

Enrolled
Senate Bill 410

Sponsored by Senator BEYER (Pre-session filed.)

CHAPTER

AN ACT

Relating to exclusions from state building code regulation; creating new provisions; amending ORS 86A.203, 90.100, 197.295, 197.492, 319.550, 446.003, 446.155, 446.160, 446.170, 446.180, 446.185, 446.200, 446.245, 446.250, 446.252, 446.253, 446.260, 446.265, 446.285, 446.561, 455.010, 455.117, 455.148, 455.150, 455.312, 455.705, 455.895, 456.594, 469.155, 469.631, 469.649, 469.710, 479.540, 480.432, 480.450, 693.020, 701.545 and 801.409 and section 18, chapter ___, Oregon Laws 2019 (Enrolled House Bill 2423); and repealing section 15, chapter ___, Oregon Laws 2019 (Enrolled House Bill 2423).

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

LIMITATION ON REGULATION

SECTION 1. ORS 446.003 is amended to read:

446.003. As used in ORS 446.003 to 446.200 and 446.225 to 446.285, and for the purposes of ORS chapters 195, 196, 197, 215 and 227, the following definitions apply, unless the context requires otherwise, or unless administration and enforcement by the State of Oregon under the existing or revised National Manufactured Housing Construction and Safety Standards Act would be adversely affected, and except as provided in ORS 446.265 or **section 26 of this 2019 Act**:

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

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

(b) "Alteration" does not include:

(A) Minor repairs with approved component parts;

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

(C) Adjustment and maintenance of equipment; or

(D) Replacement of equipment or accessories in kind.

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

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

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

(6) “Certification” means an evaluation process by which the department verifies a manufacturer’s ability to produce manufactured [structures] **dwelling**s to the department rules and to the department approved quality control manual.

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

[(8)] (7) “Dealer” means any person engaged in the business of selling, leasing or distributing manufactured [structures] **dwelling**s or equipment, or both, primarily to persons who in good faith purchase or lease manufactured [structures] **dwelling**s or equipment, or both, for purposes other than resale.

[(9)] (8) “Department” means the Department of Consumer and Business Services.

[(10)] (9) “Director” means the Director of the Department of Consumer and Business Services.

[(11)] (10) “Distributor” means any person engaged in selling and distributing manufactured [structures] **dwelling**s or equipment for resale.

[(12)] (11) “Equipment” means materials, appliances, subassembly, devices, fixtures, fittings and apparatuses used in the construction, plumbing, mechanical and electrical systems of a manufactured [structure] **dwelling**.

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

[(14)] (13) “Fire Marshal” means the State Fire Marshal.

[(15)] (14) “Imminent safety hazard” means an imminent and unreasonable risk of death or severe personal injury.

[(16)] “Insignia of compliance” means:]

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

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

(15) “**Insignia of compliance**” means the HUD label for a manufactured dwelling.

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

[(18)] (17) “Installation” in relation to:

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

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

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

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

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

[(22)(a)] **(21)(a)** “Manufactured dwelling” means a residential trailer, mobile home or manufactured home.

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

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

[(24)(a)] **(23)(a)** “Manufactured home,” except as provided in paragraph (b) of this subsection, means a structure constructed for movement on the public highways that has sleeping, cooking and plumbing facilities, that is intended for human occupancy, that is being used for residential purposes and that was constructed in accordance with federal manufactured housing construction and safety standards and regulations in effect at the time of construction.

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

[(25)(a)] *“Manufactured structure” means a recreational vehicle, manufactured dwelling or recreational structure.*

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

[(26)] **(24)** “Manufacturer” means any person engaged in manufacturing, building, rebuilding, altering, converting or assembling manufactured [structures] **dwellings** or equipment.

[(27)] **(25)** “Manufacturing” means the building, rebuilding, altering or converting of manufactured [structures] **dwellings** that bear or are required to bear an Oregon insignia of compliance.

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

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

[(30)] **(28)** “Mobile home park”:

(a) Means any place where four or more manufactured [structures] **dwellings** are located within 500 feet of one another on a lot, tract or parcel of land under the same ownership, the primary purpose of which is to rent space or keep space for rent to any person for a charge or fee paid or to be paid for the rental or use of facilities or to offer space free in connection with securing the trade or patronage of such person.

(b) [“Mobile home park;”] Does not include a lot or lots located within a subdivision being rented or leased for occupancy by no more than one manufactured dwelling per lot if the subdivision was approved by the municipality unit having jurisdiction under an ordinance adopted pursuant to ORS 92.010 to 92.192.

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

[(32)] *“Recreational structure” means a campground structure with or without plumbing, heating or cooking facilities intended to be used by any particular occupant on a limited-time basis for recre-*

ational, seasonal, emergency or transitional housing purposes and may include yurts, cabins, fabric structures or similar structures as further defined, by rule, by the director.]

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

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

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

[(36)] (32) “Skirting” means a weather resistant material used to enclose the space below *[the]* a manufactured *[structure]* **dwelling**.

[(37)] (33) “Tiedown” means any device designed to anchor a manufactured *[structure]* **dwelling** securely to the ground.

[(38)] (34) “Transitional housing accommodations” means accommodations described under ORS 446.265.

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

SECTION 1a. If House Bill 2423 becomes law, section 1 of this 2019 Act (amending ORS 446.003) is repealed and ORS 446.003, as amended by section 8, chapter __, Oregon Laws 2019 (Enrolled House Bill 2423), is amended to read:

446.003. As used in ORS 446.003 to 446.200 and 446.225 to 446.285, and for the purposes of ORS chapters 195, 196, 197, 215 and 227, the following definitions apply, unless the context requires otherwise, or unless administration and enforcement by the State of Oregon under the existing or revised National Manufactured Housing Construction and Safety Standards Act would be adversely affected, and except as provided in ORS 446.265 **or section 26 of this 2019 Act:**

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

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

(b) “Alteration” does not include:

(A) Minor repairs with approved component parts;

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

(C) Adjustment and maintenance of equipment; or

(D) Replacement of equipment or accessories in kind.

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

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

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

(6) “Certification” means an evaluation process by which the department verifies a manufacturer’s ability to produce manufactured *[structures]* **dwelling**s to the department rules and to the department approved quality control manual.

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

[(8)] (7) “Dealer” means any person engaged in the business of selling, leasing or distributing manufactured *[structures]* **dwelling**s or equipment, or both, primarily to persons who in good faith purchase or lease manufactured *[structures]* **dwelling**s or equipment, or both, for purposes other than resale.

[(9)] (8) “Department” means the Department of Consumer and Business Services.

[(10)] (9) “Director” means the Director of the Department of Consumer and Business Services.

[(11)] (10) “Distributor” means any person engaged in selling and distributing manufactured [structures] **dwelling**s or equipment for resale.

[(12)] (11) “Equipment” means materials, appliances, subassembly, devices, fixtures, fittings and apparatuses used in the construction, plumbing, mechanical and electrical systems of a manufactured [structure] **dwelling**.

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

[(14)] (13) “Fire Marshal” means the State Fire Marshal.

[(15)] (14) “Imminent safety hazard” means an imminent and unreasonable risk of death or severe personal injury.

[(16)] “*Insignia of compliance*” means:]

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

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

(15) “**Insignia of compliance**” means the HUD label for a manufactured dwelling.

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

[(18)] (17) “Installation” in relation to:

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

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

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

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

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

[(22)(a)] (21)(a) “Manufactured dwelling” means a residential trailer, mobile home or manufactured home.

(b) “Manufactured dwelling” does not include any building or structure constructed to conform to the State of Oregon Structural Specialty Code, the Low-Rise Residential Dwelling Code adopted pursuant to ORS 455.100 to 455.450 and 455.610 to 455.630 or the Small Home Specialty Code adopted under section 2, [of this 2019 Act] **chapter __, Oregon Laws 2019 (Enrolled House Bill 2423)** [or any unit identified as a recreational vehicle by the manufacturer].

[(23)] (22) “Manufactured dwelling park” means any place where four or more manufactured dwellings are located within 500 feet of one another on a lot, tract or parcel of land under the same ownership, the primary purpose of which is to rent or lease space or keep space for rent or lease

to any person for a charge or fee paid or to be paid for the rental or lease or use of facilities or to offer space free in connection with securing the trade or patronage of such person. “Manufactured dwelling park” does not include a lot or lots located within a subdivision being rented or leased for occupancy by no more than one manufactured dwelling per lot if the subdivision was approved by the local government unit having jurisdiction under an ordinance adopted pursuant to ORS 92.010 to 92.192.

[24(a)] (23)(a) “Manufactured home,” except as provided in paragraph (b) of this subsection, means a structure constructed for movement on the public highways that has sleeping, cooking and plumbing facilities, that is intended for human occupancy, that is being used for residential purposes and that was constructed in accordance with federal manufactured housing construction and safety standards and regulations in effect at the time of construction.

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

[25(a)] *“Manufactured structure” means a recreational vehicle, manufactured dwelling or recreational structure.*

[b] *“Manufactured structure” does not include any building or structure regulated under the State of Oregon Structural Specialty Code, the Low-Rise Residential Dwelling Code or the Small Home Specialty Code.*

[26] (24) “Manufacturer” means any person engaged in manufacturing, building, rebuilding, altering, converting or assembling manufactured [*structures*] **dwelling**s or equipment.

[27] (25) “Manufacturing” means the building, rebuilding, altering or converting of manufactured [*structures*] **dwelling**s that bear or are required to bear an Oregon insignia of compliance.

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

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

[30] (28) “Mobile home park”:

(a) Means any place where four or more manufactured [*structures*] **dwelling**s are located within 500 feet of one another on a lot, tract or parcel of land under the same ownership, the primary purpose of which is to rent space or keep space for rent to any person for a charge or fee paid or to be paid for the rental or use of facilities or to offer space free in connection with securing the trade or patronage of such person.

(b) [*“Mobile home park”*] Does not include a lot or lots located within a subdivision being rented or leased for occupancy by no more than one manufactured dwelling per lot if the subdivision was approved by the municipality unit having jurisdiction under an ordinance adopted pursuant to ORS 92.010 to 92.192.

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

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

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

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

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

[36] (32) “Skirting” means a weather resistant material used to enclose the space below [the] a manufactured [structure] **dwelling**.

[37] (33) “Tiedown” means any device designed to anchor a manufactured [structure] **dwelling** securely to the ground.

[38] (34) “Transitional housing accommodations” means accommodations described under ORS 446.265.

