

Requested by Representative HOLVEY

**PROPOSED AMENDMENTS TO
HOUSE BILL 2333**

1 On page 1 of the printed bill, line 2, after the semicolon delete the rest
2 of the line and insert “creating new provisions; and amending ORS 90.100,
3 90.425, 197.492, 319.550, 446.003, 446.155, 446.170, 446.561, 446.661, 455.010,
4 455.117, 456.594, 469.155, 469.631, 469.649, 469.710, 480.432, 480.450, 801.409 and
5 801.560.”.

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

7

8

“ADDITIONS TO MOTOR VEHICLE CODE

9

10 **“SECTION 1. Sections 2 to 4 and 10 to 14 of this 2019 Act are added**
11 **to and made a part of the Oregon Vehicle Code.**

12

13

“SMALL HOME CONSTRUCTION

14

15 **“SECTION 2. A small home that is not subject to the standards**
16 **adopted under ORS 455.615 must be constructed in compliance with a**
17 **manufacturing standard that the Director of Transportation recog-**
18 **nizes as being in widespread use and applicable for recreational park**
19 **trailers of similar width and size. The director shall adopt standards**
20 **for purposes of establishing construction standards for small homes.**
21 **In adopting standards under this section, the director shall give con-**

1 **sideration to any American National Standards Institute manufactur-**
2 **ing standards for recreational park trailers.**

3
4 **“TITLES AND REGISTRATIONS**

5
6 **“SECTION 3. (1) As used in this section:**

7 **“(a) ‘Mobile home park’ has the meaning given that term in ORS**
8 **446.003.**

9 **“(b) ‘Recreational vehicle’ means a vehicle that:**

10 **“(A) Is not designed for self-propulsion;**

11 **“(B) Is designed for use as temporary living quarters;**

12 **“(C) Is built on a single chassis mounted on wheels; and**

13 **“(D)(i) Complies with any manufacturing standards that the Direc-**
14 **tor of Transportation recognizes as being in widespread use and ap-**
15 **plicable to recreational park trailers that are more than eight and**
16 **one-half feet wide; or**

17 **“(ii) Was constructed prior to the adoption of construction stan-**
18 **dards by the director under subsection (6) of this section.**

19 **“(c)(A) ‘Small home’ means a vehicle that:**

20 **“(i) Is not designed for self-propulsion;**

21 **“(ii) Is designed for use as temporary living quarters;**

22 **“(iii) Is not more than 400 square feet in area; and**

23 **“(iv)(I) Complies with any recreational park trailer manufacturing**
24 **standards that the director recognizes under section 2 of this 2019 Act**
25 **for small homes that are more than eight and one-half feet wide; or**

26 **“(II) Was constructed prior to the adoption of construction stan-**
27 **dards by the director under section 2 of this 2019 Act.**

28 **“(B) ‘Small home’ does not mean a structure that is subject to the**
29 **standards described in ORS 455.615.**

30 **“(2) The Department of Transportation may issue a title, but not a**

1 registration, for a recreational vehicle or small home if the recre-
2 ational vehicle or small home:

3 “(a) Is more than eight and one-half feet wide;

4 “(b) Is permanently attached to a wheeled chassis; and

5 “(c)(A) Is sited within a mobile home park; or

6 “(B) Lacks direct connections to utilities and is not permanently
7 attached to land for use as a permanent dwelling.

8 “(3) Except as provided in subsection (4) of this section, the de-
9 partment may not issue a title under this section for a recreational
10 vehicle unless the owner has filed with the department a form attest-
11 ing that the recreational vehicle or small home:

12 “(a) Is permanently attached to a wheeled chassis; and

13 “(b)(A) Is sited within a mobile home park; or

14 “(B) Lacks direct connections to utilities and is not permanently
15 attached to land for use as a permanent dwelling.

16 “(4) The owner of a recreational vehicle constructed before January
17 1, 2016, is not required to file the form described in subsection (3) of
18 this section.

19 “(5) A person that makes a false attestation in a form described in
20 subsection (3) of this section commits an offense under ORS 803.070.

21 “(6) The director shall adopt construction standards for recreational
22 vehicles described in this section. In determining the construction
23 standards, the director shall give consideration to any American Na-
24 tional Standards Institute manufacturing standards for recreational
25 park trailers.

26 “(7) The department may adopt a reasonable fee by rule for the is-
27 suance of a title under this section.

28 **“SECTION 4. (1) As used in this section:**

29 **“(a) ‘Park model recreational vehicle’ means a vehicle that:**

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

1 **“(B) Is built on a single chassis mounted on wheels;**
2 **“(C) Has a maximum gross trailer area of 400 square feet; and**
3 **“(D)(i) Complies with any manufacturing standards that the Direc-**
4 **tor of Transportation recognizes as being in widespread use and ap-**
5 **plicable to recreational park trailers of similar size that are not more**
6 **than eight and one-half feet wide; or**
7 **“(ii) Was constructed prior to the adoption of construction stan-**
8 **dards by the director under subsection (5) of this section.**
9 **“(b)(A) ‘Small home’ means a vehicle that:**
10 **“(i) Is not designed for self-propulsion;**
11 **“(ii) Is designed for use as temporary living quarters;**
12 **“(iii) Is not more than 400 square feet in area, exclusive of any**
13 **trailer hitch; and**
14 **“(iv)(I) Complies with any recreational park trailer manufacturing**
15 **standards that the director recognizes under section 2 of this 2019 Act**
16 **for small homes that are not more than eight and one-half feet wide;**
17 **or**
18 **“(II) Was constructed prior to the adoption of construction stan-**
19 **dards by the director under section 2 of this 2019 Act.**
20 **“(B) ‘Small home’ does not mean a structure that is subject to the**
21 **standards described in ORS 455.615.**
22 **“(2) The Department of Transportation may issue a title and regis-**
23 **tration as a recreational vehicle for a park model recreational vehicle**
24 **if the park model recreational vehicle:**
25 **“(a) Is not more than eight and one-half feet wide;**
26 **“(b) Is permanently attached to a wheeled chassis; and**
27 **“(c)(A) Is sited within a mobile home park; or**
28 **“(B) Lacks direct connections to utilities and is not permanently**
29 **attached to land for use as a permanent dwelling.**
30 **“(3) The department may issue a title and registration as a recre-**

1 **ational vehicle for a small home, if the small home:**

2 **“(a) Is not more than eight and one-half feet wide;**

3 **“(b) Is constructed on, and permanently attached to, a wheeled**
4 **chassis that is appropriate for the small home to be towed on the road;**

5 **“(c) Bears a vehicle identification number; and**

6 **“(d)(A) Is sited within a mobile home park; or**

7 **“(B) Lacks direct connections to utilities and is not permanently**
8 **attached to land for use as a permanent dwelling.**

9 **“(4) The department shall revoke the registration issued for a park**
10 **model recreational vehicle or small home under this section if the**
11 **department discovers that the park model recreational vehicle or small**
12 **home:**

13 **“(a) Is no longer permanently attached to a wheeled chassis;**

14 **“(b) Is sited outside of a mobile home park and has permanent di-**
15 **rect attachments to utilities; or**

16 **“(c) Is sited outside of a mobile home park and is permanently af-**
17 **fixed to land for use as a permanent dwelling.**

18 **“(5) The director shall adopt recreational park trailer construction**
19 **standards for park model recreational vehicles. In adopting the con-**
20 **struction standards, the director shall give consideration to any**
21 **American National Standards Institute manufacturing standards for**
22 **recreational park trailers.**

23 **“(6) The title and registration fees for a recreational park trailer**
24 **or small home described in this section shall be equal to the fees**
25 **charged for issuing a title and registration for a recreational trailer**
26 **of equivalent size and weight.**

27 **“(7) A park model recreational vehicle or small home that is regis-**
28 **tered under this section may not be moved on the highways of this**
29 **state unless the registration plate is securely attached to the recre-**
30 **ational vehicle or small home as required by the department.**

1 permanently attached to a wheeled chassis;

2 “(d) The park model recreational vehicle or small home is sited
3 outside of a mobile home park and has permanent direct attachments
4 to utilities; or

5 “(e) Is sited outside of a mobile home park and is permanently af-
6 fixed to land for use as a permanent dwelling.

7

8 “MOTOR VEHICLE CODE AMENDMENTS

9

10 “**SECTION 8.** ORS 801.409 is amended to read:

11 “801.409. ‘Recreational vehicle’ has the meaning given in [*ORS 446.003*]
12 **section 22 of this 2019 Act.**

13 “**SECTION 9.** ORS 801.560 is amended to read:

14 “801.560. ‘Trailer’ means every vehicle without motive power designed to
15 be drawn by another vehicle. Trailer includes, but is not limited to, the fol-
16 lowing types of trailers:

17 “(1) Balance trailers.

