

**B-Engrossed**  
**House Bill 2333**

Ordered by the House June 11  
Including House Amendments dated April 16 and June 11

Sponsored by Representative STARK; Representatives BARRETO, HOLVEY, MARSH, Senators GELSER, ROBLAN  
(Presession filed.)

**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.

Allows option to obtain title, but not registration, from Department of Transportation for recreational vehicle qualifying as park model recreational vehicle and meeting other criteria.

Provides that recreational vehicle having title issued by Department of Transportation does not qualify as structure. Requires owner to surrender Department of Transportation title for recreational vehicle if converting recreational vehicle to use as structure. Makes recreational vehicle converted to use as structure subject to state building code.

Requires seller of new recreational vehicle to provide purchaser with written information listing specified living area systems. Requires that information state for each listed system whether items or components comprising system are covered by warranty and, if so, extent and length of warranty.

Removes recreational vehicle construction from regulation by Department of Consumer and Business Services. Changes definition of "recreational vehicle."

**A BILL FOR AN ACT**

1  
2 Relating to recreational vehicles; creating new provisions; amending ORS 90.100, 90.425, 197.492,  
3 215.010, 305.288, 307.190, 307.651, 319.550, 446.003, 446.155, 446.170, 446.561, 446.661, 455.010,  
4 455.117, 456.594, 469.155, 469.631, 469.649, 469.710, 480.450 and 801.409; and repealing ORS  
5 306.006.

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

7  
8 **PARK MODEL OPTIONAL TITLES**

9  
10 **SECTION 1. Section 2 of this 2019 Act is added to and made a part of ORS chapter 803.**

11 **SECTION 2. (1) As used in this section:**

12 **(a) "Mobile home park" has the meaning given that term in ORS 446.003.**

13 **(b) "Park model recreational vehicle" means a recreational vehicle, as defined in section**

14 **6 of this 2019 Act, that:**

15 **(A) Is designed for use as temporary living quarters;**

16 **(B) Is built on a single chassis mounted on wheels;**

17 **(C) Has a gross trailer area that does not exceed 400 square feet;**

18 **(D) Is more than eight and one-half feet wide;**

19 **(E) Complies with any manufacturing standards that the Director of Transportation re-**  
20 **cognizes as being in widespread use and applicable to park model recreational vehicles; and**

21 **(F) Meets any other requirements imposed by the director by rule.**

22 **(2) The Department of Transportation, by rule, may provide for optional titling under**

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

1 **ORS 803.035. The department may not issue a registration for a park model recreational ve-**  
2 **hicle.**

3 **(3) The department may require an applicant for optional titling to:**

4 **(a) Provide a manufacturer certificate or other information the department deems ade-**  
5 **quate for ensuring that the vehicle was constructed in compliance with manufacturing**  
6 **standards described in subsection (1)(b)(E) of this section; and**

7 **(b) Attest that the vehicle:**

8 **(A) Is not permanently affixed to land for use as a permanent dwelling; or**

9 **(B) Is located within a mobile home park.**

10  
11 **RECREATIONAL VEHICLE CONVERSION**

12  
13 **SECTION 3. Section 4 of this 2019 Act is added to and made a part of ORS chapter 455.**

14 **SECTION 4. (1) A recreational vehicle that has a title issued by the Department of**  
15 **Transportation does not qualify as a structure. If a recreational vehicle is being converted**  
16 **to use as a structure, at the time of commencing the conversion the owner shall surrender**  
17 **the title and any registration issued for the recreational vehicle to the department for can-**  
18 **cellation. A recreational vehicle that is converted to use as a structure is subject to the state**  
19 **building code.**

20 **(2) There is a rebuttable presumption that a recreational vehicle has been converted to**  
21 **use as a structure if the recreational vehicle is located outside of a mobile home park as**  
22 **defined in ORS 446.003 and:**

23 **(a) Has been rendered structurally immobile; or**

24 **(b) Has direct attachment to utilities.**

25  
26 **WARRANTY STATEMENT**

27  
28 **SECTION 5. (1) As used in this section:**

29 **(a) "Living area components" means flooring, roofing, building envelope, plumbing sys-**  
30 **tems, electrical systems and heating and air conditioning systems.**

31 **(b) "Recreational vehicle" has the meaning given that term in section 6 of this 2019 Act.**

32 **(2) The seller of a new recreational vehicle shall provide the buyer with written infor-**  
33 **mation listing each living area component item or system mentioned in subsection (1)(a) of**  
34 **this section, stating whether the component item or system is covered by a warranty and,**  
35 **if so, the extent and length of the warranty.**

36  
37 **NEW DEFINITION OF RECREATIONAL VEHICLE**

38  
39 **SECTION 6. As used in the statutes of this state:**

40 **(1) "Recreational vehicle" has the meaning given that term in this section only if the**  
41 **statute using "recreational vehicle" makes specific reference to this section and indicates**  
42 **that the term has the meaning given in this section.**

43 **(2) "Recreational vehicle," subject to subsection (1) of this section, means a vehicle with**  
44 **or without motive power, that is designed for use as temporary living quarters and as fur-**  
45 **ther defined by rule by the Director of Transportation.**



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

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

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

5 (16) "Insignia of compliance" means:

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

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

9 (17) "Inspecting authority" or "inspector" means the Director of the Department of Consumer  
10 and Business Services or representatives as appointed or authorized to administer and enforce pro-  
11 visions of ORS 446.111, 446.160, 446.176, 446.225 to 446.285, 446.310 to 446.350, 446.990 and this sec-  
12 tion.

13 (18) "Installation" in relation to:

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

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

19 (19) "Installer" means any individual licensed by the director to install, set up, connect, hook  
20 up, block, tie down, secure, support, install temporary steps for, install skirting for or make elec-  
21 trical, plumbing or mechanical connections to manufactured dwellings or cabanas or who provides  
22 consultation or supervision for any of these activities, except architects registered under ORS  
23 671.010 to 671.220 or engineers registered under ORS 672.002 to 672.325.

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

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

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

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

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

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

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

9 (25)(a) “Manufactured structure” means a [*recreational vehicle*,] manufactured dwelling or rec-  
10 reational structure.

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

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

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

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

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

24 (30) “Mobile home park” means any place where four or more manufactured structures, **recre-**  
25 **ational vehicles as defined in section 6 of this 2019 Act, or a combination thereof**, are located  
26 within 500 feet of one another on a lot, tract or parcel of land under the same ownership, the pri-  
27 mary purpose of which is to rent space or keep space for rent to any person for a charge or fee paid  
28 or to be paid for the rental or use of facilities or to offer space free in connection with securing the  
29 trade or patronage of such person. “Mobile home park” does not include a lot or lots located within  
30 a subdivision being rented or leased for occupancy by no more than one manufactured dwelling per  
31 lot if the subdivision was approved by the municipality unit having jurisdiction under an ordinance  
32 adopted pursuant to ORS 92.010 to 92.192.

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

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

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

42 [(34)] (33) “Residential trailer” means a structure constructed for movement on the public  
43 highways that has sleeping, cooking and plumbing facilities, that is intended for human occupancy,  
44 that is being used for residential purposes and that was constructed before January 1, 1962.

45 [(35)] (34) “Sale” means rent, lease, sale or exchange.

1 [(36)] (35) "Skirting" means a weather resistant material used to enclose the space below the  
2 manufactured structure.

3 [(37)] (36) "Tiedown" means any device designed to anchor a manufactured structure securely  
4 to the ground.

5 [(38)] (37) "Transitional housing accommodations" means accommodations described under ORS  
6 446.265.

7 [(39)] (38) "Utilities" means the water, sewer, gas or electric services provided on a lot for a  
8 manufactured structure.

9 **SECTION 8.** ORS 446.155 is amended to read:

10 446.155. (1) A person may not sell or offer for sale within this state a manufactured dwelling  
11 manufactured after January 1, 1962, that contains:

12 (a) Plumbing equipment, unless such equipment meets the requirements of the Department of  
13 Consumer and Business Services;

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

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

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

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

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

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

26 [(3) A person may not rent, lease, sell or offer for rent, lease or sale within this state a recreational  
27 vehicle unless the recreational vehicle:]

28 [(a) Bears an insignia of compliance;]

29 [(b) Has previously been lawfully registered and titled within the United States;]

30 [(c) Has previously been issued an ownership document under ORS 446.571 or recorded under ORS  
31 446.626; or]

32 [(d) Is exempt from registration, title or ownership document requirements because of United States  
33 government ownership.]

