city or county under this section.

41 (4)(a) Except as provided in paragraph (b) of this subsection, a city or county may not contract  
42 with competing electrical contractors to provide permit inspection of electrical installations.

43 (b) A city or county may contract with competing electrical contractors to provide permit in-  
44 spection of electrical installations on a temporary basis by a supervising electrician if:

45 (A) Emergency circumstances exist; and

1 (B) The city or county has requested that the department perform permit inspections and the  
 2 department is unable to respond in a timely manner.

3 (c) Nothing in this subsection prohibits a city or county from contracting with another city or  
 4 county to perform permit inspections of electrical installations by a supervising electrician.

5 (5) A city or county that performs electrical installation inspections shall perform license  
 6 enforcement inspections as a part of routine installation inspections.

7 **SECTION 300.** ORS 479.860 is amended to read:

8 479.860. (1) Notwithstanding any other provision of law, a person who is the holder of a super-  
 9 vising electrician's license:

10 (a) Who is employed by the holder of an electrical contractor's license may design, plan and lay  
 11 out electrical installations for customers of the electrical contractor without obtaining any other  
 12 license, permit or certificate; or

13 (b) Who is employed by an industrial plant may design, plan and lay out electrical installations  
 14 for that industrial plant.

15 (2) The Director of the Department of [*Consumer and Business Services*] **Building Codes**, after  
 16 consultation with the Electrical and Elevator Board and the State Board of Examiners for Engi-  
 17 neering and Land Surveying, may adopt rules designating classes of board licensees that may design,  
 18 plan and lay out noncomplex electrical installations. Licensees are not subject to any requirement  
 19 for an additional license, permit, certificate or registration when engaging in the design, planning  
 20 or laying out of electrical installations as authorized by a rule adopted under this subsection.

21 **SECTION 301.** ORS 479.910 is amended to read:

22 479.910. (1) Upon payment of an application or renewal fee, the Department of [*Consumer and*  
 23 *Business Services*] **Building Codes** shall issue a Class B limited energy technician license to a per-  
 24 son who qualifies under ORS 479.915. A person licensed under this section may perform limited en-  
 25 ergy electrical activity except protective signaling as defined in ORS 479.905.

26 (2) A person licensed under this section shall comply with the permit and code compliance re-  
 27 quirements under ORS 479.510 to 479.945.

28 (3) The application fee, and the renewal fee, for a Class B limited energy technician license are  
 29 the same as those for a Class A limited energy technician license.

30 (4) The Electrical and Elevator Board shall establish continuing education requirements for  
 31 persons licensed under this section, not to exceed 24 hours of classes every three years.

32 **SECTION 302.** ORS 479.915 is amended to read:

33 479.915. (1) An applicant for a Class B limited energy technician license must:

34 (a) Submit proof satisfactory to the Electrical and Elevator Board that the person has:

35 (A) At least two years of experience as an apprentice in limited energy electrical activity; or

36 (B) At least two years of experience equivalent to an apprenticeship in limited energy electrical  
 37 activity and completed a board-approved 32-hour training program; and

38 (b) Pass a written examination approved by the board and administered by the Department of  
 39 [*Consumer and Business Services*] **Building Codes**.

40 (2) An applicant for a Class A limited energy technician license must:

41 (a) Submit proof satisfactory to the board that the person has completed at least three years of  
 42 experience as an apprentice, or the equivalent as determined by the board by rule, in a recognized  
 43 branch of the electrical trade; and

44 (b) Pass a written examination prepared by the board and administered by the department.

45 (3) The board shall determine the adequacy of any training program for qualification under the

1 requirements of this section and ORS 479.910 and section 1, chapter 728, Oregon Laws 2001.

2 (4) The department shall issue a Class A limited energy technician license to a person who  
3 qualifies under subsection (2) of this section and pays the required fees.

4 **SECTION 303.** ORS 479.950 is amended to read:

5 479.950. (1) Notwithstanding ORS 479.510 to 479.945, 479.995 and 824.045, the Director of the  
6 Department of [*Consumer and Business Services*] **Building Codes** shall adopt rules establishing,  
7 amending or repealing minimum safety standards for workmanship and materials for, and the design  
8 and construction of electrical products used in, traction electrification and electrical communi-  
9 cations and electrical signaling installations for rail fixed guideway systems operated by a mass  
10 transit district established under ORS 267.010 to 267.390. The rules adopted by the director under  
11 this subsection shall be the exclusive rules adopted for this state that establish minimum safety  
12 standards for workmanship and materials for, and the design and construction of electrical products  
13 used in, traction electrification and electrical communications and electrical signaling installations  
14 for rail fixed guideway systems operated by a mass transit district.

15 (2) Before adopting rules under subsection (1) of this section, the director [*of the Department of*  
16 *Consumer and Business Services*] shall consider:

17 (a) Technological advances in the rail fixed guideway industry.

18 (b) The practicability of following the standards under consideration, if adopted.

19 (c) The probability, extent and gravity of the injury to the public or to property that will result  
20 from failure to follow the standards under consideration.

21 (d) Safety standards followed, proposed or approved by responsible members of the rail fixed  
22 guideway industry.

23 (3) Notwithstanding ORS 479.510 to 479.945, 479.995 and 824.045, the Department of [*Consumer*  
24 *and Business Services*] **Building Codes** is designated as the state agency to administer and enforce  
25 the standards established by the director [*of the Department of Consumer and Business Services*]  
26 under this section. The department shall adopt rules establishing procedures for the administration  
27 and enforcement of such standards.

28 **SECTION 304.** ORS 480.432 is amended to read:

29 480.432. (1) A person may not engage in or work at the business of installing, extending, altering  
30 or repairing any LP gas appliance or piping, vent or flue connection pertaining to or in connection  
31 with LP gas installations within the state, either as employer or individual, unless the person has  
32 received an LP gas installation license from the State Fire Marshal in accordance with ORS 480.410  
33 to 480.460.

34 (2) A person may not do any LP gas fitting or gas venting work, install, repair or remodel any  
35 piping or venting or do any installation, repair service, connection or disconnection of any LP gas  
36 appliance that is subject to inspection under ORS 480.410 to 480.460 unless the person has received  
37 an LP gas fitter license from the State Fire Marshal in accordance with ORS 480.410 to 480.460.

38 (3) A person may not operate any LP gas delivery equipment installed on a motorized vehicle  
39 unless the person has received an LP gas truck equipment license from the State Fire Marshal in  
40 accordance with ORS 480.410 to 480.460.

41 (4) Any person under the terms of this section who is required to have an LP gas fitter or LP  
42 gas truck equipment license is also required to have an LP gas installation license, unless the per-  
43 son is an employee of an employer who has an LP gas installation license as provided by this sec-  
44 tion.

45 (5) A person who holds a valid journeyman plumber license under ORS 693.060 or who is in an

1 approved journeyman plumber apprenticeship established under ORS 660.002 to 660.210 is exempt  
2 from the licensing requirements of subsections (1) and (2) of this section, except that the apprentice  
3 or journeyman plumber may not install an LP gas tank or make any connection to an LP gas tank  
4 unless the apprentice or journeyman plumber is licensed as required under this section.

5 (6) A person who holds a license issued by the Department of [*Consumer and Business*  
6 *Services*] **Building Codes** under ORS 480.630 of a class that authorizes the person to fabricate, in-  
7 stall, alter or repair pressure piping and to install boilers and pressure vessels by attachment of  
8 piping connector is exempt from the licensing requirements of subsections (1) and (2) of this section,  
9 except that the person may not install an LP gas tank or make any connection to an LP gas tank  
10 unless the person is licensed as required under this section.