18 “(2) Bus trailers.

19 “(3) Commercial bus trailers.

20 “(4) Farm trailers.

21 “**(5) A park model recreational vehicle titled under section 4 of this**
22 **2019 Act.**

23 “[~~5~~] **(6)** Pole trailers.

24 “**(7) A recreational vehicle titled under section 3 of this 2019 Act.**

25 “[~~6~~] **(8)** Semitrailers.

26 “**(9) A small home titled under section 4 of this 2019 Act.**

27 “[~~7~~] **(10)** Travel trailers.

28 “[~~8~~] **(11)** Truck trailers.

29 “[~~9~~] **(12)** Self-supporting trailers.

30 “[~~10~~] **(13)** Special use trailers.

1 **“TITLE AND REGISTRATION PROCESSING**

2
3 **“SECTION 10. (1) A recreational vehicle described in section 3 of**
4 **this 2019 Act, a park model recreational vehicle described in section 4**
5 **of this 2019 Act or a small home described in section 4 of this 2019 Act**
6 **may only be moved on the highways of this state:**

7 **“(a) By vehicle transporters as permitted under ORS 822.310; or**

8 **“(b) By a person operating under a trip permit under ORS 803.600.**

9 **“(2) In addition to any other information required in an application**
10 **for a title, an application for a recreational vehicle title under section**
11 **3 of this 2019 Act shall contain information regarding the location of**
12 **the recreational vehicle. The Department of Transportation shall no-**
13 **tify the appropriate assessor of the location.**

14 **“(3) The department may require, as a condition for issuing a title**
15 **for a recreational vehicle described in section 3 of this 2019 Act or a**
16 **park model recreational vehicle or small home described in section 4**
17 **of this 2019 Act, that the manufacturer provide information specified**
18 **by the department regarding the recreational vehicle or small home.**

19 **“(4) A recreational vehicle described in section 3 of this 2019 Act is**
20 **not subject to inspection under ORS 803.210.**

21 **“(5) A recreational vehicle described in section 3 of this 2019 Act is**
22 **subject to assessment and taxation as personal property under the ad**
23 **valorem tax laws of this state.**

24 **“SECTION 11. If the owner seeks to have a recreational vehicle that**
25 **is more than eight and one-half wide removed from the county deed**
26 **records, the owner shall apply to the assessor as agent for the De-**
27 **partment of Transportation for a title as provided under section 3 of**
28 **this 2019 Act. Notwithstanding section 3 of this 2019 Act, a title may**
29 **be issued for a recreational vehicle under this subsection without re-**
30 **gard to utility connections, attachment to land or location. If an**

1 ownership document has been issued for the recreational vehicle under
2 ORS 446.566 to 446.646, the owner shall surrender the ownership docu-
3 ment to the Department of Transportation prior to receiving a title.
4 The Department of Transportation shall return the surrendered own-
5 ership document to the Department of Consumer and Business Ser-
6 vices for cancellation.

7 **“SECTION 12. (1) A person may not move a recreational vehicle**
8 **that is more than eight and one-half feet wide to a different situs un-**
9 **less the Department of Transportation approves the move and the**
10 **county assessor issues a trip permit on behalf of the department. An**
11 **application to move the recreational vehicle must be filed in the**
12 **manner and form required by department rule and include the fol-**
13 **lowing:**

14 **“(a) A document acceptable to the department evidencing owner-**
15 **ship of the recreational vehicle or, if the recreational vehicle is re-**
16 **corded in the deed records of the county, the property description for**
17 **the current and proposed situs for the recreational vehicle.**

18 **“(b) The identity of the owner of the proposed situs or, if the pro-**
19 **posed situs is a facility as defined in ORS 90.100, the name of the fa-**
20 **cility.**

21 **“(c) Any other information required by the department by rule.**

22 **“(2)(a) Except as provided in paragraph (b) of this subsection, the**
23 **department may not approve an application to move a recreational**
24 **vehicle described in this section to a situs in another county unless**
25 **all taxes and special assessments for the current year that will become**
26 **a lien against the recreational vehicle prior to the move as described**
27 **in ORS 311.405 and all delinquent taxes and special assessments for**
28 **past years are paid.**

29 **“(b) A purchaser or landlord may obtain a trip permit from the**
30 **county assessor without payment of the taxes and special assessments**

1 if the county cancels the taxes and assessments as provided in ORS
2 90.425 or 90.675.

3 “(3) If the assessor cannot compute the exact amount of taxes due,
4 the owner shall pay an amount based on the current assessed value
5 of the recreational vehicle or the value that would be used on the next
6 assessment roll, or an amount based on the assessor’s best estimate
7 of the total taxes and assessments. ORS 311.370 applies to taxes and
8 assessments collected under this section.

9 “(4) If the county assessor determines that all due or pending taxes
10 and assessments have been paid, the assessor may issue a trip permit
11 on behalf of the department. The department shall update the
12 department’s record for the recreational vehicle and issue an updated
13 title indicating the change in information. If an ownership document
14 issued under ORS 446.566 to 446.646 exists for the recreational vehicle,
15 the department shall require the owner to surrender the ownership
16 document and apply for a title for the recreational vehicle under sec-
17 tion 3 of this 2019 Act.

18 “(5) The department shall deliver a title issued by the department
19 under this section to the holder of the earliest perfected unreleased
20 security interest in the recreational vehicle or, if none, to the owner
21 of the recreational vehicle. The department shall also send a copy of
22 the title to any other holders of unreleased security interests in the
23 recreational vehicle and to the county assessor for the county in which
24 the recreational vehicle is to be sited.

25 “(6) The department or a county may charge fees for services pro-
26 vided under this section. The fees charged pursuant to this subsection
27 may not exceed the cost of the services provided.

28 “(7) Subsections (1) to (6) of this section do not apply to the move-
29 ment of a recreational vehicle that is owned by the United States
30 Government or that is being held as inventory by the manufacturer

1 or a licensed dealer or being sold by a dealer to a consumer.

2 **“SECTION 13. (1) A title issued by the Department of Transporta-**
3 **tion, or an ownership document issued by the Department of Con-**
4 **sumer and Business Services, for a recreational vehicle that is more**
5 **than eight and one-half feet wide is effective as a document evidencing**
6 **ownership of the recreational vehicle. If the manufactured structure**
7 **does not have a title or ownership document, a tax record showing**
8 **that a person has paid the ad valorem tax assessment on the structure**
9 **since 1972 is a document evidencing the person’s ownership of the**
10 **recreational vehicle.**

11 **“(2) The owner of a recreational vehicle described in subsection (1)**
12 **of this section that has an ownership document is not required to ob-**
13 **tain a title for the recreational vehicle unless the recreational vehicle**
14 **is moved or sold. Except as provided in subsections (3) and (5) of this**
15 **section, upon the moving or sale of a recreational vehicle described in**
16 **subsection (1) of this section, the owner shall submit the document**
17 **evidencing ownership of the structure to the Department of Trans-**
18 **portation. Upon receipt of the document, the department shall enter**
19 **the information regarding the recreational vehicle in the department’s**
20 **records and issue a title for the structure.**

21 **“(3) If the owner of a recreational vehicle has misplaced an owner-**
22 **ship document for the recreational vehicle, the Department of Trans-**
23 **portation may require the person to provide proof sufficient to satisfy**
24 **the department concerning any questions about the ownership of the**
25 **recreational vehicle or security interests in the recreational vehicle.**
26 **The proof required by the department may include, but is not limited**
27 **to, completion of an affidavit that:**

28 **“(a) Is in a form required by the department by rule;**

29 **“(b) Contains any information the department requires by rule as**
30 **necessary to establish ownership of the recreational vehicle or to de-**

1 **termine any security interests in the recreational vehicle; and**

2 **“(c) Is verified by the person making the affidavit.**

3 **“(4) The Department of Transportation is not liable to any person**
4 **for issuing an ownership document based on proof provided under**
5 **subsection (3) of this section.**

6 **“(5) A recreational vehicle described in subsection (1) of this section**
7 **that becomes sited on a property after the effective date of this 2019**
8 **Act may not be assessed as real property. Notwithstanding section 3**
9 **of this 2019 Act, if a recreational vehicle described in subsection (1)**
10 **of this section was assessed as real property prior to the effective date**
11 **of this 2019 Act, a transfer of ownership in which the recreational ve-**
12 **hicle continues to be located at the same situs does not require the**
13 **issuance of a title by the department or disqualify the recreational**
14 **vehicle from continuing to be assessed as real property.**

15 **“(6) If the Department of Transportation issues a title for a recre-**
16 **ational vehicle that was previously issued an ownership document by**
17 **the Department of Consumer and Business Services, the Department**
18 **of Transportation shall record in the department’s records and note**
19 **on the title any unreleased secured interest that was noted on the**
20 **ownership document. A secured interest described in this subsection**
21 **retains the original perfection date of the interest, but provides the**
22 **same creditor rights and remedies available for a secured interest in**
23 **personal property perfected under ORS 79.0311.**