34 [(4)] (3) Persons manufacturing, remanufacturing, converting, altering or repairing manufactured  
35 structures or equipment within the state or for use within the state shall comply with all applicable  
36 construction and safety rules of the department and the following:

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

40 (b) After the initial sale to a consumer by a manufacturer or dealer, all alterations to a manu-  
41 factured dwelling, except as identified by the Director of the Department of Consumer and Business  
42 Services by rule, shall be in conformance with the specialty codes as described in ORS 455.010 to  
43 455.740 and 479.855.

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

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

8 [(5)] (4) Installations of manufactured structures shall be in conformance with the standards  
9 adopted by the department for site preparation, foundation support, anchoring, structural and utility  
10 connections, electrical and plumbing tests, underfloor enclosures, ventilation, vapor barriers and  
11 steps used for access and egress.

12 **SECTION 9.** ORS 446.170 is amended to read:

13 446.170. (1) Manufactured structures subject to the provisions of ORS 446.155 to 446.200, and  
14 manufactured structures upon which additions, conversions or alterations of installations of equip-  
15 ment or material are made shall have affixed to the manufactured structures insignia of compliance.

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

18 (3) Insignia of compliance may be issued in bulk only to manufacturers, remanufacturers or  
19 converters certified and registered with the Department of Consumer and Business Services.

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

22 [(5) Subsection (1) of this section does not apply to a recreational vehicle described in ORS 446.155  
23 (3)(b) to (d).]

24 **SECTION 10.** ORS 446.561 is amended to read:

25 446.561. As used in ORS 446.566 to 446.646:

26 (1) Except as provided in subsection (2) of this section, “manufactured structure” means:

27 (a) A manufactured dwelling. As used in this paragraph, “manufactured dwelling” has the  
28 meaning given that term in ORS 446.003 and also includes a structure that would meet the definition  
29 in ORS 446.003 except that the structure is being used for other than residential purposes.

30 (b) A prefabricated structure, as defined in ORS 455.010, that is relocatable and more than eight  
31 and one-half feet wide.

32 [(c) A recreational vehicle, as defined in ORS 446.003, that is more than eight and one-half feet  
33 wide.]

34 (2) “Manufactured structure” does not include a mobile modular unit as defined in ORS 308.866  
35 or an implement of husbandry as defined in ORS 801.310.

36 **SECTION 11.** ORS 446.661 is amended to read:

37 446.661. As used in ORS 446.661 to 446.756:

38 (1) “Dealer” has the meaning given that term in ORS 446.003.

39 (2) “Insured institution” has the meaning given that term in ORS 706.008.

40 (3) “Manufactured dwelling” has the meaning given that term in ORS 446.003.

41 (4) “Manufactured structure” [has the meaning given that term in ORS 446.561.] **means:**

42 (a) **A manufactured structure, as defined in ORS 446.561; or**

43 (b) **A recreational vehicle, as defined in section 6 of this 2019 Act, that is more than eight**  
44 **and one-half feet wide.**

45 **SECTION 12.** ORS 455.010 is amended to read:

1 455.010. As used in this chapter, unless the context requires otherwise:

2 (1)(a) "Advisory board" means the board with responsibility for assisting in the adoption,  
3 amendment or administration of a specialty code, specifically:

4 (A) The Building Codes Structures Board established under ORS 455.132;

5 (B) The Electrical and Elevator Board established under ORS 455.138;

6 (C) The State Plumbing Board established under ORS 693.115;

7 (D) The Board of Boiler Rules established under ORS 480.535;

8 (E) The Residential and Manufactured Structures Board established under ORS 455.135;

9 (F) The Mechanical Board established under ORS 455.140; or

10 (G) The Construction Industry Energy Board established under ORS 455.492.

11 (b) "Appropriate advisory board" means the advisory board that has jurisdiction over a partic-  
12 ular code, standard, license, certification or matter.

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

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

15 (4) "Low-Rise Residential Dwelling Code" means the adopted specialty code prescribing stan-  
16 dards for the construction of residential dwellings that are three stories or less above grade and  
17 have an exterior door for each dwelling unit, but are not facilities or homes described in ORS  
18 443.400 or transient lodging.

19 (5) "Municipality" means a city, county or other unit of local government otherwise authorized  
20 by law to administer a building code.

21 (6) "Prefabricated structure" means a building or subassembly that has been in whole or sub-  
22 stantial part manufactured or assembled using closed construction at an off-site location to be  
23 wholly or partially assembled on-site. "Prefabricated structure" does not include a manufactured  
24 dwelling[,] **or** recreational structure [*or recreational vehicle*], as those terms are defined in ORS  
25 446.003.

26 (7) "Specialty code" means a code of regulations adopted under ORS 446.062, 446.185, 447.020 (2),  
27 455.020 (2), 455.496, 455.610, 455.680, 460.085, 460.360, 479.730 (1) or 480.545, but does not include  
28 regulations adopted by the State Fire Marshal pursuant to ORS chapter 476 or ORS 479.015 to  
29 479.200 and 479.210 to 479.220.

30 (8) "State building code" means the combined specialty codes.

31 (9) "Structural code" means the specialty code prescribing structural standards for building  
32 construction.

33 (10) "Unsafe condition" means a condition caused by earthquake which is determined by the  
34 department or any representative of the department to be dangerous to life and property. "Unsafe  
35 condition" includes but is not limited to:

36 (a) Any portion, member or appurtenance of a building that has become detached or dislodged  
37 or appears likely to fail or collapse and thereby injure persons or damage property; or

38 (b) Any portion, of a building or structure that has been damaged by earthquake, or by fire or  
39 explosion resulting from an earthquake, to the extent that the structural strength or stability of the  
40 building is substantially less than it was prior to the earthquake.

41 **SECTION 13.** ORS 455.117 is amended to read:

42 455.117. (1) Except as provided in subsection (3) of this section, a regulatory body listed in  
43 subsection (2) of this section may adopt rules to administer the licensing, certification or registra-  
44 tion of persons regulated by the body. The rules adopted under this section may include, but need  
45 not be limited to:



1 (a) The form and content of an application for issuance or renewal of a license, certificate or  
2 registration;

3 (b) Training and continuing education requirements to maintain a license, certificate or regis-  
4 tration;

5 (c) The form and content of and the process for preparing and administering examinations and  
6 examination reviews;

7 (d) The term of a license, certificate or registration; and

8 (e) The creation of a system for combining two or more licenses, certificates or registrations  
9 issued to an individual by an advisory board or the Department of Consumer and Business Services  
10 into a single license, certificate, registration or other authorization.

11 (2) Subsection (1) of this section applies to the following:

12 (a) Subject to ORS 446.003 to 446.200, 446.225 to 446.285 and 446.395 to 446.420, with the ap-  
13 proval of the Residential and Manufactured Structures Board, the Department of Consumer and  
14 Business Services for purposes of licenses, certificates and registrations issued under ORS 446.003  
15 to 446.200, 446.225 to 446.285 and 446.395 to 446.420.

16 (b) Subject to ORS 447.010 to 447.156 and ORS chapter 693, the State Plumbing Board for pur-  
17 poses of licenses issued under ORS 447.010 to 447.156 and ORS chapter 693.

18 (c) Subject to ORS 460.005 to 460.175, after consultation with the Electrical and Elevator Board,  
19 the department for purposes of licenses issued under ORS 460.005 to 460.175.

20 (d) Subject to ORS 479.510 to 479.945, the Electrical and Elevator Board for purposes of licenses  
21 issued under ORS 479.510 to 479.945.

22 (e) Subject to ORS 480.510 to 480.670, the Board of Boiler Rules for purposes of licenses issued  
23 under ORS 480.510 to 480.670.

24 (3) This section does not authorize the adoption of rules regulating:

25 (a) Building officials, inspectors, plan reviewers or municipalities;

26 (b) Persons engaged in the manufacture, conversion or repair of prefabricated structures[,] **or**  
27 prefabricated components [*or recreational vehicles*]; or

28 (c) Master builders certified under ORS 455.800 to 455.820.