11 (7) Subsections (1) to (4) of this section do not apply to LP gas installations in a manufactured  
12 dwelling or recreational vehicle performed during the construction of the manufactured dwelling or  
13 recreational vehicle, or the alteration or repair of an LP gas installation in a manufactured dwelling  
14 or recreational vehicle made pursuant to the manufacturer's warranty.

15 **SECTION 305.** ORS 480.450 is amended to read:

16 480.450. (1) The installer shall notify the State Fire Marshal, before the last day of each month,  
17 of all new installations made during the preceding month of containers or receptacles for liquefied  
18 petroleum gas, including installations for private homes and apartments. The installer shall certify  
19 on a form provided by the State Fire Marshal that all of the new installations are duly and properly  
20 reported. The State Fire Marshal may require that the notification include the location and de-  
21 scription of the installation and the name of the user. All fees due and payable must accompany the  
22 notification. The replacement of empty containers or receptacles with other containers constructed  
23 in accordance with United States Department of Transportation specifications is not a new instal-  
24 lation or change in the original installation that requires notification to the State Fire Marshal or  
25 necessitates further inspection of the installation. The State Fire Marshal shall collect from the in-  
26 staller an installation fee of \$50 for each tank installed or for all tanks at the installation if the total  
27 combined capacity is 200 gallons or less. The State Fire Marshal or deputies of the fire marshal or  
28 assistants shall inspect a reasonable number of the installations and maintain a record of the in-  
29 spections in the office of the State Fire Marshal.

30 (2) In addition to any installation or inspection fee, the State Fire Marshal may charge a plan  
31 review fee, not to exceed \$100, for any liquefied petroleum gas container and receptacle plan review  
32 required under a uniform fire code prescribed by the State Fire Marshal by rule.

33 (3) After the initial installation, liquefied petroleum gas containers may be inspected once every  
34 10 years except when changes have been made in the original installation. An installer making  
35 changes must notify the State Fire Marshal of the changes in the same manner provided in this  
36 section for new installations. The State Fire Marshal shall collect from the owner a fee of \$50 for  
37 the inspection of each container. The manner of inspection, requirement of corrections, satisfaction  
38 of requirements and collection of fees due and payable must conform with the provisions of ORS  
39 480.410 to 480.460 for new installations. Upon request of the State Fire Marshal, LP gas installation  
40 licensees shall furnish a list of the locations of 10-year old installations that they service.

41 (4) If, upon inspection of any tank, the new installation does not comply with the requirements  
42 of the State Fire Marshal, the State Fire Marshal shall instruct the installer as to what corrections  
43 are necessary for compliance with the State Fire Marshal's requirements. The installer of the new  
44 installation shall, within the time set by the State Fire Marshal, not to exceed 60 days after notifi-  
45 cation, notify the State Fire Marshal that the new installation complies with the requirements of the

1 fire marshal. If the installer fails to notify the State Fire Marshal, or the State Fire Marshal has  
 2 reason to believe that the corrections have not been made, the State Fire Marshal shall reinspect  
 3 the new installation and shall collect from the installer an additional fee of \$125. The user, not the  
 4 installer, shall pay the additional fee resulting from actions of the user that require correction to  
 5 achieve compliance with the requirements of the State Fire Marshal.

6 (5) A person who receives notice from the State Fire Marshal must correct any improper in-  
 7 stallation within the time set by the State Fire Marshal, not to exceed 60 days after receipt of the  
 8 notice.

9 (6) If the fees provided for in this section are due and payable and are not paid within 30 days  
 10 after service of written notice by the State Fire Marshal therefor, or if the installer fails to notify  
 11 the State Fire Marshal by the last day of the month succeeding the month a new installation is made  
 12 or a change is made requiring an inspection, the fees are delinquent and a penalty equal to the  
 13 greater of 10 percent of the fee amount or \$30, is imposed for the delinquency. The State Fire  
 14 Marshal shall collect all fees and penalties in the name of the State of Oregon in the same manner  
 15 that other debts are collected.

16 (7) The provisions of this section do not apply to liquefied petroleum gas installations if made  
 17 entirely within the jurisdiction of a governmental subdivision granted the exemption provided by  
 18 ORS 476.030 (3) and written evidence of the licensing of the installation by the approved authority  
 19 is submitted to the State Fire Marshal. The provisions of this section do not apply to LP gas in-  
 20 stallations made in manufactured dwellings or recreational vehicles that are constructed or altered  
 21 in accordance with applicable rules of the Department of [*Consumer and Business Services*] **Building**  
 22 **Codes**.

23 **SECTION 306.** ORS 480.515 is amended to read:

24 480.515. As used in ORS 480.510 to 480.670, unless the context requires otherwise:

25 (1) "Alteration" means a change or addition to equipment, other than the ordinary repair or  
 26 replacement of an existing part of the equipment.

27 (2) "Board" means the Board of Boiler Rules created under ORS 480.535.

28 (3) "Boiler" or "boilers" means:

29 (a) A closed vessel or vessels intended for the heating or vaporizing of liquids to be used ex-  
 30 ternally to such vessel or vessels by the application of heat from combustible fuels, electricity or  
 31 nuclear energy;

32 (b) Related appurtenances including but not limited to pressure piping directly connected and  
 33 related to the safe operation of a boiler; and

34 (c) Pressure piping consisting of boiler or nonboiler external piping connected to a boiler, but  
 35 not potable water nonboiler external piping.

36 (4) "Boiler external piping" has the meaning given the term in the 1986 Pressure Piping Code  
 37 B 31.1, adopted by the American Society of Mechanical Engineers.

38 (5) "Certificate of competency" means a certificate issued under the provisions of ORS 480.565  
 39 (3).

40 (6) "Department" means the Department of [*Consumer and Business Services*] **Building Codes**.

41 (7) "Director" means the Director of the Department of [*Consumer and Business Services*]  
 42 **Building Codes**.

43 (8) "Installation permit" means a permit issued by the department for the installation, alteration  
 44 or repair of a boiler or pressure vessel.

45 (9) "Minimum safety standards" means the rules, regulations, formulae, definitions and inter-

pretations for the safe construction, installation, operation and repair of boilers and pressure vessels either adopted by ORS 480.510 to 480.670 or adopted by the board, under ORS 480.510 to 480.670.

(10) "Nonboiler external piping" has the meaning given the term in the 1986 Pressure Piping Code B 31.1, adopted by the American Society of Mechanical Engineers.

(11) "Operating permit" means a permit issued by the department authorizing the operation of a boiler or pressure vessel.

(12) "Pressure vessel" means containers for the containment of pressure, either internal or external. This pressure may be obtained from an external source or by the application of heat from a direct or indirect source, or any combination thereof.

(13) "Related appurtenances" means any equipment instrumental to the safe operation of a boiler or pressure vessel.

(14) "Shop inspection" means an inspection at a boiler or pressure vessel manufacturing, construction or repair facility.

(15) "Temporary operation authorization" means an authorization issued by the department to operate a boiler or pressure vessel for a specified period pending the issuance of an operating permit.

**SECTION 307.** ORS 480.520 is amended to read:

480.520. The purpose of ORS 480.510 to 480.670 is to protect the safety of the people of Oregon and to protect property situated in Oregon from the hazard of fires and explosions caused by boilers and pressure vessels. To accomplish this purpose the Legislative Assembly intends by ORS 480.510 to 480.670 to provide a system:

(1) For determining where and by whom boilers and pressure vessels are being constructed, installed, repaired, used and operated.

(2) To ensure that only qualified persons do welding on boilers and on pressure vessels.

(3) To ensure that boilers and pressure vessels are manufactured, installed, repaired, operated, inspected and maintained so as to meet the minimum safety standards formulated and promulgated by the Board of Boiler Rules.

(4) For the administration and enforcement of ORS 480.510 to 480.670 by the Department of [Consumer and Business Services] **Building Codes** and the board.