24 **“SECTION 14. (1) Failure to register a park model recreational ve-**
25 **hicle or small home described in section 4 of this 2019 Act is a class**
26 **D traffic violation.**

27 **“(2) Failure to properly display a registration plate when moving a**
28 **park model recreational vehicle or small home registered under sec-**
29 **tion 4 of this 2019 Act on a highway of this state is a Class D traffic**
30 **violation.**

1 **“REMOVAL OF RECREATIONAL VEHICLES**
2 **FROM DEPARTMENT OF CONSUMER AND BUSINESS**
3 **SERVICES REGULATION**

4
5 **“SECTION 15.** ORS 446.003 is amended to read:

6 “446.003. As used in ORS 446.003 to 446.200 and 446.225 to 446.285, and for
7 the purposes of ORS chapters 195, 196, 197, 215 and 227, the following defi-
8 nitions apply, unless the context requires otherwise, or unless administration
9 and enforcement by the State of Oregon under the existing or revised Na-
10 tional Manufactured Housing Construction and Safety Standards Act would
11 be adversely affected, and except as provided in ORS 446.265:

12 “(1) ‘Accessory building or structure’ means any portable, demountable
13 or permanent structure established for use of the occupant of the manufac-
14 tured structure and as further defined by rule by the Director of the De-
15 partment of Consumer and Business Services.

16 “(2)(a) ‘Alteration’ means any change, addition, repair, conversion, re-
17 placement, modification or removal of any equipment or installation that
18 may affect the operation, construction or occupancy of a manufactured
19 structure.

20 “(b) ‘Alteration’ does not include:

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

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

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

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

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

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

29 “(5) ‘Cabana’ means a stationary, lightweight structure that may be pre-
30 fabricated, or demountable, with two or more walls, used adjacent to and in

1 conjunction with a manufactured structure to provide additional living
2 space.

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

6 “(7) ‘Conversion’ or ‘to convert’ means the process of changing a manu-
7 factured structure in whole or in part from one type of vehicle or structure
8 to another.

9 “(8) ‘Dealer’ means any person engaged in the business of selling, leasing
10 or distributing manufactured structures or equipment, or both, primarily to
11 persons who in good faith purchase or lease manufactured structures or
12 equipment, or both, for purposes other than resale.

13 “(9) ‘Department’ means the Department of Consumer and Business Ser-
14 vices.

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

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

19 “(12) ‘Equipment’ means materials, appliances, subassembly, devices, fix-
20 tures, fittings and apparatuses used in the construction, plumbing, mechan-
21 ical and electrical systems of a manufactured structure.

22 “(13) ‘Federal manufactured housing construction and safety standard’
23 means a standard for construction, design and performance of a manufac-
24 tured dwelling promulgated by the Secretary of Housing and Urban Devel-
25 opment pursuant to the federal National Manufactured Housing
26 Construction and Safety Standards Act of 1974 (Public Law 93-383).

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

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

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

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

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

5 “(17) ‘Inspecting authority’ or ‘inspector’ means the Director of the De-
6 partment of Consumer and Business Services or representatives as appointed
7 or authorized to administer and enforce provisions of ORS 446.111, 446.160,
8 446.176, 446.225 to 446.285, 446.310 to 446.350, 446.990 and this section.

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

10 “(a) Construction means the arrangements and methods of construction,
11 fire and life safety, electrical, plumbing and mechanical equipment and sys-
12 tems within a manufactured structure.

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

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

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

30 “(21) ‘Lot’ means any space, area or tract of land, or portion of a manu-

1 factured dwelling park, mobile home park or recreation park that is desig-
2 nated or used for occupancy by one manufactured structure.

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

5 “(b) ‘Manufactured dwelling’ does not include any building or structure
6 constructed to conform to the State of Oregon Structural Specialty Code or
7 the Low-Rise Residential Dwelling Code adopted pursuant to ORS 455.100 to
8 455.450 and 455.610 to 455.630 [*or any unit identified as a recreational vehicle*
9 *by the manufacturer*].

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

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

27 “(b) For purposes of implementing any contract pertaining to manufac-
28 tured homes between the department and the federal government, ‘manufac-
29 tured home’ has the meaning given the term in the contract.

30 “(25)(a) ‘Manufactured structure’ means a [*recreational vehicle,*] manufac-

1 tured dwelling or recreational structure.

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

5 “(26) ‘Manufacturer’ means any person engaged in manufacturing, build-
6 ing, rebuilding, altering, converting or assembling manufactured structures
7 or equipment.

8 “(27) ‘Manufacturing’ means the building, rebuilding, altering or con-
9 verting of manufactured structures that bear or are required to bear an
10 Oregon insignia of compliance.

11 “(28) ‘Minimum safety standards’ means the plumbing, mechanical, elec-
12 trical, thermal, fire and life safety, structural and transportation standards
13 prescribed by rules adopted by the director.

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

20 “(30) ‘Mobile home park’ means any place where four or more manufac-
21 tured structures, **vehicles described in section 3 or 4 of this 2019 Act,**
22 **or a combination thereof,** are located within 500 feet of one another on a
23 lot, tract or parcel of land under the same ownership, the primary purpose
24 of which is to rent space or keep space for rent to any person for a charge
25 or fee paid or to be paid for the rental or use of facilities or to offer space
26 free in connection with securing the trade or patronage of such person.
27 ‘Mobile home park’ does not include a lot or lots located within a subdivi-
28 sion being rented or leased for occupancy by no more than one manufactured
29 dwelling per lot if the subdivision was approved by the municipality unit
30 having jurisdiction under an ordinance adopted pursuant to ORS 92.010 to

1 92.192.

2 “(31) ‘Municipality’ means a city, county or other unit of local govern-
3 ment otherwise authorized by law to enact codes.

4 “(32) ‘Recreational structure’ means a campground structure with or
5 without plumbing, heating or cooking facilities intended to be used by any
6 particular occupant on a limited-time basis for recreational, seasonal, emer-
7 gency or transitional housing purposes and may include yurts, cabins, fabric
8 structures or similar structures as further defined, by rule, by the director.

9 “[33] *‘Recreational vehicle’ means a vehicle with or without motive power,*
10 *that is designed for human occupancy and to be used temporarily for recre-*
11 *ational, seasonal or emergency purposes and as further defined, by rule, by the*
12 *director.*]

13 “[34] **(33)** ‘Residential trailer’ means a structure constructed for move-
14 ment on the public highways that has sleeping, cooking and plumbing facil-
15 ities, that is intended for human occupancy, that is being used for residential
16 purposes and that was constructed before January 1, 1962.

17 “[35] **(34)** ‘Sale’ means rent, lease, sale or exchange.

18 “[36] **(35)** ‘Skirting’ means a weather resistant material used to enclose
19 the space below the manufactured structure.

20 “[37] **(36)** ‘Tiedown’ means any device designed to anchor a manufac-
21 tured structure securely to the ground.

22 “[38] **(37)** ‘Transitional housing accommodations’ means accommodations
23 described under ORS 446.265.

24 “[39] **(38)** ‘Utilities’ means the water, sewer, gas or electric services
25 provided on a lot for a manufactured structure.

26 **“SECTION 16.** ORS 446.155 is amended to read:

27 “446.155. (1) A person may not sell or offer for sale within this state a
28 manufactured dwelling manufactured after January 1, 1962, that contains:

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

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

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

5 “(2) A person may not rent, lease, sell or offer for rent, lease or sale
6 within this state a manufactured structure manufactured after September 1,
7 1969, unless the manufactured structure bears an insignia of compliance and
8 contains:

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

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

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

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

17 “[(a) Bears an insignia of compliance;]

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

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

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

24 “[(4)] (3) Persons manufacturing, remanufacturing, converting, altering
25 or repairing manufactured structures or equipment within the state or for
26 use within the state shall comply with all applicable construction and safety
27 rules of the department and the following:

28 “(a) Alterations performed on a manufactured dwelling by the manufac-
29 turer or dealer before or at the time of sale to the first consumer shall be
30 performed in conformance with the National Manufactured Housing Con-

1 construction and Safety Standards Act.

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

7 “(c) Solid fuel burning appliances shall be in conformance with the Na-
8 tional Manufactured Housing Construction and Safety Standards Act and
9 standards adopted by the department.

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

19 “[~~(5)~~] (4) Installations of manufactured structures shall be in conformance
20 with the standards adopted by the department for site preparation, founda-
21 tion support, anchoring, structural and utility connections, electrical and
22 plumbing tests, underfloor enclosures, ventilation, vapor barriers and steps
23 used for access and egress.