29  
30 **ASSESSMENT DEFINITION OF MANUFACTURED STRUCTURE**

31  
32 **SECTION 14. Section 15 of this 2019 Act is added to and made a part of ORS chapter 307.**

33 **SECTION 15. As used in this chapter and ORS chapters 305, 308, 310 and 311, “manufac-  
34 tured structure” means:**

35 **(1) A manufactured dwelling as defined in ORS 446.003;**

36 **(2) A structure that would meet the definition of “manufactured dwelling” in ORS 446.003  
37 except that the structure is being used for other than residential purposes;**

38 **(3) A prefabricated structure, as defined in ORS 455.010, that is relocatable and more  
39 than eight and one-half feet wide; and**

40 **(4) A recreational vehicle, as defined in section 6 of this 2019 Act, that is more than eight  
41 and one-half feet wide.**

42  
43 **MISCELLANEOUS REFERENCE CHANGES IN**  
44 **OREGON REVISED STATUTES**  
45

1       **SECTION 16.** ORS 90.100 is amended to read:

2       90.100. As used in this chapter, unless the context otherwise requires:

3       (1) "Accessory building or structure" means any portable, demountable or permanent structure,  
4 including but not limited to cabanas, ramadas, storage sheds, garages, awnings, carports, decks,  
5 steps, ramps, piers and pilings, that is:

6       (a) Owned and used solely by a tenant of a manufactured dwelling or floating home; or

7       (b) Provided pursuant to a written rental agreement for the sole use of and maintenance by a  
8 tenant of a manufactured dwelling or floating home.

9       (2) "Action" includes recoupment, counterclaim, setoff, suit in equity and any other proceeding  
10 in which rights are determined, including an action for possession.

11       (3) "Applicant screening charge" means any payment of money required by a landlord of an  
12 applicant prior to entering into a rental agreement with that applicant for a residential dwelling  
13 unit, the purpose of which is to pay the cost of processing an application for a rental agreement for  
14 a residential dwelling unit.

15       (4) "Building and housing codes" includes any law, ordinance or governmental regulation con-  
16 cerning fitness for habitation, or the construction, maintenance, operation, occupancy, use or ap-  
17 pearance of any premises or dwelling unit.

18       (5) "Carbon monoxide alarm" has the meaning given that term in ORS 105.836.

19       (6) "Carbon monoxide source" has the meaning given that term in ORS 105.836.

20       (7) "Conduct" means the commission of an act or the failure to act.

21       (8) "DBH" means the diameter at breast height, which is measured as the width of a standing  
22 tree at four and one-half feet above the ground on the uphill side.

23       (9) "Dealer" means any person in the business of selling, leasing or distributing new or used  
24 manufactured dwellings or floating homes to persons who purchase or lease a manufactured dwelling  
25 or floating home for use as a residence.

26       (10) "Domestic violence" means:

27       (a) Abuse between family or household members, as those terms are defined in ORS 107.705; or

28       (b) Abuse, as defined in ORS 107.705, between partners in a dating relationship.

29       (11) "Drug and alcohol free housing" means a dwelling unit described in ORS 90.243.

30       (12) "Dwelling unit" means a structure or the part of a structure that is used as a home, resi-  
31 dence or sleeping place by one person who maintains a household or by two or more persons who  
32 maintain a common household. "Dwelling unit" regarding a person who rents a space for a manu-  
33 factured dwelling or recreational vehicle or regarding a person who rents moorage space for a  
34 floating home as defined in ORS 830.700, but does not rent the home, means the space rented and  
35 not the manufactured dwelling, recreational vehicle or floating home itself.

36       (13) "Essential service" means:

37       (a) For a tenancy not consisting of rental space for a manufactured dwelling, floating home or  
38 recreational vehicle owned by the tenant and not otherwise subject to ORS 90.505 to 90.850:

39       (A) Heat, plumbing, hot and cold running water, gas, electricity, light fixtures, locks for exterior  
40 doors, latches for windows and any cooking appliance or refrigerator supplied or required to be  
41 supplied by the landlord; and

42       (B) Any other service or habitability obligation imposed by the rental agreement or ORS 90.320,  
43 the lack or violation of which creates a serious threat to the tenant's health, safety or property or  
44 makes the dwelling unit unfit for occupancy.

45       (b) For a tenancy consisting of rental space for a manufactured dwelling, floating home or rec-

1 recreational vehicle owned by the tenant or that is otherwise subject to ORS 90.505 to 90.850:

2 (A) Sewage disposal, water supply, electrical supply and, if required by applicable law, any  
3 drainage system; and

4 (B) Any other service or habitability obligation imposed by the rental agreement or ORS 90.730,  
5 the lack or violation of which creates a serious threat to the tenant's health, safety or property or  
6 makes the rented space unfit for occupancy.

7 (14) "Facility" means a manufactured dwelling park or a marina.

8 (15) "Fee" means a nonrefundable payment of money.

9 (16) "First class mail" does not include certified or registered mail, or any other form of mail  
10 that may delay or hinder actual delivery of mail to the recipient.

11 (17) "Fixed term tenancy" means a tenancy that has a fixed term of existence, continuing to a  
12 specific ending date and terminating on that date without requiring further notice to effect the ter-  
13 mination.

14 (18) "Floating home" has the meaning given that term in ORS 830.700. "Floating home" includes  
15 an accessory building or structure.

16 (19) "Good faith" means honesty in fact in the conduct of the transaction concerned.

17 (20) "Hazard tree" means a tree that:

18 (a) Is located on a rented space in a manufactured dwelling park;

19 (b) Measures at least eight inches DBH; and

20 (c) Is considered, by an arborist licensed as a landscape construction professional pursuant to  
21 ORS 671.560 and certified by the International Society of Arboriculture, to pose an unreasonable  
22 risk of causing serious physical harm or damage to individuals or property in the near future.

23 (21) "Hotel or motel" means "hotel" as that term is defined in ORS 699.005.

24 (22) "Informal dispute resolution" means, but is not limited to, consultation between the landlord  
25 or landlord's agent and one or more tenants, or mediation utilizing the services of a third party.

26 (23) "Landlord" means the owner, lessor or sublessor of the dwelling unit or the building or  
27 premises of which it is a part. "Landlord" includes a person who is authorized by the owner, lessor  
28 or sublessor to manage the premises or to enter into a rental agreement.

29 (24) "Landlord's agent" means a person who has oral or written authority, either express or  
30 implied, to act for or on behalf of a landlord.

31 (25) "Last month's rent deposit" means a type of security deposit, however designated, the pri-  
32 mary function of which is to secure the payment of rent for the last month of the tenancy.

33 (26) "Manufactured dwelling" means a residential trailer, a mobile home or a manufactured  
34 home as those terms are defined in ORS 446.003. "Manufactured dwelling" includes an accessory  
35 building or structure. [*Manufactured dwelling does not include a recreational vehicle.*]

36 (27) "Manufactured dwelling park" means a place where four or more manufactured dwellings  
37 are located, the primary purpose of which is to rent space or keep space for rent to any person for  
38 a charge or fee.

39 (28) "Marina" means a moorage of contiguous dwelling units that may be legally transferred as  
40 a single unit and are owned by one person where four or more floating homes are secured, the pri-  
41 mary purpose of which is to rent space or keep space for rent to any person for a charge or fee.

42 (29) "Marina purchase association" means a group of three or more tenants who reside in a  
43 marina and have organized for the purpose of eventual purchase of the marina.

44 (30) "Month-to-month tenancy" means a tenancy that automatically renews and continues for  
45 successive monthly periods on the same terms and conditions originally agreed to, or as revised by

1 the parties, until terminated by one or both of the parties.

2 (31) "Organization" includes a corporation, government, governmental subdivision or agency,  
3 business trust, estate, trust, partnership or association, two or more persons having a joint or com-  
4 mon interest, and any other legal or commercial entity.

5 (32) "Owner" includes a mortgagee in possession and means one or more persons, jointly or se-  
6 verally, in whom is vested:

7 (a) All or part of the legal title to property; or

8 (b) All or part of the beneficial ownership and a right to present use and enjoyment of the  
9 premises.

10 (33) "Person" includes an individual or organization.

11 (34) "Premises" means:

12 (a) A dwelling unit and the structure of which it is a part and facilities and appurtenances  
13 therein;

14 (b) Grounds, areas and facilities held out for the use of tenants generally or the use of which  
15 is promised to the tenant; and

16 (c) A facility for manufactured dwellings or floating homes.

17 (35) "Prepaid rent" means any payment of money to the landlord for a rent obligation not yet  
18 due. In addition, "prepaid rent" means rent paid for a period extending beyond a termination date.

19 (36) "Recreational vehicle" has the meaning given that term in [ORS 446.003] **section 6 of this**  
20 **2019 Act.**

21 (37) "Rent" means any payment to be made to the landlord under the rental agreement, periodic  
22 or otherwise, in exchange for the right of a tenant and any permitted pet to occupy a dwelling unit  
23 to the exclusion of others and to use the premises. "Rent" does not include security deposits, fees  
24 or utility or service charges as described in ORS 90.315 (4) and 90.532.

25 (38) "Rental agreement" means all agreements, written or oral, and valid rules and regulations  
26 adopted under ORS 90.262 or 90.510 (6) embodying the terms and conditions concerning the use and  
27 occupancy of a dwelling unit and premises. "Rental agreement" includes a lease. A rental agreement  
28 shall be either a week-to-week tenancy, month-to-month tenancy or fixed term tenancy.