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

SECTION 1b. If House Bill 2423 becomes law, section 15, chapter __, Oregon Laws 2019 (Enrolled House Bill 2423) (amending ORS 446.003), is repealed and ORS 446.003, as amended by section 8, chapter __, Oregon Laws 2019 (Enrolled House Bill 2423), and section 1a of this 2019 Act, is amended to read:

446.003. As used in ORS 446.003 to 446.200 and 446.225 to 446.285, and for the purposes of ORS chapters 195, 196, 197, 215 and 227, the following definitions apply, unless the context requires otherwise, or unless administration and enforcement by the State of Oregon under the existing or revised National Manufactured Housing Construction and Safety Standards Act would be adversely affected, and except as provided in ORS 446.265 or section 26 of this 2019 Act:

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

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

(b) “Alteration” does not include:

(A) Minor repairs with approved component parts;

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

(C) Adjustment and maintenance of equipment; or

(D) Replacement of equipment or accessories in kind.

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

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

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

(6) “Certification” means an evaluation process by which the department verifies a manufacturer’s ability to produce manufactured dwellings to the department rules and to the department approved quality control manual.

(7) “Dealer” means any person engaged in the business of selling, leasing or distributing manufactured dwellings or equipment, or both, primarily to persons who in good faith purchase or lease manufactured dwellings or equipment, or both, for purposes other than resale.

(8) “Department” means the Department of Consumer and Business Services.

(9) “Director” means the Director of the Department of Consumer and Business Services.

(10) “Distributor” means any person engaged in selling and distributing manufactured dwellings or equipment for resale.

(11) “Equipment” means materials, appliances, subassembly, devices, fixtures, fittings and apparatuses used in the construction, plumbing, mechanical and electrical systems of a manufactured dwelling.

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

(13) “Fire Marshal” means the State Fire Marshal.

(14) “Imminent safety hazard” means an imminent and unreasonable risk of death or severe personal injury.

(15) “Insignia of compliance” means the HUD label for a manufactured dwelling.

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

(17) “Installation” in relation to:

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

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

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

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

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

(21)(a) “Manufactured dwelling” means a residential trailer, mobile home or manufactured home.

(b) “Manufactured dwelling” does not include any building or structure constructed to conform to the State of Oregon Structural Specialty Code[,] or the Low-Rise Residential Dwelling Code adopted pursuant to ORS 455.100 to 455.450 and 455.610 to 455.630 [or the *Small Home Specialty Code* adopted under section 2, chapter __, *Oregon Laws 2019 (Enrolled House Bill 2423)*].

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

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

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

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

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

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

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

(28) "Mobile home park":

(a) Means any place where four or more manufactured dwellings are located within 500 feet of one another on a lot, tract or parcel of land under the same ownership, the primary purpose of which is to rent space or keep space for rent to any person for a charge or fee paid or to be paid for the rental or use of facilities or to offer space free in connection with securing the trade or patronage of such person.

(b) Does not include a lot or lots located within a subdivision being rented or leased for occupancy by no more than one manufactured dwelling per lot if the subdivision was approved by the municipality unit having jurisdiction under an ordinance adopted pursuant to ORS 92.010 to 92.192.

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

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

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

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

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

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

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

SECTION 1c. If House Bill 2423 becomes law, section 18, chapter ___, Oregon Laws 2019 (Enrolled House Bill 2423), is amended to read:

Sec. 18. Section 9, **chapter ___, Oregon Laws 2019 (Enrolled House Bill 2423)** [of this 2019 Act], the amendments to ORS 197.307, 446.003, 455.010, 455.135, 455.156 and 455.610 by sections 10 to [15 of this 2019 Act] **14, chapter ___, Oregon Laws 2019 (Enrolled House Bill 2423), and section 1b of this 2019 Act** and the repeal of section 2, **chapter ___, Oregon Laws 2019 (Enrolled House Bill 2423)**, [of this 2019 Act] by section 17, **chapter ___, Oregon Laws 2019 (Enrolled House Bill 2423)**, [of this 2019 Act] become operative on January 2, 2026.

SECTION 2. ORS 446.155 is amended to read:

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

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

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

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

(2) A person may not rent, lease, sell or offer for rent, lease or sale within this state a manufactured [structure] **dwelling** manufactured after September 1, 1969, unless the manufactured [structure] **dwelling** bears an insignia of compliance and contains:

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

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

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

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

[(a) Bears an insignia of compliance;]

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

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

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

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

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

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

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

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

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

SECTION 3. ORS 446.160 is amended to read:

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

(2) The Director of the Department of Consumer and Business Services shall adopt rules pursuant to ORS chapter 183 to insure that manufacturers, distributors and dealers comply with the reporting requirements of the Department of Consumer and Business Services of this state and the Secretary of Housing and Urban Development as required by the National Manufactured Housing Construction and Safety Standards Act of 1974 (Public Law 93-383).

(3) The director is authorized to conduct such inspections and investigations as may be necessary to administer and enforce any federal manufactured dwelling construction and safety standards adopted under ORS 446.155 or the National Manufactured Housing Construction and Safety Stand-

ards Act of 1974 (Public Law 93-383). The director shall furnish to the Secretary of Housing and Urban Development or a designee any information obtained indicating noncompliance with such standards for appropriate action.

(4) The director or a designee is authorized to enter, at reasonable times and without advance notice, any factory, warehouse or establishment in which a manufactured *[structure]* **dwelling** or equipment is manufactured, stored or held for sale; and to inspect at reasonable times within reasonable limits in a reasonable manner, any such factory, warehouse or establishment, and to inspect such products, books, papers, records and documents *[which]* **that** are relevant to the manufacture of a manufactured *[structure]* **dwelling** or equipment and the manufacturer's, distributor's or dealer's compliance with ORS 446.155 and the National Manufactured Housing Construction and Safety Standards Act of 1974 (Public Law 93-383).

SECTION 4. ORS 446.170 is amended to read:

446.170. (1) **An insignia of compliance shall be affixed to** manufactured *[structures]* **dwelling**s **that are** subject to the provisions of ORS 446.155 to 446.200[,] and **to** manufactured *[structures]* **dwelling**s upon which additions, conversions or alterations of installations of equipment or material are made *[shall have affixed to the manufactured structures insignia of compliance]*.

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

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

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

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

SECTION 5. ORS 446.180 is amended to read:

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

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

SECTION 6. ORS 446.185 is amended to read:

446.185. (1) In compliance with ORS chapter 183, rules establishing minimum safety standards and requirements shall be adopted and enforced by the Director of the Department of Consumer and Business Services for manufactured *[structures]* **dwelling**s and *[manufactured structure]* installations as prescribed in ORS 446.155.

(2) Minimum safety standards prescribed in ORS 446.155 to 446.200 shall be reasonably consistent with nationally recognized standards for construction of manufactured *[structures, and the]* **dwelling**s. Manufactured *[structures shall]* **dwelling**s **must** be designed to protect the health and safety of the people of this state from dangers inherent in the use of substandard and unsafe equipment, material and installations.

SECTION 7. ORS 446.200 is amended to read:

446.200. *[(1) Any manufactured structure that meets the requirements prescribed under ORS 446.003, 446.155 to 446.200 and 446.225 to 446.285:]*

[(a) Is not required to comply with any ordinances of a city or county prescribing requirements for plumbing, heating, illuminating, mechanical, structural, transportation, thermal, fire and life safety, cooking or electrical equipment and material installed in manufactured structures.]

[(b) Is required to comply with this chapter and the administrative rules adopted thereunder regulating plumbing, heating, illuminating, mechanical, structural, transportation, thermal, fire and life safety, cooking and electrical equipment and material installed in manufactured structures.]

[(2)] A manufactured dwelling that is constructed in conformity with the minimum safety standards provided by ORS 446.185 and *[which]* **that** bears an insignia of compliance is not required to comply with any additional regulations if *[it]* **the dwelling** is thereafter placed upon a permanent foundation and affixed to real property.

SECTION 8. ORS 446.245 is amended to read:

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

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

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

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

(b) Manufactured dwellings may be used by dealers or distributors *[of manufactured structures]* as temporary sales offices *[when]* **if:**

(A) No alterations to the design, construction, transportation, fire and life safety, plumbing, mechanical or electrical systems are made to accommodate the office use; and

(B) *[when]* The dealer or distributor continues to offer the manufactured dwelling for sale during the office use.

(c) A portion of a manufactured dwelling may be used for an in-house business when the remainder of the *[structure]* **dwelling** is used as a single-family dwelling by the same person. **Approval for** the type and location of an in-home business *[shall be approved by]* **must be obtained from** the authority having jurisdiction and the local planning commission prior to the use.

SECTION 9. ORS 446.250 is amended to read:

446.250. The Director of the Department of Consumer and Business Services shall cause inspections to be made, approve plans and specifications, provide technical services and issue permits for alteration of manufactured dwellings *[and]*, **for** installation of manufactured dwellings *[and manufactured structure]* **or** accessory buildings *[and]* **or** structures on a lot **and for alterations of plumbing, heating, illuminating, cooking or electrical equipment installations.** The director shall appoint or contract with municipalities that request such appointment or contract for inspection and issuance of permits for *[alteration of manufactured dwellings and installation of manufactured dwellings and manufactured structure accessory buildings and structures]* **manufactured dwelling alterations, for installations of manufactured dwellings or accessory buildings or structures** and **for** alterations of *[installations of]* plumbing, heating, illuminating, cooking or electrical equipment **installations,** *[provided]* **if** the municipality employs as local inspectors qualified persons who have been certified by the director for inspection and issuance of permits for *[alteration of manufactured dwellings and installation of manufactured dwellings and manufactured structure accessory buildings and structures, pursuant to]* **manufactured dwelling alterations, for installations of manufactured dwellings or accessory buildings or structures and for alterations of plumbing, heating, illuminating, cooking or electrical equipment installations under** ORS 446.003, 446.111, 446.155, 446.160, 446.176, 446.225 to 446.285 and 446.990. *[However, the]* Certification standards under this section shall relate to the inspections to be performed and shall not be more stringent for municipal inspectors than those applying to state inspectors.

SECTION 10. ORS 446.252 is amended to read:

446.252. A person may not install a manufactured dwelling or *[manufactured structure]* **an** accessory building or structure without first obtaining from the Department of Consumer and Business Services or a municipality as provided under ORS 446.250 all permits necessary for installing the manufactured dwelling or *[manufactured structure]* **the** accessory building or structure on a lot.

SECTION 11. ORS 446.253 is amended to read:

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

(2) Except as otherwise provided by this subsection, any municipality that establishes a program under ORS [446.252 and] **455.148 or 455.150** [and this section] to administer and enforce installations of manufactured dwellings and [manufactured structure] accessory buildings [and] **or** structures shall assume full responsibility for permit issuance and inspections under that program including related electrical, plumbing, structural and mechanical installations for a manufactured dwelling and [manufactured structure] accessory buildings [and] **or** structures as defined in ORS 446.003.

