

# House Bill 3290

Sponsored by Representative HOLVEY

## SUMMARY

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

Transfers certain duties, functions and powers related to state building code and Building Codes Division from Department of Consumer and Business Services to Bureau of Labor and Industries.

Transfers certain duties, functions and powers related to occupational health and safety laws from Department of Consumer and Business Services to Bureau of Labor and Industries.

Makes conforming amendments.

Becomes operative January 1, 2022.

Declares emergency, effective on passage.

## A BILL FOR AN ACT

1  
2 Relating to the Bureau of Labor and Industries; creating new provisions; amending ORS 183.530,  
3 215.236, 279C.527, 283.421, 308.310, 315.164, 315.169, 320.192, 401.256, 401.915, 401.922, 421.645,  
4 431A.363, 433.521, 443.760, 446.003, 446.005, 446.007, 446.062, 446.066, 446.072, 446.076, 446.095,  
5 446.100, 446.105, 446.155, 446.160, 446.170, 446.176, 446.180, 446.185, 446.225, 446.230, 446.240,  
6 446.245, 446.250, 446.252, 446.253, 446.255, 446.260, 446.271, 446.280, 446.285, 446.322, 446.395,  
7 446.400, 446.405, 446.410, 446.416, 446.423, 446.430, 446.566, 446.568, 446.571, 446.581, 446.586,  
8 446.591, 446.596, 446.601, 446.606, 446.611, 446.616, 446.621, 446.626, 446.631, 446.636, 446.641,  
9 446.646, 446.666, 446.681, 446.686, 446.691, 446.696, 446.701, 446.706, 446.711, 446.716, 446.721,  
10 446.726, 446.736, 446.741, 446.746, 446.748, 446.751, 446.995, 447.010, 447.020, 447.026, 447.072,  
11 447.076, 447.080, 447.091, 447.095, 447.097, 447.100, 447.118, 447.124, 447.140, 447.145, 447.152,  
12 447.210, 447.220, 447.230, 447.231, 447.233, 447.247, 447.250, 447.260, 447.270, 447.275, 448.330,  
13 450.837, 453.307, 455.010, 455.015, 455.020, 455.022, 455.028, 455.030, 455.040, 455.042, 455.044,  
14 455.046, 455.048, 455.055, 455.058, 455.060, 455.062, 455.065, 455.068, 455.070, 455.083, 455.085,  
15 455.090, 455.095, 455.097, 455.100, 455.110, 455.112, 455.117, 455.122, 455.125, 455.127, 455.129,  
16 455.132, 455.135, 455.138, 455.140, 455.144, 455.146, 455.148, 455.150, 455.152, 455.153, 455.154,  
17 455.155, 455.156, 455.160, 455.165, 455.170, 455.185, 455.188, 455.192, 455.195, 455.198, 455.200,  
18 455.210, 455.220, 455.230, 455.240, 455.310, 455.312, 455.355, 455.365, 455.380, 455.412, 455.415,  
19 455.420, 455.425, 455.430, 455.445, 455.447, 455.448, 455.449, 455.450, 455.457, 455.461, 455.463,  
20 455.465, 455.466, 455.467, 455.471, 455.473, 455.475, 455.479, 455.483, 455.485, 455.490, 455.492,  
21 455.496, 455.500, 455.505, 455.511, 455.525, 455.560, 455.570, 455.575, 455.580, 455.610, 455.616,  
22 455.622, 455.625, 455.626, 455.627, 455.628, 455.630, 455.680, 455.685, 455.690, 455.705, 455.715,  
23 455.720, 455.723, 455.725, 455.732, 455.735, 455.737, 455.740, 455.770, 455.775, 455.800, 455.805,  
24 455.810, 455.815, 455.820, 455.895, 460.005, 460.024, 460.035, 460.045, 460.055, 460.057, 460.059,  
25 460.061, 460.065, 460.075, 460.085, 460.125, 460.135, 460.145, 460.155, 460.165, 460.175, 460.310,  
26 460.320, 460.330, 460.350, 460.352, 460.355, 460.360, 460.370, 469.700, 469.735, 469.740, 469.745,  
27 469B.103, 469B.279, 470.560, 479.155, 479.520, 479.530, 479.540, 479.560, 479.570, 479.630, 479.632,  
28 479.730, 479.740, 479.760, 479.770, 479.810, 479.815, 479.820, 479.840, 479.850, 479.853, 479.854,