29 (39) "Roomer" means a person occupying a dwelling unit that does not include a toilet and ei-  
30 ther a bathtub or a shower and a refrigerator, stove and kitchen, all provided by the landlord, and  
31 where one or more of these facilities are used in common by occupants in the structure.

32 (40) "Screening or admission criteria" means a written statement of any factors a landlord  
33 considers in deciding whether to accept or reject an applicant and any qualifications required for  
34 acceptance. "Screening or admission criteria" includes, but is not limited to, the rental history,  
35 character references, public records, criminal records, credit reports, credit references and incomes  
36 or resources of the applicant.

37 (41) "Security deposit" means a refundable payment or deposit of money, however designated,  
38 the primary function of which is to secure the performance of a rental agreement or any part of a  
39 rental agreement. "Security deposit" does not include a fee.

40 (42) "Sexual assault" has the meaning given that term in ORS 147.450.

41 (43) "Squatter" means a person occupying a dwelling unit who is not so entitled under a rental  
42 agreement or who is not authorized by the tenant to occupy that dwelling unit. "Squatter" does  
43 not include a tenant who holds over as described in ORS 90.427 (7).

44 (44) "Stalking" means the behavior described in ORS 163.732.

45 (45) "Statement of policy" means the summary explanation of information and facility policies

1 to be provided to prospective and existing tenants under ORS 90.510.

2 (46) "Surrender" means an agreement, express or implied, as described in ORS 90.148 between  
3 a landlord and tenant to terminate a rental agreement that gave the tenant the right to occupy a  
4 dwelling unit.

5 (47) "Tenant":

6 (a) Except as provided in paragraph (b) of this subsection:

7 (A) Means a person, including a roomer, entitled under a rental agreement to occupy a dwelling  
8 unit to the exclusion of others, including a dwelling unit owned, operated or controlled by a public  
9 housing authority.

10 (B) Means a minor, as defined and provided for in ORS 109.697.

11 (b) For purposes of ORS 90.505 to 90.850, means only a person who owns and occupies as a  
12 residence a manufactured dwelling or a floating home in a facility and persons residing with that  
13 tenant under the terms of the rental agreement.

14 (c) Does not mean a guest or temporary occupant.

15 (48) "Transient lodging" means a room or a suite of rooms.

16 (49) "Transient occupancy" means occupancy in transient lodging that has all of the following  
17 characteristics:

18 (a) Occupancy is charged on a daily basis and is not collected more than six days in advance;

19 (b) The lodging operator provides maid and linen service daily or every two days as part of the  
20 regularly charged cost of occupancy; and

21 (c) The period of occupancy does not exceed 30 days.

22 (50) "Vacation occupancy" means occupancy in a dwelling unit, not including transient occu-  
23 pancy in a hotel or motel, that has all of the following characteristics:

24 (a) The occupant rents the unit for vacation purposes only, not as a principal residence;

25 (b) The occupant has a principal residence other than at the unit; and

26 (c) The period of authorized occupancy does not exceed 45 days.

27 (51) "Victim" means:

28 (a) The person against whom an incident related to domestic violence, sexual assault or stalking  
29 is perpetrated; or

30 (b) The parent or guardian of a minor household member against whom an incident related to  
31 domestic violence, sexual assault or stalking is perpetrated, unless the parent or guardian is the  
32 perpetrator.

33 (52) "Week-to-week tenancy" means a tenancy that has all of the following characteristics:

34 (a) Occupancy is charged on a weekly basis and is payable no less frequently than every seven  
35 days;

36 (b) There is a written rental agreement that defines the landlord's and the tenant's rights and  
37 responsibilities under this chapter; and

38 (c) There are no fees or security deposits, although the landlord may require the payment of an  
39 applicant screening charge, as provided in ORS 90.295.

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

41 90.425. (1) As used in this section:

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

1 county assessor.

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

6 (c) "Goods" includes those goods left inside a recreational vehicle, manufactured dwelling or  
7 floating home or left upon the rental space outside a recreational vehicle, manufactured dwelling  
8 or floating home, whether the recreational vehicle, dwelling or home is located inside or outside of  
9 a facility.

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

12 (e) "Of record" means:

13 (A) For a recreational vehicle that is not [*a manufactured structure as defined in ORS 446.561*]  
14 **more than eight and one-half feet wide**, that a security interest has been properly recorded with  
15 the Department of Transportation pursuant to ORS 802.200 (1)(a)(A) and 803.097.

16 (B) For a manufactured dwelling or recreational vehicle that is [*a manufactured structure as*  
17 *defined in ORS 446.561*] **more than eight and one-half feet wide**, that a security interest has been  
18 properly recorded for the manufactured dwelling or recreational vehicle in the records of the De-  
19 partment of Consumer and Business Services pursuant to ORS 446.611 or on a certificate of title  
20 issued by the Department of Transportation [*prior to May 1, 2005*].

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

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

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

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

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

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

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

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

44 (a) Personally delivered to the tenant; or

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

1 (A) The premises;

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

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

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

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

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

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

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

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

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

18 (A) Actually known to the landlord;

19 (B) Of record; and

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

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

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

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

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

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

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

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

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

44 (h) If the tenant or any lienholder or owner fails to contact the landlord by the specified date,  
45 or after that contact, fails to remove the personal property within 30 days for recreational vehicles,

1 manufactured dwellings and floating homes or 15 days for all other personal property, the landlord  
2 may sell or dispose of the personal property. If the landlord reasonably believes that the personal  
3 property will be eligible for disposal pursuant to subsection (10)(b) of this section and the landlord  
4 intends to dispose of the property if the property is not claimed, the notice shall state that belief  
5 and intent; and

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

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

11 (a) For abandoned recreational vehicles, manufactured dwellings or floating homes, not less than  
12 45 days after personal delivery or mailing of the notice; or

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

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

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

18 (b) Shall store all other abandoned personal property of the tenant, including goods left inside  
19 a recreational vehicle, manufactured dwelling or floating home or left upon the rented space outside  
20 a recreational vehicle, dwelling or home, in a place of safekeeping and shall exercise reasonable  
21 care for the personal property, except that the landlord may:

22 (A) Promptly dispose of rotting food; and

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

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

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

35 (8) If a tenant, lienholder or owner, upon the receipt of the notice provided by subsection (3)  
36 or (4) of this section or otherwise, responds by actual notice to the landlord on or before the spec-  
37 ified date in the landlord's notice that the tenant, lienholder or owner intends to remove the per-  
38 sonal property from the premises or from the place of safekeeping, the landlord must make that  
39 personal property available for removal by the tenant, lienholder or owner by appointment at rea-  
40 sonable times during the 15 days or, in the case of a recreational vehicle, manufactured dwelling  
41 or floating home, 30 days following the date of the response, subject to subsection (18) of this sec-  
42 tion. If the personal property is considered to be abandoned pursuant to subsection (2)(a) or (b) of  
43 this section, but not pursuant to subsection (2)(c) of this section, the landlord may require payment  
44 of removal and storage charges, as provided in subsection (7)(d) of this section, prior to allowing the  
45 tenant, lienholder or owner to remove the personal property. Acceptance by a landlord of such



1 payment does not operate to create or reinstate a tenancy or create a waiver pursuant to ORS  
2 90.412 or 90.417.

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

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

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

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

18 (B) The landlord shall:

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

21 (I) That the recreational vehicle, manufactured dwelling or floating home is abandoned;

22 (II) The tenant's and owner's name, if of record or actually known to the landlord;

23 (III) The address and any space number where the recreational vehicle, manufactured dwelling  
24 or floating home is located, and any plate, registration or other identification number for a recre-  
25 ational vehicle or floating home noted on the certificate of title, if actually known to the landlord;

26 (IV) Whether the sale is by private bidding or public auction;

27 (V) Whether the landlord is accepting sealed bids and, if so, the last date on which bids will be  
28 accepted; and

29 (VI) The name and telephone number of the person to contact to inspect the recreational vehi-  
30 cle, manufactured dwelling or floating home;

31 (ii) At a reasonable time prior to the sale, give a copy of the notice required by sub-  
32 subparagraph (i) of this subparagraph to the tenant and to any lienholder and owner, by personal  
33 delivery or first class mail, except that for any lienholder, mail service must be by first class mail  
34 with certificate of mailing;

35 (iii) Obtain an affidavit of publication from the newspaper to show that the notice required un-  
36 der sub-subparagraph (i) of this subparagraph ran in the newspaper at least one day in each of two  
37 consecutive weeks prior to the date scheduled for the sale or the last date bids will be accepted;  
38 and

39 (iv) Obtain written proof from the county that all property taxes and assessments on the manu-  
40 factured dwelling or floating home have been paid or, if not paid, that the county has authorized the  
41 sale, with the sale proceeds to be distributed pursuant to subsection (13) of this section;

42 (b) Destroy or otherwise dispose of the personal property if the landlord determines that:

43 (A) For a manufactured dwelling or floating home, the current market value of the property is  
44 \$8,000 or less as determined by the county assessor; or

45 (B) For all other personal property, the reasonable current fair market value is \$1,000 or less

1 or so low that the cost of storage and conducting a public sale probably exceeds the amount that  
2 would be realized from the sale; or

3 (c) Consistent with paragraphs (a) and (b) of this subsection, sell certain items and destroy or  
4 otherwise dispose of the remaining personal property.