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

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

(4) The Department of Consumer and Business Services, subject to ORS chapter 183, may revoke any authority of a local government **under ORS 455.148 or 455.150** to conduct inspections, administration or enforcement of manufactured dwelling [installations and manufactured structure accessory building installations and manufactured dwelling alterations under ORS 455.150] **alterations or installations of manufactured dwellings or accessory buildings or structures**, if the director determines that the municipality is not effectively carrying out duties assumed by the municipality.

SECTION 12. ORS 446.260 is amended to read:

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

(2) The Director of the Department of Consumer and Business Services is authorized to adopt rules for notification required by subsection (1) of this section. The rules shall conform to notification and correction of defects and record keeping requirements of the Secretary of Housing and Urban Development under the National Manufactured Housing Construction and Safety Standards Act of 1974 (Public Law 93-383).

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

(b) The Department of Consumer and Business Services shall develop and make **a standard disclosure** available to [all] dealers and distributors [of manufactured structures a standard disclosure]. The disclosure shall be completed in writing by the dealer or distributor [of any affected manufactured structure] prior to sale **of an affected manufactured dwelling. The dealer or distributor shall present** a completed disclosure [shall be presented] to the purchaser for signature at the time of sale and **provide** a copy of the signed disclosure [provided] to the purchaser. The [signed disclosure shall be retained by the] dealer or distributor **shall retain the signed disclosure** for not less than five years following the date of sale.

SECTION 13. ORS 446.265 is amended to read:

446.265. (1) A municipality may approve the establishment of a campground inside an urban growth boundary to be used for providing transitional housing accommodations. The accommodations may consist of separate facilities, in the form of yurts, for use as living units by one or more individuals or by families. The person establishing the accommodations may provide access to water,

toilet, shower, laundry, cooking, telephone or other services either through separate or shared facilities. The accommodations shall provide parking facilities and walkways.

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

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

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

[(5)] (4) Campgrounds established for providing transitional housing accommodations shall not be allowed on more than two parcels in a municipality. In approving the use of parcels for a campground, the municipality shall give preference to locations that have access to grocery stores and public transit services.

[(6)] (5) As used in this section, “yurt” means a round, domed tent of canvas or other weather resistant material, having a rigid framework, wooden floor, one or more windows or skylights and that may have plumbing, electrical service or heat.

SECTION 14. ORS 446.285 is amended to read:

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

SECTION 15. ORS 446.561 is amended to read:

446.561. As used in ORS 446.566 to 446.646:

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

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

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

(c) A recreational vehicle, as defined in [ORS 446.003] **section 25 of this 2019 Act**, that is more than eight and one-half feet wide.

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

SECTION 16. ORS 455.010 is amended to read:

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

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

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

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

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

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

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

- (F) The Mechanical Board established under ORS 455.140; or
- (G) The Construction Industry Energy Board established under ORS 455.492.
- (b) “Appropriate advisory board” means the advisory board that has jurisdiction over a particular code, standard, license, certification or matter.
- (2) “Department” means the Department of Consumer and Business Services.
- (3) “Director” means the Director of the Department of Consumer and Business Services.
- (4) “Low-Rise Residential Dwelling Code” means the adopted specialty code prescribing standards for the construction of residential dwellings that are three stories or less above grade and have an exterior door for each dwelling unit, but are not facilities or homes described in ORS 443.400 or transient lodging.
- (5) “Municipality” means a city, county or other unit of local government otherwise authorized by law to administer a building code.
- (6) “Prefabricated structure” means a building or subassembly that has been in whole or substantial part manufactured or assembled using closed construction at an off-site location to be wholly or partially assembled on-site. “Prefabricated structure” does not include a manufactured dwelling[, *recreational structure or recreational vehicle, as those terms are defined in ORS 446.003*].
- (7) “Specialty code” means a code of regulations adopted under ORS 446.062, 446.185, 447.020 (2), 455.020 (2), 455.496, 455.610, 455.680, 460.085, 460.360, 479.730 (1) or 480.545, but does not include regulations adopted by the State Fire Marshal pursuant to ORS chapter 476 or ORS 479.015 to 479.200 and 479.210 to 479.220.
- (8) “State building code” means the combined specialty codes.
- (9) “Structural code” means the specialty code prescribing structural standards for building construction.
- (10) “Unsafe condition” means a condition caused by earthquake which is determined by the department or any representative of the department to be dangerous to life and property. “Unsafe condition” includes but is not limited to:
 - (a) Any portion, member or appurtenance of a building that has become detached or dislodged or appears likely to fail or collapse and thereby injure persons or damage property; or
 - (b) Any portion, of a building or structure that has been damaged by earthquake, or by fire or explosion resulting from an earthquake, to the extent that the structural strength or stability of the building is substantially less than it was prior to the earthquake.

SECTION 17. ORS 455.117 is amended to read:

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

- (a) The form and content of an application for issuance or renewal of a license, certificate or registration;
- (b) Training and continuing education requirements to maintain a license, certificate or registration;
- (c) The form and content of and the process for preparing and administering examinations and examination reviews;
- (d) The term of a license, certificate or registration; and
- (e) The creation of a system for combining two or more licenses, certificates or registrations issued to an individual by an advisory board or the Department of Consumer and Business Services into a single license, certificate, registration or other authorization.

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

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

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

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

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

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

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

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

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

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

SECTION 18. ORS 455.148 is amended to read:

455.148. (1)(a) A municipality that assumes the administration and enforcement of a building inspection program shall administer and enforce the program for all of the following:

(A) The state building code, as defined in ORS 455.010, except as set forth in paragraph (b) of this subsection.

(B) Manufactured [*structure*] **dwelling** installation requirements under ORS 446.155, 446.185 (1) and 446.230.

(C) Manufactured dwelling parks and mobile home parks under ORS chapter 446.

(D) Park and camp programs regulated under ORS 455.680.

(E) Tourist facilities regulated under ORS 446.310 to 446.350.

(F) Manufactured dwelling alterations regulated under ORS 446.155.

(G) [*Manufactured structure*] Accessory buildings [*and*] **or** structures under ORS 446.253.

(H) Boilers and pressure vessels described in rules adopted under ORS 480.525 (5).

(b) A building inspection program of a municipality may not include:

(A) Boiler and pressure vessel programs under ORS 480.510 to 480.670 except those described in rules adopted under ORS 480.525 (5);

(B) Elevator programs under ORS 460.005 to 460.175;

(C) Amusement ride regulation under ORS 460.310 to 460.370;

(D) Prefabricated structure regulation under ORS chapter 455;

(E) Manufacture of manufactured [*structures*] **dwelling** programs under ORS 446.155 to 446.285, including the administration and enforcement of federal manufactured dwelling construction and safety standards adopted under ORS 446.155 or the National Manufactured Housing Construction and Safety Standards Act of 1974;

(F) Licensing and certification, or the adoption of statewide codes and standards, under ORS chapter 446, 447, 455, 479 or 693; or

(G) Review of plans and specifications as provided in ORS 455.685.

(2) A municipality that administers a building inspection program as allowed under this section shall do so for periods of four years. The Department of Consumer and Business Services shall adopt rules to adjust time periods for administration of a building inspection program to allow for variations in the needs of the department and participants.

(3) When a municipality administers a building inspection program, the governing body of the municipality shall, unless other means are already provided, appoint a person to administer and enforce the building inspection program, who shall be known as the building official. A building official shall, in the municipality for which appointed, attend to all aspects of code enforcement, including the issuance of all building permits. Two or more municipalities may combine in the appointment of a single building official for the purpose of administering a building inspection program within their communities.

(4)(a) By January 1 of the year preceding the expiration of the four-year period described in subsection (2) of this section, the governing body of the municipality shall notify the Director of the

Department of Consumer and Business Services and, if the municipality is not a county, notify the county whether the municipality will continue to administer and enforce the building inspection program after expiration of the four-year period.

(b) Notwithstanding the January 1 date set forth in paragraph (a) of this subsection, the director and the municipality and, if the municipality is not a county, the county may by agreement extend that date to no later than March 1.

(5) If a city does not notify the director, or notifies the director that it will not administer the building inspection program, the county or counties in which the city is located shall administer and enforce the county program within the city in the same manner as the program is administered and enforced outside the city, except as provided by subsection (6) of this section.

(6) If a county does not notify the director, or notifies the director that it will not administer and enforce a building inspection program, the director shall contract with a municipality or other person or use such state employees or state agencies as are necessary to administer and enforce a building inspection program, and permit or other fees arising therefrom shall be paid into the Consumer and Business Services Fund created by ORS 705.145 and credited to the account responsible for paying the expenses thereof. A state employee may not be displaced as a result of using contract personnel.

(7) The governing body of a municipality may commence responsibility for the administration and enforcement of a building inspection program beginning July 1 of any year by notifying the director no later than January 1 of the same year and obtaining the director's approval of an assumption plan as described in subsection (11)(c) of this section.

(8) The department shall adopt rules to require the governing body of each municipality assuming or continuing a building inspection program under this section to submit a written plan with the notice required under subsection (4) or (7) of this section. If the department is the governing body, the department shall have a plan on file. The plan must specify how cooperation with the State Fire Marshal or a designee of the State Fire Marshal will be achieved and how a uniform fire code will be considered in the review process of the design and construction phases of buildings or structures.

(9) A municipality that administers and enforces a building inspection program pursuant to this section shall recognize and accept the performances of state building code activities by businesses and persons authorized under ORS 455.457 to perform the activities as if the activities were performed by the municipality. A municipality is not required to accept an inspection, a plan or a plan review that does not meet the requirements of the state building code.

(10) The department or a municipality that accepts an inspection or plan review as required by this section by a person licensed under ORS 455.457 has no responsibility or liability for the activities of the licensee.

(11) In addition to the requirements of ORS 455.100 and 455.110, the director shall regulate building inspection programs that municipalities assume on or after January 1, 2002. Regulation under this subsection shall include but not be limited to:

(a) Creating building inspection program application and amendment requirements and procedures;

(b) Granting or denying applications for building inspection program authority and amendments;

(c) Requiring a municipality assuming a building inspection program to submit with the notice given under subsection (7) of this section an assumption plan that includes, at a minimum:

(A) A description of the intended availability of program services, including proposed service agreements for carrying out the program during at least the first two years;

(B) Demonstration of the ability and intent to provide building inspection program services for at least two years;

(C) An estimate of proposed permit revenue and program operating expenses;

(D) Proposed staffing levels; and

(E) Proposed service levels;

(d) Reviewing procedures and program operations of municipalities;

(e) Creating standards for efficient, effective, timely and acceptable building inspection programs;

(f) Creating standards for justifying increases in building inspection program fees adopted by a municipality;

(g) Creating standards for determining whether a county or department building inspection program is economically impaired in its ability to reasonably continue providing the program throughout a county, if another municipality is allowed to provide a building inspection program within the same county; and

(h) Enforcing the requirements of this section.