(5) To defray the cost of administration and the cost of enforcing ORS 480.510 to 480.670 by establishing fees to be charged for:

(a) Issuing operating permits;

(b) Issuing installation permits;

(c) Giving examinations; and

(d) Making inspections.

**SECTION 308.** ORS 480.525 is amended to read:

480.525. (1) ORS 480.510 to 480.670 do not apply to:

(a) Boilers and pressure vessels under federal safety regulations or control.

(b) Domestic water heaters designed for heating potable water, equipped with an approved pressure-relieving device, containing only water and that do not exceed a:

(A) Capacity of 120 gallons;

(B) Water temperature of 210 degrees Fahrenheit;

(C) Pressure of 150 pounds per square inch gauge pressure; or

(D) Heat input of 200,000 BTU per hour.

(c) Domestic water heaters designed to create hot water instantaneously on demand without the

1 use of a storage tank.

2 (d) Pressure vessels containing liquefied petroleum gas that are under the jurisdiction of the  
 3 State Fire Marshal. However, the construction and repair of the vessels must comply with ORS  
 4 480.510 to 480.670 and are under the jurisdiction of the Board of Boiler Rules.

5 (e) Air tanks used in the operation of brakes on self-propelled vehicles and trailers that are used  
 6 for transporting freight or passengers.

7 (f) Medical sterilizers that do not exceed one and one-half cubic feet in volume.

8 (g) Pressure vessels that do not exceed one and one-half cubic feet in volume and:

9 (A) Are not operated at gauge pressure of more than 150 pounds per square inch;

10 (B) Are equipped with a relief valve;

11 (C) Are approved under the American Society of Mechanical Engineers code adopted by the  
 12 board;

13 (D) Are set at a maximum pressure of 150 pounds per square inch or less; and

14 (E) Are located in a place of public assembly.

15 (h) Pressure vessels that do not exceed five cubic feet in volume and:

16 (A) Are not operated at gauge pressure of more than 150 pounds per square inch;

17 (B) Are equipped with a relief valve;

18 (C) Are approved under the American Society of Mechanical Engineers code adopted by the  
 19 board; and

20 (D) Are set at a maximum pressure of 150 pounds per square inch or less.

21 (2) Notwithstanding subsection (1) of this section, if the board, upon presentation of satisfactory  
 22 evidence, determines that danger to health or safety is evident in any pressure vessel or class of  
 23 pressure vessels exempted under subsection (1)(g) of this section, the board may require the in-  
 24 spection or reinspection of the pressure vessel or class of pressure vessels and make the pressure  
 25 vessel or class of pressure vessels subject to the fee, construction or other requirements of ORS  
 26 480.510 to 480.670.

27 (3) The following boilers and pressure vessels are exempt from ORS 480.510 to 480.670, except  
 28 as to all provisions relating to construction, installation, alteration or repair and to installation  
 29 permits:

30 (a) Boilers that are not operated at gauge pressures of more than 15 pounds per square inch and  
 31 that are located on farms and used solely for agricultural purposes except when used in connection  
 32 with a greenhouse.

33 (b) Air tanks located on farms and used solely for agricultural purposes.

34 (c) Boilers and pressure vessels that are located in private residences and may be inspected only  
 35 by a boiler inspector.

36 (d) Pressure vessels being operated at gauge pressures of less than 15 pounds per square inch  
 37 and equipped with a pressure relief device set to open at a pressure that does not exceed the lesser  
 38 of the pressure vessel's maximum allowed working pressure or 15 pounds per square inch gauge  
 39 pressure.

40 (4)(a) Beverage service tanks that have a product volume of five cubic feet or less are exempt  
 41 from ORS 480.510 to 480.670.

42 (b) Except as provided in paragraph (c) of this subsection, beverage service tanks that have a  
 43 product volume of more than five cubic feet are exempt from ORS 480.510 to 480.670, except as to  
 44 provisions relating to installation permits and installation inspections. The installation permit fee  
 45 for a beverage service tank is \$50.

1 (c) All portable beverage tanks are exempt from ORS 480.510 to 480.670.

2 (5) The Director of the Department of [*Consumer and Business Services*] **Building Codes** may  
 3 adopt rules identifying boilers and pressure vessels used in single family dwellings or other struc-  
 4 tures that may be inspected by an inspector certified under ORS 455.715 to 455.740 for a specialty  
 5 code other than the code adopted under ORS 480.545. The boilers and pressure vessels identified in  
 6 the rules shall be subject to inspection upon installation, alteration or repair, but be exempt from  
 7 periodic inspection under ORS 480.560 and from the operating permit requirements of ORS 480.585.

8 (6) Notwithstanding any requirement of ORS 480.510 to 480.670 or the state building code, the  
 9 Department of [*Consumer and Business Services*] **Building Codes** may adopt rules granting partial  
 10 or complete exemption from ORS 480.510 to 480.670 for a boiler or pressure vessel if the board de-  
 11 termines that the boiler or pressure vessel does not present a danger to public health or safety  
 12 within this state.

13 **SECTION 309.** ORS 480.530 is amended to read:

14 480.530. The Department of [*Consumer and Business Services*] **Building Codes** may:

15 (1) Where it appears that a person is engaging in or is about to engage in an act or practice in  
 16 violation of any provision of ORS 480.510 to 480.670, obtain without furnishing a bond, a restraining  
 17 order and injunction from the circuit court in the county where the act or practice is occurring, or  
 18 is threatened, enjoining the act or practice. However, before obtaining a restraining order and in-  
 19 junction, unless the act or practice constitutes an immediate threat to health and safety, the de-  
 20 partment shall first notify the person concerned of the department's intentions. The notice shall be  
 21 in writing, shall advise the person concerned of the department's intentions and shall advise the  
 22 person concerned of the right to appeal in writing within 10 days and that the appeal will be heard  
 23 by the Board of Boiler Rules. In case there is a timely request for an appeal, proceedings will be  
 24 stayed pending the appeal, unless the act or practice constitutes an immediate menace to health or  
 25 safety or the person concerned fails to prosecute the appeal with diligence.

26 (2) Keep a complete record of the types, dimensions, maximum allowable working pressures, age,  
 27 location and date of the last recorded inspection of all boilers and pressure vessels to which ORS  
 28 480.510 to 480.670 apply.

29 (3) Publish and distribute copies of the rules and codes applicable to boilers and pressure ves-  
 30 sels.

31 (4) Check or cause to be checked the authenticity, appropriateness and expiration dates of li-  
 32 censes and certificates issued under ORS 480.510 to 480.670.

33 (5) Administer written, oral or practical examinations to all applicants for certification as chief  
 34 boiler inspector, deputy inspector or special inspector under ORS 480.565.

35 **SECTION 310.** ORS 480.535 is amended to read:

36 480.535. (1) The Board of Boiler Rules is established in the Department of [*Consumer and Busi-*  
 37 *ness Services*] **Building Codes**. The Governor shall appoint the board.[, *which*] **The board** shall  
 38 formulate and promulgate rules under ORS 480.510 to 480.670 for the safe construction, installation,  
 39 inspection, operation, maintenance and repair of boilers and pressure vessels in this state and re-  
 40 view determinations made by its staff concerning boilers and pressure vessels.

41 (2) Eleven persons shall constitute the board, consisting of:

42 (a) One person who is an owner and user or who is a representative and employee of an owner  
 43 and user of a high pressure boiler in Oregon and who has had practical experience with high pres-  
 44 sure boilers;

45 (b) One person who is a manufacturer or who is a representative and employee of a manufac-



1 turer of boilers or of pressure vessels in Oregon;

2 (c) One person who is regularly engaged in the inspection of boilers and pressure vessels and  
3 who is employed by an insurer who may and does write policies of boiler and pressure vessels ex-  
4 plosion insurance in Oregon;

5 (d) One person who is a mechanical engineer registered by the State of Oregon;

6 (e) One person who is a boilermaker;

7 (f) One person who is the owner and user or who is a representative and employee of an owner  
8 and user of a low pressure boiler in Oregon;

9 (g) One person who is the owner and user or who is a representative and employee of an owner  
10 and user of a pressure vessel in Oregon and who has had practical experience with pressure vessels;

11 (h) One person who is an owner or employee of a business engaged in the installation and repair  
12 of boilers;

13 (i) One person who is a steamfitter;

14 (j) One person who is a practical steam operating engineer; and

15 (k) One person who is a member of the public not otherwise eligible for appointment to the  
16 board.

