

HOUSE AMENDMENTS TO HOUSE BILL 2333

By COMMITTEE ON BUSINESS AND LABOR

April 16

1 On page 1 of the printed bill, line 2, after the semicolon delete the rest of the line and insert
2 “creating new provisions; and amending ORS 90.100, 90.425, 197.492, 215.010, 319.550, 446.003,
3 446.155, 446.170, 446.561, 446.661, 455.010, 455.117, 456.594, 469.155, 469.631, 469.649, 469.710, 480.432,
4 480.450 and 801.409.”.

5 Delete lines 4 through 32 and delete pages 2 through 4 and insert:
6

“PARK MODEL OPTIONAL TITLES

7
8

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

10 “SECTION 2. (1) As used in this section:

11 “(a) ‘Mobile home park’ has the meaning given that term in ORS 446.003.

12 “(b) ‘Park model recreational vehicle’ means a recreational vehicle, as defined in section
13 6 of this 2019 Act, that:

14 “(A) Is designed for use as temporary living quarters;

15 “(B) Is built on a single chassis mounted on wheels;

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

17 “(D) Is more than eight and one-half feet wide;

18 “(E) Complies with any manufacturing standards that the Director of Transportation
19 recognizes as being in widespread use and applicable to park model recreational vehicles; and

20 “(F) Meets any other requirements imposed by the director by rule.

21 “(2) The Department of Transportation, by rule, may provide for optional titling under
22 ORS 803.035. The department may not issue a registration for a park model recreational ve-
23 hicle.

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

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

28 “(b) Attest that the vehicle:

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

30 “(B) Is located within a mobile home park.

“RECREATIONAL VEHICLE CONVERSION

31
32
33

34 “SECTION 3. Section 4 of this 2019 Act is added to and made a part of ORS chapter 455.

35 “SECTION 4. (1) A recreational vehicle that has a title issued by the Department of

1 Transportation does not qualify as a structure. If a recreational vehicle is being converted
2 to use as a structure, at the time of commencing the conversion the owner shall surrender
3 the title and any registration issued for the recreational vehicle to the department for can-
4 cellation. A recreational vehicle that is converted to use as a structure is subject to the state
5 building code.

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

9 “(a) Has been rendered structurally immobile; or

10 “(b) Has direct attachment to utilities.

11
12 “WARRANTY STATEMENT

13
14 “SECTION 5. (1) As used in this section:

15 “(a) ‘Living area components’ means flooring, roofing, building envelope, plumbing sys-
16 tems, electrical systems and heating and air conditioning systems.

17 “(b) ‘Recreational vehicle’ has the meaning given that term in section 6 of this 2019 Act.

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

22
23 “NEW DEFINITION OF RECREATIONAL VEHICLE

24
25 “SECTION 6. As used in the statutes of this state:

26 “(1) ‘Recreational vehicle’ has the meaning given that term in this section only if the
27 statute using ‘recreational vehicle’ makes specific reference to this section and indicates
28 that the term has the meaning given in this section.

29 “(2) ‘Recreational vehicle,’ subject to subsection (1) of this section, means a vehicle with
30 or without motive power, that is designed for use as temporary living quarters and as fur-
31 ther defined by rule by the Director of Transportation.

32
33 “REMOVAL OF RECREATIONAL VEHICLES
34 FROM DEPARTMENT OF CONSUMER AND BUSINESS
35 SERVICES REGULATION

36
37 “SECTION 7. ORS 446.003 is amended to read:

38 “446.003. As used in ORS 446.003 to 446.200 and 446.225 to 446.285, and for the purposes of ORS
39 chapters 195, 196, 197, 215 and 227, the following definitions apply, unless the context requires oth-
40 erwise, or unless administration and enforcement by the State of Oregon under the existing or re-
41 vised National Manufactured Housing Construction and Safety Standards Act would be adversely
42 affected, and except as provided in ORS 446.265:

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

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

4 “(b) ‘Alteration’ does not include:

5 “(A) Minor repairs with approved component parts;

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

7 “(C) Adjustment and maintenance of equipment; or

8 “(D) Replacement of equipment or accessories in kind.

9 “(3) ‘Approved’ means approved, licensed or certified by the Department of Consumer and
10 Business Services or its designee.

11 “(4) ‘Board’ means the Residential and Manufactured Structures Board.

12 “(5) ‘Cabana’ means a stationary, lightweight structure that may be prefabricated, or demount-
13 able, with two or more walls, used adjacent to and in conjunction with a manufactured structure to
14 provide additional living space.

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

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

20 “(8) ‘Dealer’ means any person engaged in the business of selling, leasing or distributing manu-
21 factured structures or equipment, or both, primarily to persons who in good faith purchase or lease
22 manufactured structures or equipment, or both, for purposes other than resale.

23 “(9) ‘Department’ means the Department of Consumer and Business Services.

24 “(10) ‘Director’ means the Director of the Department of Consumer and Business Services.

25 “(11) ‘Distributor’ means any person engaged in selling and distributing manufactured structures
26 or equipment for resale.

27 “(12) ‘Equipment’ means materials, appliances, subassembly, devices, fixtures, fittings and
28 apparatuses used in the construction, plumbing, mechanical and electrical systems of a manufactured
29 structure.

30 “(13) ‘Federal manufactured housing construction and safety standard’ means a standard for
31 construction, design and performance of a manufactured dwelling promulgated by the Secretary of
32 Housing and Urban Development pursuant to the federal National Manufactured Housing Con-
33 struction and Safety Standards Act of 1974 (Public Law 93-383).

34 “(14) ‘Fire Marshal’ means the State Fire Marshal.

35 “(15) ‘Imminent safety hazard’ means an imminent and unreasonable risk of death or severe
36 personal injury.

37 “(16) ‘Insignia of compliance’ means:

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

39 “(b) For all other manufactured structures, the insignia issued by this state indicating compli-
40 ance with state law.

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

44 “(18) ‘Installation’ in relation to:

45 “(a) Construction means the arrangements and methods of construction, fire and life safety,

1 electrical, plumbing and mechanical equipment and systems within a manufactured structure.

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

5 “(19) ‘Installer’ means any individual licensed by the director to install, set up, connect, hook
6 up, block, tie down, secure, support, install temporary steps for, install skirting for or make elec-
7 trical, plumbing or mechanical connections to manufactured dwellings or cabanas or who provides
8 consultation or supervision for any of these activities, except architects registered under ORS
9 671.010 to 671.220 or engineers registered under ORS 672.002 to 672.325.

10 “(20) ‘Listed’ means equipment or materials included in a list, published by an organization
11 concerned with product evaluation acceptable to the department that maintains periodic inspection
12 of production of listed equipment or materials, and whose listing states either that the equipment
13 or materials meets appropriate standards or has been tested and found suitable in a specified man-
14 ner.

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

18 “(22)(a) ‘Manufactured dwelling’ means a residential trailer, mobile home or manufactured home.

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

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

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

37 “(b) For purposes of implementing any contract pertaining to manufactured homes between the
38 department and the federal government, ‘manufactured home’ has the meaning given the term in the
39 contract.