(12) The department may assume administration and enforcement of a building inspection program:

(a) During the pendency of activities under ORS 455.770;

(b) If a municipality abandons or is no longer able to administer the building inspection program; and

(c) If a municipality fails to substantially comply with any provision of this section or of ORS 455.465, 455.467 and 455.469.

(13) If the department assumes the administration and enforcement of a building inspection program under this section, in addition to any other power granted to the director, the director may:

(a) Enter into agreements with local governments under ORS 455.185 regarding the administration and enforcement of the assumed building inspection program;

(b) Take action as described in ORS 455.192 to ensure that sufficient staff and other resources are available for the administration and enforcement of the assumed building inspection program; and

(c) Charge fees described in ORS 455.195 for department services provided in administering and enforcing the assumed building inspection program.

(14) A municipality that abandons or otherwise ceases to administer and enforce a building inspection program that the municipality assumed under this section may not resume the administration or enforcement of the program for at least two years. The municipality may resume the administration and enforcement of the abandoned program only on July 1 of an odd-numbered year. Prior to resuming the administration and enforcement of the program, the municipality must follow the notification procedure set forth in subsection (7) of this section.

SECTION 19. ORS 455.150 is amended to read:

455.150. (1) Except as provided in subsection (15) of this section, a municipality that assumes the administration and enforcement of a building inspection program prior to January 1, 2002, may administer and enforce all or part of a building inspection program. A building inspection program:

(a) Is a program that includes the following:

(A) The state building code, as defined in ORS 455.010, except as set forth in paragraph (b) of this subsection.

(B) Manufactured [*structure*] **dwelling** installation requirements under ORS 446.155, 446.185 (1) and 446.230.

(C) Manufactured dwelling parks and mobile home parks under ORS chapter 446.

(D) Park and camp programs regulated under ORS 455.680.

(E) Tourist facilities regulated under ORS 446.310 to 446.350.

(F) Manufactured dwelling alterations regulated under ORS 446.155.

(G) [*Manufactured structure*] Accessory buildings [*and*] **or** structures under ORS 446.253.

(H) Boilers and pressure vessels described in rules adopted under ORS 480.525 (5).

(b) Is not a program that includes:

(A) Boiler and pressure vessel programs under ORS 480.510 to 480.670 except those described in rules adopted under ORS 480.525 (5);

(B) Elevator programs under ORS 460.005 to 460.175;

(C) Amusement ride regulation under ORS 460.310 to 460.370;

(D) Prefabricated structure regulation under ORS chapter 455;

(E) Manufacture of manufactured [*structures*] **dwelling** programs under ORS 446.155 to 446.285, including the administration and enforcement of federal manufactured dwelling construction and safety standards adopted under ORS 446.155 or the National Manufactured Housing Construction and Safety Standards Act of 1974;

(F) Licensing and certification, or the adoption of statewide codes and standards, under ORS chapter 446, 447, 455, 479 or 693; and

(G) Review of plans and specifications as provided in ORS 455.685.

(2) A municipality that administers a building inspection program as allowed under this section shall do so for periods of four years. The Department of Consumer and Business Services shall adopt rules to adjust time periods for administration of a building inspection program to allow for variations in the needs of the department and participants.

(3) When a municipality administers a building inspection program, the governing body of the municipality shall, unless other means are already provided, appoint a person to administer and enforce the building inspection program or parts thereof, who shall be known as the building official. A building official shall, in the municipality for which appointed, attend to all aspects of code enforcement, including the issuance of all building permits. Two or more municipalities may combine in the appointment of a single building official for the purpose of administering a building inspection program within their communities.

(4)(a) By January 1 of the year preceding the expiration of the four-year period described in subsection (2) of this section, the governing body of the municipality shall notify the Director of the Department of Consumer and Business Services and, if not a county, notify the county whether the municipality will continue to administer the building inspection program, or parts thereof, after expiration of the four-year period. If parts of a building inspection program are to be administered and enforced by a municipality, the parts shall correspond to a classification designated by the director as reasonable divisions of work.

(b) Notwithstanding the January 1 date set forth in paragraph (a) of this subsection, the director and the municipality and, if the municipality is not a county, the county may by agreement extend that date to no later than March 1.

(5) If a city does not notify the director, or notifies the director that it will not administer certain specialty codes or parts thereof under the building inspection program, the county or counties in which the city is located shall administer and enforce those codes or parts thereof within the city in the same manner as it administers and enforces them outside the city, except as provided by subsection (6) of this section.

(6) If a county does not notify the director, or notifies the director that it will not administer and enforce certain specialty codes or parts thereof under the building inspection program, the director shall contract with a municipality or other person or use such state employees or state agencies as are necessary to administer and enforce those codes or parts thereof, and permit or other fees arising therefrom shall be paid into the Consumer and Business Services Fund created by ORS 705.145 and credited to the account responsible for paying such expenses. A state employee may not be displaced as a result of using contract personnel.

(7) If a municipality administering a building inspection program under this section seeks to administer additional parts of a program, the municipality must comply with ORS 455.148, including the requirement that the municipality administer and enforce all aspects of the building inspection program. Thereafter, the municipality is subject to ORS 455.148 and ceases to be subject to this section.

(8) The department shall adopt rules to require the governing body of each municipality to submit a written plan with the notice required under subsection (4) of this section. If the department is the governing body, the department shall have a plan on file. The plan shall specify how cooperation with the State Fire Marshal or a designee of the State Fire Marshal will be achieved and how a uniform fire code will be considered in the review process of the design and construction phases of buildings or structures.

(9) A municipality that administers a code for which persons or businesses are authorized under ORS 455.457 to perform activities shall recognize and accept those activities as if performed by the municipality. A municipality is not required to accept an inspection, a plan or a plan review that does not meet the requirements of the state building code.

(10) The department or a municipality that accepts an inspection or plan review as required by this section by a person licensed under ORS 455.457 has no responsibility or liability for the activities of the licensee.

(11) In addition to the requirements of ORS 455.100 and 455.110, the director shall regulate building inspection programs of municipalities assumed prior to January 1, 2002. Regulation under this subsection shall include but not be limited to:

(a) Creating building inspection program application and amendment requirements and procedures;

(b) Granting or denying applications for building inspection program authority and amendments;

(c) Reviewing procedures and program operations of municipalities;

(d) Creating standards for efficient, effective, timely and acceptable building inspection programs;

(e) Creating standards for justifying increases in building inspection program fees adopted by a municipality;

(f) Creating standards for determining whether a county or department building inspection program is economically impaired in its ability to reasonably continue providing the program or part of the program throughout a county, if another municipality is allowed to provide a building inspection program or part of a program within the same county; and

(g) Enforcing the requirements of this section.

(12) The department may assume administration and enforcement of a building inspection program:

(a) During the pendency of activities under ORS 455.770;

(b) If a municipality abandons any part of the building inspection program or is no longer able to administer the building inspection program; and

(c) If a municipality fails to substantially comply with any provision of this section or of ORS 455.465, 455.467 and 455.469.

(13) If the department assumes the administration and enforcement of a building inspection program under this section, in addition to any other power granted to the director, the director may:

(a) Enter into agreements with local governments under ORS 455.185 regarding the administration and enforcement of the assumed building inspection program;

(b) Take action as described in ORS 455.192 to ensure that sufficient staff and other resources are available for the administration and enforcement of the assumed building inspection program; and

(c) Charge fees described in ORS 455.195 for department services provided in administering and enforcing the assumed building inspection program.

(14) If a municipality abandons or otherwise ceases to administer all or part of a building inspection program described in this section, the municipality may not resume the administration and enforcement of the abandoned program or part of a program for at least two years. The municipality may resume the administration and enforcement of the abandoned program or part of a program only on July 1 of an odd-numbered year. To resume the administration and enforcement of the abandoned program or part of a program, the municipality must comply with ORS 455.148, including the requirement that the municipality administer and enforce all aspects of the building inspection program. Thereafter, the municipality is subject to ORS 455.148 and ceases to be subject to this section.

(15) A municipality that administers and enforces a building inspection program under this section shall include in the program the inspection of boilers and pressure vessels described in subsection (1)(a)(H) of this section.

SECTION 20. ORS 455.312 is amended to read:

455.312. (1) *[For a residential prefabricated]* **Except as provided in subsection (2) of this section, if the manufacturer intends a structure manufactured in this state *[and intended]* to be for delivery in another state, the Director of the Department of Consumer and Business Services may not require that:**

- (a) The *[prefabricated]* structure conform to the state building code.
- (b) An inspector provide plan approvals and inspections pursuant to ORS 455.715 to 455.740.
- (c) A person licensed under ORS 479.630, 693.060 or 693.103 perform electrical or plumbing installations in the *[prefabricated]* structure.

[(2) Nothing in subsection (1) of this section exempts a person that is renting, leasing, selling, exchanging, installing or offering for rent, lease, sale, exchange or installation a residential prefabricated structure from meeting the insignia of compliance or certification stamp requirements prescribed under ORS 455.705 if the prefabricated structure is delivered in or relocated to this state.]

(2) If a structure described in subsection (1) of this section is delivered in or relocated to this state, the structure shall cease to qualify for the exemption described in subsection (1) of this section. A person renting, leasing, selling, exchanging or installing the structure, or offering the structure for rent, lease, sale, exchange or installation, shall:

- (a) Ensure that the structure is in conformance with the state building code;**
- (b) Ensure compliance with plan review and inspection requirements for the structure as determined by the building official; and**
- (c) Ensure that the structure is in compliance with applicable licensing laws.**

(3) Subsection (1) of this section does not apply to a manufactured dwelling that is subject to ORS 446.155 to 446.200, or upon which additions, conversions or alterations of installations of equipment or material are made.