5 (11)(a) A public or private sale authorized by this section must:

6 (A) For a recreational vehicle, manufactured dwelling or floating home, be conducted consistent  
7 with the terms listed in subsection (10)(a)(B)(i) of this section. Every aspect of the sale including the  
8 method, manner, time, place and terms must be commercially reasonable; or

9 (B) For all other personal property, be conducted under the provisions of ORS 79.0610.

10 (b) If there is no buyer at a sale of a manufactured dwelling or floating home, the personal  
11 property is considered to be worth \$8,000 or less, regardless of current market value, and the land-  
12 lord shall destroy or otherwise dispose of the personal property.

13 (12) Notwithstanding ORS 446.155 (1) and (2), unless a landlord intentionally misrepresents the  
14 condition of a manufactured dwelling or floating home, the landlord is not liable for the condition  
15 of the dwelling or home to:

16 (a) A buyer of the dwelling or home at a sale pursuant to subsection (10)(a) of this section, with  
17 or without consideration; or

18 (b) A person or nonprofit organization to whom the landlord gives the dwelling or home pursu-  
19 ant to subsection (1)(b), (10)(b) or (11)(b) of this section.

20 (13)(a) The landlord may deduct from the proceeds of the sale:

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

22 (B) Unpaid rent.

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

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

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

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

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

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

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

45 (c)(A) There is a buyer of the manufactured dwelling or floating home at a sale described under

1 subsection (11) of this section;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

38 (b) The tenant or a personal representative or designated person described in subsection (20)  
39 of this section has waived all rights under this section pursuant to subsection (26) 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 (19)(a) In the case of an abandoned manufactured dwelling or floating home but not including  
44 a dwelling or home abandoned following a termination pursuant to ORS 90.429 and except as pro-  
45 vided by subsection (20)(d) and (e) of this section, if a lienholder makes a timely response to a notice

1 of abandoned personal property pursuant to subsections (6) and (8) of this section and so requests,  
2 a landlord shall enter into a written storage agreement with the lienholder providing that the  
3 dwelling or home may not be sold or disposed of by the landlord for up to 12 months. A storage  
4 agreement entitles the lienholder to store the personal property on the previously rented space  
5 during the term of the agreement, but does not entitle anyone to occupy the personal property.

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

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

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

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

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

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

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

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

45 (B) After a landlord gives a termination notice pursuant to subparagraph (A) of this paragraph

1 for failure of the lienholder to pay a storage charge and the lienholder corrects the violation, if the  
2 lienholder again violates the storage agreement by failing to pay a subsequent storage charge, the  
3 landlord may terminate the agreement by giving at least 30 days' written notice to the lienholder  
4 stating facts sufficient to notify the lienholder of the reason for termination. Unless the lienholder  
5 corrects the violation within the notice period, the agreement terminates as provided and the land-  
6 lord may sell or dispose of the property without further notice to the lienholder.

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

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

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

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

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

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

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

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

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

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

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

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

43 (f) During the term of an agreement described under paragraph (d) of this subsection, the rep-  
44 resentative or person has the right to remove or sell the dwelling or home, including a sale to a  
45 purchaser or a transfer to an heir or devisee where the purchaser, heir or devisee wishes to leave

1 the dwelling or home on the rented space and become a tenant, subject to any conditions previously  
2 agreed to by the landlord and tenant regarding the landlord's approval for occupancy of a purchaser,  
3 heir or devisee or, if there was no such agreement, any reasonable conditions by the landlord re-  
4 garding approval for occupancy of any purchaser, heir or devisee who wishes to leave the dwelling  
5 or home on the rented space and become a tenant. The landlord also may condition approval for  
6 occupancy of any purchaser, heir or devisee of the dwelling or home upon payment of all unpaid  
7 storage charges and maintenance costs.

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

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

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

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

24 (A) An heir or devisee.

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

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

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

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

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

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

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

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

43 (e) If neither an heir, devisee nor personal representative of the tenant, nor an estate adminis-  
44 trator of the department, contacts the landlord within the time period provided by subsection (6) of  
45 this section, the landlord shall allow removal of the personal property by the designated person of

1 the tenant, if the designated person contacts the landlord within that period and complies with the  
2 requirements of this section and provides the landlord with reasonable evidence that the person is  
3 the designated person.

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

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

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

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

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

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

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

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

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

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

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

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

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

1 on any portion of the premises determined to be unfit for use;

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

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

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

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

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

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

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

22 (25) In the case of an abandoned motor vehicle, the procedure authorized by ORS 98.830 for re-  
23 moval of abandoned motor vehicles from private property may be used by a landlord as an alterna-  
24 tive to the procedures required in this section.

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

29 (A) The landlord;

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

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

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

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

41 **SECTION 18.** ORS 197.492 is amended to read:

42 197.492. As used in this section and ORS 197.493:

43 (1) "Manufactured dwelling park[,]" **and** "mobile home park" [*and "recreational vehicle"*] have  
44 the meaning given those terms in ORS 446.003.

45 (2) **"Recreational vehicle" has the meaning given that term in section 6 of this 2019 Act.**



1        [(2)] (3) “Recreational vehicle park”:

2        (a) Means a place where two or more recreational vehicles are located within 500 feet of one  
3 another on a lot, tract or parcel of land under common ownership and having as its primary purpose:

4        (A) The renting of space and related facilities for a charge or fee; or

5        (B) The provision of space for free in connection with securing the patronage of a person.

6        (b) Does not mean:

7        (A) An area designated only for picnicking or overnight camping; or

8        (B) A manufactured dwelling park or mobile home park.

9        **SECTION 19.** ORS 215.010 is amended to read:

10       215.010. As used in this chapter:

11       (1) The terms defined in ORS 92.010 shall have the meanings given therein, except that  
12 “parcel”:

13       (a) Includes a unit of land created:

14       (A) By partitioning land as defined in ORS 92.010;

15       (B) In compliance with all applicable planning, zoning and partitioning ordinances and regu-  
16 lations; or

17       (C) By deed or land sales contract, if there were no applicable planning, zoning or partitioning  
18 ordinances or regulations.

19       (b) Does not include a unit of land created solely to establish a separate tax account.

20       (2) “Tract” means one or more contiguous lots or parcels under the same ownership.

21       (3) The terms defined in ORS chapter 197 shall have the meanings given therein.

22       (4) “Farm use” has the meaning given that term in ORS 215.203.

23       **(5) “Recreational vehicle” has the meaning given that term in section 6 of this 2019 Act.**

24       [(5)] (6) “The Willamette Valley” is Clackamas, Linn, Marion, Multnomah, Polk, Washington and  
25 Yamhill Counties and the portion of Benton and Lane Counties lying east of the summit of the Coast  
26 Range.

27       **SECTION 20.** ORS 305.288 is amended to read:

28       305.288. (1) The tax court shall order a change or correction applicable to a separate assessment  
29 of property to the assessment and tax roll for the current tax year or for either of the two tax years  
30 immediately preceding the current tax year, or for any or all of those tax years, if all of the fol-  
31 lowing conditions exist:

32       (a) For the tax year to which the change or correction is applicable, the property was or is used  
33 primarily as a dwelling (or is vacant) and was and is a single-family dwelling, a multifamily dwelling  
34 of not more than four units, a condominium unit, a manufactured structure or a floating home.

35       (b) The change or correction requested is a change in value for the property for the tax year  
36 and it is asserted in the request and determined by the tax court that the difference between the  
37 real market value of the property for the tax year and the real market value on the assessment and  
38 tax roll for the tax year is equal to or greater than 20 percent.

39       (2) If the tax court finds that the conditions needed to order a change or correction under sub-  
40 section (1) of this section exist, the court may order a change or correction in the maximum assessed  
41 value of the property in addition to the change or correction in the real market value of the prop-  
42 erty.