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

1 479.855, 479.860, 479.910, 479.915, 479.950, 480.432, 480.450, 480.515, 480.520, 480.525, 480.530,  
2 480.535, 480.545, 480.565, 480.570, 480.585, 480.595, 480.600, 480.605, 480.610, 480.630, 480.647,  
3 480.670, 634.063, 654.003, 654.005, 654.022, 654.025, 654.031, 654.035, 654.056, 654.062, 654.067,  
4 654.071, 654.078, 654.082, 654.086, 654.090, 654.097, 654.120, 654.130, 654.150, 654.160, 654.172,  
5 654.174, 654.182, 654.189, 654.191, 654.196, 654.200, 654.202, 654.251, 654.285, 654.290, 654.310,  
6 654.416, 654.760, 654.770, 654.780, 654.991, 656.268, 656.612, 656.726, 656.732, 658.440, 658.705,  
7 658.717, 658.750, 658.755, 658.780, 658.785, 658.790, 658.805, 658.825, 672.107, 693.025, 693.115,  
8 693.165, 701.550 and 701.995 and section 1, chapter 350, Oregon Laws 2019; repealing ORS  
9 658.827; and declaring an emergency.

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

11  
12 **TRANSFER**

13  
14 **SECTION 1.** (1) **The duties, functions and powers of the Department of Consumer and**  
15 **Business Services related to the state building code and Building Codes Division are imposed**  
16 **upon, transferred to and vested in the Bureau of Labor and Industries.**

17 (2) **The duties, functions and powers of the Department of Consumer and Business Ser-**  
18 **VICES related to occupational health and safety are imposed upon, transferred to and vested**  
19 **in the Bureau of Labor and Industries.**

20  
21 **RECORDS, PROPERTY, EMPLOYEES**

22  
23 **SECTION 2.** (1) **The Director of the Department of Consumer and Business Services**  
24 **shall:**

25 (a) **Deliver to the Bureau of Labor and Industries all records and property within the**  
26 **jurisdiction of the director that relate to the duties, functions and powers transferred by**  
27 **section 1 of this 2021 Act; and**

28 (b) **Transfer to the bureau those employees engaged primarily in the exercise of the du-**  
29 **ties, functions and powers transferred by section 1 of this 2021 Act.**

30 (2) **The Commissioner of the Bureau of Labor and Industries shall take possession of the**  
31 **records and property, and shall take charge of the employees and employ them in the exer-**  
32 **cise of the duties, functions and powers transferred by section 1 of this 2021 Act, without**  
33 **reduction of compensation but subject to change or termination of employment or compen-**  
34 **sation as provided by law.**

35 (3) **The Governor shall resolve any dispute between the Department of Consumer and**  
36 **Business Services and the Bureau of Labor and Industries related to transfers of records,**  
37 **property and employees under this section, and the Governor's decision is final.**

38  
39 **UNEXPENDED REVENUES**

40  
41 **SECTION 3.** (1) **The unexpended balances of amounts authorized to be expended by the**  
42 **Department of Consumer and Business Services for the biennium beginning July 1, 2019,**  
43 **from revenues dedicated, continuously appropriated, appropriated or otherwise made avail-**  
44 **able for the purpose of administering and enforcing the duties, functions and powers trans-**  
45 **ferred by section 1 of this 2021 Act are transferred to and are available for expenditure by**

1 the Bureau of Labor and Industries for the biennium beginning July 1, 2021, for the purpose  
 2 of administering and enforcing the duties, functions and powers transferred by section 1 of  
 3 this 2021 Act.

4 (2) The expenditure classifications, if any, established by Acts authorizing or limiting  
 5 expenditures by the Department of Consumer and Business Services remain applicable to  
 6 expenditures by the Bureau of Labor and Industries under this section.