24 **“SECTION 17.** ORS 446.170 is amended to read:

25 “446.170. (1) Manufactured structures subject to the provisions of ORS
26 446.155 to 446.200, and manufactured structures upon which additions, con-
27 versions or alterations of installations of equipment or material are made
28 shall have affixed to the manufactured structures insignia of compliance.

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

1 under ORS 446.155 to 446.200.

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

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

7 “[5] *Subsection (1) of this section does not apply to a recreational vehicle*
8 *described in ORS 446.155 (3)(b) to (d).*]

9 **“SECTION 18.** ORS 446.561 is amended to read:

10 “446.561. As used in ORS 446.566 to 446.646:

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

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

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

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

21 “(2) ‘Manufactured structure’ does not include a mobile modular unit as
22 defined in ORS 308.866 or an implement of husbandry as defined in ORS
23 801.310.

24 **“SECTION 19.** ORS 455.010 is amended to read:

25 “455.010. As used in this chapter, unless the context requires otherwise:

26 “(1)(a) ‘Advisory board’ means the board with responsibility for assisting
27 in the adoption, amendment or administration of a specialty code, specif-
28 ically:

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

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

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

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

3 “(E) The Residential and Manufactured Structures Board established un-
4 der ORS 455.135;

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

6 “(G) The Construction Industry Energy Board established under ORS
7 455.492.

8 “(b) ‘Appropriate advisory board’ means the advisory board that has ju-
9 risdiction over a particular code, standard, license, certification or matter.

10 “(2) ‘Department’ means the Department of Consumer and Business Ser-
11 vices.

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

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

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

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

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

1 479.200 and 479.210 to 479.220.

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

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

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

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

12 “(b) Any portion, of a building or structure that has been damaged by
13 earthquake, or by fire or explosion resulting from an earthquake, to the ex-
14 tent that the structural strength or stability of the building is substantially
15 less than it was prior to the earthquake.

16 **“SECTION 20.** ORS 455.117 is amended to read:

17 “455.117. (1) Except as provided in subsection (3) of this section, a regu-
18 latory body listed in subsection (2) of this section may adopt rules to ad-
19 minister the licensing, certification or registration of persons regulated by
20 the body. The rules adopted under this section may include, but need not be
21 limited to:

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

24 “(b) Training and continuing education requirements to maintain a li-
25 cense, certificate or registration;

26 “(c) The form and content of and the process for preparing and adminis-
27 tering examinations and examination reviews;

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

29 “(e) The creation of a system for combining two or more licenses, certif-
30 icates or registrations issued to an individual by an advisory board or the

1 Department of Consumer and Business Services into a single license, certifi-
2 cate, registration or other authorization.

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

4 “(a) Subject to ORS 446.003 to 446.200, 446.225 to 446.285 and 446.395 to
5 446.420, with the approval of the Residential and Manufactured Structures
6 Board, the Department of Consumer and Business Services for purposes of
7 licenses, certificates and registrations issued under ORS 446.003 to 446.200,
8 446.225 to 446.285 and 446.395 to 446.420.

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

12 “(c) Subject to ORS 460.005 to 460.175, after consultation with the Elec-
13 trical and Elevator Board, the department for purposes of licenses issued
14 under ORS 460.005 to 460.175.

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

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

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

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

21 “(b) Persons engaged in the manufacture, conversion or repair of prefab-
22 ricated structures[,] **or** prefabricated components [*or recreational vehicles*];
23 **or**

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

25 “**SECTION 21.** ORS 480.432 is amended to read:

26 “480.432. (1) A person may not engage in or work at the business of in-
27 stallings, extending, altering or repairing any LP gas appliance or piping,
28 vent or flue connection pertaining to or in connection with LP gas installa-
29 tions within the state, either as employer or individual, unless the person
30 has received an LP gas installation license from the State Fire Marshal in

1 accordance with ORS 480.410 to 480.460.

2 “(2) A person may not do any LP gas fitting or gas venting work, install,
3 repair or remodel any piping or venting or do any installation, repair service,
4 connection or disconnection of any LP gas appliance that is subject to in-
5 spection under ORS 480.410 to 480.460 unless the person has received an LP
6 gas fitter license from the State Fire Marshal in accordance with ORS
7 480.410 to 480.460.

8 “(3) A person may not operate any LP gas delivery equipment installed
9 on a motorized vehicle unless the person has received an LP gas truck
10 equipment license from the State Fire Marshal in accordance with ORS
11 480.410 to 480.460.

12 “(4) Any person under the terms of this section who is required to have
13 an LP gas fitter or LP gas truck equipment license is also required to have
14 an LP gas installation license, unless the person is an employee of an em-
15 ployer who has an LP gas installation license as provided by this section.

16 “(5) A person who holds a valid journeyman plumber license under ORS
17 693.060 or who is in an approved journeyman plumber apprenticeship estab-
18 lished under ORS 660.002 to 660.210 is exempt from the licensing require-
19 ments of subsections (1) and (2) of this section, except that the apprentice
20 or journeyman plumber may not install an LP gas tank or make any con-
21 nection to an LP gas tank unless the apprentice or journeyman plumber is
22 licensed as required under this section.

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

30 “(7) Subsections (1) to (4) of this section do not apply to LP gas instal-

1 lations in a manufactured dwelling [*or recreational vehicle*] performed during
2 the construction of the manufactured dwelling [*or recreational vehicle*], or the
3 alteration or repair of an LP gas installation in a manufactured dwelling
4 [*or recreational vehicle*] made pursuant to the manufacturer’s warranty.

5

6 **“REPLACEMENT DEFINITION OF RECREATIONAL VEHICLE**

7

8 **“SECTION 22. As used in the statutes of this state:**

9 **“(1) ‘Recreational vehicle’ has the meaning given that term in this**
10 **section only if the statute using ‘recreational vehicle’ makes specific**
11 **reference to this section and indicates that the term has the meaning**
12 **given in this section.**

13 **“(2) ‘Recreational vehicle’, subject to subsection (1) of this section,**
14 **means a vehicle with or without motive power, that is designed for**
15 **use as temporary living quarters and as further defined by rule by the**
16 **Director of Transportation.**

17 **“SECTION 23. ORS 90.100 is amended to read:**

18 **“90.100. As used in this chapter, unless the context otherwise requires:**

19 **“(1) ‘Accessory building or structure’ means any portable, demountable**
20 **or permanent structure, including but not limited to cabanas, ramadas,**
21 **storage sheds, garages, awnings, carports, decks, steps, ramps, piers and**
22 **pilings, that is:**

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

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

27 **“(2) ‘Action’ includes recoupment, counterclaim, setoff, suit in equity and**
28 **any other proceeding in which rights are determined, including an action for**
29 **possession.**

30 **“(3) ‘Applicant screening charge’ means any payment of money required**

1 by a landlord of an applicant prior to entering into a rental agreement with
2 that applicant for a residential dwelling unit, the purpose of which is to pay
3 the cost of processing an application for a rental agreement for a residential
4 dwelling unit.

5 “(4) ‘Building and housing codes’ includes any law, ordinance or govern-
6 mental regulation concerning fitness for habitation, or the construction,
7 maintenance, operation, occupancy, use or appearance of any premises or
8 dwelling unit.

9 “(5) ‘Carbon monoxide alarm’ has the meaning given that term in ORS
10 105.836.

11 “(6) ‘Carbon monoxide source’ has the meaning given that term in ORS
12 105.836.

13 “(7) ‘Conduct’ means the commission of an act or the failure to act.

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

17 “(9) ‘Dealer’ means any person in the business of selling, leasing or dis-
18 tributing new or used manufactured dwellings or floating homes to persons
19 who purchase or lease a manufactured dwelling or floating home for use as
20 a residence.

21 “(10) ‘Domestic violence’ means:

22 “(a) Abuse between family or household members, as those terms are de-
23 fined in ORS 107.705; or

24 “(b) Abuse, as defined in ORS 107.705, between partners in a dating re-
25 lationship.

26 “(11) ‘Drug and alcohol free housing’ means a dwelling unit described in
27 ORS 90.243.

28 “(12) ‘Dwelling unit’ means a structure or the part of a structure that is
29 used as a home, residence or sleeping place by one person who maintains a
30 household or by two or more persons who maintain a common household.

1 'Dwelling unit' regarding a person who rents a space for a manufactured
2 dwelling or recreational vehicle or regarding a person who rents moorage
3 space for a floating home as defined in ORS 830.700, but does not rent the
4 home, means the space rented and not the manufactured dwelling, recre-
5 ational vehicle or floating home itself.

6 "(13) 'Essential service' means:

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

10 "(A) Heat, plumbing, hot and cold running water, gas, electricity, light
11 fixtures, locks for exterior doors, latches for windows and any cooking ap-
12 pliance or refrigerator supplied or required to be supplied by the landlord;
13 and

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

18 "(b) For a tenancy consisting of rental space for a manufactured dwelling,
19 floating home or recreational vehicle owned by the tenant or that is other-
20 wise subject to ORS 90.505 to 90.850:

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

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

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

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

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

1 recipient.