17 (3) A member of the board who does not continue to meet the qualifications for board member-  
18 ship under subsection (2) of this section during the member's term may not be appointed to a sub-  
19 sequent term.

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

22 **SECTION 311.** ORS 480.545 is amended to read:

23 480.545. (1) Under ORS chapter 183 the Board of Boiler Rules may adopt and enforce rules and  
24 minimum safety standards to carry out ORS 480.510 to 480.670 and adopt standards for persons  
25 performing welding on boilers and pressure vessels.

26 (2) All proceedings in the administration of ORS 480.510 to 480.670 shall be conducted under  
27 ORS chapter 183 and, additionally, where applicable, under ORS 480.615.

28 (3) In addition to the rules otherwise provided, and subject to ORS chapter 183, the board shall  
29 adopt rules concerning the times, dates, frequency and manner of giving notice to interested persons  
30 of intention to consider one or more [*of the things which the board may consider*] **matters** under this  
31 section.

32 (4) All rules and minimum safety standards adopted under this section shall be reasonable and  
33 in substantial conformity with generally accepted nationwide engineering standards. In adopting  
34 rules the board shall consider the probability, extent and gravity of injuries to health and property  
35 [*which*] **that** would result from the failure to adopt the standards being considered and the standards  
36 followed, proposed or approved by members of affected industries.

37 (5) The board shall adopt rules establishing a continuing education requirement for persons de-  
38 scribed in ORS 480.630 (8) and fees necessary for the administration and enforcement of the con-  
39 tinuing education requirement.

40 (6) Any rule adopted by the board under ORS 480.510 to 480.670 shall be submitted to the Di-  
41 rector of **the** Department of [*Consumer and Business Services*] **Building Codes**. The director shall  
42 have 30 calendar days from the date of adoption of the rules to review them. If the director fails to  
43 disapprove the rules within the 30-day period, the rules become effective in accordance with their  
44 terms and as provided by law. If the director disapproves the rules within the 30-day period, the  
45 rules immediately shall be returned to the board with the director's written objections, and the rules

1 do not become effective until approved by the director.

2 **SECTION 312.** ORS 480.565 is amended to read:

3 480.565. The Director of the Department of [*Consumer and Business Services*] **Building Codes**  
4 shall:

5 (1) Appoint a chief boiler inspector who has had practical experience in the construction,  
6 maintenance, repair or operation of high pressure boilers and pressure vessels as a mechanical en-  
7 gineer, practical steam operating engineer, boilermaker or boiler inspector and who:

8 (a) Has passed a written examination, [*which*] **that** shall be confined to questions the answers  
9 to which will aid in determining the fitness and competency of the applicant to inspect boilers and  
10 pressure vessels; or

11 (b) Holds a certificate of competency as an inspector of boilers and pressure vessels issued by  
12 a state that has standards of examination equal to those of the State of Oregon and that recognizes  
13 certificates of competency issued by the State of Oregon, and has passed an examination that as-  
14 sesses the applicant's knowledge of ORS 480.510 to 480.670 and the rules adopted thereunder.

15 (2) Appoint deputy inspectors who shall be responsible to the chief boiler inspector and who  
16 shall have qualified as provided in subsection (1) of this section, except that less practical experi-  
17 ence shall be required.

18 (3) Issue a certificate of competency as a special inspector to any individual who qualifies as  
19 provided in subsection (1) of this section, except that no more practical experience shall be required  
20 than is required of a deputy inspector, and who is continuously employed by:

21 (a) An insurer who may and does write policies of boiler and pressure vessel insurance in  
22 Oregon; or

23 (b) Any person operating pressure vessels in this state whose service, personnel, equipment and  
24 supervision meet the requirements prescribed by the Board of Boiler Rules.

25 **SECTION 313.** ORS 480.570 is amended to read:

26 480.570. (1) A special inspector receiving a certificate of competency under ORS 480.565 (3)(b)  
27 may not inspect under ORS 480.510 to 480.670 any boiler or pressure vessel not used or not to be  
28 used by the employer of the special inspector.

29 (2) If a special inspector holds a certificate of competency issued under ORS 480.565 (3)(a), the  
30 special inspector:

31 (a) May conduct shop inspections of boilers and pressure vessels manufactured or to be installed  
32 in this state whether or not the boilers or pressure vessels are insured or will be insured by the  
33 employer of the special inspector; and

34 (b) Upon being notified that the boilers or pressure vessels are ready for inspection, shall per-  
35 form all installation and operating inspections required under ORS 480.510 to 480.670 on boilers and  
36 pressure vessels that are operated or insured by the special inspector's employer.

37 (3) A boiler contractor licensed under ORS 480.630 that performs an alteration or repair on a  
38 boiler or pressure vessel shall utilize the services of:

39 (a) An authorized inspector certified under this chapter with whom the contractor has an  
40 agreement for inspection of the alteration or repair;

41 (b) A special inspector of an insurance company with which the contractor has an inspection  
42 contract; or

43 (c) A designated inspector who is authorized to inspect the alteration or repair.

44 (4) A special inspector's certificate of competency remains in force only while the special in-  
45 spector is continuously employed by one of the persons mentioned in ORS 480.565 (3).

1 (5) If a boiler or pressure vessel is inspected by a special inspector as provided in this section,  
 2 the boiler or pressure vessel is subject to the installation permit and operating permit fees described  
 3 in ORS 480.600 (2) instead of the installation permit and operating permit fees established under  
 4 ORS 480.595.

5 (6) The Department of [*Consumer and Business Services*] **Building Codes** may cause a deputy  
 6 inspector to inspect or reinspect all boilers and pressure vessels that a special inspector is author-  
 7 ized or required to inspect. However, the deputy inspector may not conduct an internal inspection  
 8 or reinspection unless:

9 (a) There is a question as to whether or not the boiler or pressure vessel meets the minimum  
 10 safety standards; and

11 (b) The special inspector who made the original inspection, or the employer of the special in-  
 12 spector, is given reasonable notice and opportunity to be present during the internal inspection or  
 13 reinspection.

14 (7) Subsections (1) to (6) of this section do not apply to boilers or pressure vessels located in a  
 15 residential structure that contains fewer than six dwelling units.

16 **SECTION 314.** ORS 480.585 is amended to read:

17 480.585. (1) After a boiler or pressure vessel has successfully passed an installation inspection,  
 18 the Department of [*Consumer and Business Services*] **Building Codes** may issue a temporary opera-  
 19 tion authorization. The boiler or pressure vessel covered by the temporary operation authorization  
 20 may only be operated during the period specified in the temporary operation authorization.

21 (2) An operating permit for a boiler or pressure vessel shall specify the maximum pressure under  
 22 which the boiler or pressure vessel may be operated.

23 (3) The department may at any time suspend or revoke an operating permit if the department  
 24 finds that the boiler or pressure vessel, or related appurtenances, for which the permit was issued  
 25 does not comply with ORS 480.510 to 480.670. Suspension of any permit continues in effect until the  
 26 vessel conforms to ORS 480.510 to 480.670 and the permit is reissued. However, before suspending  
 27 or revoking a permit, the department shall first notify the person concerned of the department's in-  
 28 tention. The notice must be in writing and advise the person concerned of the right to appeal in  
 29 writing within 10 days and that the appeal will be heard by the Board of Boiler Rules. If there is  
 30 a timely appeal, the department may not suspend or revoke the permit pending the appeal unless the  
 31 reason for suspension or revocation constitutes an immediate menace to health or safety or the  
 32 person concerned fails to prosecute an appeal with diligence.