7  
 8 **ACTION, PROCEEDING, PROSECUTION**

9  
 10 **SECTION 4.** The transfer of duties, functions and powers to the Bureau of Labor and  
 11 Industries by section 1 of this 2021 Act does not affect any action, proceeding or prosecution  
 12 involving or with respect to the duties, functions and powers begun before and pending at  
 13 the time of the transfer, except that the bureau is substituted for the Department of Con-  
 14 sumer and Business Services in the action, proceeding or prosecution.

15  
 16 **LIABILITY, DUTY, OBLIGATION**

17  
 18 **SECTION 5.** (1) Nothing in sections 1 to 7 of this 2021 Act relieves a person of a liability,  
 19 duty or obligation accruing under or with respect to the duties, functions and powers  
 20 transferred by section 1 of this 2021 Act. The Bureau of Labor and Industries may undertake  
 21 the collection or enforcement of any such liability, duty or obligation.

22 (2) The rights and obligations of the Department of Consumer and Business Services le-  
 23 gally incurred under contracts, leases and business transactions executed, entered into or  
 24 begun before the operative date of section 1 of this 2021 Act accruing under or with respect  
 25 to the duties, functions and powers transferred by section 1 of this 2021 Act are transferred  
 26 to the Bureau of Labor and Industries. For the purpose of succession to these rights and  
 27 obligations, the Bureau of Labor and Industries is a continuation of the Department of  
 28 Consumer and Business Services and not a new authority.

29  
 30 **RULES**

31  
 32 **SECTION 6.** Notwithstanding the transfer of duties, functions and powers by section 1  
 33 of this 2021 Act, the rules of the Department of Consumer and Business Services with re-  
 34 spect to such duties, functions or powers that are in effect on the operative date of section  
 35 1 of this 2021 Act continue in effect until superseded or repealed by rules of the Bureau of  
 36 Labor and Industries. References in the rules of the department to the department or an  
 37 officer or employee of the department are considered to be references to the bureau or an  
 38 officer or employee of the bureau.

39 **SECTION 7.** Whenever, in any uncodified law or resolution of the Legislative Assembly  
 40 or in any rule, document, record or proceeding authorized by the Legislative Assembly, in  
 41 the context of the duties, functions and powers transferred by section 1 of this 2021 Act,  
 42 reference is made to the Department of Consumer and Business Services, or an officer or  
 43 employee of the department, whose duties, functions or powers are transferred by section 1  
 44 of this 2021 Act, the reference is considered to be a reference to the Bureau of Labor and  
 45 Industries or an officer or employee of the bureau who by this 2021 Act is charged with

1 carrying out the duties, functions and powers.

2  
3 **AGENCY NAME CHANGE**  
4

5 **SECTION 8.** For the purpose of harmonizing and clarifying statutory law, the Legislative  
6 Counsel may substitute for words designating the “Department of Consumer and Business  
7 Services” or its officers, wherever they occur in statutory law, words designating the “Bu-  
8 reau of Labor and Industries” or its officers.  
9

10 **CONFORMING AMENDMENTS RELATED TO**  
11 **STATE BUILDING CODE AND**  
12 **BUILDING CODES DIVISION**  
13

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

15 215.236. (1) As used in this section, “dwelling” means a single-family residential dwelling not  
16 provided in conjunction with farm use.

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

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

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

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

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

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

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

44 (6)(a) A lot or parcel that has been disqualified pursuant to subsection (4) of this section may  
45 requalify for wildlife habitat special assessment under ORS 308A.403 to 308A.430 or conservation

1 easement special assessment under ORS 308A.450 to 308A.465 without satisfying the requirements  
 2 of subsection (5) of this section.

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

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

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

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

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

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

21 **SECTION 10.** ORS 279C.527 is amended to read:

22 279C.527. (1) As used in this section and ORS 279C.528:

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

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

25 (ii) Building design that uses solar energy passively to reduce energy use from other sources  
 26 by at least 10 percent from a level required under ORS 276.900 to 276.915 or achieved in buildings  
 27 constructed according to state building code standards that the *[Department of Consumer and Busi-*  
 28 *ness Services]* **Bureau of Labor and Industries** approves under ORS 455.496; or

29 (iii) Battery storage, if the battery storage is part of a system that generates electricity from  
 30 solar or geothermal energy on the site of the public building.