SECTION 21. ORS 455.705 is amended to read:

455.705. (1) A manufacturer of prefabricated structures or manufacturer of prefabricated structure components may not contract with a municipality or a person to perform prefabricated structure plan approvals or inspections unless the person providing the plan approvals or inspections is certified or approved under subsection (2) of this section or is providing plan approvals or inspections for a *[residential]* prefabricated structure that is *[intended for delivery in another state]* **exempt under ORS 455.312 (1).**

(2)(a) A person may not engage in *[prefabricated structure]* plan approvals or inspections **for a structure** without being certified under ORS 455.715 to 455.740 or 479.810 unless the person is providing plan approvals or inspections for a *[residential prefabricated structure that is intended for delivery in another state]* **structure that is exempt under ORS 455.312 (1).**

(b) **Except as provided in this paragraph,** a person may not engage in the business of providing *[prefabricated structure]* plan approvals or inspections **for a structure** without an approval issued by the Department of Consumer and Business Services. **This paragraph does not apply to plan approval or inspection of a structure that is exempt under ORS 455.312 (1).**

(3) In accordance with any applicable provisions of ORS chapter 183, the Director of the Department of Consumer and Business Services shall establish by rule a system for approval and regulation of businesses and persons who perform prefabricated structure plan approvals or inspections. **This subsection does not authorize the director to require or regulate plan approval or inspection of a prefabricated structure that is exempt under ORS 455.312 (1).** The system shall include but not be limited to the following provisions:

(a) Prescribing the form and content of and the times and procedures for submitting an application for the issuance or renewal of an approval.

(b) Prescribing the term of the approval and the fee for the original issue and renewal in an amount that does not exceed the cost of administering the approval system. The charge for review and approval of a third party inspection service shall not exceed, for the original issue, \$400 and for the renewal, \$200.

(c) Prescribing the conditions for initial issuance, renewal and maintenance of the approval for a person certified under ORS 455.715 to 455.740 or 479.810, including but not limited to the following provisions:

- (A) Procedures and reports for plan approvals and inspections;
 - (B) Ethical practices and prohibitions of conflicts of interests with manufacturers of prefabricated structures and manufacturers and suppliers of parts and services;
 - (C) Insurance compliance requirements;
 - (D) Procedures for use and application of insignia of compliance; and
 - (E) Fees for and procedures for use and application of certification stamps.
- (d) Prescribing other actions or circumstances that constitute failure to achieve or maintain approval competency or that otherwise constitute a danger to the public health or safety and for which the director may refuse to issue or renew or may suspend or revoke a certification, permit or certificate.

(e) Prescribing the authority of the department to perform oversight monitoring including but not limited to:

- (A) Right of entry and access to third party records and information;
 - (B) Frequency, type and extent of the oversight monitoring and inspection of third party agencies and manufacturing facilities; and
 - (C) Frequency and description of information to be submitted as part of the monitoring process.
- (f) Prescribing fees for monitoring conducted by the department at the manufacturing plant site or at third party inspection service locations, which fees shall not exceed \$60 per hour.

(4)(a) The department shall establish by rule a manufacturer compliance program to allow for plan approvals or inspections of prefabricated structures or prefabricated structure components at the facility at which the prefabrication takes place, including but not limited to the following provisions:

- (A) Quality assurance programs;
 - (B) Procedures for use and application of insignia of compliance; and
 - (C) Fees for and procedures for use and application of certification stamps.
- (b) A manufacturer of prefabricated structures shall provide the department with written notice at least 60 days before a manufacturer may provide for plan approval or inspection service as allowed under subsection (2) of this section.

(c) The department is not required to provide plan approval for or inspection of any prefabricated structure or prefabricated structure components unless the department has been notified in writing by the manufacturer of the prefabricated structure 180 days in advance of the proposed assumption of department inspections.

(5) A person may not rent, lease, sell, exchange, install or offer for rent, lease, sale, exchange or installation within this state a prefabricated structure constructed on or after July 1, 1991, unless it bears an insignia of compliance or certification stamp issued by the department or a third party indicating compliance with this state's building regulations and standards for prefabricated structures. The prohibition in this subsection does not apply to a *[residential]* prefabricated structure *[intended for delivery in another state unless the residential prefabricated structure is installed or offered for installation in this state]* **described in ORS 455.312 (1) or (2)**. A prefabricated structure with an insignia of compliance or certification stamp shall be acceptable to municipalities as meeting the state building code regulations. Prefabricated structures constructed prior to July 1, 1991, are subject to the building code regulations in effect at the time of original construction.

(6) The provisions of this section do not apply to employees of the Department of Consumer and Business Services and testing laboratories approved under ORS chapters 447 and 479.

(7) For purposes of this section, "insignia of compliance" means the plate affixed to a structure by the Department of Consumer and Business Services or a third party to signify compliance with all state building code requirements for which the structure was inspected.

(8) Prefabricated structures or components found by the department or a third party to represent a danger to public health or safety shall be brought into compliance with building code regulations or removed from the state.

(9) All plan approvals and inspections of prefabricated structures and prefabricated components constructed at manufacturing plants outside of Oregon but intended for delivery into Oregon shall be performed by the department or conducted under ORS 455.430.

SECTION 22. ORS 455.895 is amended to read:

455.895. (1)(a) The State Plumbing Board may impose a civil penalty against a person as provided under ORS 447.992 and 693.992. Amounts recovered under this paragraph are subject to ORS 693.165.

(b) The Electrical and Elevator Board may impose a civil penalty against a person as provided under ORS 479.995. Amounts recovered under this paragraph are subject to ORS 479.850.

(c) The Board of Boiler Rules may impose a civil penalty against a person as provided under ORS 480.670. Amounts recovered under this paragraph are subject to ORS 480.670.

(2) The Department of Consumer and Business Services, or an appropriate advisory board, if any, may at its discretion impose a civil penalty against any person who violates the state building code or ORS 446.003 to 446.200, 446.225 to 446.285, 446.395 to 446.420, 446.566 to 446.646, 446.666 to 446.746, 479.510 to 479.945, 479.950 or 480.510 to 480.670, or this chapter or ORS chapter 447, 460 or 693, or any rule adopted or order issued for the administration and enforcement of those statutes. Except as provided in subsections (3), (4) and (9) of this section or ORS 446.995, a civil penalty imposed under this section must be in an amount determined by the appropriate advisory board or the department of not more than \$5,000 for each offense or, in the case of a continuing offense, not more than \$1,000 for each day of the offense.

(3) Each violation of ORS 446.003 to 446.200 or 446.225 to 446.285, or any rule or order issued under ORS 446.003 to 446.200 or 446.225 to 446.285, constitutes a separate violation with respect to each manufactured [*structure*] **dwelling** or with respect to each failure or refusal to allow or perform an act required [*thereby*] **under ORS 446.003 to 446.200 or 446.225 to 446.285**, except that the maximum civil penalty may not exceed \$1 million for any related series of violations occurring within one year from the date of the first violation.

(4) The department may impose a civil penalty of not more than \$25,000 against a public body responsible for administering and enforcing a building inspection program. As used in this subsection, "public body" has the meaning given that term in ORS 174.109.

(5) The maximum penalty established by this section for a violation may be imposed only upon a finding that the person has engaged in a pattern of violations. The department, by rule, shall define what constitutes a pattern of violations. Except as provided in subsections (1) and (10) of this section, moneys received from any civil penalty under this section are appropriated continuously for and shall be used by the department for enforcement and administration of provisions and rules described in subsection (2) of this section.

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

(7) A civil penalty imposed under this section may be remitted or reduced upon such terms and conditions as the department or the appropriate advisory board considers proper and consistent with the public health and safety. In any judicial review of a civil penalty imposed under this section, the court may, in its discretion, reduce the penalty.

(8) Any officer, director, shareholder or agent of a corporation, or member or agent of a partnership or association, who personally participates in or is an accessory to any violation by the partnership, association or corporation of a provision or rule described in subsection (2) of this section is subject to the penalties prescribed in this section.

(9) In addition to the civil penalty set forth in subsection (1) or (2) of this section, any person who violates a provision or rule described in subsection (2) of this section may be required by the department or the appropriate advisory board to forfeit and pay to the General Fund of the State Treasury a civil penalty in an amount determined by the department or advisory board that does

not exceed five times the amount by which such person profited in any transaction that violates a provision or rule described in subsection (2) of this section.

(10) If a civil penalty is imposed for a violation of a provision of ORS 446.566 to 446.646 and the violation relates to a filing or failure to file with a county assessor functioning as agent of the department, the department, after deducting an amount equal to the department's procedural, collection and other related costs and expenses, shall forward one-half of the remaining civil penalty amount to the county in which the manufactured structure is located at the time of the violation.

SECTION 23. ORS 479.540 is amended to read:

479.540. (1) Except as otherwise provided in this subsection, a person is not required to obtain a license to make an electrical installation on residential or farm property that is owned by the person or a member of the person's immediate family if the property is not intended for sale, exchange, lease or rent. The following apply to the exemption established in this subsection:

(a) The exemption established for a person under this subsection does not exempt the work performed by the person from having to comply with the requirements for such work under ORS chapter 455 or this chapter and rules adopted thereunder.

(b) If the property is a building used as a residence and is for rent, lease, sale or exchange, this subsection establishes an exemption for work on, alterations to or replacement of parts of electrical installations as necessary for maintenance of the existing electrical installations on that property, but does not exempt new electrical installations or substantial alterations to existing electrical installations on that property. As used in this paragraph, "new electrical installations or substantial alterations" does not include the replacement of an existing garbage disposal, dishwasher or electric hot water heater with a similar appliance of 30 amps or less, single phase, by a landlord, landlord's agent or the employee of the landlord or landlord's agent.

(2) An electrical contractor license is not required in connection with an electrical installation:

(a) Of meters and similar devices for measuring electricity by a person principally engaged in the business of generating or selling electricity in connection with the construction or maintenance of electrical lines, wires or equipment.

(b) Of ignition or lighting systems for motor vehicles.

(c) To be made by a person on the person's property in connection with the person's business.

(d) To be made by a public utility, consumer-owned utility as defined in ORS 757.270, telecommunications carrier as defined in ORS 133.721, competitive telecommunications provider as defined in ORS 759.005 or municipality for generation, transmission or distribution of electricity on property that the utility, carrier, provider or municipality owns or manages.

(3) A person whose sole business is generating or selling electricity in connection with the construction or maintenance of electrical lines, wires or equipment, is not required to obtain a license to transform, transmit or distribute electricity from its source to the service head of the premises to be supplied thereby.

(4)(a) A person is not required to obtain a license for the repair or replacement of light fixtures, light switches, lighting ballast, electrical outlets or smoke alarms in a building used for housing purposes that is owned, leased, managed or operated by a housing authority and the person doing the repair or replacement is a member of the housing authority's regular maintenance staff.