2 “(17) ‘Fixed term tenancy’ means a tenancy that has a fixed term of ex-
3 istence, continuing to a specific ending date and terminating on that date
4 without requiring further notice to effect the termination.

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

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

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

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

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

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

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

17 “(22) ‘Informal dispute resolution’ means, but is not limited to, consulta-
18 tion between the landlord or landlord’s agent and one or more tenants, or
19 mediation utilizing the services of a third party.

20 “(23) ‘Landlord’ means the owner, lessor or sublessor of the dwelling unit
21 or the building or premises of which it is a part. ‘Landlord’ includes a per-
22 son who is authorized by the owner, lessor or sublessor to manage the
23 premises or to enter into a rental agreement.

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

26 “(25) ‘Last month’s rent deposit’ means a type of security deposit, however
27 designated, the primary function of which is to secure the payment of rent
28 for the last month of the tenancy.

29 “(26) ‘Manufactured dwelling’ means a residential trailer, a mobile home
30 or a manufactured home as those terms are defined in ORS 446.003. ‘Manu-

1 factured dwelling' includes an accessory building or structure. [*Manufac-*
2 *tured dwelling' does not include a recreational vehicle.*]

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

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

10 “(29) ‘Marina purchase association’ means a group of three or more ten-
11 ants who reside in a marina and have organized for the purpose of eventual
12 purchase of the marina.

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

17 “(31) ‘Organization’ includes a corporation, government, governmental
18 subdivision or agency, business trust, estate, trust, partnership or associ-
19 ation, two or more persons having a joint or common interest, and any other
20 legal or commercial entity.

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

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

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

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

27 “(34) ‘Premises’ means:

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

30 “(b) Grounds, areas and facilities held out for the use of tenants generally

1 or the use of which is promised to the tenant; and

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

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

6 “(36) ‘Recreational vehicle’ has the meaning given that term in [ORS
7 446.003.] **section 22 of this 2019 Act.**

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

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

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

23 “(40) ‘Screening or admission criteria’ means a written statement of any
24 factors a landlord considers in deciding whether to accept or reject an ap-
25 plicant and any qualifications required for acceptance. ‘Screening or admis-
26 sion criteria’ includes, but is not limited to, the rental history, character
27 references, public records, criminal records, credit reports, credit references
28 and incomes or resources of the applicant.

29 “(41) ‘Security deposit’ means a refundable payment or deposit of money,
30 however designated, the primary function of which is to secure the perform-

1 ance of a rental agreement or any part of a rental agreement. ‘Security de-
2 posit’ does not include a fee.

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

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

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

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

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

15 “(47) ‘Tenant’:

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

17 “(A) Means a person, including a roomer, entitled under a rental agree-
18 ment to occupy a dwelling unit to the exclusion of others, including a
19 dwelling unit owned, operated or controlled by a public housing authority.

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

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

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

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

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

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

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

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

4 “(50) ‘Vacation occupancy’ means occupancy in a dwelling unit, not in-
5 cluding transient occupancy in a hotel or motel, that has all of the following
6 characteristics:

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

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

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

11 “(51) ‘Victim’ means:

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

14 “(b) The parent or guardian of a minor household member against whom
15 an incident related to domestic violence, sexual assault or stalking is per-
16 petrated, unless the parent or guardian is the perpetrator.

17 “(52) ‘Week-to-week tenancy’ means a tenancy that has all of the follow-
18 ing characteristics:

19 “(a) Occupancy is charged on a weekly basis and is payable no less fre-
20 quently than every seven days;

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

23 “(c) There are no fees or security deposits, although the landlord may
24 require the payment of an applicant screening charge, as provided in ORS
25 90.295.

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

27 “197.492. As used in this section and ORS 197.493:

28 “(1) ‘Manufactured dwelling park[,]’ **and** ‘mobile home park’ [*and* ‘*recre-*
29 *ational vehicle*’] have the meaning given those terms in ORS 446.003.

30 “(2) ‘**Recreational vehicle**’ has the meaning given that term in sec-

1 **tion 22 of this 2019 Act.**

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

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

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

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

9 “(b) Does not mean:

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

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

12 **“SECTION 25.** ORS 319.550 is amended to read:

13 “319.550. (1) Except as provided in this section, a person may not use fuel
14 in a motor vehicle in this state unless the person holds a valid user’s license.

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

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

24 “(4)(a) A user’s license is not required for a person who uses fuel as de-
25 scribed in ORS 319.520 (7) in the vehicles specified in this subsection if the
26 person pays to a seller, at the time of the sale, the tax provided in ORS
27 319.530.

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

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

30 “(B) Recreational vehicles as defined in [ORS 446.003] **section 22 of this**

1 **2019 Act.**

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

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

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

7 “(6) A user’s license is not required for a person who uses fuel in a motor
8 vehicle on which an emblem issued for the motor vehicle pursuant to ORS
9 319.535 is displayed.

10 **“SECTION 26.** ORS 456.594 is amended to read:

11 “456.594. As used in ORS 456.594 to 456.599:

12 “(1) ‘Cash payment’ means a payment made by the Housing and Commu-
13 nity Services Department to the dwelling owner or to the contractor on be-
14 half of the dwelling owner for energy conservation measures.

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

17 “(3)(a) ‘Dwelling’ means real or personal property within the state in-
18 habited as the principal residence of a dwelling owner or a tenant.

19 “(b) ‘Dwelling’ includes a manufactured dwelling as defined in ORS
20 446.003, a floating home as defined in ORS 830.700 and a single unit in
21 multiple-unit residential housing.

22 “(c) ‘Dwelling’ does not include a recreational vehicle as defined in [ORS
23 446.003] **section 22 of this 2019 Act.**

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

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

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

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

5 “(6)(a) ‘Energy conservation measures’ includes the installation of energy
6 conservation items and the energy conservation items installed, where the
7 items are primarily designed to improve the space heating and energy utili-
8 zation efficiency of a dwelling.

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

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

14 “(8) ‘Person’ means an individual, partnership, joint venture, private or
15 public corporation, association, firm, public service company, political sub-
16 division, municipal corporation, government agency, people’s utility district,
17 or any other entity, public or private, however organized.

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

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

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

24 “(12) ‘Tenant’ means a tenant as defined in ORS 90.100 or any other ten-
25 ant.

26 **“SECTION 27.** ORS 469.155 is amended to read:

27 “469.155. (1) As used in this section:

28 “(a) ‘Dwelling’ means real or personal property inhabited as the principal
29 residence of an owner or renter. ‘Dwelling’ includes a manufactured dwelling
30 as defined in ORS 446.003, a floating home as defined in ORS 830.700 and

1 multiple unit residential housing. ‘Dwelling’ does not include a recreational
2 vehicle as defined in [ORS 446.003] **section 22 of this 2019 Act.**

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

5 “(2) The Director of the State Department of Energy shall establish ad-
6 visory energy conservation standards for existing dwellings. The standards
7 shall be adopted by rule in accordance with ORS 183.310 to 183.410. The
8 standards:

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

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

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

14 **“SECTION 28.** ORS 469.631 is amended to read:

15 “469.631. As used in ORS 469.631 to 469.645:

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

19 “(2) ‘Commercial lending institution’ means any bank, mortgage banking
20 company, trust company, savings bank, savings and loan association, credit
21 union, national banking association, federal savings and loan association or
22 federal credit union maintaining an office in this state.

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

24 “(4) ‘Cost-effective’ means that an energy conservation measure that pro-
25 vides or saves a specific amount of energy during its life cycle results in the
26 lowest present value of delivered energy costs of any available alternative.
27 However, the present value of the delivered energy costs of an energy con-
28 servation measure shall not be treated as greater than that of a nonconser-
29 vation energy resource or facility unless that cost is greater than 110 percent
30 of the present value of the delivered energy cost of the nonconservation en-

1 ergy resource or facility.

2 “(5) ‘Dwelling’ means real or personal property within the state inhabited
3 as the principal residence of a dwelling owner or a tenant. ‘Dwelling’ in-
4 cludes a manufactured dwelling as defined in ORS 446.003, a floating home
5 as defined in ORS 830.700 and a single unit in multiple-unit residential
6 housing. ‘Dwelling’ does not include a recreational vehicle as defined in
7 [ORS 446.003] **section 22 of this 2019 Act.**

8 “(6) ‘Dwelling owner’ means the person:

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

13 “(b) Whose dwelling receives space heating from the investor-owned util-
14 ity.