43       (3) The tax court may order a change or correction applicable to a separate assessment of  
44 property to the assessment or tax roll for the current tax year and for either of the two tax years  
45 immediately preceding the current tax year if, for the year to which the change or correction is

1 applicable, the assessor or taxpayer has no statutory right of appeal remaining and the tax court  
2 determines that good and sufficient cause exists for the failure by the assessor or taxpayer to pursue  
3 the statutory right of appeal.

4 (4) Before ordering a change or correction to the assessment or tax roll under subsection (3)  
5 of this section, the tax court may determine whether any of the conditions exist in a particular case.  
6 If the tax court determines that one of the conditions specified does exist, the tax court shall hold  
7 a hearing to determine whether to order a change or correction to the roll.

8 (5) For purposes of this section:

9 (a) “Current tax year” has the meaning given the term under ORS 306.115.

10 (b) “Good and sufficient cause”:

11 (A) Means an extraordinary circumstance that is beyond the control of the taxpayer, or the  
12 taxpayer’s agent or representative, and that causes the taxpayer, agent or representative to fail to  
13 pursue the statutory right of appeal; and

14 (B) Does not include inadvertence, oversight, lack of knowledge, hardship or reliance on mis-  
15 leading information provided by any person except an authorized tax official providing the relevant  
16 misleading information.

17 [(c) “Manufactured structure” has the meaning given that term in ORS 446.561.]

18 (6) The remedy provided under this section is in addition to all other remedies provided by law.

19 **SECTION 21.** ORS 307.190 is amended to read:

20 307.190. (1) All items of tangible personal property held by the owner, or for delivery by a ven-  
21 dor to the owner, for personal use, benefit or enjoyment, are exempt from taxation.

22 (2) The exemption provided in subsection (1) of this section does not apply to:

23 (a) Any tangible personal property held by the owner, wholly or partially for use or sale in the  
24 ordinary course of a trade or business, for the production of income, or solely for investment.

25 (b) Any tangible personal property required to be licensed or registered under the laws of this  
26 state.

27 (c) Floating homes or boathouses, as defined in ORS 830.700.

28 (d) Manufactured structures [as defined in ORS 446.561].

29 **SECTION 22.** ORS 307.651 is amended to read:

30 307.651. As used in ORS 307.651 to 307.687, unless the context requires otherwise:

31 (1) “Governing body” means the city legislative body having jurisdiction over the property for  
32 which an exemption may be applied for under ORS 307.651 to 307.687.

33 (2) “Qualified dwelling unit” means a dwelling unit that, at the time an application is filed pur-  
34 suant to ORS 307.667, has a market value for the land and improvements of no more than 120 per-  
35 cent, or a lesser percentage as adopted by the governing body by resolution, of the median sales  
36 price of dwelling units located within the city.

37 (3) “Single-unit housing” means a structure having one or more dwelling units that:

38 (a) Is, or will be, upon purchase, rehabilitation or completion of construction, in conformance  
39 with all local plans and planning regulations, including special or district-wide plans developed and  
40 adopted pursuant to ORS chapters 195, 196, 197 and 227.

41 (b) If newly constructed, is completed within two years after application for exemption is ap-  
42 proved under ORS 307.674 or before January 1, 2025, whichever is earlier.

43 (c) Is designed for each dwelling unit within the structure to be purchased by and lived in by  
44 one person or one family.

45 (d) Has one or more qualified dwelling units within the single-unit housing.

1 (e) Is not a floating home, as defined in ORS 830.700, or a manufactured structure[, *as defined*  
2 *in ORS 446.561*], other than a manufactured home described in ORS 197.307 (8)(a) to (f).

3 (4) "Structure" does not include the land or any site development made to the land, as those  
4 terms are defined in ORS 307.010.

5 **SECTION 23.** ORS 319.550 is amended to read:

6 319.550. (1) Except as provided in this section, a person may not use fuel in a motor vehicle in  
7 this state unless the person holds a valid user's license.

8 (2) A nonresident may use fuel in a motor vehicle not registered in Oregon for a period not  
9 exceeding 30 days without obtaining a user's license or the emblem issued under ORS 319.600, if, for  
10 all fuel used in a motor vehicle in this state, the nonresident pays to a seller, at the time of the sale,  
11 the tax provided in ORS 319.530.

12 (3) A user's license is not required for a person who uses fuel in a motor vehicle with a com-  
13 bined weight of 26,000 pounds or less if, for all fuel used in a motor vehicle in this state, the person  
14 pays to a seller, at the time of the sale, the tax provided in ORS 319.530.

15 (4)(a) A user's license is not required for a person who uses fuel as described in ORS 319.520 (7)  
16 in the vehicles specified in this subsection if the person pays to a seller, at the time of the sale, the  
17 tax provided in ORS 319.530.

18 (b) Paragraph (a) of this subsection applies to the following vehicles:

19 (A) Motor homes as defined in ORS 801.350.

20 (B) Recreational vehicles as defined in [*ORS 446.003*] **section 6 of this 2019 Act.**

21 (5) A user's license is not required for a person who uses fuel in a motor vehicle:

22 (a) Metered use by which is subject to the per-mile road usage charge imposed under ORS  
23 319.885; and

24 (b) That also uses fuels subject to ORS 319.510 to 319.880.

25 (6) A user's license is not required for a person who uses fuel in a motor vehicle on which an  
26 emblem issued for the motor vehicle pursuant to ORS 319.535 is displayed.

27 **SECTION 24.** ORS 456.594 is amended to read:

28 456.594. As used in ORS 456.594 to 456.599:

29 (1) "Cash payment" means a payment made by the Housing and Community Services Department  
30 to the dwelling owner or to the contractor on behalf of the dwelling owner for energy conservation  
31 measures.

32 (2) "Contractor" means a person that installs or assists a dwelling owner to install energy con-  
33 servation measures in a dwelling.

34 (3)(a) "Dwelling" means real or personal property within the state inhabited as the principal  
35 residence of a dwelling owner or a tenant.

36 (b) "Dwelling" includes a manufactured dwelling as defined in ORS 446.003, a floating home as  
37 defined in ORS 830.700 and a single unit in multiple-unit residential housing.

38 (c) "Dwelling" does not include a recreational vehicle as defined in [*ORS 446.003*] **section 6 of**  
39 **this 2019 Act.**

40 (4) "Dwelling owner" means the person:

41 (a) Who has legal title to a dwelling, including the mortgagor under a duly recorded mortgage  
42 of real property, the trustor under a duly recorded deed of trust or a purchaser under a duly re-  
43 corded contract for the purchase of real property; and

44 (b) Whose dwelling receives space heating primarily from a fuel oil dealer.

45 (5) "Energy conservation items" includes but is not limited to air sealing, weatherstripping,

1 ceiling and wall insulation, crawl space insulation, vapor barrier materials, programmable thermo-  
2 stats, insulation of heating ducts and water pipes in unheated spaces, and replacement windows.

3 (6)(a) "Energy conservation measures" includes the installation of energy conservation items and  
4 the energy conservation items installed, where the items are primarily designed to improve the  
5 space heating and energy utilization efficiency of a dwelling.

6 (b) "Energy conservation measures" does not include the dwelling owner's own labor.

7 (7) "Fuel oil dealer" means a person, association, corporation or other form of organization that  
8 supplies fuel oil at retail for the space heating of dwellings.

9 (8) "Person" means an individual, partnership, joint venture, private or public corporation, as-  
10 sociation, firm, public service company, political subdivision, municipal corporation, government  
11 agency, people's utility district, or any other entity, public or private, however organized.

12 (9) "Petroleum supplier" means a petroleum refiner in this state or any person engaged in the  
13 wholesale distribution of distillate fuel oil in this state.

14 (10) "Residential customer" means a dwelling owner or tenant who is billed by a fuel oil dealer  
15 for fuel oil service received at the dwelling.

16 (11) "Space heating" means the heating of living space within a dwelling.

17 (12) "Tenant" means a tenant as defined in ORS 90.100 or any other tenant.

18 **SECTION 25.** ORS 469.155 is amended to read:

19 469.155. (1) As used in this section:

20 (a) "Dwelling" means real or personal property inhabited as the principal residence of an owner  
21 or renter. "Dwelling" includes a manufactured dwelling as defined in ORS 446.003, a floating home  
22 as defined in ORS 830.700 and multiple unit residential housing. "Dwelling" does not include a rec-  
23 reational vehicle as defined in [ORS 446.003] **section 6 of this 2019 Act.**

24 (b) "Energy conservation standards" means standards for the efficient use of energy for space  
25 and water heating in a dwelling.