(b) A license is not required for:

(A) Temporary demonstrations;

(B) A street lighting system located on a public street or in a right of way if the system is similar to a system provided by a public utility and the installation or maintenance, or both, is performed by a qualified employee of a licensed electrical contractor principally engaged in the business of installing and maintaining such systems; or

(C) An outdoor transmission or distribution system, whether overhead or underground, if the system is similar to a system provided by a public utility and the installation or maintenance, or both, is performed by a qualified employee of a licensed electrical contractor principally engaged in the business of installing and maintaining such systems.

(c) For the purposes of this subsection, “qualified employee” means an employee who has registered with or graduated from a State of Oregon or federally approved apprenticeship course designed for the work being performed. The supervising electrician signature required under ORS 479.560 (1)(b) does not apply to contractors working under this subsection.

(5) The provisions of ORS 479.510 to 479.945 and 479.995 do not apply:

(a) To electrical products owned by, supplied to or to be supplied to a public utility as defined in ORS 757.005, consumer-owned utility as defined in ORS 757.270, telecommunications carrier as defined in ORS 133.721 or competitive telecommunications provider as defined in ORS 759.005;

(b) To electrical installations made by or for a public utility, consumer-owned utility, telecommunications carrier or competitive telecommunications provider if the electrical installations are an integral part of the equipment or electrical products of the utility, carrier or provider; or

(c) To any electrical generation plant owned or operated by a municipality to the same extent that a utility, telecommunications carrier or competitive telecommunications provider is exempted under paragraphs (a) and (b) of this subsection.

(6) A permit is not required:

(a) For the repair or replacement of light fixtures, light switches, lighting ballast, electrical outlets or smoke alarms in a building used for housing purposes that is owned, leased, managed or operated by a housing authority; or

(b) For the repair, alteration or replacement of existing electrical products or electrical installations authorized by ORS 479.560 (3) at an industrial plant, a commercial office building, a building that is owned, leased, managed or operated by the state or a local government entity or other facilities designated by the Electrical and Elevator Board when the owner, operating manager or electrical contractor of the facility meets the provisions of ORS 479.630 (1) and (2) and:

(A) Obtains a master permit for inspection under ORS 479.560 (3); or

(B) Obtains a master individual inspection permit under ORS 479.565.

(7) In cases of emergency in industrial plants, a permit is not required in advance for electrical installation made by a person licensed as a general supervising electrician, a general journeyman electrician or an electrical apprentice under ORS 479.630 if an application accompanied by appropriate fee for a permit is submitted to the Department of Consumer and Business Services within five days after the commencement of such electrical work.

(8)(a) A license or permit is not required for the installation or assembly of industrial electrical equipment by the duly authorized agents of the factory, vendor or owner.

(b) The license and permit exemptions of this subsection do not apply to activity in an area where industrial electrical equipment is installed in or enters a hazardous location or penetrates or enters a fire rated assembly or plenum rated assembly.

(c) As used in this subsection:

(A) “Duly authorized agents” means individuals trained by the factory or a vendor or by experience and who are knowledgeable in the operation, maintenance, repair and installation of industrial electrical equipment.

(B) “Installation or assembly” means the reassembly at a job site of equipment that is wired and assembled at the factory and then disassembled for shipping purposes or of existing equipment that is relocated. “Installation or assembly” does not include work involving field fabricated assemblies or any other electrical product that is not an original part of the industrial electrical equipment. “Installation or assembly” does not include the connection of industrial electrical equipment to a power source.

(9) The provisions of ORS 479.510 to 479.945 and 479.995 do not apply to:

(a) Electrical installations and repairs involving communication and signal systems of railroad companies.

(b) Electrical installations and repairs involving remote and permanent broadcast systems of radio and television stations licensed by the Federal Communications Commission if the systems are not part of the building’s permanent wiring.

(c) The installing, maintaining, repairing or replacement of telecommunications systems on the provider side of the demarcation point by a telecommunications service provider.

(d) The maintaining, repairing or replacement of telecommunications equipment on the customer side of the demarcation point by a telecommunications service provider.

(e) Installations, by a telecommunications service provider or an appropriately licensed electrical contractor, of telecommunications systems on the customer side of the demarcation point except:

(A) Installations involving more than 10 telecommunications outlets; and

(B) Installations of any size that penetrate fire-resistive construction or air handling systems or that pass through hazardous locations.

(f) Notwithstanding paragraph (e) of this subsection, installation of telecommunications systems on the customer side of the demarcation point in:

(A) One and two family dwellings; and

(B) Multifamily dwellings having not more than four dwelling units if the installation is by a telecommunications service provider.

(g) Notwithstanding paragraph (e) of this subsection, installation or replacement of cord or plug connected telecommunications equipment on the customer side of the demarcation point.

(h) Notwithstanding paragraph (e) of this subsection, installation of patch cord and jumper cross-connected equipment on the customer side of the demarcation point.

(10)(a) The board may grant partial or complete exemptions by rule for any electrical product from any of the provisions of ORS 455.610 to 455.630 or 479.510 to 479.945 and 479.995 if the board determines that the electrical product does not present a danger to the health and safety of the people of this state.

(b) If the board grants an exemption pursuant to subsection (1) of this section, the board may determine that the product may be installed by a person not licensed under ORS 479.510 to 479.945.

(11) ORS 479.760 does not apply to products described in this subsection that comply with the electrical product safety standards established by concurrence of the board and the Director of the Department of Consumer and Business Services as described under ORS 479.730. This subsection does not exempt any products used in locations determined to be hazardous in the electrical code of this state. The following apply to this subsection:

(a) Except as provided in paragraph (b) of this subsection, the exemption under this subsection applies to:

(A) The rotating equipment portion of power generation equipment.

(B) Testing equipment used in a laboratory or hospital.

(C) Commercial electrical air conditioning equipment.

(D) Prefabricated work performed by an electrical contractor with licensed electrical personnel in the contractor's place of business for assembly on the job site if the work is composed of parts that meet the electrical product safety standards established by concurrence of the board and the director.

(b) Notwithstanding paragraph (a) of this subsection, the board may require any of the products described in paragraph (a) of this subsection to be subject to the certification requirements under ORS 479.760 if the board determines that the product or class of products has presented a fire or life safety hazard in use. A determination under this paragraph shall be effective as to any such product or class of products installed after the date of the determination becomes final. The board may reinstate any exemption removed under this paragraph if the board determines that the reasons for the removal of the exemption have been corrected.

(12)(a) ORS 479.610 does not apply to installations of industrial electrical equipment unless the board determines that the product or class of products may present a fire or life safety hazard.

(b) The board may reinstate an exemption removed under this subsection if the product qualifies for reinstatement under:

(A) An equipment safety program approved by the board;

(B) Equipment minimum safety standards established by concurrence of the board and the director;

(C) An evaluation by an approved field evaluation firm;

(D) A listing from a nationally recognized testing laboratory;

(E) An evaluation of a first model of a product by the board; or

(F) Any other method approved by the board.

(13) ORS 479.760 does not apply to electrical equipment that has been installed and in use for one year or more.

(14) A person who holds a limited maintenance specialty contractor license or a limited pump installation specialty contractor license issued under ORS 479.510 to 479.945 or a person who is the employee of such license holder and who is listed with the board as an employee is not required to have a journeyman license or supervising electrician's license to perform work authorized under the person's license.

(15) A person is not required to obtain a permit for work on, alterations to or replacement of parts of electrical installations as necessary for maintenance of existing electrical installations on residential property owned by the person or by a member of the person's immediate family. This subsection does not establish an exemption for new electrical installations or substantial alterations to existing electrical installations.

(16) A permit is not required for those minor electrical installations for which the board has authorized an installation label.

(17) A residential home, as defined in ORS 443.580, and an adult foster home, as defined in ORS 443.705, is not a multifamily dwelling and only electrical installation standards and safety requirements applicable to single family dwellings apply to such homes.

(18) The permit requirements of ORS 479.550 and the license requirements of ORS 479.620 do not apply to cable television installations.

(19) The provisions of any electrical products code or rule adopted pursuant to ORS 479.510 to 479.945 and 479.995 apply to cable and such products installed as part of a cable television installation.

(20) A person is not required to obtain a license to make an electrical installation in a *[prefabricated structure, as defined in ORS 455.010, that is designed for residential use and intended for delivery in another state]* **structure that is exempt under ORS 455.312 (1).**

(21) A person is not required to obtain a license to make electrical installations, repairs or replacements in a recreational vehicle as defined *[by the board by rule]* **in section 25 of this 2019 Act.**

(22) As used in this section, "smoke alarm" has the meaning given that term under ORS 479.250. **SECTION 24.** ORS 693.020 is amended to read:

693.020. (1) Except as provided in subsection (2) of this section, this chapter does not apply to:

(a) A person working on a building or premises owned by the person, regardless of whether the person holds a license under this chapter, if the person complies with all the rules adopted under this chapter and ORS 447.010 to 447.156 and ORS chapter 455.

(b) A person testing, repairing, servicing, maintaining, installing or replacing new or existing potable water pump equipment not exceeding seven and one-half horsepower on residential property and piping between the pumps and storage tanks for the pumps, regardless of whether the person holds any license under this chapter.

(c) A person installing exterior storm drains that are not connected to a sanitary sewer or combination sanitary storm sewer.

(d) An employee or contractor of a utility, energy service provider or water supplier who is installing an approved low-flow showerhead or faucet aerator in existing plumbing fixtures. The devices installed under this paragraph are exempt from the certification, permit and inspection requirements of this chapter and ORS 447.010 to 447.156.

(e) A person who owns, leases or operates residential property and who repairs, or uses regular employees to repair, existing plumbing on property owned, leased or operated by the person, re-

ardless of whether the person or employee holds a license under this chapter. As used in this paragraph:

(A) "Repair" means the act of replacing or putting together plumbing parts that restore the existing plumbing system to a safe and sanitary operating condition.

(B) "Regular employee" means a person who is subject to the provisions of ORS 316.162 to 316.221 and who has completed a withholding exemptions certificate required by the provisions of ORS 316.162 to 316.221.

(f) A person installing plumbing in a [prefabricated] structure[, as defined in ORS 455.010, that is designed for residential use and intended for delivery in another state] **that is exempt under ORS 455.312 (1).**

(g) A person making plumbing installations, repairs or replacements in a recreational vehicle as defined [by the State Plumbing Board by rule] **in section 25 of this 2019 Act.**

(2) Subsection (1)(a) to (d) of this section does not allow a person other than a journeyman plumber or apprentice plumber to install, remodel or alter plumbing in a commercial or industrial building being constructed or offered for sale, exchange, rent or lease. As used in this subsection, "install, remodel or alter" means activities that involve installations or changes to the plumbing inside a wall, floor, crawl space or ceiling, or a change in the configuration of a plumbing system.