33 (4)(a) Except as provided in ORS 480.510 to 480.670, a person may not operate a boiler or pres-  
 34 sure vessel unless a valid temporary operation authorization or valid operating permit issued under  
 35 this section is attached to the boiler or pressure vessel or posted in a conspicuous place in the room  
 36 where the boiler or pressure vessel is located.

37 (b) A person may not permit or suffer the operation of a boiler or pressure vessel on property  
 38 the person owns, controls, manages or supervises unless a valid temporary operation authorization  
 39 or valid operating permit issued under this section is attached to the boiler or pressure vessel or  
 40 posted in a conspicuous place in the room where the boiler or pressure vessel is located.

41 (c) The owner or lessee or person having possession of a boiler or pressure vessel may not  
 42 permit or suffer the operation of the boiler or pressure vessel unless a valid temporary operation  
 43 authorization or valid operating permit issued under this section is attached to the boiler or pres-  
 44 sure vessel or posted in a conspicuous place in the room where the boiler or pressure vessel is lo-  
 45 cated.

(5) The board may adopt rules waiving provisions of this section.

**SECTION 315.** ORS 480.595 is amended to read:

480.595. (1) The Department of [*Consumer and Business Services*] **Building Codes** may adopt rules regarding installation permits and operating permits. The rules may include, but need not be limited to, rules creating standardized forms, establishing operating permit fees, establishing permit cycles and setting terms and conditions for permit validity.

(2) Upon timely receipt of an installation permit fee, the department may issue an installation permit, perform an installation inspection and issue a temporary operating authorization.

(3) Upon timely receipt of an operating permit fee, the department may issue or renew an operating permit and may perform a periodic inspection if required during the operating permit cycle.

(4) Except as provided in ORS 480.525 and 480.600, installation permit fees are as follows:

(a) For boilers, \$175.

(b) For pressure vessels, \$125.

(5) Except as provided in ORS 480.600, maximum operating permit fees per year are as follows:

(a) Power boilers of 15 horsepower  
or less \$110

(b) Other boilers of 15 horsepower  
or less \$ 55

(c) Power boilers greater than 15  
horsepower to 100 horsepower \$110

(d) Other boilers greater than 15  
horsepower to 100 horsepower \$ 55

(e) Power boilers greater than 100  
horsepower to 500 horsepower \$110

(f) Other boilers greater than 100  
horsepower to 500 horsepower \$ 55

(g) Power boilers greater  
than 500 horsepower \$110

(h) Other boilers greater  
than 500 horsepower \$ 55

(i) Notwithstanding paragraphs  
(a) to (h) of this subsection,  
all cast iron boilers \$ 55

(j) Pressure vessels having  
a product volume of  
20 cubic feet or less \$ 50

(k) Pressure vessels having  
a product volume  
greater than 20 cubic feet \$ 50

(6) For a reinspection, the fee is \$75.

(7) For the submission of plans and other pertinent data when required, for each boiler or pressure vessel, the fee is \$78.

**SECTION 316.** ORS 480.600 is amended to read:

480.600. (1) For a quantity of boilers or pressure vessels operated at the same locations, each operating permit fee under ORS 480.595 issued at the same location is \$75.

1 (2) Notwithstanding ORS 480.595 and except as provided in this subsection, the installing, al-  
 2 tering or repairing contractor or the owner or user of any boiler or pressure vessel that is inspected  
 3 under ORS 480.570 (1) or (2) shall pay an installation permit fee of \$40 and an operating permit fee  
 4 of \$40. The Department of [*Consumer and Business Services*] **Building Codes** may establish operat-  
 5 ing permit cycles by rule. The department may require payment of an installation or operating per-  
 6 mit fee as provided in ORS 480.595 if the department finds that the boiler or pressure vessel is in  
 7 violation of the minimum safety standards.

8 (3) If an insurance company notifies its insured that the insurance company will no longer insure  
 9 a boiler or pressure vessel, or that insurance on a boiler or pressure vessel is no longer in force,  
 10 the insurance company shall also notify the chief boiler inspector, in a form and manner prescribed  
 11 by the chief boiler inspector, of the description and vessel registration numbers of the boilers or  
 12 pressure vessels for which insurance is canceled or suspended or is not to be renewed.

13 (4) If an owner or user of a boiler or pressure vessel fails to pay any fee required by this chapter  
 14 within 90 days after the billing date, the department may consider the fee delinquent and double the  
 15 amount of the fee. The court may award reasonable attorney fees to the department if the depart-  
 16 ment prevails in an action to collect a fee required by this chapter. The court may award reasonable  
 17 attorney fees to a defendant who prevails in an action to collect a fee required by this chapter if  
 18 the court determines that the department had no objectively reasonable basis for asserting the claim  
 19 or no reasonable basis for appealing an adverse decision of the trial court.

20 **SECTION 317.** ORS 480.605 is amended to read:

21 480.605. The Department of [*Consumer and Business Services*] **Building Codes** may:

22 (1) Collect fees for shop inspections, or for inspections, testing, consultations, site visits or other  
 23 services for which no fee is otherwise specified, in the amount of \$75 per hour of travel and in-  
 24 spection time.

25 (2) Collect a fee for welding and inspectors' examinations and for the renewal of inspectors'  
 26 certifications. The Board of Boiler Rules shall fix the amount of the fee.

27 **SECTION 318.** ORS 480.610 is amended to read:

28 480.610. All receipts from fees, charges, costs and expenses under ORS 480.510 to 480.670 shall  
 29 be collected by the Department of [*Consumer and Business Services*] **Building Codes** and paid into  
 30 the [*Consumer and Business Services Fund created by ORS 705.145*] **Department of Building Codes**  
 31 **Fund.** [*Such*] Moneys **described in this section** shall be used only for the administration and  
 32 enforcement of ORS 480.510 to 480.670.

33 **SECTION 319.** ORS 480.630 is amended to read:

34 480.630. (1) A person engaging in the business of installing, repairing or altering boilers or  
 35 pressure vessels must possess a boiler contractor license issued by the Department of [*Consumer and*  
 36 *Business Services*] **Building Codes**.

37 (2) A person who installs, repairs or alters boilers or pressure vessels as the employee or agent  
 38 of a business engaged in the installation, repair or alteration of boilers or pressure vessels must  
 39 possess an employee or agent license issued by the department.

40 (3) The chief boiler inspector may conduct examinations for licensing an employee or agent of  
 41 a business to establish the competency of the applicant.

42 (4) Upon payment of the applicable application fee, the department shall issue a license to an  
 43 applicant who qualifies as provided in rules adopted under ORS 455.117 by the Board of Boiler  
 44 Rules. Upon payment of the applicable renewal application fee, the department shall renew the li-  
 45 cense of a person who complies with ORS 480.510 to 480.670 and the rules adopted by the board

1 under ORS 455.117 or 480.545. The fee to apply for or renew a license is:

2 (a) \$27.50 per year for an employee or agent license.

3 (b) \$165 per year for a boiler contractor license.

4 (5) A person required to be licensed under this section may not install, alter or repair a boiler  
5 or pressure vessel unless an installation permit is first secured from the department. The department  
6 shall issue permits only to persons possessing a valid boiler contractor license or as provided by the  
7 department by rule.

8 (6) If an emergency exists, a permit under subsection (5) of this section is not required in ad-  
9 vance for boiler or pressure vessel installations or repair, provided that an application accompanied  
10 by the appropriate fee for the permit is submitted to the department within five days after the  
11 commencing of the boiler or pressure vessel work.