40 “(25)(a) ‘Manufactured structure’ means a [*recreational vehicle,*] manufactured dwelling or rec-
41 reational structure.

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

44 “(26) ‘Manufacturer’ means any person engaged in manufacturing, building, rebuilding, altering,
45 converting or assembling manufactured structures or equipment.

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

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

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

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

19 “(31) ‘Municipality’ means a city, county or other unit of local government otherwise authorized
20 by law to enact codes.

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

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

28 “[*(34)*] **(33)** ‘Residential trailer’ means a structure constructed for movement on the public
29 highways that has sleeping, cooking and plumbing facilities, that is intended for human occupancy,
30 that is being used for residential purposes and that was constructed before January 1, 1962.

31 “[*(35)*] **(34)** ‘Sale’ means rent, lease, sale or exchange.

32 “[*(36)*] **(35)** ‘Skirting’ means a weather resistant material used to enclose the space below the
33 manufactured structure.

34 “[*(37)*] **(36)** ‘Tiedown’ means any device designed to anchor a manufactured structure securely
35 to the ground.

36 “[*(38)*] **(37)** ‘Transitional housing accommodations’ means accommodations described under ORS
37 446.265.

38 “[*(39)*] **(38)** ‘Utilities’ means the water, sewer, gas or electric services provided on a lot for a
39 manufactured structure.

40 “**SECTION 8.** ORS 446.155 is amended to read:

41 “446.155. (1) A person may not sell or offer for sale within this state a manufactured dwelling
42 manufactured after January 1, 1962, that contains:

43 “(a) Plumbing equipment, unless such equipment meets the requirements of the Department of
44 Consumer and Business Services;

45 “(b) Heating equipment, unless such equipment meets the requirements of the State Fire Mar-

1 shal; or

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

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

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

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

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

12 “[~~(3)~~ *A person may not rent, lease, sell or offer for rent, lease or sale within this state a recre-*
13 *ational vehicle unless the recreational vehicle:]*

14 “[~~(a)~~ *Bears an insignia of compliance;]*

15 “[~~(b)~~ *Has previously been lawfully registered and titled within the United States;]*

16 “[~~(c)~~ *Has previously been issued an ownership document under ORS 446.571 or recorded under*
17 *ORS 446.626; or]*

18 “[~~(d)~~ *Is exempt from registration, title or ownership document requirements because of United*
19 *States government ownership.]*

20 “[~~(4)~~ **(3)** Persons manufacturing, remanufacturing, converting, altering or repairing manufac-
21 tured structures or equipment within the state or for use within the state shall comply with all ap-
22 plicable construction and safety rules of the department and the following:

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

26 “(b) After the initial sale to a consumer by a manufacturer or dealer, all alterations to a man-
27 ufactured dwelling, except as identified by the Director of the Department of Consumer and Business
28 Services by rule, shall be in conformance with the specialty codes as described in ORS 455.010 to
29 455.740 and 479.855.

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

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

39 “[~~(5)~~ **(4)** Installations of manufactured structures shall be in conformance with the standards
40 adopted by the department for site preparation, foundation support, anchoring, structural and utility
41 connections, electrical and plumbing tests, underfloor enclosures, ventilation, vapor barriers and
42 steps used for access and egress.

43 “**SECTION 9.** ORS 446.170 is amended to read:

44 “446.170. (1) Manufactured structures subject to the provisions of ORS 446.155 to 446.200, and
45 manufactured structures upon which additions, conversions or alterations of installations of equip-

1 ment or material are made shall have affixed to the manufactured structures insignia of compliance.

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

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

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

8 “[5] *Subsection (1) of this section does not apply to a recreational vehicle described in ORS*
9 *446.155 (3)(b) to (d).*]

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

11 “446.561. As used in ORS 446.566 to 446.646:

12 “(1) Except as provided in subsection (2) of this section, ‘manufactured structure’ means:

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

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

18 “[c] *A recreational vehicle, as defined in ORS 446.003, that is more than eight and one-half feet*
19 *wide.*]

20 “(2) ‘Manufactured structure’ does not include a mobile modular unit as defined in ORS 308.866
21 or an implement of husbandry as defined in ORS 801.310.

22 “**SECTION 11.** ORS 446.661 is amended to read:

23 “446.661. As used in ORS 446.661 to 446.756:

24 “(1) ‘Dealer’ has the meaning given that term in ORS 446.003.

25 “(2) ‘Insured institution’ has the meaning given that term in ORS 706.008.

26 “(3) ‘Manufactured dwelling’ has the meaning given that term in ORS 446.003.

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

28 “(a) **A manufactured structure, as defined in ORS 455.561; or**

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

31 “**SECTION 12.** ORS 455.010 is amended to read:

32 “455.010. As used in this chapter, unless the context requires otherwise:

33 “(1)(a) ‘Advisory board’ means the board with responsibility for assisting in the adoption,
34 amendment or administration of a specialty code, specifically:

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

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

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

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

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

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

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

42 “(b) ‘Appropriate advisory board’ means the advisory board that has jurisdiction over a partic-
43 ular code, standard, license, certification or matter.

44 “(2) ‘Department’ means the Department of Consumer and Business Services.

45 “(3) ‘Director’ means the Director of the Department of Consumer and Business Services.

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

5 “(5) ‘Municipality’ means a city, county or other unit of local government otherwise authorized
6 by law to administer a building code.

7 “(6) ‘Prefabricated structure’ means a building or subassembly that has been in whole or sub-
8 stantial part manufactured or assembled using closed construction at an off-site location to be
9 wholly or partially assembled on-site. ‘Prefabricated structure’ does not include a manufactured
10 dwelling[,] **or** recreational structure [*or recreational vehicle*], as those terms are defined in ORS
11 446.003.

12 “(7) ‘Specialty code’ means a code of regulations adopted under ORS 446.062, 446.185, 447.020 (2),
13 455.020 (2), 455.496, 455.610, 455.680, 460.085, 460.360, 479.730 (1) or 480.545, but does not include
14 regulations adopted by the State Fire Marshal pursuant to ORS chapter 476 or ORS 479.015 to
15 479.200 and 479.210 to 479.220.

16 “(8) ‘State building code’ means the combined specialty codes.

17 “(9) ‘Structural code’ means the specialty code prescribing structural standards for building
18 construction.

19 “(10) ‘Unsafe condition’ means a condition caused by earthquake which is determined by the
20 department or any representative of the department to be dangerous to life and property. ‘Unsafe
21 condition’ includes but is not limited to:

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

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

27 “**SECTION 13.** ORS 455.117 is amended to read:

28 “455.117. (1) Except as provided in subsection (3) of this section, a regulatory body listed in
29 subsection (2) of this section may adopt rules to administer the licensing, certification or registra-
30 tion of persons regulated by the body. The rules adopted under this section may include, but need
31 not be limited to:

32 “(a) The form and content of an application for issuance or renewal of a license, certificate or
33 registration;

34 “(b) Training and continuing education requirements to maintain a license, certificate or regis-
35 tration;

36 “(c) The form and content of and the process for preparing and administering examinations and
37 examination reviews;

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

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

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

43 “(a) Subject to ORS 446.003 to 446.200, 446.225 to 446.285 and 446.395 to 446.420, with the ap-
44 proval of the Residential and Manufactured Structures Board, the Department of Consumer and
45 Business Services for purposes of licenses, certificates and registrations issued under ORS 446.003

1 to 446.200, 446.225 to 446.285 and 446.395 to 446.420.