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

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

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

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

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

40 (ii) Used for conducting public business.

41 (B) “Public building” does not include an airport, as defined in ORS 836.005.

42 (c)(A) “Total contract price” means all of the costs a contracting agency anticipates incurring  
 43 in all contracts and subcontracts involved in constructing, reconstructing or performing a major  
 44 renovation of a public building including design or architecture, engineering, transportation or en-  
 45 vironmental impact assessment and planning, construction management, labor, materials, land sur-

1 veying and site preparation, demolition, hazardous material removal, required reinforcements or  
 2 improvements to existing structures or appurtenant infrastructure, insurance, inspections and cer-  
 3 tifications and, except as provided in subparagraph (B) of this paragraph, other costs the contracting  
 4 agency would not incur but for the construction, reconstruction or major renovation of the public  
 5 building.

6 (B) "Total contract price" does not include:

7 (i) Costs of advertising, soliciting, evaluating bids or proposals for or awarding a public con-  
 8 tract;

9 (ii) Costs of moving contracting agency employees, equipment and furnishings from and to a  
 10 public building;

11 (iii) Costs of locating, renting or leasing and preparing to occupy alternative facilities;

12 (iv) Ordinary operating costs for a public building during periods of reconstruction or reno-  
 13 vation;

14 (v) Costs of storing equipment or furnishings at a site away from a public building;

15 (vi) Labor costs for employees of a contracting agency;

16 (vii) Direct costs that are solely for the purpose of retrofitting or improving a public building's  
 17 ability to withstand a seismic event; and

18 (viii) Costs that bear only a tenuous relationship to the construction, reconstruction or major  
 19 renovation of a public building.

20 (d)(A) "Woody biomass energy technology" means a system that, for space or water heating or  
 21 as a combined heat and power system, uses a boiler with a lower heating value combustion effi-  
 22 ciency of at least 80 percent and that uses as fuel material from trees and woody plants, such as  
 23 limbs, tops, needles, leaves and other woody parts, that:

24 (i) Grows in a forest, a woodland, a farm, a rangeland or a wildland that borders on an urban  
 25 area; and

26 (ii) Is a by-product of forest management, agriculture, ecosystem restoration or fire prevention  
 27 or related activities.

28 (B) "Woody biomass energy technology" does not include a system that uses for fuel:

29 (i) Wood pieces that have been treated with creosote, pentachlorophenol, chromated copper  
 30 arsenate or other chemical preservatives; or

31 (ii) Municipal solid waste.

32 (2)(a) Except as otherwise provided in this section, a contracting agency that intends to enter  
 33 into a public improvement contract with a total contract price of \$5 million or more for constructing  
 34 a public building or for reconstructing or performing a major renovation of a public building, if the  
 35 cost of the reconstruction or major renovation exceeds 50 percent of the value of the public building,  
 36 shall first make a determination under subsection (5) of this section as to whether green energy  
 37 technology is appropriate for the public building.

38 (b) If a contracting agency determines that green energy technology is appropriate, the con-  
 39 tracting agency shall ensure that the public improvement contract provides an amount equal to at  
 40 least 1.5 percent of the total contract price for the purpose of including appropriate green energy  
 41 technology as part of the construction, reconstruction or major renovation of the public building.

42 (3)(a) A public improvement contract to construct, reconstruct or renovate a public building may  
 43 provide for constructing green energy technology, other than battery storage, at a site that is lo-  
 44 cated away from the site of the public building if:

45 (A) Constructing green energy technology away from the site of the public building and using

1 the energy from the green energy technology at the site of the public building is more cost-effective,  
 2 taking into account additional costs associated with transmitting generated energy to the site of the  
 3 public building, than is constructing and using green energy technology at the site of the public  
 4 building;

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

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

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

14 (ii) Employs geothermal energy and for which construction was completed before January 1,  
 15 2013.