15 “(7) ‘Energy audit’ means:

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

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

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

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

24 “(B) The items installed; and

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

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

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

30 “(8) ‘Energy conservation measures’ means measures that include the in-

1 stallation of items and the items installed to improve the space heating and
2 energy utilization efficiency of a dwelling. These items include, but are not
3 limited to, caulking, weatherstripping and other infiltration preventative
4 materials, ceiling and wall insulation, crawl space insulation, vapor barrier
5 materials, timed thermostats, insulation of heating ducts, hot water pipes
6 and water heaters in unheated spaces, storm doors and windows, double
7 glazed windows and dehumidifiers. ‘Energy conservation measures’ does not
8 include the dwelling owner’s own labor.

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

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

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

16 “(12) ‘Tenant’ means a tenant as defined in ORS 90.100 or any other ten-
17 ant.

18 “**SECTION 29.** ORS 469.649 is amended to read:

19 “469.649. As used in ORS 469.649 to 469.659:

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

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

27 “(3) ‘Cost-effective’ means that an energy conservation measure that pro-
28 vides or saves a specific amount of energy during its life cycle results in the
29 lowest present value of delivered energy costs of any available alternative.
30 However, the present value of the delivered energy costs of an energy con-

1 servation measure shall not be treated as greater than that of a nonconser-
2 vation energy resource or facility unless that cost is greater than 110 percent
3 of the present value of the delivered energy cost of the nonconservation en-
4 ergy resource or facility.

5 “(4) ‘Dwelling’ means real or personal property within the state inhabited
6 as the principal residence of a dwelling owner or a tenant. ‘Dwelling’ in-
7 cludes a manufactured dwelling as defined in ORS 446.003, a floating home
8 as defined in ORS 830.700 and a single unit in multiple-unit residential
9 housing. ‘Dwelling’ does not include a recreational vehicle as defined in
10 [ORS 446.003] **section 22 of this 2019 Act.**

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

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

16 “(b) Whose dwelling receives space heating from the publicly owned util-
17 ity.

18 “(6) ‘Energy audit’ means:

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

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

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

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

27 “(B) The items installed; and

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

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

1 dwelling; and

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

3 “(7) ‘Energy conservation measures’ means measures that include the in-
4 stallation of items and the items installed to improve the space heating and
5 energy utilization efficiency of a dwelling. These items include, but are not
6 limited to, caulking, weatherstripping and other infiltration preventative
7 materials, ceiling and wall insulation, crawl space insulation, vapor barrier
8 materials, timed thermostats, insulation of heating ducts, hot water pipes
9 and water heaters in unheated spaces, storm doors and windows, double
10 glazed windows and dehumidifiers. ‘Energy conservation measures’ does not
11 include the dwelling owner’s own labor.

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

13 “(a) Is owned or operated in whole or in part, by a municipality, cooper-
14 ative association or people’s utility district; and

15 “(b) Distributes electricity.

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

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

19 “(11) ‘Tenant’ means a tenant as defined in ORS 90.100 or any other ten-
20 ant.

21 **“SECTION 30.** ORS 469.710 is amended to read:

22 “469.710. As used in ORS 469.710 to 469.720, unless the context requires
23 otherwise:

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

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

1 “(3) ‘Cost-effective’ means that an energy conservation measure that pro-
2 vides or saves a specific amount of energy during its life cycle results in the
3 lowest present value of delivered energy costs of any available alternative.
4 However, the present value of the delivered energy costs of an energy con-
5 servation measure may not be treated as greater than that of a nonconser-
6 vation energy resource or facility unless that cost is greater than 110 percent
7 of the present value of the delivered energy cost of the nonconservation en-
8 ergy resource or facility.

9 “(4) ‘ Dwelling ’ means real or personal property within the state inhabited
10 as the principal residence of a dwelling owner or a tenant. ‘ Dwelling ’ in-
11 cludes a manufactured dwelling as defined in ORS 446.003, a floating home
12 as defined in ORS 830.700 and a single unit in multiple-unit residential
13 housing. ‘ Dwelling ’ does not include a recreational vehicle as defined in
14 **[ORS 446.003] section 22 of this 2019 Act.**

15 “(5) ‘ Dwelling owner ’ means the person who has legal title to a dwelling,
16 including the mortgagor under a duly recorded mortgage of real property, the
17 trustor under a duly recorded deed of trust or a purchaser under a duly re-
18 corded contract for purchase of real property.

19 “(6) ‘ Energy audit ’ means:

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

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

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

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

28 “(B) The items installed; and

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

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

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

4 “(7) ‘Energy conservation measures’ means measures that include the in-
5 stallation of items and the items installed that are primarily designed to
6 improve the space heating and energy utilization efficiency of a dwelling.
7 These items include, but are not limited to, caulking, weatherstripping and
8 other infiltration preventative materials, ceiling and wall insulation, crawl
9 space insulation, vapor barrier materials, timed thermostats, insulation of
10 heating ducts, hot water pipes and water heaters in unheated spaces, storm
11 doors and windows, double glazed windows and dehumidifiers. ‘Energy con-
12 servation measures’ does not include the dwelling owner’s own labor.

13 “(8) ‘Finance charge’ means the total of all interest, loan fees and other
14 charges related to the cost of obtaining credit and includes any interest on
15 any loan fees financed by the lending institution.

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

19 “(10) ‘Residential fuel oil customer’ means a dwelling owner or tenant
20 who is billed by a fuel oil dealer for fuel oil service for space heating re-
21 ceived at the dwelling.

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

23 “(12) ‘Wood heating resident’ means a person whose primary space heat-
24 ing is provided by the combustion of wood.

25 **“SECTION 31.** ORS 480.450 is amended to read:

26 “480.450. (1) The installer shall notify the State Fire Marshal, before the
27 last day of each month, of all new installations made during the preceding
28 month of containers or receptacles for liquefied petroleum gas, including in-
29 stallations for private homes and apartments. The installer shall certify on
30 a form provided by the State Fire Marshal that all of the new installations

1 are duly and properly reported. The State Fire Marshal may require that the
2 notification include the location and description of the installation and the
3 name of the user. All fees due and payable must accompany the notification.
4 The replacement of empty containers or receptacles with other containers
5 constructed in accordance with United States Department of Transportation
6 specifications is not a new installation or change in the original installation
7 that requires notification to the State Fire Marshal or necessitates further
8 inspection of the installation. The State Fire Marshal shall collect from the
9 installer an installation fee of \$50 for each tank installed or for all tanks
10 at the installation if the total combined capacity is 200 gallons or less. The
11 State Fire Marshal or deputies of the fire marshal or assistants shall inspect
12 a reasonable number of the installations and maintain a record of the in-
13 spections in the office of the State Fire Marshal.

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

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

29 “(4) If, upon inspection of any tank, the new installation does not comply
30 with the requirements of the State Fire Marshal, the State Fire Marshal

1 shall instruct the installer as to what corrections are necessary for compli-
2 ance with the State Fire Marshal's requirements. The installer of the new
3 installation shall, within the time set by the State Fire Marshal, not to ex-
4 ceed 60 days after notification, notify the State Fire Marshal that the new
5 installation complies with the requirements of the fire marshal. If the in-
6 staller fails to notify the State Fire Marshal, or the State Fire Marshal has
7 reason to believe that the corrections have not been made, the State Fire
8 Marshal shall reinspect the new installation and shall collect from the in-
9 staller an additional fee of \$125. The user, not the installer, shall pay the
10 additional fee resulting from actions of the user that require correction to
11 achieve compliance with the requirements of the State Fire Marshal.

12 “(5) A person who receives notice from the State Fire Marshal must cor-
13 rect any improper installation within the time set by the State Fire Marshal,
14 not to exceed 60 days after receipt of the notice.

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

24 “(7) The provisions of this section do not apply to liquefied petroleum gas
25 installations if made entirely within the jurisdiction of a governmental sub-
26 division granted the exemption provided by ORS 476.030 (3) and written evi-
27 dence of the licensing of the installation by the approved authority is
28 submitted to the State Fire Marshal. The provisions of this section do not
29 apply to LP gas installations made in manufactured dwellings [*or recreational*
30 *vehicles*] that are constructed or altered in accordance with applicable rules

1 of the Department of Consumer and Business Services. **The provisions of**
2 **this section do not apply to LP gas installations in a recreational ve-**
3 **hicle as defined in section 22 of this 2019 Act.**

4 **“SECTION 32.** ORS 90.425 is amended to read:

5 “90.425. (1) As used in this section:

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

12 “(b) ‘Dispose of the personal property’ means that, if reasonably appro-
13 priate, the landlord may throw away the property or may give it without
14 consideration to a nonprofit organization or to a person unrelated to the
15 landlord. The landlord may not retain the property for personal use or ben-
16 efit.

17 “(c) ‘Goods’ includes those goods left inside a recreational vehicle, man-
18 ufactured dwelling or floating home or left upon the rental space outside a
19 recreational vehicle, manufactured dwelling or floating home, whether the
20 recreational vehicle, dwelling or home is located inside or outside of a fa-
21 cility.