2 “(b) Subject to ORS 447.010 to 447.156 and ORS chapter 693, the State Plumbing Board for
3 purposes of licenses issued under ORS 447.010 to 447.156 and ORS chapter 693.

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

6 “(d) Subject to ORS 479.510 to 479.945, the Electrical and Elevator Board for purposes of li-
7 censes issued under ORS 479.510 to 479.945.

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

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

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

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

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

15 “**SECTION 14.** ORS 480.432 is amended to read:

16 “480.432. (1) A person may not engage in or work at the business of installing, extending, al-
17 tering or repairing any LP gas appliance or piping, vent or flue connection pertaining to or in
18 connection with LP gas installations within the state, either as employer or individual, unless the
19 person has received an LP gas installation license from the State Fire Marshal in accordance with
20 ORS 480.410 to 480.460.

21 “(2) A person may not do any LP gas fitting or gas venting work, install, repair or remodel any
22 piping or venting or do any installation, repair service, connection or disconnection of any LP gas
23 appliance that is subject to inspection under ORS 480.410 to 480.460 unless the person has received
24 an LP gas fitter license from the State Fire Marshal in accordance with ORS 480.410 to 480.460.

25 “(3) A person may not operate any LP gas delivery equipment installed on a motorized vehicle
26 unless the person has received an LP gas truck equipment license from the State Fire Marshal in
27 accordance with ORS 480.410 to 480.460.

28 “(4) Any person under the terms of this section who is required to have an LP gas fitter or LP
29 gas truck equipment license is also required to have an LP gas installation license, unless the per-
30 son is an employee of an employer who has an LP gas installation license as provided by this sec-
31 tion.

32 “(5) A person who holds a valid journeyman plumber license under ORS 693.060 or who is in
33 an approved journeyman plumber apprenticeship established under ORS 660.002 to 660.210 is exempt
34 from the licensing requirements of subsections (1) and (2) of this section, except that the apprentice
35 or journeyman plumber may not install an LP gas tank or make any connection to an LP gas tank
36 unless the apprentice or journeyman plumber is licensed as required under this section.

37 “(6) A person who holds a license issued by the Department of Consumer and Business Services
38 under ORS 480.630 of a class that authorizes the person to fabricate, install, alter or repair pressure
39 piping and to install boilers and pressure vessels by attachment of piping connector is exempt from
40 the licensing requirements of subsections (1) and (2) of this section, except that the person may not
41 install an LP gas tank or make any connection to an LP gas tank unless the person is licensed as
42 required under this section.

43 “(7) Subsections (1) to (4) of this section do not apply to LP gas installations in a manufactured
44 dwelling [*or recreational vehicle*] performed during the construction of the manufactured dwelling
45 [*or recreational vehicle*], or the alteration or repair of an LP gas installation in a manufactured

1 dwelling [or recreational vehicle] made pursuant to the manufacturer's warranty.

2
3 **"MISCELLANEOUS REFERENCE CHANGES IN**
4 **OREGON REVISED STATUTES**

5
6 **"SECTION 15.** ORS 90.100 is amended to read:

7 "90.100. As used in this chapter, unless the context otherwise requires:

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

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

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

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

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

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

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

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

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

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

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

31 "(10) 'Domestic violence' means:

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

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

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

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

42 "(13) 'Essential service' means:

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

45 "(A) Heat, plumbing, hot and cold running water, gas, electricity, light fixtures, locks for exte-

1 rior doors, latches for windows and any cooking appliance or refrigerator supplied or required to
2 be supplied by the landlord; and

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

6 “(b) For a tenancy consisting of rental space for a manufactured dwelling, floating home or
7 recreational vehicle owned by the tenant or that is otherwise subject to ORS 90.505 to 90.850:

8 “(A) Sewage disposal, water supply, electrical supply and, if required by applicable law, any
9 drainage system; and

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

13 “(14) ‘Facility’ means a manufactured dwelling park or a marina.

14 “(15) ‘Fee’ means a nonrefundable payment of money.

15 “(16) ‘First class mail’ does not include certified or registered mail, or any other form of mail
16 that may delay or hinder actual delivery of mail to the recipient.

17 “(17) ‘Fixed term tenancy’ means a tenancy that has a fixed term of existence, continuing to a
18 specific ending date and terminating on that date without requiring further notice to effect the ter-
19 mination.

20 “(18) ‘Floating home’ has the meaning given that term in ORS 830.700. ‘Floating home’ includes
21 an accessory building or structure.

22 “(19) ‘Good faith’ means honesty in fact in the conduct of the transaction concerned.

23 “(20) ‘Hazard tree’ means a tree that:

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

25 “(b) Measures at least eight inches DBH; and

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

29 “(21) ‘Hotel or motel’ means ‘hotel’ as that term is defined in ORS 699.005.

30 “(22) ‘Informal dispute resolution’ means, but is not limited to, consultation between the landlord
31 or landlord’s agent and one or more tenants, or mediation utilizing the services of a third party.

32 “(23) ‘Landlord’ means the owner, lessor or sublessor of the dwelling unit or the building or
33 premises of which it is a part. ‘Landlord’ includes a person who is authorized by the owner, lessor
34 or sublessor to manage the premises or to enter into a rental agreement.

35 “(24) ‘Landlord’s agent’ means a person who has oral or written authority, either express or
36 implied, to act for or on behalf of a landlord.

37 “(25) ‘Last month’s rent deposit’ means a type of security deposit, however designated, the pri-
38 mary function of which is to secure the payment of rent for the last month of the tenancy.

39 “(26) ‘Manufactured dwelling’ means a residential trailer, a mobile home or a manufactured
40 home as those terms are defined in ORS 446.003. ‘Manufactured dwelling’ includes an accessory
41 building or structure. [*Manufactured dwelling’ does not include a recreational vehicle.*]

42 “(27) ‘Manufactured dwelling park’ means a place where four or more manufactured dwellings
43 are located, the primary purpose of which is to rent space or keep space for rent to any person for
44 a charge or fee.

45 “(28) ‘Marina’ means a moorage of contiguous dwelling units that may be legally transferred as

1 a single unit and are owned by one person where four or more floating homes are secured, the pri-
2 mary purpose of which is to rent space or keep space for rent to any person for a charge or fee.

3 “(29) ‘Marina purchase association’ means a group of three or more tenants who reside in a
4 marina and have organized for the purpose of eventual purchase of the marina.