(3) This section applies to any person, including but not limited to individuals, corporations, associations, firms, partnerships, joint stock companies, public and municipal corporations, political subdivisions, this state and any agencies thereof and the federal government and any agencies thereof.

(4) Except as provided in subsection (1)(d) of this section, nothing in this section exempts a person from the plumbing inspection requirements of ORS 447.010 to 447.156.

DEFINITIONS OF RECREATIONAL VEHICLE AND MANUFACTURED STRUCTURE

SECTION 25. (1) As used in the statutes of this state, "manufactured structure" has the meaning given that term in this section only if the statute using "manufactured structure" makes specific reference to this section and indicates that the term used has the meaning given in this section. As used in the statutes of this state, "recreational vehicle" has the meaning given that term in this section only if the statute using "recreational vehicle" makes specific reference to this section or section 26 of this 2019 Act and thereby indicates that the term used has the meaning given in this section.

(2) "Manufactured structure" means a manufactured dwelling, as defined in ORS 446.003, or a recreational vehicle, as defined in this section.

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

EXCEPTION TO ORS 446.003 AMENDMENTS

SECTION 26. Notwithstanding ORS 446.003, as used in ORS chapters 195, 196, 197, 215 and 227, the following definitions apply, unless the context requires otherwise:

(1) "Accessory building or structure" means any portable, demountable or permanent structure established for use of the occupant of a manufactured structure and as further defined by rule by the Director of the Department of Consumer and Business Services as provided under ORS 446.003.

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

(3) "Manufactured dwelling":

- (a) Means a residential trailer, mobile home or manufactured home.
- (b) Does not include any building or structure constructed to conform to the State of Oregon Structural Specialty Code or the Low-Rise Residential Dwelling Code adopted pursuant to ORS 455.100 to 455.450 and 455.610 to 455.630 or any unit identified as a recreational vehicle by the manufacturer.
- (4) “Manufactured structure”:
- (a) Means a recreational vehicle, manufactured dwelling or recreational structure.
- (b) Does not include any building or structure regulated under the State of Oregon Structural Specialty Code or the Low-Rise Residential Dwelling Code.
- (5) “Manufacturer” means any person engaged in manufacturing, building, rebuilding, altering, converting or assembling manufactured structures or equipment.
- (6) “Manufacturing” means the building, rebuilding, altering or converting of manufactured structures that bear or are required to bear an Oregon insignia of compliance.
- (7) “Mobile home park”:
- (a) Means any place where four or more manufactured structures are located within 500 feet of one another on a lot, tract or parcel of land under the same ownership, the primary purpose of which is to rent space or keep space for rent to any person for a charge or fee paid or to be paid for the rental or use of facilities or to offer space free in connection with securing the trade or patronage of such person.
- (b) Does not include a lot or lots located within a subdivision being rented or leased for occupancy by no more than one manufactured dwelling per lot if the subdivision was approved by the municipality unit having jurisdiction under an ordinance adopted pursuant to ORS 92.010 to 92.192.
- (8) “Recreational structure” means a campground structure with or without plumbing, heating or cooking facilities intended to be used by any particular occupant on a limited-time basis for recreational, seasonal, emergency or transitional housing purposes and may include yurts, cabins, fabric structures or similar structures as further defined, by rule, by the director.
- (9) “Recreational vehicle” has the meaning given that term in section 25 of this 2019 Act.

CONFORMING AMENDMENTS TO OREGON REVISED STATUTES

SECTION 27. ORS 86A.203 is amended to read:

86A.203. (1) Except as provided in subsection (2) of this section, an individual may not engage in business as a mortgage loan originator in this state without first:

(a) Obtaining and maintaining a mortgage loan originator’s license under ORS 86A.212 or renewing a mortgage loan originator’s license under ORS 86A.218; and

(b) Obtaining a unique identifier from the Nationwide Mortgage Licensing System and Registry.

(2) Subsection (1) of this section does not apply to:

(a) A registered mortgage loan originator who acts within the scope of the registered mortgage loan originator’s employment;

(b) An individual who offers or negotiates terms of a residential mortgage loan with or on behalf of the individual’s spouse, child, sibling, parent, grandparent, grandchild or a relative in a similar relationship with the individual that is created by law, marriage or adoption;

(c) An individual who offers or negotiates terms of a residential mortgage loan that is secured by a dwelling that served as the individual’s residence;

(d) An individual who, as a seller during any 12-month period, offers or negotiates terms for not more than three residential mortgage loans that are secured by a dwelling unit that the individual owns, or that a limited liability company of which the individual is a member owns, and that did not serve as the individual’s residence, if:

(A) Membership in the limited liability company that owns the dwelling unit consists only of the individual or of the individual and the individual's spouse, children, siblings, parents, grandparents, grandchildren or other relatives who are related to the individual by law, marriage or adoption;

(B) The individual or the limited liability company does not advertise that, or otherwise suggest by statements or conduct that, the limited liability company engages in the business of making residential mortgage loans;

(C) The individual complies with the provisions of subsection (3) of this section; and

(D) The individual does not engage in conduct that is prohibited under ORS 86A.224 or 86A.236;

(e) An attorney who is licensed or otherwise authorized to practice law in this state, if the attorney negotiates the terms of a residential mortgage loan in representing a client and does not receive compensation from a mortgage banker, mortgage broker, mortgage loan originator or lender or an agent of the mortgage banker, mortgage broker, mortgage loan originator or lender, except that for the purposes of determining whether the attorney is exempt under this paragraph, the attorney does not receive compensation from a mortgage loan originator or lender if the attorney receives compensation from a client that would otherwise meet the definition of a mortgage loan originator or lender but is exempt under paragraph (c), (d) or (f) of this subsection;

(f) An individual who is licensed as a manufactured structure dealer under ORS 446.691 and who:

(A) Offers or negotiates terms of a residential mortgage loan related to a sale for occupancy of a previously owned manufactured dwelling in a manufactured dwelling park three or fewer times in any 12-month period; and

(B) Uses a written sale agreement form with the purchaser that complies with the requirements of ORS 646A.050, 646A.052 and 646A.054, with any rules adopted under ORS 646A.050, 646A.052 and 646A.054 and with any other applicable requirements for residential mortgages for manufactured dwellings; or

(g) An individual who is licensed as a limited manufactured structure dealer under ORS 446.706 and who:

(A) Has an ownership interest in a manufactured dwelling park;

(B) Offers or negotiates terms of a residential mortgage loan related to a sale for occupancy of a previously owned manufactured dwelling in any manufactured dwelling park in which the individual has an ownership interest, five or fewer times in any 12-month period; and

(C) Uses a written sale agreement form with the purchaser that complies with the requirements of ORS 646A.050, 646A.052 and 646A.054, with any rules adopted under ORS 646A.050, 646A.052 and 646A.054 and with any other applicable requirements for residential mortgages for manufactured dwellings.

(3) An individual who offers or negotiates terms for a residential mortgage loan, and who claims an exemption under subsection (2)(c), (d) or (f) of this section from the requirements set forth in subsection (1) of this section, may not at any time hold more than eight residential mortgage loans without meeting the requirements set forth in subsection (1) of this section. For the purposes of a determination under this subsection as to whether an individual who claims an exemption under subsection (2)(d) of this section holds more or fewer than eight residential mortgage loans, the individual shall disclose to the Director of the Department of Consumer and Business Services all loans that all limited liability companies of which the individual is a member hold in the aggregate.

(4) An individual who offers or negotiates terms for a residential mortgage loan, and who claims an exemption under subsection (2)(g) of this section from the requirements set forth in subsection (1) of this section, may not at any time hold more than 12 residential mortgage loans without meeting the requirements set forth in subsection (1) of this section.

(5) The Director of the Department of Consumer and Business Services by rule may exempt an individual from the requirement to obtain a mortgage loan originator's license under ORS 86A.200 to 86A.239 if the United States Consumer Financial Protection Bureau requires or permits the exemption under 12 U.S.C. 5101 et seq.

(6) Notwithstanding the exemption from licensing for an individual described in subsection (2)(f) or (g) of this section, subsection (1) of this section applies to the individual if the United States Consumer Financial Protection Bureau determines, in a guideline, rule, regulation or interpretive letter, that the exemption is inconsistent with requirements set forth in 12 U.S.C. 5101 et seq.

(7)(a) Except as provided in paragraph (b) of this subsection, an employee of a manufactured structure dealer licensed under ORS 446.691 is not subject to the provisions of ORS 86A.200 to 86A.239 if the employee:

(A) Performs only administrative or clerical tasks; and

(B) Receives in connection with a sale or other transaction related to a manufactured structure, as defined in [ORS 446.003] **section 25 of this 2019 Act**, only a salary or commission that is customary among dealers and employees of dealers.

(b) An employee of a dealer is subject to the provisions of ORS 86A.200 to 86A.239 if the United States Consumer Financial Protection Bureau determines, in a guideline, rule, regulation or interpretive letter, that the exemption granted in paragraph (a) of this subsection is inconsistent with requirements set forth in 12 U.S.C. 5101 et seq.

SECTION 28. ORS 90.100 is amended to read:

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

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

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

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

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

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

(4) "Building and housing codes" includes any law, ordinance or governmental regulation concerning fitness for habitation, or the construction, maintenance, operation, occupancy, use or appearance of any premises or dwelling unit.

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

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

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

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

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

(10) "Domestic violence" means:

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

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

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

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

(13) "Essential service" means:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(b) Measures at least eight inches DBH; and

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

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

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

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

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

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

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

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

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

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

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

(31) “Organization” includes a corporation, government, governmental subdivision or agency, business trust, estate, trust, partnership or association, two or more persons having a joint or common interest, and any other legal or commercial entity.

(32) “Owner” includes a mortgagee in possession and means one or more persons, jointly or severally, in whom is vested:

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

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

(33) “Person” includes an individual or organization.

(34) “Premises” means:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(47) “Tenant”:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(51) "Victim" means:

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

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

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

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

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

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

SECTION 29. ORS 197.295 is amended to read:

197.295. As used in ORS 197.295 to 197.314 and 197.475 to 197.490:

(1) "Buildable lands" means lands in urban and urbanizable areas that are suitable, available and necessary for residential uses. "Buildable lands" includes both vacant land and developed land likely to be redeveloped.

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

(3) "Government assisted housing" means housing that is financed in whole or part by either a federal or state housing agency or a housing authority as defined in ORS 456.005, or housing that is occupied by a tenant or tenants who benefit from rent supplements or housing vouchers provided by either a federal or state housing agency or a local housing authority.

(4) "Manufactured homes" has the meaning given that term in ORS 446.003.