22 “(d) ‘Lienholder’ means any lienholder of an abandoned recreational ve-
23 hicle, manufactured dwelling or floating home, if the lien is of record or the
24 lienholder is actually known to the landlord.

25 “(e) ‘Of record’ means:

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

30 “(B) For a manufactured dwelling or recreational vehicle that is [*a man-*

1 *ufactured structure as defined in ORS 446.561] more than eight and one-*
2 **half feet wide**, that a security interest has been properly recorded for the
3 manufactured dwelling or recreational vehicle in the records of the Depart-
4 ment of Consumer and Business Services pursuant to ORS 446.611 or on a
5 certificate of title issued by the Department of Transportation [*prior to May*
6 *1, 2005*].

7 “(C) For a floating home, that a security interest has been properly re-
8 corded with the State Marine Board pursuant to ORS 830.740 to 830.755 for
9 a home registered and titled with the board pursuant to ORS 830.715.

10 “(f) ‘Owner’ means any owner of an abandoned recreational vehicle,
11 manufactured dwelling or floating home, if different from the tenant and ei-
12 ther of record or actually known to the landlord.

13 “(g) ‘Personal property’ means goods, vehicles and recreational vehicles
14 and includes manufactured dwellings and floating homes not located in a
15 facility. ‘Personal property’ does not include manufactured dwellings and
16 floating homes located in a facility and therefore subject to being stored,
17 sold or disposed of as provided under ORS 90.675.

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

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

29 “(b) The tenant has been absent from the premises continuously for seven
30 days after termination of a tenancy by a court order that has not been exe-

1 cuted; or

2 “(c) The landlord receives possession of the premises from the sheriff
3 following restitution pursuant to ORS 105.161.

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

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

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

9 “(A) The premises;

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

12 “(C) The most recent forwarding address if provided by the tenant or ac-
13 tually known to the landlord.

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

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

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

22 “(C) The tax collector of the county where the manufactured dwelling or
23 floating home is located; and

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

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

30 “(c) A notice to lienholders under paragraph (a)(A) of this subsection

1 must be sent to each lienholder at each address:

2 “(A) Actually known to the landlord;

3 “(B) Of record; and

4 “(C) Provided to the landlord by the lienholder in a written notice that
5 identifies the personal property subject to the lien and that was sent to the
6 landlord by certified mail with return receipt requested within the preceding
7 five years. The notice must identify the personal property by describing the
8 physical address of the property.

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

11 “(a) The personal property left upon the premises is considered aban-
12 doned;

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

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

19 “(d) The tenant or any lienholder or owner, except as provided by sub-
20 section (18) of this section, may arrange for removal of the personal property
21 by contacting the landlord at a described telephone number or address on
22 or before the specified date;

23 “(e) The landlord shall make the personal property available for removal
24 by the tenant or any lienholder or owner, except as provided by subsection
25 (18) of this section, by appointment at reasonable times;

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

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

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

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

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

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

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

25 “(7) After notifying the tenant as required by subsection (3) of this sec-
26 tion, the landlord:

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

30 “(b) Shall store all other abandoned personal property of the tenant, in-

1 cluding goods left inside a recreational vehicle, manufactured dwelling or
2 floating home or left upon the rented space outside a recreational vehicle,
3 dwelling or home, in a place of safekeeping and shall exercise reasonable
4 care for the personal property, except that the landlord may:

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

6 “(B) Allow an animal control agency to remove any abandoned pets or
7 livestock. If an animal control agency will not remove the abandoned pets
8 or livestock, the landlord shall exercise reasonable care for the animals
9 given all the circumstances, including the type and condition of the animals,
10 and may give the animals to an agency that is willing and able to care for
11 the animals, such as a humane society or similar organization;

12 “(c) Except for manufactured dwellings and floating homes, may store the
13 abandoned personal property at the dwelling unit, move and store it else-
14 where on the premises or move and store it at a commercial storage company
15 or other place of safekeeping; and

16 “(d) Is entitled to reasonable or actual storage charges and costs inci-
17 dental to storage or disposal, including any cost of removal to a place of
18 storage. In the case of an abandoned manufactured dwelling or floating
19 home, the storage charge may be no greater than the monthly space rent last
20 payable by the tenant.

21 “(8) If a tenant, lienholder or owner, upon the receipt of the notice pro-
22 vided by subsection (3) or (4) of this section or otherwise, responds by actual
23 notice to the landlord on or before the specified date in the landlord’s notice
24 that the tenant, lienholder or owner intends to remove the personal property
25 from the premises or from the place of safekeeping, the landlord must make
26 that personal property available for removal by the tenant, lienholder or
27 owner by appointment at reasonable times during the 15 days or, in the case
28 of a recreational vehicle, manufactured dwelling or floating home, 30 days
29 following the date of the response, subject to subsection (18) of this section.
30 If the personal property is considered to be abandoned pursuant to subsection

1 (2)(a) or (b) of this section, but not pursuant to subsection (2)(c) of this sec-
2 tion, the landlord may require payment of removal and storage charges, as
3 provided in subsection (7)(d) of this section, prior to allowing the tenant,
4 lienholder or owner to remove the personal property. Acceptance by a land-
5 lord of such payment does not operate to create or reinstate a tenancy or
6 create a waiver pursuant to ORS 90.412 or 90.417.

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

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

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

24 “(A) The landlord may seek to transfer ownership of record of the per-
25 sonal property by complying with the requirements of the appropriate state
26 agency; and

27 “(B) The landlord shall:

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

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

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

5 “(III) The address and any space number where the recreational vehicle,
6 manufactured dwelling or floating home is located, and any plate, registra-
7 tion or other identification number for a recreational vehicle or floating
8 home noted on the certificate of title, if actually known to the landlord;

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

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

12 “(VI) The name and telephone number of the person to contact to inspect
13 the recreational vehicle, manufactured dwelling or floating home;

14 “(ii) At a reasonable time prior to the sale, give a copy of the notice re-
15 quired by sub-subparagraph (i) of this subparagraph to the tenant and to any
16 lienholder and owner, by personal delivery or first class mail, except that for
17 any lienholder, mail service must be by first class mail with certificate of
18 mailing;

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

23 “(iv) Obtain written proof from the county that all property taxes and
24 assessments on the manufactured dwelling or floating home have been paid
25 or, if not paid, that the county has authorized the sale, with the sale pro-
26 ceeds to be distributed pursuant to subsection (13) of this section;

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

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

1 or

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

5 or

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

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

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

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

15 “(b) If there is no buyer at a sale of a manufactured dwelling or floating
16 home, the personal property is considered to be worth \$8,000 or less, re-
17 gardless of current market value, and the landlord shall destroy or otherwise
18 dispose of the personal property.

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

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

25 “(b) A person or nonprofit organization to whom the landlord gives the
26 dwelling or home pursuant to subsection (1)(b), (10)(b) or (11)(b) of this sec-
27 tion.

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

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

30 “(B) Unpaid rent.

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

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

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

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

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

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

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

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

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

30 “(C) The proceeds of the sale are insufficient to satisfy the unpaid prop-

1 erty taxes and assessments owed on the dwelling or home after distribution
2 of the proceeds pursuant to subsection (13) of this section.

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

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

7 “(C) The proceeds of the sale are insufficient to satisfy the unpaid prop-
8 erty taxes and assessments owed on the manufactured dwelling or floating
9 home after distribution of the proceeds pursuant to subsection (13) of this
10 section; and

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

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

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

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

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

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

1 “(c) A county tax collector aggrieved by the noncompliance may recover
2 from the landlord the actual damages sustained by the tax collector, if the
3 noncompliance is part of an effort by the landlord to defraud the tax col-
4 lector. ORS 90.255 does not authorize an award of attorney fees to the pre-
5 vailing party in any action arising under this paragraph.

6 “(18) In the case of an abandoned recreational vehicle, manufactured
7 dwelling or floating home, the provisions of this section regarding the rights
8 and responsibilities of a tenant to the abandoned vehicle, dwelling or home
9 also apply to any lienholder except that the lienholder may not sell or re-
10 move the vehicle, dwelling or home unless:

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

13 “(b) The tenant or a personal representative or designated person de-
14 scribed in subsection (20) of this section has waived all rights under this
15 section pursuant to subsection (26) of this section; or

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

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

29 “(b) The lienholder’s right to a storage agreement arises upon the failure
30 of the tenant, owner or, in the case of a deceased tenant, the personal rep-

1 resentative, designated person, heir or devisee to remove or sell the dwelling
2 or home within the allotted time.

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

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

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

24 “(B) The lienholder pay a late charge or fee for failure to pay a storage
25 charge by the date required in the agreement, if the amount of the late
26 charge is no greater than for late charges described in the rental agreement
27 between the landlord and the tenant; and

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

1 the tenant.