5 “(30) ‘Month-to-month tenancy’ means a tenancy that automatically renews and continues for
6 successive monthly periods on the same terms and conditions originally agreed to, or as revised by
7 the parties, until terminated by one or both of the parties.

8 “(31) ‘Organization’ includes a corporation, government, governmental subdivision or agency,
9 business trust, estate, trust, partnership or association, two or more persons having a joint or com-
10 mon interest, and any other legal or commercial entity.

11 “(32) ‘Owner’ includes a mortgagee in possession and means one or more persons, jointly or se-
12 verally, in whom is vested:

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

14 “(b) All or part of the beneficial ownership and a right to present use and enjoyment of the
15 premises.

16 “(33) ‘Person’ includes an individual or organization.

17 “(34) ‘Premises’ means:

18 “(a) A dwelling unit and the structure of which it is a part and facilities and appurtenances
19 therein;

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

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

23 “(35) ‘Prepaid rent’ means any payment of money to the landlord for a rent obligation not yet
24 due. In addition, ‘prepaid rent’ means rent paid for a period extending beyond a termination date.

25 “(36) ‘Recreational vehicle’ has the meaning given that term in [ORS 446.003.] **section 6 of this**
26 **2019 Act.**

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

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

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

38 “(40) ‘Screening or admission criteria’ means a written statement of any factors a landlord
39 considers in deciding whether to accept or reject an applicant and any qualifications required for
40 acceptance. ‘Screening or admission criteria’ includes, but is not limited to, the rental history,
41 character references, public records, criminal records, credit reports, credit references and incomes
42 or resources of the applicant.

43 “(41) ‘Security deposit’ means a refundable payment or deposit of money, however designated,
44 the primary function of which is to secure the performance of a rental agreement or any part of a
45 rental agreement. ‘Security deposit’ does not include a fee.

1 “(42) ‘Sexual assault’ has the meaning given that term in ORS 147.450.

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

5 “(44) ‘Stalking’ means the behavior described in ORS 163.732.

6 “(45) ‘Statement of policy’ means the summary explanation of information and facility policies
7 to be provided to prospective and existing tenants under ORS 90.510.

8 “(46) ‘Surrender’ means an agreement, express or implied, as described in ORS 90.148 between
9 a landlord and tenant to terminate a rental agreement that gave the tenant the right to occupy a
10 dwelling unit.

11 “(47) ‘Tenant’:

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

13 “(A) Means a person, including a roomer, entitled under a rental agreement to occupy a dwell-
14 ing unit to the exclusion of others, including a dwelling unit owned, operated or controlled by a
15 public housing authority.

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

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

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

21 “(48) ‘Transient lodging’ means a room or a suite of rooms.

22 “(49) ‘Transient occupancy’ means occupancy in transient lodging that has all of the following
23 characteristics:

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

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

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

28 “(50) ‘Vacation occupancy’ means occupancy in a dwelling unit, not including transient occu-
29 pancy in a hotel or motel, that has all of the following characteristics:

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

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

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

33 “(51) ‘Victim’ means:

34 “(a) The person against whom an incident related to domestic violence, sexual assault or stalk-
35 ing is perpetrated; or

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

39 “(52) ‘Week-to-week tenancy’ means a tenancy that has all of the following characteristics:

40 “(a) Occupancy is charged on a weekly basis and is payable no less frequently than every seven
41 days;

42 “(b) There is a written rental agreement that defines the landlord’s and the tenant’s rights and
43 responsibilities under this chapter; and

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

1 “**SECTION 16.** ORS 90.425 is amended to read:

2 “90.425. (1) As used in this section:

3 “(a) ‘Current market value’ means the amount in cash, as determined by the county assessor,
4 that could reasonably be expected to be paid for a manufactured dwelling or floating home by an
5 informed buyer to an informed seller, each acting without compulsion in an arm’s-length transaction
6 occurring on the assessment date for the tax year or on the date of a subsequent reappraisal by the
7 county assessor.

8 “(b) ‘Dispose of the personal property’ means that, if reasonably appropriate, the landlord may
9 throw away the property or may give it without consideration to a nonprofit organization or to a
10 person unrelated to the landlord. The landlord may not retain the property for personal use or
11 benefit.

12 “(c) ‘Goods’ includes those goods left inside a recreational vehicle, manufactured dwelling or
13 floating home or left upon the rental space outside a recreational vehicle, manufactured dwelling
14 or floating home, whether the recreational vehicle, dwelling or home is located inside or outside of
15 a facility.

16 “(d) ‘Lienholder’ means any lienholder of an abandoned recreational vehicle, manufactured
17 dwelling or floating home, if the lien is of record or the lienholder is actually known to the landlord.

18 “(e) ‘Of record’ means:

19 “(A) For a recreational vehicle that is not [*a manufactured structure as defined in ORS*
20 *446.561*] **more than eight and one-half feet wide**, that a security interest has been properly re-
21 corded with the Department of Transportation pursuant to ORS 802.200 (1)(a)(A) and 803.097.

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

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

30 “(f) ‘Owner’ means any owner of an abandoned recreational vehicle, manufactured dwelling or
31 floating home, if different from the tenant and either of record or actually known to the landlord.

32 “(g) ‘Personal property’ means goods, vehicles and recreational vehicles and includes manufac-
33 tured dwellings and floating homes not located in a facility. ‘Personal property’ does not include
34 manufactured dwellings and floating homes located in a facility and therefore subject to being
35 stored, sold or disposed of as provided under ORS 90.675.

36 “(2) A landlord is responsible for abandoned personal property and shall store, sell or dispose
37 of abandoned personal property as provided by this section. This section governs the rights and
38 obligations of landlords, tenants and any lienholders or owners in any personal property abandoned
39 or left upon the premises by the tenant or any lienholder or owner in the following circumstances:

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

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

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

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

5 “(a) Personally delivered to the tenant; or

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

7 “(A) The premises;

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

9 “(C) The most recent forwarding address if provided by the tenant or actually known to the
10 landlord.

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

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

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

16 “(C) The tax collector of the county where the manufactured dwelling or floating home is lo-
17 cated; and

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

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

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

24 “(A) Actually known to the landlord;

25 “(B) Of record; and

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

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

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

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

35 “(c) The personal property is stored at a place of safekeeping, except that if the property in-
36 cludes a manufactured dwelling or floating home, the dwelling or home must be stored on the rented
37 space;

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

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

44 “(f) If the personal property is considered to be abandoned pursuant to subsection (2)(a) or (b)
45 of this section, the landlord may require payment of removal and storage charges, as provided by

1 subsection (7)(d) of this section, prior to releasing the personal property to the tenant or any
2 lienholder or owner;

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

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

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

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

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

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

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

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

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

30 “(A) Promptly dispose of rotting food; and

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

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

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

43 “(8) If a tenant, lienholder or owner, upon the receipt of the notice provided by subsection (3)
44 or (4) of this section or otherwise, responds by actual notice to the landlord on or before the spec-
45 ified date in the landlord’s notice that the tenant, lienholder or owner intends to remove the per-

1 sonal property from the premises or from the place of safekeeping, the landlord must make that
2 personal property available for removal by the tenant, lienholder or owner by appointment at rea-
3 sonable times during the 15 days or, in the case of a recreational vehicle, manufactured dwelling
4 or floating home, 30 days following the date of the response, subject to subsection (18) of this sec-
5 tion. If the personal property is considered to be abandoned pursuant to subsection (2)(a) or (b) of
6 this section, but not pursuant to subsection (2)(c) of this section, the landlord may require payment
7 of removal and storage charges, as provided in subsection (7)(d) of this section, prior to allowing the
8 tenant, lienholder or owner to remove the personal property. Acceptance by a landlord of such
9 payment does not operate to create or reinstate a tenancy or create a waiver pursuant to ORS
10 90.412 or 90.417.