26 (2) The Director of the State Department of Energy shall establish advisory energy conservation  
27 standards for existing dwellings. The standards shall be adopted by rule in accordance with ORS  
28 183.310 to 183.410. The standards:

29 (a) Shall take cost-effectiveness into account; and

30 (b) Shall be compatible with and further the state's incentive programs for residential energy  
31 conservation.

32 (3) The director shall publicize the energy conservation standards and encourage home owners  
33 to voluntarily comply with the standards.

34 **SECTION 26.** ORS 469.631 is amended to read:

35 469.631. As used in ORS 469.631 to 469.645:

36 (1) "Cash payment" means a payment made by the investor-owned utility to the dwelling owner  
37 or to the contractor on behalf of the dwelling owner for energy conservation measures.

38 (2) "Commercial lending institution" means any bank, mortgage banking company, trust com-  
39 pany, savings bank, savings and loan association, credit union, national banking association, federal  
40 savings and loan association or federal credit union maintaining an office in this state.

41 (3) "Commission" means the Public Utility Commission of Oregon.

42 (4) "Cost-effective" means that an energy conservation measure that provides or saves a specific  
43 amount of energy during its life cycle results in the lowest present value of delivered energy costs  
44 of any available alternative. However, the present value of the delivered energy costs of an energy  
45 conservation measure shall not be treated as greater than that of a nonconservation energy resource

1 or facility unless that cost is greater than 110 percent of the present value of the delivered energy  
2 cost of the nonconservation energy resource or facility.

3 (5) "Dwelling" means real or personal property within the state inhabited as the principal resi-  
4 dence of a dwelling owner or a tenant. "Dwelling" includes a manufactured dwelling as defined in  
5 ORS 446.003, a floating home as defined in ORS 830.700 and a single unit in multiple-unit residential  
6 housing. "Dwelling" does not include a recreational vehicle as defined in [ORS 446.003] **section 6**  
7 **of this 2019 Act.**

8 (6) "Dwelling owner" means the person:

9 (a) Who has legal title to a dwelling, including the mortgagor under a duly recorded mortgage  
10 of real property, the trustor under a duly recorded deed of trust or a purchaser under a duly re-  
11 corded contract for the purchase of real property; and

12 (b) Whose dwelling receives space heating from the investor-owned utility.

13 (7) "Energy audit" means:

14 (a) The measurement and analysis of the heat loss and energy utilization efficiency of a dwelling;

15 (b) An analysis of the energy savings and dollar savings potential that would result from pro-  
16 viding energy conservation measures for the dwelling;

17 (c) An estimate of the cost of the energy conservation measures that includes:

18 (A) Labor for the installation of items designed to improve the space heating and energy utili-  
19 zation efficiency of the dwelling; and

20 (B) The items installed; and

21 (d) A preliminary assessment, including feasibility and a range of costs, of the potential and  
22 opportunity for installation of:

23 (A) Passive solar space heating and solar domestic water heating in the dwelling; and

24 (B) Solar swimming pool heating, if applicable.

25 (8) "Energy conservation measures" means measures that include the installation of items and  
26 the items installed to improve the space heating and energy utilization efficiency of a dwelling.  
27 These items include, but are not limited to, caulking, weatherstripping and other infiltration pre-  
28 ventative materials, ceiling and wall insulation, crawl space insulation, vapor barrier materials,  
29 timed thermostats, insulation of heating ducts, hot water pipes and water heaters in unheated  
30 spaces, storm doors and windows, double glazed windows and dehumidifiers. "Energy conservation  
31 measures" does not include the dwelling owner's own labor.

32 (9) "Investor-owned utility" means an electric or gas utility regulated by the commission as a  
33 public utility under ORS chapter 757.

34 (10) "Residential customer" means a dwelling owner or tenant who, either directly or indirectly,  
35 pays a share of the cost for service billed by an investor-owned utility for electric or natural gas  
36 service received at the dwelling.

37 (11) "Space heating" means the heating of living space within a dwelling.

38 (12) "Tenant" means a tenant as defined in ORS 90.100 or any other tenant.

39 **SECTION 27.** ORS 469.649 is amended to read:

40 469.649. As used in ORS 469.649 to 469.659:

41 (1) "Cash payment" means a payment made by the publicly owned utility to the dwelling owner  
42 or to the contractor on behalf of the dwelling owner for energy conservation measures.

43 (2) "Commercial lending institution" means any bank, mortgage banking company, trust com-  
44 pany, savings bank, savings and loan association, credit union, national banking association, federal  
45 savings and loan association or federal credit union maintaining an office in this state.

1 (3) "Cost-effective" means that an energy conservation measure that provides or saves a specific  
2 amount of energy during its life cycle results in the lowest present value of delivered energy costs  
3 of any available alternative. However, the present value of the delivered energy costs of an energy  
4 conservation measure shall not be treated as greater than that of a nonconservation energy resource  
5 or facility unless that cost is greater than 110 percent of the present value of the delivered energy  
6 cost of the nonconservation energy resource or facility.

7 (4) "Dwelling" means real or personal property within the state inhabited as the principal resi-  
8 dence of a dwelling owner or a tenant. "Dwelling" includes a manufactured dwelling as defined in  
9 ORS 446.003, a floating home as defined in ORS 830.700 and a single unit in multiple-unit residential  
10 housing. "Dwelling" does not include a recreational vehicle as defined in [ORS 446.003] **section 6**  
11 **of this 2019 Act.**

12 (5) "Dwelling owner" means the person:

13 (a) Who has legal title to a dwelling, including the mortgagor under a duly recorded mortgage  
14 of real property, the trustor under a duly recorded deed of trust or a purchaser under a duly re-  
15 corded contract for the purchase of real property; and

16 (b) Whose dwelling receives space heating from the publicly owned utility.

17 (6) "Energy audit" means:

18 (a) The measurement and analysis of the heat loss and energy utilization efficiency of a dwelling;

19 (b) An analysis of the energy savings and dollar savings potential that would result from pro-  
20 viding energy conservation measures for the dwelling;

21 (c) An estimate of the cost of the energy conservation measures that includes:

22 (A) Labor for the installation of items designed to improve the space heating and energy utili-  
23 zation efficiency of the dwelling; and

24 (B) The items installed; and

25 (d) A preliminary assessment, including feasibility and a range of costs, of the potential and  
26 opportunity for installation of:

27 (A) Passive solar space heating and solar domestic water heating in the dwelling; and

28 (B) Solar swimming pool heating, if applicable.

29 (7) "Energy conservation measures" means measures that include the installation of items and  
30 the items installed to improve the space heating and energy utilization efficiency of a dwelling.  
31 These items include, but are not limited to, caulking, weatherstripping and other infiltration pre-  
32 ventative materials, ceiling and wall insulation, crawl space insulation, vapor barrier materials,  
33 timed thermostats, insulation of heating ducts, hot water pipes and water heaters in unheated  
34 spaces, storm doors and windows, double glazed windows and dehumidifiers. "Energy conservation  
35 measures" does not include the dwelling owner's own labor.

36 (8) "Publicly owned utility" means a utility that:

37 (a) Is owned or operated in whole or in part, by a municipality, cooperative association or  
38 people's utility district; and

39 (b) Distributes electricity.

40 (9) "Residential customer" means a dwelling owner or tenant who is billed by a publicly owned  
41 utility for electric service received at the dwelling.

42 (10) "Space heating" means the heating of living space within a dwelling.

43 (11) "Tenant" means a tenant as defined in ORS 90.100 or any other tenant.

44 **SECTION 28.** ORS 469.710 is amended to read:

45 469.710. As used in ORS 469.710 to 469.720, unless the context requires otherwise:

1 (1) "Annual rate" means the yearly interest rate specified on the note, and is not the annual  
2 percentage rate, if any, disclosed to the applicant to comply with the federal Truth in Lending Act.

3 (2) "Commercial lending institution" means any bank, mortgage banking company, trust com-  
4 pany, savings bank, savings and loan association, credit union, national banking association, federal  
5 savings and loan association or federal credit union maintaining an office in this state.

6 (3) "Cost-effective" means that an energy conservation measure that provides or saves a specific  
7 amount of energy during its life cycle results in the lowest present value of delivered energy costs  
8 of any available alternative. However, the present value of the delivered energy costs of an energy  
9 conservation measure may not be treated as greater than that of a nonconservation energy resource  
10 or facility unless that cost is greater than 110 percent of the present value of the delivered energy  
11 cost of the nonconservation energy resource or facility.