2 “(e) During the term of an agreement described under this subsection, the
3 lienholder has the right to remove or sell the property, subject to the pro-
4 visions of the lien. Selling the property includes a sale to a purchaser who
5 wishes to leave the dwelling or home on the rented space and become a
6 tenant, subject to any conditions previously agreed to by the landlord and
7 tenant regarding the landlord’s approval of a purchaser or, if there was no
8 such agreement, any reasonable conditions by the landlord regarding ap-
9 proval of any purchaser who wishes to leave the dwelling or home on the
10 rented space and become a tenant. The landlord also may condition approval
11 for occupancy of any purchaser of the property upon payment of all unpaid
12 storage charges and maintenance costs.

13 “(f)(A) If the lienholder violates the storage agreement, the landlord may
14 terminate the agreement by giving at least 90 days’ written notice to the
15 lienholder stating facts sufficient to notify the lienholder of the reason for
16 the termination. Unless the lienholder corrects the violation within the no-
17 tice period, the agreement terminates as provided and the landlord may sell
18 or dispose of the dwelling or home without further notice to the lienholder.

19 “(B) After a landlord gives a termination notice pursuant to subparagraph
20 (A) of this paragraph for failure of the lienholder to pay a storage charge
21 and the lienholder corrects the violation, if the lienholder again violates the
22 storage agreement by failing to pay a subsequent storage charge, the land-
23 lord may terminate the agreement by giving at least 30 days’ written notice
24 to the lienholder stating facts sufficient to notify the lienholder of the reason
25 for termination. Unless the lienholder corrects the violation within the no-
26 tice period, the agreement terminates as provided and the landlord may sell
27 or dispose of the property without further notice to the lienholder.

28 “(C) A lienholder may terminate a storage agreement at any time upon
29 at least 14 days’ written notice to the landlord and may remove the property
30 from the rented space if the lienholder has paid all storage charges and other

1 charges as provided in the agreement.

2 “(g) Upon the failure of a lienholder to enter into a storage agreement
3 as provided by this subsection or upon termination of an agreement, unless
4 the parties otherwise agree or the lienholder has sold or removed the man-
5 ufactured dwelling or floating home, the landlord may sell or dispose of the
6 property pursuant to this section without further notice to the lienholder.

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

11 “(a) The following persons have the same rights and responsibilities re-
12 garding the abandoned dwelling or home as a tenant:

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

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

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

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

19 “(B) Personally delivered or sent by first class mail to any personal rep-
20 resentative or designated person, if actually known to the landlord.

21 “(c) The notice described in subsection (5) of this section must refer to
22 any personal representative or designated person, instead of the deceased
23 tenant, and must incorporate the provisions of this subsection.

24 “(d) If a personal representative, designated person or other person enti-
25 tled to possession of the property, such as an heir or devisee, responds by
26 actual notice to a landlord within the 45-day period provided by subsection
27 (6) of this section and so requests, the landlord shall enter into a written
28 storage agreement with the representative or person providing that the
29 dwelling or home may not be sold or disposed of by the landlord for up to
30 90 days or until conclusion of any probate proceedings, whichever is later.

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

7 “(e) If a personal representative or other person requests that a landlord
8 enter into a storage agreement, subsection (19)(c), (d) and (f)(C) of this sec-
9 tion applies, with the representative or person having the rights and re-
10 sponsibilities of a lienholder with regard to the storage agreement.

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

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

1 “(h) Upon the failure of a representative or person to enter into a storage
2 agreement as provided by this subsection or upon termination of an agree-
3 ment, unless the parties otherwise agree or the representative or person has
4 sold or removed the manufactured dwelling or floating home, the landlord
5 may sell or dispose of the property pursuant to this section without further
6 notice to the representative or person.

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

11 “(a) The following persons have the same rights and responsibilities re-
12 garding the abandoned personal property as a tenant:

13 “(A) An heir or devisee.

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

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

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

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

20 “(B) Personally delivered or sent by first class mail to any heir, devisee,
21 personal representative or designated person, if actually known to the land-
22 lord; and

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

25 “(c) The notice described in subsection (5) of this section must refer to
26 the heir, devisee, personal representative, designated person or estate ad-
27 ministrator of the department, instead of the deceased tenant, and must in-
28 corporate the provisions of this subsection.

29 “(d) The landlord shall allow a person that is an heir, devisee or personal
30 representative of the tenant, or an estate administrator of the department,

1 to remove the personal property if the person contacts the landlord within
2 the period provided by subsection (6) of this section, complies with the re-
3 quirements of this section and provides the landlord with reasonable evi-
4 dence that the person is an heir, devisee or personal representative, or an
5 estate administrator of the department.

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

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

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

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

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

1 lienholder, owner, personal representative or designated person contacts the
2 landlord.

3 “(c) The notice required by subsection (3) of this section must be as pro-
4 vided in subsection (5) of this section, except that:

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

7 “(B) The notice must state that a governmental agency has determined
8 that the property constitutes an extreme health or safety hazard and must
9 be removed quickly; and

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

12 “(d) If the tenant, a lienholder, owner, personal representative or desig-
13 nated person does not remove the property within the time allowed, the
14 landlord or a buyer at a sale by the landlord under subsection (11) of this
15 section shall promptly remove the property from the facility.

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

19 “(23)(a) If an official or agency referred to in ORS 453.876 notifies the
20 landlord that the official or agency has determined that all or part of the
21 premises is unfit for use as a result of the presence of an illegal drug man-
22 ufacturing site involving methamphetamine, and the landlord complies with
23 this subsection, the landlord is not required to comply with subsections (1)
24 to (22) and (24) to (27) of this section with regard to personal property left
25 on the portion of the premises that the official or agency has determined to
26 be unfit for use.

27 “(b) Upon receiving notice from an official or agency determining the
28 premises to be unfit for use, the landlord shall promptly give written notice
29 to the tenant as provided in subsection (3) of this section. The landlord shall
30 also attach a copy of the notice in a secure manner to the main entrance of

1 the dwelling unit. The notice to the tenant shall include a copy of the
2 official's or agency's notice and state:

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

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

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

12 “(D) That the tenant may contact the contractor to determine whether
13 any of the tenant's personal property may be removed from the premises or
14 may be decontaminated at the tenant's expense and then removed.

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

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

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

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

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

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

10 “(A) The landlord;

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

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

18 “(b) A landlord may not, as part of a rental agreement, require a tenant,
19 a personal representative, a designated person or any lienholder or owner to
20 waive any right provided by this section.

21 “(27) Until personal property is conclusively presumed to be abandoned
22 under subsection (9) of this section, a landlord does not have a lien pursuant
23 to ORS 87.152 for storing the personal property.

24 “**SECTION 33.** ORS 446.661 is amended to read:

25 “446.661. As used in ORS 446.661 to 446.756:

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

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

28 “(3) ‘Manufactured dwelling’ has the meaning given that term in ORS
29 446.003.

30 “(4) ‘Manufactured structure’ [*has the meaning given that term in ORS*

1 446.561.] means:

2 “(a) A manufactured dwelling;

3 “(b) A prefabricated structure, as defined in ORS 446.003, that is
4 more than eight and one-half feet wide; or

5 “(c) A recreational vehicle, as defined in section 2 of this 2019 Act,
6 that is more than eight and one-half feet wide.

7

8 “TRANSITIONAL PROVISIONS

9

10 “SECTION 34. Notwithstanding section 22 of this 2019 Act and the
11 amendments to ORS 446.003 by section 15 of this 2019 Act, a rule
12 adopted by the Director of the Department of Consumer and Business
13 Services under ORS 446.003 prior to the effective date of this 2019 Act
14 defining a recreational vehicle shall continue in effect and be treated
15 as a rule adopted by the Director of Transportation under section 22
16 of this 2019 Act until repealed or amended by the Director of Trans-
17 portation.

18 “SECTION 35. Section 22 of this 2019 Act and the amendments to
19 ORS 446.003, 446.155, 446.170, 446.561, 455.010, 455.117, 480.432 and 480.450
20 by sections 15 to 21 and 31 of this 2019 Act do not divest the Depart-
21 ment of Consumer and Business Services or a municipality of the au-
22 thority over a violation of ORS 480.420 to 480.460 or ORS chapters 446
23 or 455 committed prior to the effective date of this 2019 Act.

24 “SECTION 36. Section 2 of this 2019 Act applies to small homes for
25 which construction commences on or after the effective date of this
26 2019 Act.

27

28 “CAPTIONS

29

30 “SECTION 37. The unit captions used in this 2019 Act are provided

1 **only for the convenience of the reader and do not become part of the**
2 **statutory law of this state or express any legislative intent in the**
3 **enactment of this 2019 Act.”.**

4