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

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

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

24 “(A) The landlord may seek to transfer ownership of record of the personal property by com-
25 plying with the requirements of the appropriate state agency; and

26 “(B) The landlord shall:

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

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

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

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

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

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

37 “(VI) The name and telephone number of the person to contact to inspect the recreational ve-
38 hicle, manufactured dwelling or floating home;

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

43 “(iii) Obtain an affidavit of publication from the newspaper to show that the notice required
44 under sub-subparagraph (i) of this subparagraph ran in the newspaper at least one day in each of
45 two consecutive weeks prior to the date scheduled for the sale or the last date bids will be accepted;

1 and

2 “(iv) Obtain written proof from the county that all property taxes and assessments on the man-
3 ufactured dwelling or floating home have been paid or, if not paid, that the county has authorized
4 the sale, with the sale proceeds to be distributed pursuant to subsection (13) of this section;

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

6 “(A) For a manufactured dwelling or floating home, the current market value of the property is
7 \$8,000 or less as determined by the county assessor; or

8 “(B) For all other personal property, the reasonable current fair market value is \$1,000 or less
9 or so low that the cost of storage and conducting a public sale probably exceeds the amount that
10 would be realized from the sale; or

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

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

14 “(A) For a recreational vehicle, manufactured dwelling or floating home, be conducted consist-
15 ent with the terms listed in subsection (10)(a)(B)(i) of this section. Every aspect of the sale including
16 the method, manner, time, place and terms must be commercially reasonable; or

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

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

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

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

26 “(b) A person or nonprofit organization to whom the landlord gives the dwelling or home pur-
27 suant to subsection (1)(b), (10)(b) or (11)(b) of this section.

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

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

30 “(B) Unpaid rent.

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

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

39 “(d) After deducting the amounts listed in paragraphs (a), (b) and (c) of this subsection, if ap-
40 plicable, the landlord shall remit to the tenant or owner the remaining proceeds, if any, together
41 with an itemized accounting.

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

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

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

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

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

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

12 “(C) The proceeds of the sale are insufficient to satisfy the unpaid property taxes and assess-
13 ments owed on the dwelling or home after distribution of the proceeds pursuant to subsection (13)
14 of this section.

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

17 “(B) The current market value of the manufactured dwelling or floating home is more than
18 \$8,000;

19 “(C) The proceeds of the sale are insufficient to satisfy the unpaid property taxes and assess-
20 ments owed on the manufactured dwelling or floating home after distribution of the proceeds pur-
21 suant to subsection (13) of this section; and

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

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

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

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

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

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

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

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

45 “(a) The lienholder has foreclosed its lien on the recreational vehicle, manufactured dwelling

1 or floating home;

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

5 “(c) The notice and response periods provided by subsections (6) and (8) of this section have
6 expired.

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

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

18 “(c) To exercise the right to a storage agreement under this subsection, in addition to contacting
19 the landlord with a timely response as described in paragraph (a) of this subsection, the lienholder
20 must enter into the proposed storage agreement within 60 days after the landlord gives a copy of
21 the agreement to the lienholder. The landlord shall give a copy of the proposed storage agreement
22 to the lienholder in the same manner as provided by subsection (4)(b) of this section. The landlord
23 may include a copy of the proposed storage agreement with the notice of abandoned property re-
24 quired by subsection (4) of this section. A lienholder enters into a storage agreement by signing a
25 copy of the agreement provided by the landlord and personally delivering or mailing the signed copy
26 to the landlord within the 60-day period.

27 “(d) The storage agreement may require, in addition to other provisions agreed to by the land-
28 lord and the lienholder, that:

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

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

38 “(C) The lienholder maintain the personal property and the space on which the personal prop-
39 erty is stored in a manner consistent with the rights and obligations described in the rental agree-
40 ment between the landlord and the tenant.

41 “(e) During the term of an agreement described under this subsection, the lienholder has the
42 right to remove or sell the property, subject to the provisions of the lien. Selling the property in-
43 cludes a sale to a purchaser who wishes to leave the dwelling or home on the rented space and
44 become a tenant, subject to any conditions previously agreed to by the landlord and tenant regard-
45 ing the landlord’s approval of a purchaser or, if there was no such agreement, any reasonable con-

1 ditions by the landlord regarding approval of any purchaser who wishes to leave the dwelling or
2 home on the rented space and become a tenant. The landlord also may condition approval for oc-
3 cupancy of any purchaser of the property upon payment of all unpaid storage charges and mainte-
4 nance costs.

5 “(f)(A) If the lienholder violates the storage agreement, the landlord may terminate the agree-
6 ment by giving at least 90 days’ written notice to the lienholder stating facts sufficient to notify the
7 lienholder of the reason for the termination. Unless the lienholder corrects the violation within the
8 notice period, the agreement terminates as provided and the landlord may sell or dispose of the
9 dwelling or home without further notice to the lienholder.

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

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

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

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

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

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

31 “(B) Any person designated in writing by the tenant to be contacted by the landlord in the event
32 of the tenant’s death.

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

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

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

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

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

1 personal property on the previously rented space during the term of the agreement, but does not
2 entitle anyone to occupy the personal property. If such an agreement is entered, the landlord may
3 not enter a similar agreement with a lienholder pursuant to subsection (19) of this section until the
4 agreement with the personal representative or designated person ends.

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

8 “(f) During the term of an agreement described under paragraph (d) of this subsection, the rep-
9 resentative or person has the right to remove or sell the dwelling or home, including a sale to a
10 purchaser or a transfer to an heir or devisee where the purchaser, heir or devisee wishes to leave
11 the dwelling or home on the rented space and become a tenant, subject to any conditions previously
12 agreed to by the landlord and tenant regarding the landlord’s approval for occupancy of a purchaser,
13 heir or devisee or, if there was no such agreement, any reasonable conditions by the landlord re-
14 garding approval for occupancy of any purchaser, heir or devisee who wishes to leave the dwelling
15 or home on the rented space and become a tenant. The landlord also may condition approval for
16 occupancy of any purchaser, heir or devisee of the dwelling or home upon payment of all unpaid
17 storage charges and maintenance costs.