12 (7) The license and examination requirements of this section and ORS 480.632 do not apply when  
13 a person is brought in from out of state to repair or alter a boiler or pressure vessel utilizing special  
14 tools or a special process for which that person is uniquely qualified. The activity shall be limited  
15 solely to the special process and the person performing the work shall have qualifications that meet  
16 or exceed license standards as determined by the chief boiler inspector. The chief boiler inspector  
17 shall be notified prior to performance of any work under this subsection.

18 (8) If a license issued under subsection (4) of this section is of a class that authorizes a person  
19 to perform work equivalent to that performed by pressure vessel installers, building service me-  
20 chanics, boilermakers or pressure piping mechanics, the person must comply with continuing edu-  
21 cation requirements.

22 **SECTION 320.** ORS 480.647 is amended to read:

23 480.647. (1) The Board of Boiler Rules may adopt rules creating quality control procedures for  
24 welding on nonboiler external piping and may adopt its own Oregon welded stamp symbol.

25 (2) The board may not require the adoption of “R” stamp provisions of the National Board of  
26 Boiler and Pressure Vessel Inspectors or the American Society of Mechanical Engineers Certifica-  
27 tion of Authorization requirements related to boilers for welding on nonboiler external piping.

28 (3) The board shall accept an “R” stamp certificate of authorization by the National Board of  
29 Boiler and Pressure Vessel Inspectors or the American Society of Mechanical Engineers as meeting  
30 the requirements of subsection (1) of this section and may accept any other quality control program  
31 for welding that is at least equivalent to the Oregon quality control procedures adopted under sub-  
32 section (1) of this section.

33 (4) All review by the Department of [*Consumer and Business Services*] **Building Codes** for indi-  
34 vidual approval of quality control procedures and requirements shall be charged at the shop in-  
35 spection rates under ORS 480.605.

36 **SECTION 321.** ORS 480.670 is amended to read:

37 480.670. The Board of Boiler Rules may impose a civil penalty for a violation of ORS 480.510 to  
38 480.670 or rules adopted for the administration and enforcement of those sections. Moneys received  
39 by the Department of [*Consumer and Business Services*] **Building Codes** or the board from civil  
40 penalties imposed under this section or ORS 455.895 (1)(c) shall be deposited to the [*Consumer and*  
41 *Business Services Fund created under ORS 705.145*] **Department of Building Codes Fund** and used  
42 only for the administration and enforcement of ORS 480.510 to 480.670 and 480.990 (8).

43 **SECTION 322.** ORS 634.063 is amended to read:

44 634.063. Nothing in ORS 634.057 shall limit the authority of a city, town, county or other poli-  
45 tical subdivision of this state to adopt or enforce a local ordinance, rule or regulation strictly nec-

1    essary to comply with:

2       (1) The Uniform Building Code published by the International Conference of Building Officials,  
3    as amended and adopted by the Director of the Department of [*Consumer and Business Services*]

4    **Building Codes;**

5       (2) A uniform fire code; or

6       (3) Any requirement of a state or federal statute or regulation pertaining to pesticides.

7    **SECTION 323.** ORS 672.107 is amended to read:

8    672.107. (1) For purposes of this section:

9       (a) “Significant structure” means:

10      (A) Hazardous facilities and special occupancy structures, as defined in ORS 455.447;

11      (B) Essential facilities, as defined in ORS 455.447, that have a ground area of more than 4,000  
12    square feet or are more than 20 feet in height;

13      (C) Structures that the Director of the Department of [*Consumer and Business Services*] **Build-**  
14    **ing Codes** determines to have irregular features; and

15      (D) Buildings that are customarily occupied by human beings and are more than four stories or  
16    45 feet above average ground level.

17      (b) “Significant structure” does not mean:

18      (A) One-family and two-family dwellings and accompanying accessory structures;

19      (B) Agricultural buildings or equine facilities, both as defined in ORS 455.315; or

20      (C) Buildings located on lands exempt from Department of [*Consumer and Business Services*]  
21    **Building Codes** enforcement of building code regulations.

22      (2) Consistent with ORS 672.255, the State Board of Examiners for Engineering and Land Sur-  
23    veying shall adopt rules establishing standards of competence in structural engineering analysis and  
24    design relating to seismic influence.

25      (3) An engineer may not provide engineering services for significant structures unless the engi-  
26    neer possesses a valid professional structural engineer certificate of registration issued by the  
27    board.

28    **SECTION 324.** ORS 693.025 is amended to read:

29    693.025. (1) A utility company, energy service provider or water supplier whose employees install  
30    low-flow showerheads or faucet aerators shall furnish evidence to the Department of [*Consumer and*  
31    *Business Services*] **Building Codes**, in the form of a public liability policy issued by an insurance  
32    company qualified to do business in Oregon, that the company, provider or water supplier and its  
33    employees are protected against liability for injury or death to persons and loss of or damage to  
34    property resulting from the installation.

35      (2) A person who contracts with a utility company, energy service provider or water supplier  
36    to perform the functions described in subsection (1) of this section shall furnish evidence to the de-  
37    partment [*of Consumer and Business Services*], in the form of a public liability policy issued by an  
38    insurance company qualified to do business in Oregon, that the contractor and its employees are  
39    protected against liability for injury or death to persons and loss of or damage to property resulting  
40    from the installation.

41      (3) The amount of the liability insurance required under subsections (1) and (2) of this section  
42    shall be in the amount of not less than \$25,000 for bodily injury to one or more persons and not less  
43    than \$25,000 for property damage.

44      (4) A person who performs, or who contracts to have performed, a service described in sub-  
45    section (1) of this section may not perform any additional service for which a license is required

1 under ORS chapter 693 unless the person is licensed under ORS chapter 693 to perform the addi-  
 2 tional service. A person not licensed under ORS chapter 693 who performs services that are not  
 3 described in subsection (1) of this section for which a license is required under ORS chapter 693 is  
 4 subject to civil penalty under ORS 693.992.

5 (5) Every utility company, energy service provider or water supplier shall include in any con-  
 6 tract for the performance of a service described in subsection (1) of this section a statement that,  
 7 under penalty of ORS 693.992, the contractor may not perform any service for which a license is  
 8 required under ORS chapter 693, except installation of low-flow showerheads or faucet aerators,  
 9 unless the contractor is licensed under ORS chapter 693 to perform that service.

10 **SECTION 325.** ORS 693.115 is amended to read:

11 693.115. (1) The State Plumbing Board is established in the Department of [*Consumer and Busi-*  
 12 *ness Services*] **Building Codes**, consisting of seven members appointed by the Governor. The ap-  
 13 pointment of a member of the board is subject to confirmation by the Senate pursuant to section 4,  
 14 Article III of the Oregon Constitution.

15 (2) The members of the board shall be as follows:

16 (a) One journeyman plumber with 10 or more years' experience in the trade or calling of  
 17 journeyman plumber;

18 (b) One licensed plumbing contractor;

19 (c) One local plumbing inspector who is a journeyman plumber;

20 (d) One registered professional mechanical engineer;

21 (e) One officer or employee of the Oregon Health Authority;

22 (f) One plumbing equipment supplier who otherwise qualifies by experience in the industry or  
 23 one building official; and

24 (g) One member of the general public.

25 (3) The term of office of each member is four years, but a member serves at the pleasure of the  
 26 Governor. Before the expiration of the term of a member, the Governor shall appoint a successor.  
 27 A member is not eligible for appointment to more than two full terms of office. If there is a vacancy  
 28 for any cause, the Governor shall make an appointment to become immediately effective for the  
 29 unexpired term.

30 (4) A member of the board shall receive compensation and expenses as provided in ORS 292.495.