(5) "Mobile home park" has the meaning given that term in [ORS 446.003] **section 26 of this 2019 Act.**

(6) "Periodic review" means the process and procedures as set forth in ORS 197.628 to 197.651.

(7) "Urban growth boundary" means an urban growth boundary included or referenced in a comprehensive plan.

SECTION 30. ORS 197.492 is amended to read:

197.492. As used in this section and ORS 197.493:

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

(1) **“Manufactured dwelling park” has the meaning given that term in ORS 446.003.**

(2) **“Mobile home park” and “recreational vehicle” have the meanings given those terms in section 26 of this 2019 Act.**

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

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

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

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

(b) Does not mean:

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

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

SECTION 31. ORS 319.550 is amended to read:

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

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

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

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

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

(A) Motor homes as defined in ORS 801.350.

(B) Recreational vehicles as defined in [ORS 446.003] **section 25 of this 2019 Act.**

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

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

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

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

SECTION 32. ORS 456.594 is amended to read:

456.594. As used in ORS 456.594 to 456.599:

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

(2) “Contractor” means a person that installs or assists a dwelling owner to install energy conservation measures in a dwelling.

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

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

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

(4) “Dwelling owner” means the person:

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

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

(5) "Energy conservation items" includes but is not limited to air sealing, weatherstripping, ceiling and wall insulation, crawl space insulation, vapor barrier materials, programmable thermostats, insulation of heating ducts and water pipes in unheated spaces, and replacement windows.

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

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

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

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

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

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

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

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

SECTION 33. ORS 469.155 is amended to read:

469.155. (1) As used in this section:

(a) "Dwelling" means real or personal property inhabited as the principal residence of an owner or renter. "Dwelling" includes a manufactured dwelling as defined in ORS 446.003, a floating home as defined in ORS 830.700 and multiple unit residential housing. "Dwelling" does not include a recreational vehicle as defined in [ORS 446.003] **section 25 of this 2019 Act.**

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

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

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

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

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

SECTION 34. ORS 469.631 is amended to read:

469.631. As used in ORS 469.631 to 469.645:

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

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

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

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

(5) "Dwelling" means real or personal property within the state inhabited as the principal residence of a dwelling owner or a tenant. "Dwelling" includes a manufactured dwelling as defined in ORS 446.003, a floating home as defined in ORS 830.700 and a single unit in multiple-unit residential

housing. "Dwelling" does not include a recreational vehicle as defined in [ORS 446.003] **section 25 of this 2019 Act.**

(6) "Dwelling owner" means the person:

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

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

(7) "Energy audit" means:

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

(b) An analysis of the energy savings and dollar savings potential that would result from providing energy conservation measures for the dwelling;

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

(A) Labor for the installation of items designed to improve the space heating and energy utilization efficiency of the dwelling; and

(B) The items installed; and

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

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

(B) Solar swimming pool heating, if applicable.

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

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

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

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

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

SECTION 35. ORS 469.649 is amended to read:

469.649. As used in ORS 469.649 to 469.659:

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

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

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

(4) "Dwelling" means real or personal property within the state inhabited as the principal residence of a dwelling owner or a tenant. "Dwelling" includes a manufactured dwelling as defined in ORS 446.003, a floating home as defined in ORS 830.700 and a single unit in multiple-unit residential housing. "Dwelling" does not include a recreational vehicle as defined in [ORS 446.003] **section 25 of this 2019 Act.**

(5) "Dwelling owner" means the person:

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

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

(6) "Energy audit" means:

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

(b) An analysis of the energy savings and dollar savings potential that would result from providing energy conservation measures for the dwelling;

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

(A) Labor for the installation of items designed to improve the space heating and energy utilization efficiency of the dwelling; and

(B) The items installed; and

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

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

(B) Solar swimming pool heating, if applicable.

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

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

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

(b) Distributes electricity.

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

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

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

SECTION 36. ORS 469.710 is amended to read:

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

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

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

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

(4) "Dwelling" means real or personal property within the state inhabited as the principal residence of a dwelling owner or a tenant. "Dwelling" includes a manufactured dwelling as defined in ORS 446.003, a floating home as defined in ORS 830.700 and a single unit in multiple-unit residential housing. "Dwelling" does not include a recreational vehicle as defined in [ORS 446.003] **section 25 of this 2019 Act.**

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

- (6) "Energy audit" means:
- (a) The measurement and analysis of the heat loss and energy utilization efficiency of a dwelling;
 - (b) An analysis of the energy savings and dollar savings potential that would result from providing energy conservation measures for the dwelling;
 - (c) An estimate of the cost of the energy conservation measures that includes:
 - (A) Labor for the installation of items designed to improve the space heating and energy utilization efficiency of the dwelling; and
 - (B) The items installed; and
 - (d) A preliminary assessment, including feasibility and a range of costs, of the potential and opportunity for installation of:
 - (A) Passive solar space heating and solar domestic water heating in the dwelling; and
 - (B) Solar swimming pool heating, if applicable.
- (7) "Energy conservation measures" means measures that include the installation of items and the items installed that are primarily designed to improve the space heating and energy utilization efficiency of a dwelling. These items include, but are not limited to, caulking, weatherstripping and other infiltration preventative materials, ceiling and wall insulation, crawl space insulation, vapor barrier materials, timed thermostats, insulation of heating ducts, hot water pipes and water heaters in unheated spaces, storm doors and windows, double glazed windows and dehumidifiers. "Energy conservation measures" does not include the dwelling owner's own labor.
- (8) "Finance charge" means the total of all interest, loan fees and other charges related to the cost of obtaining credit and includes any interest on any loan fees financed by the lending institution.
- (9) "Fuel oil dealer" means a person, association, corporation or any other form of organization that supplies fuel oil at retail for the space heating of dwellings.
- (10) "Residential fuel oil customer" means a dwelling owner or tenant who is billed by a fuel oil dealer for fuel oil service for space heating received at the dwelling.
- (11) "Space heating" means the heating of living space within a dwelling.
- (12) "Wood heating resident" means a person whose primary space heating is provided by the combustion of wood.

SECTION 37. ORS 480.432 is amended to read:

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

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

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

(4) Any person under the terms of this section who is required to have an LP gas fitter or LP gas truck equipment license is also required to have an LP gas installation license, unless the person is an employee of an employer who has an LP gas installation license as provided by this section.

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

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

(7) Subsections (1) to (4) of this section do not apply to LP gas installations in a manufactured dwelling [or *recreational vehicle*] performed during the construction of the manufactured dwelling [or *recreational vehicle*], or the alteration or repair of an LP gas installation in a manufactured dwelling [or *recreational vehicle*] made pursuant to the manufacturer's warranty. **The provisions of this section do not apply to LP gas work on recreational vehicles as defined in section 25 of this 2019 Act.**

SECTION 38. ORS 480.450 is amended to read:

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

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

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

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

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

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

(7) The provisions of this section do not apply to liquefied petroleum gas installations if made entirely within the jurisdiction of a governmental subdivision granted the exemption provided by ORS 476.030 (3) and written evidence of the licensing of the installation by the approved authority is submitted to the State Fire Marshal. The provisions of this section do not apply to LP gas installations made in manufactured dwellings [or recreational vehicles] that are constructed or altered in accordance with applicable rules of the Department of Consumer and Business Services. **The provisions of this section do not apply to LP gas installations in a recreational vehicle as defined in section 25 of this 2019 Act.**

SECTION 39. ORS 701.545 is amended to read:

701.545. (1) As used in this section and ORS 701.547:

(a) "Developer" means a person who contracts to construct, or arrange for the construction of, new residential housing on behalf of, or for the purpose of selling the residential housing to, a specific individual the person knows is the purchaser of the residential housing.

(b) "Residential housing":

(A) Means a structure designed for use as a residence and containing dwelling units for three or fewer families.

(B) Means a structure that is a condominium as defined in ORS 100.005.

(C) Does not mean a manufactured structure as defined in [ORS 446.003] **section 25 of this 2019 Act.**

(2) A developer who enters into a contract to construct or arrange for the construction of new residential housing may, at the time of providing a purchaser with a written contract, also provide the purchaser with a list of features that may make residential housing more accessible to a person with a disability. The list may include the features identified in the model list of features adopted by the Construction Contractors Board by rule under ORS 701.547.

(3) The inclusion of a feature on the list supplied by the developer under subsection (2) of this section does not obligate the developer to make the feature available to a purchaser. The list supplied by the developer may specify for each feature whether the feature is standard, optional, available on a limited basis or unavailable from the developer. If a listed feature is available from the developer as an option or on a limited basis, the list of features may specify the stage of construction by which the purchaser must submit to the developer any request that the residential housing be constructed with that feature.

(4) This section, or the inclusion of a feature on the model list developed under ORS 701.547, does not affect the requirement that installation of a feature comply with the state building code or be approved under ORS 455.060.

SECTION 40. ORS 801.409 is amended to read:

801.409. "Recreational vehicle" has the meaning given [in ORS 446.003] **that term in section 25 of this 2019 Act.**

TRANSITIONAL PROVISIONS

SECTION 41. Notwithstanding section 25 of this 2019 Act and the amendments to ORS 446.003 by section 1 of this 2019 Act, a rule adopted by the Director of the Department of Consumer and Business Services under ORS 446.003 prior to the effective date of this 2019 Act defining a recreational vehicle shall continue in effect and, except as provided in section

42 of this 2019 Act, be treated as a rule adopted by the Director of Transportation under section 25 of this 2019 Act until repealed or amended by the Director of Transportation.

SECTION 42. Section 25 of this 2019 Act and the amendments to ORS 446.003, 446.155, 446.160, 446.170, 446.185, 446.250, 446.253, 446.265, 455.010, 455.312, 455.705 and 455.895 by sections 1 to 4, 6, 9, 11, 13, 16 and 20 to 22 of this 2019 Act do not divest the Department of Consumer and Business Services or a municipality of the authority over a violation of ORS chapter 446 or 455 committed prior to the effective date of this 2019 Act.

CAPTIONS

SECTION 43. The unit captions used in this 2019 Act are provided only for the convenience of the reader and do not become part of the statutory law of this state or express any legislative intent in the enactment of this 2019 Act.

Passed by Senate April 18, 2019

Received by Governor:

Repassed by Senate June 6, 2019

.....M.,....., 2019

Approved:

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Lori L. Brocker, Secretary of Senate

.....M.,....., 2019

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Peter Courtney, President of Senate

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Kate Brown, Governor

Passed by House June 3, 2019

Filed in Office of Secretary of State:

.....M.,....., 2019

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Tina Kotek, Speaker of House

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Bev Clarno, Secretary of State