18 “(g) If the representative or person violates the storage agreement, the landlord may terminate
19 the agreement by giving at least 30 days’ written notice to the representative or person stating facts
20 sufficient to notify the representative or person of the reason for the termination. Unless the rep-
21 resentative or person corrects the violation within the notice period, the agreement terminates as
22 provided and the landlord may sell or dispose of the dwelling or home without further notice to the
23 representative or person.

24 “(h) Upon the failure of a representative or person to enter into a storage agreement as pro-
25 vided by this subsection or upon termination of an agreement, unless the parties otherwise agree
26 or the representative or person has sold or removed the manufactured dwelling or floating home, the
27 landlord may sell or dispose of the property pursuant to this section without further notice to the
28 representative or person.

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

32 “(a) The following persons have the same rights and responsibilities regarding the abandoned
33 personal property as a tenant:

34 “(A) An heir or devisee.

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

37 “(C) Any person designated in writing by the tenant to be contacted by the landlord in the event
38 of the tenant’s death.

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

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

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

43 “(C) Sent by first class mail to the attention of an estate administrator of the Department of
44 State Lands.

45 “(c) The notice described in subsection (5) of this section must refer to the heir, devisee, per-

1 sonal representative, designated person or estate administrator of the department, instead of the
2 deceased tenant, and must incorporate the provisions of this subsection.

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

8 “(e) If neither an heir, devisee nor personal representative of the tenant, nor an estate admin-
9 istrator of the department, contacts the landlord within the time period provided by subsection (6)
10 of this section, the landlord shall allow removal of the personal property by the designated person
11 of the tenant, if the designated person contacts the landlord within that period and complies with
12 the requirements of this section and provides the landlord with reasonable evidence that the person
13 is the designated person.

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

16 “(22) If a governmental agency determines that the condition of a manufactured dwelling, float-
17 ing home or recreational vehicle abandoned under this section constitutes an extreme health or
18 safety hazard under state or local law and the agency determines that the hazard endangers others
19 in the immediate vicinity and requires quick removal of the property, the landlord may sell or dis-
20 pose of the property pursuant to this subsection. The landlord shall comply with all provisions of
21 this section, except as follows:

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

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

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

32 “(A) The dates and deadlines in the notice for contacting the landlord and removing the prop-
33 erty must be consistent with this subsection;

34 “(B) The notice must state that a governmental agency has determined that the property con-
35 stitutes an extreme health or safety hazard and must be removed quickly; and

36 “(C) The landlord shall attach a copy of the agency’s determination to the notice.

37 “(d) If the tenant, a lienholder, owner, personal representative or designated person does not
38 remove the property within the time allowed, the landlord or a buyer at a sale by the landlord under
39 subsection (11) of this section shall promptly remove the property from the facility.

40 “(e) A landlord is not required to enter into a storage agreement with a lienholder, owner,
41 personal representative or designated person pursuant to subsection (19) of this section.

42 “(23)(a) If an official or agency referred to in ORS 453.876 notifies the landlord that the official
43 or agency has determined that all or part of the premises is unfit for use as a result of the presence
44 of an illegal drug manufacturing site involving methamphetamine, and the landlord complies with
45 this subsection, the landlord is not required to comply with subsections (1) to (22) and (24) to (27)

1 of this section with regard to personal property left on the portion of the premises that the official
2 or agency has determined to be unfit for use.

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

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

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

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

16 “(D) That the tenant may contact the contractor to determine whether any of the tenant’s per-
17 sonal property may be removed from the premises or may be decontaminated at the tenant’s expense
18 and then removed.

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

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

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

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

32 “(25) In the case of an abandoned motor vehicle, the procedure authorized by ORS 98.830 for
33 removal of abandoned motor vehicles from private property may be used by a landlord as an alter-
34 native to the procedures required in this section.

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

39 “(A) The landlord;

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

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

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

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

6 “**SECTION 17.** ORS 215.010 is amended to read:

7 “215.010. As used in this chapter:

8 “(1) The terms defined in ORS 92.010 shall have the meanings given therein, except that
9 ‘parcel’:

10 “(a) Includes a unit of land created:

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

12 “(B) In compliance with all applicable planning, zoning and partitioning ordinances and regu-
13 lations; or

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

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

17 “(2) ‘Tract’ means one or more contiguous lots or parcels under the same ownership.

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

19 “(4) ‘Farm use’ has the meaning given that term in ORS 215.203.

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

21 “[5] **(6)** ‘The Willamette Valley’ is Clackamas, Linn, Marion, Multnomah, Polk, Washington and
22 Yamhill Counties and the portion of Benton and Lane Counties lying east of the summit of the Coast
23 Range.

24 “**SECTION 18.** ORS 197.492 is amended to read:

25 “197.492. As used in this section and ORS 197.493:

26 “(1) ‘Manufactured dwelling park[,]’ **and** ‘mobile home park’ [*and ‘recreational vehicle’*] have the
27 meaning given those terms in ORS 446.003.

28 “**(2) ‘Recreational vehicle’ has the meaning given that term in section 6 of this 2019 Act.**

29 “[2] **(3)** ‘Recreational vehicle park’:

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

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

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

34 “(b) Does not mean:

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

36 “(B) A manufactured dwelling park or mobile home park.

37 “**SECTION 19.** ORS 319.550 is amended to read:

38 “319.550. (1) Except as provided in this section, a person may not use fuel in a motor vehicle in
39 this state unless the person holds a valid user’s license.

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

44 “(3) A user’s license is not required for a person who uses fuel in a motor vehicle with a com-
45 bined weight of 26,000 pounds or less if, for all fuel used in a motor vehicle in this state, the person

1 pays to a seller, at the time of the sale, the tax provided in ORS 319.530.

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

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

6 “(A) Motor homes as defined in ORS 801.350.

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

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

9 “(a) Metered use by which is subject to the per-mile road usage charge imposed under ORS
10 319.885; and

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

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

14 “**SECTION 20.** ORS 456.594 is amended to read:

15 “456.594. As used in ORS 456.594 to 456.599:

16 “(1) ‘Cash payment’ means a payment made by the Housing and Community Services Department
17 to the dwelling owner or to the contractor on behalf of the dwelling owner for energy conservation
18 measures.

19 “(2) ‘Contractor’ means a person that installs or assists a dwelling owner to install energy con-
20 servation measures in a dwelling.

21 “(3)(a) ‘Dwelling’ means real or personal property within the state inhabited as the principal
22 residence of a dwelling owner or a tenant.

23 “(b) ‘Dwelling’ includes a manufactured dwelling as defined in ORS 446.003, a floating home as
24 defined in ORS 830.700 and a single unit in multiple-unit residential housing.

25 “(c) ‘Dwelling’ does not include a recreational vehicle as defined in [ORS 446.003] **section 6 of**
26 **this 2019 Act.**

27 “(4) ‘Dwelling owner’ means the person:

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

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

32 “(5) ‘Energy conservation items’ includes but is not limited to air sealing, weatherstripping,
33 ceiling and wall insulation, crawl space insulation, vapor barrier materials, programmable thermo-
34 stats, insulation of heating ducts and water pipes in unheated spaces, and replacement windows.