31 **SECTION 326.** ORS 693.165 is amended to read:

32 693.165. All moneys received by the Department of [*Consumer and Business Services*] **Building**  
 33 **Codes** or the State Plumbing Board under ORS 447.010 to 447.156, 447.992 and 455.895 (1)(a) and this  
 34 chapter shall be paid into the [*Consumer and Business Services Fund created by ORS 705.145*] **De-**  
 35 **partment of Building Codes Fund.** [*Such*] Moneys **described in this section** shall be used only  
 36 for the administration and enforcement of ORS 447.010 to 447.156 and 447.992 and this chapter.

37 **SECTION 327.** ORS 701.083 is amended to read:

38 701.083. The Construction Contractors Board may allow a residential contractor to participate  
 39 in a specialized education program under ORS 701.120 in lieu of completing continuing education  
 40 described in ORS 701.082 (1)(c). The board may establish a minimum number of specialized education  
 41 program hours or courses that the residential contractor must complete during a two-year period  
 42 to substitute for all or part of the required continuing education hours. If the specialized education  
 43 program provides training in one- and two-family dwelling construction, the board may approve the  
 44 specialized education program as a substitute for continuing education only if the program meets the  
 45 program criteria described in ORS 455.805 (3) and Department of [*Consumer and Business Services*]



1 **Building Codes** rules adopted under ORS 455.810.

2 **SECTION 328.** ORS 701.230 is amended to read:

3 701.230. At least once each month, the Construction Contractors Board shall provide to inves-  
4 tigative units of the Department of Revenue, Department of Consumer and Business Services, **De-**  
5 **partment of Building Codes** and Employment Department the name and address of each person  
6 who acts as a contractor in violation of this chapter or who knowingly assists an unlicensed person  
7 or a licensed contractor that is not properly endorsed to act in violation of this chapter.

8 **SECTION 329.** ORS 701.272 is amended to read:

9 701.272. (1) The Construction Contractors Board may enter into interagency agreements with  
10 the Department of [*Consumer and Business Services*] **Building Codes** for the department to perform  
11 duties on behalf of the board under this chapter regarding:

12 (a) Licenses, registrations and other authorizations; or

13 (b) Regulated activities of a contractor.

14 (2) Subject to the approval of the Director of the Department of [*Consumer and Business Ser-*  
15 *vices*] **Building Codes** or the affected advisory board, the department or advisory board may enter  
16 into an agreement with the Construction Contractors Board under this section regarding perform-  
17 ance by the advisory board of Construction Contractors Board duties. An agreement described in  
18 this subsection is considered for purposes of this section to be an agreement between the department  
19 and the Construction Contractors Board.

20 (3) An interagency agreement under this section may provide for the department to perform all  
21 or part of the duties described in the agreement within one or more areas within the state or on a  
22 statewide basis. Any department employees utilized to carry out an agreement under this section  
23 shall remain employees of the department without loss of seniority or reduction in pay or benefits,  
24 but the agreement may provide for the board to retain control over the final work product of the  
25 employees. An agreement under this section may not be used to avoid any provision of a collective  
26 bargaining agreement.

27 (4) An interagency agreement under this section may provide for:

28 (a) Good faith cooperation between the department and the board to enable the department and  
29 the board to carry out their respective duties under law or under the agreement;

30 (b) The sharing of resources, including but not limited to the department system described in  
31 ORS 455.095 and 455.097, equipment, systems, processes and records, documents and other informa-  
32 tion;

33 (c) Using department and board information, including but not limited to complaints, reports,  
34 findings and orders, to carry out the laws that the department administers and enforces on behalf  
35 of the board;

36 (d) Ensuring the security of information shared under the agreement;

37 (e) Purchases by the department of supplies and equipment to carry out duties on behalf of the  
38 board, subject to the board's reimbursement of the department;

39 (f) The use of financing agreements to provide resources necessary or convenient to carry out  
40 the agreement; and

41 (g) Acceptance by the department of moneys in payment of board fees, the temporary retention  
42 and transfer of fee moneys and the reimbursement of the department's expenses under the agreement  
43 from those fee moneys.

44 (5)(a) A financing agreement provided for as described in subsection (4)(f) of this section is ex-  
45 empt from ORS 283.085 to 283.092 and ORS chapter 286A.

1 (b) Any board moneys accepted by the department as provided in subsection (4)(g) of this section  
2 must be identified and accounted for separately from any other moneys in the possession of or  
3 available to the department. Board moneys temporarily retained by the department, regardless of  
4 where kept or deposited, are moneys of the board. The retained moneys are not subject to any ap-  
5 propriation to the department, any authorization for or limitation on the expenditure of moneys by  
6 the department, any restriction on the source, use or transfer of department moneys or any judg-  
7 ment, lien or other claim against moneys of the department. Notwithstanding any requirement or  
8 limitation on the retention of moneys by a state agency, the retention of board moneys by the de-  
9 partment under an interagency agreement described in this section shall be governed solely by the  
10 terms of the agreement.

11 (6) An interagency agreement under this section may not:

12 (a) Delegate the authority of the board or the board administrator to establish policies or to  
13 make a final determination on any matter;

14 (b) Allow the department to hold board fee moneys in a department account that does not allow  
15 for the separate tracking and accounting of those moneys;

16 (c) Allow the department to hold board fee moneys past the end of the fiscal quarter in which  
17 the fee moneys were collected; or

18 (d) Transfer board expenses to the department.

19 **SECTION 330.** ORS 701.550 is amended to read:

20 701.550. The Construction Contractors Board shall provide an annual notice to each contractor  
21 licensed under this chapter that informs contractors of the rules developed by the Director of the  
22 Department of [Consumer and Business Services] **Building Codes** pursuant to ORS 455.355 prohibit-  
23 ing the installation of thermostats that contain mercury and requiring proper disposal of thermostats  
24 that contain mercury.

25 **SECTION 331.** ORS 705.145 is amended to read:

26 705.145. (1) There is created in the State Treasury a fund to be known as the Consumer and  
27 Business Services Fund, separate and distinct from the General Fund. All moneys collected or re-  
28 ceived by the Department of Consumer and Business Services, except moneys required to be paid  
29 into the Workers' Benefit Fund, shall be paid into the State Treasury and credited to the Consumer  
30 and Business Services Fund. Moneys in the fund may be invested in the same manner as other state  
31 moneys and any interest earned shall be credited to the fund.

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

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

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

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

44 (6) There is created by transfer from the Consumer and Business Services Fund a revolving ad-  
45 ministrative account in the amount of \$100,000. The revolving account shall be disbursed by checks

1 or orders issued by the Director **of the Department of Consumer and Business Services** or the  
 2 Workers' Compensation Board and drawn upon the State Treasury, to carry on the duties and  
 3 functions of the department and the board. All checks or orders paid from the revolving account  
 4 shall be reimbursed by a warrant drawn in favor of the department charged against the Consumer  
 5 and Business Services Fund and recorded in the appropriate subsidiary record.