12 (4) "Dwelling" means real or personal property within the state inhabited as the principal resi-  
13 dence of a dwelling owner or a tenant. "Dwelling" includes a manufactured dwelling as defined in  
14 ORS 446.003, a floating home as defined in ORS 830.700 and a single unit in multiple-unit residential  
15 housing. "Dwelling" does not include a recreational vehicle as defined in [ORS 446.003] **section 6**  
16 **of this 2019 Act.**

17 (5) "Dwelling owner" means the person who has legal title to a dwelling, including the  
18 mortgagor under a duly recorded mortgage of real property, the trustor under a duly recorded deed  
19 of trust or a purchaser under a duly recorded contract for purchase of real property.

20 (6) "Energy audit" means:

21 (a) The measurement and analysis of the heat loss and energy utilization efficiency of a dwelling;

22 (b) An analysis of the energy savings and dollar savings potential that would result from pro-  
23 viding energy conservation measures for the dwelling;

24 (c) An estimate of the cost of the energy conservation measures that includes:

25 (A) Labor for the installation of items designed to improve the space heating and energy utili-  
26 zation efficiency of the dwelling; and

27 (B) The items installed; and

28 (d) A preliminary assessment, including feasibility and a range of costs, of the potential and  
29 opportunity for installation of:

30 (A) Passive solar space heating and solar domestic water heating in the dwelling; and

31 (B) Solar swimming pool heating, if applicable.

32 (7) "Energy conservation measures" means measures that include the installation of items and  
33 the items installed that are primarily designed to improve the space heating and energy utilization  
34 efficiency of a dwelling. These items include, but are not limited to, caulking, weatherstripping and  
35 other infiltration preventative materials, ceiling and wall insulation, crawl space insulation, vapor  
36 barrier materials, timed thermostats, insulation of heating ducts, hot water pipes and water heaters  
37 in unheated spaces, storm doors and windows, double glazed windows and dehumidifiers. "Energy  
38 conservation measures" does not include the dwelling owner's own labor.

39 (8) "Finance charge" means the total of all interest, loan fees and other charges related to the  
40 cost of obtaining credit and includes any interest on any loan fees financed by the lending institu-  
41 tion.

42 (9) "Fuel oil dealer" means a person, association, corporation or any other form of organization  
43 that supplies fuel oil at retail for the space heating of dwellings.

44 (10) "Residential fuel oil customer" means a dwelling owner or tenant who is billed by a fuel  
45 oil dealer for fuel oil service for space heating received at the dwelling.

1 (11) "Space heating" means the heating of living space within a dwelling.

2 (12) "Wood heating resident" means a person whose primary space heating is provided by the  
3 combustion of wood.

4 **SECTION 29.** ORS 480.450 is amended to read:

5 480.450. (1) The installer shall notify the State Fire Marshal, before the last day of each month,  
6 of all new installations made during the preceding month of containers or receptacles for liquefied  
7 petroleum gas, including installations for private homes and apartments. The installer shall certify  
8 on a form provided by the State Fire Marshal that all of the new installations are duly and properly  
9 reported. The State Fire Marshal may require that the notification include the location and de-  
10 scription of the installation and the name of the user. All fees due and payable must accompany the  
11 notification. The replacement of empty containers or receptacles with other containers constructed  
12 in accordance with United States Department of Transportation specifications is not a new instal-  
13 lation or change in the original installation that requires notification to the State Fire Marshal or  
14 necessitates further inspection of the installation. The State Fire Marshal shall collect from the in-  
15 staller an installation fee of \$50 for each tank installed or for all tanks at the installation if the total  
16 combined capacity is 200 gallons or less. The State Fire Marshal or deputies of the fire marshal or  
17 assistants shall inspect a reasonable number of the installations and maintain a record of the in-  
18 spections in the office of the State Fire Marshal.

19 (2) In addition to any installation or inspection fee, the State Fire Marshal may charge a plan  
20 review fee, not to exceed \$100, for any liquefied petroleum gas container and receptacle plan review  
21 required under a uniform fire code prescribed by the State Fire Marshal by rule.

22 (3) After the initial installation, liquefied petroleum gas containers may be inspected once every  
23 10 years except when changes have been made in the original installation. An installer making  
24 changes must notify the State Fire Marshal of the changes in the same manner provided in this  
25 section for new installations. The State Fire Marshal shall collect from the owner a fee of \$50 for  
26 the inspection of each container. The manner of inspection, requirement of corrections, satisfaction  
27 of requirements and collection of fees due and payable must conform with the provisions of ORS  
28 480.410 to 480.460 for new installations. Upon request of the State Fire Marshal, LP gas installation  
29 licensees shall furnish a list of the locations of 10-year old installations that they service.

30 (4) If, upon inspection of any tank, the new installation does not comply with the requirements  
31 of the State Fire Marshal, the State Fire Marshal shall instruct the installer as to what corrections  
32 are necessary for compliance with the State Fire Marshal's requirements. The installer of the new  
33 installation shall, within the time set by the State Fire Marshal, not to exceed 60 days after notifi-  
34 cation, notify the State Fire Marshal that the new installation complies with the requirements of the  
35 fire marshal. If the installer fails to notify the State Fire Marshal, or the State Fire Marshal has  
36 reason to believe that the corrections have not been made, the State Fire Marshal shall reinspect  
37 the new installation and shall collect from the installer an additional fee of \$125. The user, not the  
38 installer, shall pay the additional fee resulting from actions of the user that require correction to  
39 achieve compliance with the requirements of the State Fire Marshal.

40 (5) A person who receives notice from the State Fire Marshal must correct any improper in-  
41 stallation within the time set by the State Fire Marshal, not to exceed 60 days after receipt of the  
42 notice.

43 (6) If the fees provided for in this section are due and payable and are not paid within 30 days  
44 after service of written notice by the State Fire Marshal therefor, or if the installer fails to notify  
45 the State Fire Marshal by the last day of the month succeeding the month a new installation is made



1 or a change is made requiring an inspection, the fees are delinquent and a penalty equal to the  
2 greater of 10 percent of the fee amount or \$30, is imposed for the delinquency. The State Fire  
3 Marshal shall collect all fees and penalties in the name of the State of Oregon in the same manner  
4 that other debts are collected.

5 (7) The provisions of this section do not apply to liquefied petroleum gas installations if made  
6 entirely within the jurisdiction of a governmental subdivision granted the exemption provided by  
7 ORS 476.030 (3) and written evidence of the licensing of the installation by the approved authority  
8 is submitted to the State Fire Marshal. The provisions of this section do not apply to LP gas in-  
9 stallations made in manufactured dwellings [*or recreational vehicles*] that are constructed or altered  
10 in accordance with applicable rules of the Department of Consumer and Business Services. **The**  
11 **provisions of this section do not apply to LP gas installations in a recreational vehicle as**  
12 **defined in section 6 of this 2019 Act.**

13 **SECTION 30.** ORS 801.409 is amended to read:

14 801.409. "Recreational vehicle" has the meaning given in [*ORS 446.003*] **section 6 of this 2019**  
15 **Act.**

16  
17 **REPEAL**

18  
19 **SECTION 31.** ORS 306.006 is repealed.

20  
21 **TRANSITIONAL PROVISIONS**

22  
23 **SECTION 32.** Notwithstanding section 6 of this 2019 Act and the amendments to ORS  
24 446.003 by section 7 of this 2019 Act, a rule adopted by the Director of the Department of  
25 Consumer and Business Services under ORS 446.003 prior to the effective date of this 2019  
26 Act defining a recreational vehicle shall continue in effect and be treated as a rule adopted  
27 by the Director of Transportation under section 6 of this 2019 Act until repealed or amended  
28 by the Director of Transportation.

29 **SECTION 33.** Section 6 of this 2019 Act and the amendments to ORS 446.003, 446.155,  
30 446.170, 446.561, 455.010, 455.117 and 480.450 by sections 7 to 10, 12, 13 and 29 of this 2019 Act  
31 do not divest the Department of Consumer and Business Services or a municipality of the  
32 authority over a violation of ORS 480.420 to 480.460 or ORS chapter 446 or 455 committed  
33 prior to the effective date of this 2019 Act.

34 **SECTION 34.** Section 15 of this 2019 Act, the amendments to ORS 305.288, 307.190 and  
35 307.651 by sections 20 to 22 of this 2019 Act and the repeal of ORS 306.006 by section 31 of this  
36 2019 Act apply to assessments levied on or after the effective date of this 2019 Act and to  
37 classifications, determinations, eligibility or other purposes related to the making of assess-  
38 ments that are levied on or after the effective date of this 2019 Act.

39  
40 **CAPTIONS**

41  
42 **SECTION 35.** The unit captions used in this 2019 Act are provided only for the conven-  
43 ience of the reader and do not become part of the statutory law of this state or express any  
44 legislative intent in the enactment of this 2019 Act.