35 “(6)(a) ‘Energy conservation measures’ includes the installation of energy conservation items and
36 the energy conservation items installed, where the items are primarily designed to improve the
37 space heating and energy utilization efficiency of a dwelling.

38 “(b) ‘Energy conservation measures’ does not include the dwelling owner’s own labor.

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

41 “(8) ‘Person’ means an individual, partnership, joint venture, private or public corporation, as-
42 sociation, firm, public service company, political subdivision, municipal corporation, government
43 agency, people’s utility district, or any other entity, public or private, however organized.

44 “(9) ‘Petroleum supplier’ means a petroleum refiner in this state or any person engaged in the
45 wholesale distribution of distillate fuel oil in this state.

1 “(10) ‘Residential customer’ means a dwelling owner or tenant who is billed by a fuel oil dealer
2 for fuel oil service received at the dwelling.

3 “(11) ‘Space heating’ means the heating of living space within a dwelling.

4 “(12) ‘Tenant’ means a tenant as defined in ORS 90.100 or any other tenant.

5 “**SECTION 21.** ORS 469.155 is amended to read:

6 “469.155. (1) As used in this section:

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

11 “(b) ‘Energy conservation standards’ means standards for the efficient use of energy for space
12 and water heating in a dwelling.

13 “(2) The Director of the State Department of Energy shall establish advisory energy conserva-
14 tion standards for existing dwellings. The standards shall be adopted by rule in accordance with
15 ORS 183.310 to 183.410. The standards:

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

17 “(b) Shall be compatible with and further the state’s incentive programs for residential energy
18 conservation.

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

21 “**SECTION 22.** ORS 469.631 is amended to read:

22 “469.631. As used in ORS 469.631 to 469.645:

23 “(1) ‘Cash payment’ means a payment made by the investor-owned utility to the dwelling owner
24 or to the contractor on behalf of the dwelling owner for energy conservation measures.

25 “(2) ‘Commercial lending institution’ means any bank, mortgage banking company, trust com-
26 pany, savings bank, savings and loan association, credit union, national banking association, federal
27 savings and loan association or federal credit union maintaining an office in this state.

28 “(3) ‘Commission’ means the Public Utility Commission of Oregon.

29 “(4) ‘Cost-effective’ means that an energy conservation measure that provides or saves a specific
30 amount of energy during its life cycle results in the lowest present value of delivered energy costs
31 of any available alternative. However, the present value of the delivered energy costs of an energy
32 conservation measure shall not be treated as greater than that of a nonconservation energy resource
33 or facility unless that cost is greater than 110 percent of the present value of the delivered energy
34 cost of the nonconservation energy resource or facility.

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

40 “(6) ‘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 from the investor-owned utility.

45 “(7) ‘Energy audit’ means:

1 “(a) The measurement and analysis of the heat loss and energy utilization efficiency of a dwell-
2 ing;

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

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

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

8 “(B) The items installed; and

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

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

12 “(B) Solar swimming pool heating, if applicable.

13 “(8) ‘Energy conservation measures’ means measures that include the installation of items and
14 the items installed to improve the space heating and energy utilization efficiency of a dwelling.
15 These items include, but are not limited to, caulking, weatherstripping and other infiltration pre-
16 ventative materials, ceiling and wall insulation, crawl space insulation, vapor barrier materials,
17 timed thermostats, insulation of heating ducts, hot water pipes and water heaters in unheated
18 spaces, storm doors and windows, double glazed windows and dehumidifiers. ‘Energy conservation
19 measures’ does not include the dwelling owner’s own labor.

20 “(9) ‘Investor-owned utility’ means an electric or gas utility regulated by the commission as a
21 public utility under ORS chapter 757.

22 “(10) ‘Residential customer’ means a dwelling owner or tenant who, either directly or indirectly,
23 pays a share of the cost for service billed by an investor-owned utility for electric or natural gas
24 service received at the dwelling.

25 “(11) ‘Space heating’ means the heating of living space within a dwelling.

26 “(12) ‘Tenant’ means a tenant as defined in ORS 90.100 or any other tenant.

27 “**SECTION 23.** ORS 469.649 is amended to read:

28 “469.649. As used in ORS 469.649 to 469.659:

29 “(1) ‘Cash payment’ means a payment made by the publicly owned utility to the dwelling owner
30 or to the contractor on behalf of the dwelling owner for energy conservation measures.

31 “(2) ‘Commercial lending institution’ means any bank, mortgage banking company, trust com-
32 pany, savings bank, savings and loan association, credit union, national banking association, federal
33 savings and loan association or federal credit union maintaining an office in this state.

34 “(3) ‘Cost-effective’ means that an energy conservation measure that provides or saves a specific
35 amount of energy during its life cycle results in the lowest present value of delivered energy costs
36 of any available alternative. However, the present value of the delivered energy costs of an energy
37 conservation measure shall not be treated as greater than that of a nonconservation energy resource
38 or facility unless that cost is greater than 110 percent of the present value of the delivered energy
39 cost of the nonconservation energy resource or facility.

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

45 “(5) ‘Dwelling owner’ means the person:

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

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

5 “(6) ‘Energy audit’ means:

6 “(a) The measurement and analysis of the heat loss and energy utilization efficiency of a dwell-
7 ing;

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

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

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

13 “(B) The items installed; and

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

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

17 “(B) Solar swimming pool heating, if applicable.

18 “(7) ‘Energy conservation measures’ means measures that include the installation of items and
19 the items installed to improve the space heating and energy utilization efficiency of a dwelling.
20 These items include, but are not limited to, caulking, weatherstripping and other infiltration pre-
21 ventative materials, ceiling and wall insulation, crawl space insulation, vapor barrier materials,
22 timed thermostats, insulation of heating ducts, hot water pipes and water heaters in unheated
23 spaces, storm doors and windows, double glazed windows and dehumidifiers. ‘Energy conservation
24 measures’ does not include the dwelling owner’s own labor.

25 “(8) ‘Publicly owned utility’ means a utility that:

26 “(a) Is owned or operated in whole or in part, by a municipality, cooperative association or
27 people’s utility district; and

28 “(b) Distributes electricity.

29 “(9) ‘Residential customer’ means a dwelling owner or tenant who is billed by a publicly owned
30 utility for electric service received at the dwelling.

31 “(10) ‘Space heating’ means the heating of living space within a dwelling.

32 “(11) ‘Tenant’ means a tenant as defined in ORS 90.100 or any other tenant.

33 “**SECTION 24.** ORS 469.710 is amended to read:

34 “469.710. As used in ORS 469.710 to 469.720, unless the context requires otherwise:

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

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

40 “(3) ‘Cost-effective’ means that an energy conservation measure that provides or saves a specific
41 amount of energy during its life cycle results in the lowest present value of delivered energy costs
42 of any available alternative. However, the present value of the delivered energy costs of an energy
43 conservation measure may not be treated as greater than that of a nonconservation energy resource
44 or facility unless that cost is greater than 110 percent of the present value of the delivered energy
45 cost of the nonconservation energy resource or facility.