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

8 (a) Pay compensation benefits; and

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

11 *[(8) Notwithstanding subsections (2), (3) and (5) of this section and except as provided in ORS  
 12 455.220 (1), the moneys derived pursuant to ORS 446.003 to 446.200, 446.210, 446.225 to 446.285,  
 13 446.395 to 446.420, 446.566 to 446.646, 446.661 to 446.756 and 455.220 (1) and deposited to the fund,  
 14 interest earned on those moneys and withdrawals of moneys for activities or programs under ORS  
 15 446.003 to 446.200, 446.210, 446.225 to 446.285, 446.395 to 446.420, 446.566 to 446.646 and 446.661 to  
 16 446.756, or education and training programs pertaining thereto, must be assigned to a single account  
 17 within the fund.]*

18 *[(9) Notwithstanding subsections (2), (3) and (5) of this section, the moneys derived pursuant to  
 19 ORS 455.240 or 460.370 or from state building code or specialty code program fees for which the  
 20 amount is established by department rule pursuant to ORS 455.020 (2) and deposited to the fund, in-  
 21 terest earned on those moneys and withdrawals of moneys for activities or programs described under  
 22 ORS 455.240 or 446.566 to 446.646, 446.661 to 446.756 and 460.310 to 460.370, structural or mechanical  
 23 specialty code programs or activities for which a fee is collected under ORS 455.020 (2), or programs  
 24 described under subsection (10) of this section that provide training and education for persons employed  
 25 in producing, selling, installing, delivering or inspecting manufactured structures or manufactured  
 26 dwelling parks or recreation parks, must be assigned to a single account within the fund.]*

27 *[(10) Notwithstanding ORS 279.835 to 279.855 and ORS chapters 279A and 279B, the department  
 28 may, after consultation with the appropriate specialty code advisory boards established under ORS  
 29 455.132, 455.135, 455.138, 480.535 and 693.115, contract for public or private parties to develop or pro-  
 30 vide training and education programs relating to the state building code and associated licensing or  
 31 certification programs.]*

32 **SECTION 332.** ORS 705.250 is amended to read:

33 705.250. (1) The Electrical and Elevator Board established in ORS 455.138, the Board of Boiler  
 34 Rules established in ORS 480.535 and the State Plumbing Board established in ORS 693.115 shall  
 35 each meet at least four times per year at times and places specified by the Director of the Depart-  
 36 ment of [Consumer and Business Services] **Building Codes** after consultation with the board, or at  
 37 times and places specified by the call of a majority of the members of the board after consultation  
 38 with the director.

39 (2) The Building Codes Structures Board established in ORS 455.132, the Residential and Man-  
 40 ufactured Structures Board established in ORS 455.135, the Mechanical Board established in ORS  
 41 455.140 and the Construction Industry Energy Board established in ORS 455.492 shall each meet at  
 42 least twice per year at times and places specified by the director [of the Department of Consumer  
 43 and Business Services] after consultation with the board, or at times and places specified by the call  
 44 of a majority of the members of the board after consultation with the director.

45 **SECTION 333.** ORS 822.310 is amended to read:

1 822.310. (1) The holder of a current, valid vehicle transporter certificate issued under this sec-  
 2 tion may exercise the following privileges under this certificate:

3 (a) The person is not subject to the prohibitions and penalties under ORS 822.300 while trans-  
 4 porting vehicles as provided under this section.

5 (b) The person is entitled to apply for and receive a sufficient number of special vehicle trans-  
 6 porter plates or devices and may transport vehicles as provided under this section while displaying  
 7 the plate or device. Only one plate or device shall be displayed on a vehicle. The plates or devices  
 8 shall require a fee for issuance as provided in ORS 805.250. A plate or device issued under this  
 9 paragraph may be used on any vehicle transported by the person.

10 (c) The person may drive or tow on its own wheels over the highways of this state any unreg-  
 11 istered vehicle or manufactured structure from outside this state or from manufacturers or dealers  
 12 within this state to a prospective purchaser, manufacturer or dealer in this or any other state, ter-  
 13 ritory or foreign country. This paragraph only permits the person to transport manufactured  
 14 structures from the place of manufacture to the place of business of a manufactured structure dealer  
 15 holding a license under ORS 446.691 or 446.696 or a temporary manufactured structure dealer li-  
 16 cense under ORS 446.701 or to a place outside of Oregon. Any other movement of a manufactured  
 17 structure by the person must be under a trip permit issued by a county as agent for the Department  
 18 of [Consumer and Business Services] **Building Codes**.

19 (2) The Department of Transportation shall provide for the issuance and renewal of vehicle  
 20 transporter certificates under this section to persons regularly engaged in businesses that require  
 21 the certificates.

22 (3) Vehicle transporter certificates issued under this section are subject to all of the following:

23 (a) A certificate described in this section is valid for a one-year period and shall be renewed as  
 24 provided by the department.

25 (b) The department shall not issue a certificate to a person until the fee for issuance of the  
 26 certificate under ORS 822.700 is paid.

27 (4) The department may adopt necessary rules for the administration of the laws relating to the  
 28 regulation of vehicle transporters, the issuance and renewal of vehicle transporter certificates, the  
 29 issuance of vehicle transporter identification cards and the issuance of vehicle transporter plates.  
 30 The rules adopted under this subsection must be consistent with any rules regarding vehicle trans-  
 31 porters that are adopted under ORS chapter 825. The rules may include, but are not limited to,  
 32 grounds and procedures for the revocation, denial or suspension of vehicle transporter certificates  
 33 and for placing vehicle transporters on probationary status.

34 (5) A person issued a certificate under this section is subject to regulation under ORS chapter  
 35 825.

36 **SECTION 334.** Section 8, chapter 59, Oregon Laws 2016, is amended to read:

37 **Sec. 8.** (1) The governing body of a city or county may impose a construction tax by adoption  
 38 of an ordinance or resolution that conforms to the requirements of this section and section 9,  
 39 **chapter 59, Oregon Laws 2016** [of this 2016 Act].

40 (2)(a) A tax may be imposed on improvements to residential real property that result in a new  
 41 residential structure or additional square footage in an existing residential structure, including re-  
 42 modeling that adds living space.

43 (b) An ordinance or resolution imposing the tax described in paragraph (a) of this subsection  
 44 must state the rate of the tax. The tax may not exceed one percent of the permit valuation for  
 45 residential construction permits issued by the city or county either directly or through [the Building

1 *Codes Division of*] the Department of [*Consumer and Business Services*] **Building Codes.**

2 (3)(a) A tax may be imposed on improvements to commercial and industrial real property, in-  
 3 cluding the commercial and industrial portions of mixed-use property, that result in a new structure  
 4 or additional square footage in an existing structure, including remodeling that adds living space.

5 (b) An ordinance or resolution imposing the tax described in paragraph (a) of this subsection  
 6 must state the rate and base of the tax.

7 (4) Taxes imposed pursuant to this section shall be paid at the time specified in ORS 320.189 to  
 8 the city or county that imposed the tax.

9 (5)(a) This section and section 9, **chapter 59, Oregon Laws 2016**, [*of this 2016 Act*] do not apply  
 10 to a tax described in section 1 (2), chapter 829, Oregon Laws 2007.

11 (b) Conformity of a tax imposed pursuant to this section by a city or county to the requirements  
 12 of this section and section 9, **chapter 59, Oregon Laws 2016**, [*of this 2016 Act*] shall be determined  
 13 without regard to any tax described in section 1 (2), chapter 829, Oregon Laws 2007, that is imposed  
 14 by the city or county.

15  
 16 **OPERATIVE DATE**

17  
 18 **SECTION 335. The transfer of duties, functions, powers, records, property, employees**  
 19 **and moneys by sections 6, 7 and 8 of this 2017 Act does not become operative until the Di-**  
 20 **rector of the Department of Building Codes has been appointed and has qualified. Until ap-**  
 21 **pointment and qualification, the Department of Consumer and Business Services shall**  
 22 **continue to perform the duties and functions, exercise the powers and have charge of the**  
 23 **records, property, employees and moneys.**

24 **SECTION 336. Except as provided in section 335 of this 2017 Act, sections 1 to 14 of this**  
 25 **2017 Act and the amendments to statutes and session law and by sections 15 to 334 of this**  
 26 **2017 Act become operative on January 1, 2018.**

27  
 28 **UNIT CAPTIONS**

29  
 30 **SECTION 337. The unit captions used in this 2017 Act are provided only for the conven-**  
 31 **ience of the reader and do not become part of the statutory law of this state or express any**  
 32 **legislative intent in the enactment of this 2017 Act.**

33 \_\_\_\_\_