16 (b) In evaluating whether a contracting agency can construct green energy technology, other  
 17 than battery storage, at a site away from the site of the public building in accordance with para-  
 18 graph (a)(A) of this subsection, the contracting agency shall compare the costs of constructing green  
 19 energy technology that employs a particular fuel source or method of energy generation at the site  
 20 of the public building only with the corresponding costs of green energy technology that employs  
 21 the same fuel source or method of energy generation at a location away from the site of the public  
 22 building.

23 (4)(a) Of the amount that a contracting agency provides in a public improvement contract under  
 24 subsection (2) of this section for the purpose of including green energy technology as part of the  
 25 construction, reconstruction or major renovation of a public building, the contracting agency may  
 26 expend as much as half or, if green energy technology is not appropriate for the public building, the  
 27 entirety, as follows:

28 (A) If an analysis under subsection (5)(a)(B) of this section shows that the available total solar  
 29 resource fraction at the site of the public building is 75 percent or less, the contracting agency may  
 30 improve energy use efficiency in the public building by:

31 (i) Designing, engineering and constructing, reconstructing or renovating the public building to  
 32 reduce or offset energy use in accordance with guidelines the State Department of Energy adopts  
 33 by rule; or

34 (ii) Installing or preparing the public building for an installation of devices, technologies and  
 35 other measures that reduce or offset energy use in accordance with guidelines the department  
 36 adopts by rule.

37 (B) The contracting agency may include woody biomass energy technology as part of con-  
 38 structing, reconstructing or performing a major renovation on the public building if the woody  
 39 biomass energy technology creates new energy generation capacity that did not exist on the date  
 40 on which the original building permit for the public building was issued, the contracting agency has  
 41 considered the potential costs of the woody biomass energy technology and:

42 (i) The facility that uses woody biomass energy technology is located in an area of the state that  
 43 complies with standards that the Department of Environmental Quality has adopted for emissions  
 44 of particulate matter; or

45 (ii) The contracting agency demonstrates to the Department of Environmental Quality, if the

1 facility that uses woody biomass energy technology is located in an area that does not comply with  
 2 standards the department has adopted for emissions of particulate matter, that one of the following  
 3 two conditions applies:

4 (I) The fuel that the woody biomass energy technology uses is pelletized; or

5 (II) The woody biomass energy technology produces particulate matter emissions at the same  
 6 level as, or a lower level than, a functionally equivalent system that is capable of producing the  
 7 same energy output and that uses fuel that is pelletized.

8 (b) Notwithstanding a contracting agency's demonstrations in accordance with subparagraph  
 9 (B)(ii) of this paragraph, the Department of Environmental Quality may require additional emissions  
 10 control technologies or specifications before the contracting agency may include woody biomass  
 11 energy technology in the construction, reconstruction or major renovation of a public building.

12 (5)(a) In making a written determination as to whether green energy technology is appropriate,  
 13 or whether an expenditure for a purpose described in subsection (4) of this section is suitable as an  
 14 addition to or an alternative to including green energy technology in constructing, reconstructing  
 15 or performing a major renovation of a public building, a contracting agency in the written determi-  
 16 nation shall:

17 (A) List the total contract price and specify the amount the agency intends to expend on in-  
 18 cluding green energy technology or for a purpose described in subsection (4) of this section as part  
 19 of the construction, reconstruction or major renovation.

20 (B) Show the results of an analysis of the total solar resource fraction available for use at the  
 21 site on which the contracting agency intends to install green energy technology that uses solar en-  
 22 ergy for space or water heating or to generate electricity. The contracting agency may conclude  
 23 that the green energy technology described in this subparagraph is appropriate if the total solar  
 24 resource fraction exceeds 75 percent.

25 (b) The State Department of Energy shall develop a form that a contracting agency may use to  
 26 prepare the written determination described in this subsection.

27 (6)(a) If a contracting agency determines that green energy technology is not appropriate for a  
 28 public building, subsection (2) of this section does not apply to the public improvement contract,  
 29 except that if the contracting agency determines that an expenditure for a purpose described in  
 30 subsection (4) of this section is a suitable alternative, the contracting agency will make the deter-  
 31 mination specified in subsection (5) of this section for the alternative purpose. A contracting  
 32 agency's determination under this paragraph must consider whether constructing green energy  
 33 technology or making an expenditure for a purpose described in subsection (4) of this section at the  
 34 site of the public building is appropriate and whether constructing green energy technology, other  
 35 than battery storage, away from the site of the public building and in accordance with subsection  
 36 (3)(a) and (b) of this section, or making an expenditure for a purpose described in subsection (4) of  
 37 this section away from the site of the public building, is appropriate.