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

6 “(5) ‘ Dwelling owner ’ means the person who has legal title to a dwelling, including the
7 mortgagor under a duly recorded mortgage of real property, the trustor under a duly recorded deed
8 of trust or a purchaser under a duly recorded contract for purchase of real property.

9 “(6) ‘ Energy audit ’ means:

10 “(a) The measurement and analysis of the heat loss and energy utilization efficiency of a dwell-
11 ing;

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

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

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

17 “(B) The items installed; and

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

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

21 “(B) Solar swimming pool heating, if applicable.

22 “(7) ‘ Energy conservation measures ’ means measures that include the installation of items and
23 the items installed that are primarily designed to improve the space heating and energy utilization
24 efficiency of a dwelling. These items include, but are not limited to, caulking, weatherstripping and
25 other infiltration preventative materials, ceiling and wall insulation, crawl space insulation, vapor
26 barrier materials, timed thermostats, insulation of heating ducts, hot water pipes and water heaters
27 in unheated spaces, storm doors and windows, double glazed windows and dehumidifiers. ‘ Energy
28 conservation measures ’ does not include the dwelling owner’s own labor.

29 “(8) ‘ Finance charge ’ means the total of all interest, loan fees and other charges related to the
30 cost of obtaining credit and includes any interest on any loan fees financed by the lending institu-
31 tion.

32 “(9) ‘ Fuel oil dealer ’ means a person, association, corporation or any other form of organization
33 that supplies fuel oil at retail for the space heating of dwellings.

34 “(10) ‘ Residential fuel oil customer ’ means a dwelling owner or tenant who is billed by a fuel
35 oil dealer for fuel oil service for space heating received at the dwelling.

36 “(11) ‘ Space heating ’ means the heating of living space within a dwelling.

37 “(12) ‘ Wood heating resident ’ means a person whose primary space heating is provided by the
38 combustion of wood.

39 “**SECTION 25.** ORS 480.450 is amended to read:

40 “480.450. (1) The installer shall notify the State Fire Marshal, before the last day of each month,
41 of all new installations made during the preceding month of containers or receptacles for liquefied
42 petroleum gas, including installations for private homes and apartments. The installer shall certify
43 on a form provided by the State Fire Marshal that all of the new installations are duly and properly
44 reported. The State Fire Marshal may require that the notification include the location and de-
45 scription of the installation and the name of the user. All fees due and payable must accompany the

1 notification. The replacement of empty containers or receptacles with other containers constructed
2 in accordance with United States Department of Transportation specifications is not a new instal-
3 lation or change in the original installation that requires notification to the State Fire Marshal or
4 necessitates further inspection of the installation. The State Fire Marshal shall collect from the in-
5 staller an installation fee of \$50 for each tank installed or for all tanks at the installation if the total
6 combined capacity is 200 gallons or less. The State Fire Marshal or deputies of the fire marshal or
7 assistants shall inspect a reasonable number of the installations and maintain a record of the in-
8 spections in the office of the State Fire Marshal.

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

12 “(3) After the initial installation, liquefied petroleum gas containers may be inspected once ev-
13 ery 10 years except when changes have been made in the original installation. An installer making
14 changes must notify the State Fire Marshal of the changes in the same manner provided in this
15 section for new installations. The State Fire Marshal shall collect from the owner a fee of \$50 for
16 the inspection of each container. The manner of inspection, requirement of corrections, satisfaction
17 of requirements and collection of fees due and payable must conform with the provisions of ORS
18 480.410 to 480.460 for new installations. Upon request of the State Fire Marshal, LP gas installation
19 licensees shall furnish a list of the locations of 10-year old installations that they service.

20 “(4) If, upon inspection of any tank, the new installation does not comply with the requirements
21 of the State Fire Marshal, the State Fire Marshal shall instruct the installer as to what corrections
22 are necessary for compliance with the State Fire Marshal’s requirements. The installer of the new
23 installation shall, within the time set by the State Fire Marshal, not to exceed 60 days after notifi-
24 cation, notify the State Fire Marshal that the new installation complies with the requirements of the
25 fire marshal. If the installer fails to notify the State Fire Marshal, or the State Fire Marshal has
26 reason to believe that the corrections have not been made, the State Fire Marshal shall reinspect
27 the new installation and shall collect from the installer an additional fee of \$125. The user, not the
28 installer, shall pay the additional fee resulting from actions of the user that require correction to
29 achieve compliance with the requirements of the State Fire Marshal.

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

33 “(6) If the fees provided for in this section are due and payable and are not paid within 30 days
34 after service of written notice by the State Fire Marshal therefor, or if the installer fails to notify
35 the State Fire Marshal by the last day of the month succeeding the month a new installation is made
36 or a change is made requiring an inspection, the fees are delinquent and a penalty equal to the
37 greater of 10 percent of the fee amount or \$30, is imposed for the delinquency. The State Fire
38 Marshal shall collect all fees and penalties in the name of the State of Oregon in the same manner
39 that other debts are collected.

40 “(7) The provisions of this section do not apply to liquefied petroleum gas installations if made
41 entirely within the jurisdiction of a governmental subdivision granted the exemption provided by
42 ORS 476.030 (3) and written evidence of the licensing of the installation by the approved authority
43 is submitted to the State Fire Marshal. The provisions of this section do not apply to LP gas in-
44 stallations made in manufactured dwellings [*or recreational vehicles*] that are constructed or altered
45 in accordance with applicable rules of the Department of Consumer and Business Services. **The**

1 provisions of this section do not apply to LP gas installations in a recreational vehicle as
2 defined in section 6 of this 2019 Act.

3 **“SECTION 26.** ORS 801.409 is amended to read:

4 “801.409. ‘Recreational vehicle’ has the meaning given in [*ORS 446.003*] **section 6 of this 2019**
5 **Act.**

6
7 **“TRANSITIONAL PROVISIONS**

8
9 **“SECTION 27.** Notwithstanding section 6 of this 2019 Act and the amendments to ORS
10 446.003 by section 7 of this 2019 Act, a rule adopted by the Director of the Department of
11 Consumer and Business Services under ORS 446.003 prior to the effective date of this 2019
12 Act defining a recreational vehicle shall continue in effect and be treated as a rule adopted
13 by the Director of Transportation under section 6 of this 2019 Act until repealed or amended
14 by the Director of Transportation.

15 **“SECTION 28.** Section 6 of this 2019 Act and the amendments to ORS 446.003, 446.155,
16 446.170, 446.561, 455.010, 455.117, 480.432 and 480.450 by sections 7 to 10, 12 to 14 and 25 of this
17 2019 Act do not divest the Department of Consumer and Business Services or a municipality
18 of the authority over a violation of ORS 480.420 to 480.460 or ORS chapter 446 or 455 com-
19 mitted prior to the effective date of this 2019 Act.

20
21 **“CAPTIONS**

22
23 **“SECTION 29.** The unit captions used in this 2019 Act are provided only for the conven-
24 ience of the reader and do not become part of the statutory law of this state or express any
25 legislative intent in the enactment of this 2019 Act.”.