38 (b) If subsection (2) of this section does not apply to the public improvement contract and the  
 39 contracting agency does not choose to make an expenditure for a purpose described in subsection  
 40 (4) of this section:

41 (A) The contracting agency shall expend an amount equal to at least 1.5 percent of the total  
 42 contract price to include appropriate green energy technology or for a purpose described in sub-  
 43 section (4) of this section as part of a future public building project; and

44 (B) The amount the contracting agency expends on the future public building project in ac-  
 45 cordance with subparagraph (A) of this paragraph is in addition to any amount required under sub-



1 section (2) of this section for including appropriate green energy technology as part of the future  
2 public building project.

3 (7) A contracting agency may choose to consolidate in one public building, or in one location  
4 away from the site of the public building, all or a substantial portion of the green energy technology  
5 that the contracting agency would otherwise include as part of the construction, reconstruction or  
6 major renovation of one or more other public buildings if:

7 (a) The total amount the contracting agency expends on green energy technology is an aggregate  
8 of all of the amounts that, under this section and ORS 279C.528, the contracting agency must  
9 expend on each of the public buildings that are part of the same project; and

10 (b) The project, taken as a whole, otherwise meets the requirements set forth in this section and  
11 ORS 279C.528.

12 (8)(a) A contracting agency need not set aside the amount described in subsection (6)(b) of this  
13 section in an account or otherwise reserve moneys for a future public building at the time the  
14 contracting agency makes the determination described in subsection (5) of this section, but the  
15 contracting agency shall report the amount described in subsection (6)(b) of this section to the State  
16 Department of Energy as provided in ORS 279C.528 (2).

17 (b) Subsection (6)(b) of this section does not apply to a public improvement contract for which  
18 state funds are not directly or indirectly used.

19 (9)(a) This section does not exempt an authorized state agency, as defined in ORS 276.905, from  
20 complying with ORS 276.900 to 276.915, except that an authorized state agency, without complying  
21 with ORS 276.900 to 276.915, may determine that green energy technology or an alternative technology  
22 described in subsection (4) of this section is appropriate to include as part of constructing,  
23 reconstructing or performing a major renovation of a public building.

24 (b) A contracting agency may not use an amount described in subsection (6)(b) of this section  
25 to comply with requirements set forth in ORS 276.900 to 276.915 or with a state building code  
26 standard that the [*Department of Consumer and Business Services*] **Bureau of Labor and Industries**  
27 approves under ORS 455.496.

28 (10) Notwithstanding the provisions of ORS 174.108 (3), this section applies to intergovernmental  
29 entities described in ORS 174.108 (3).

30 **SECTION 11.** ORS 283.421 is amended to read:

31 283.421. Each agency shall take the necessary steps for abatement of asbestos in its facilities in  
32 conformance with the standards, plans and procedures approved by the Oregon Department of Ad-  
33 ministrative Services. Those steps shall include:

34 (1) Making inspections and providing information as requested by the department.

35 (2) Scheduling its structures for necessary abatement consistent with the department's priorities.

36 (3) Contracting for or performing any necessary abatement in accordance with department  
37 standards, plans and procedures for abatement.

38 (4) Training appropriate agency employees to recognize and work safely with asbestos-  
39 containing materials to comply with applicable regulations of the [*Department of Consumer and*  
40 *Business Services*] **Bureau of Labor and Industries** and Department of Environmental Quality.

41 **SECTION 12.** ORS 308.310 is amended to read:

42 308.310. The Electrical and Elevator Board in the [*Department of Consumer and Business Ser-*  
43 *vices*] **Bureau of Labor and Industries** shall furnish any county assessor upon request a complete  
44 list of those persons who have been issued electrical permits in such county within one year of the  
45 date of the request, together with the location of the electrical installations requested thereby. The

1 board shall have 30 days to prepare the list after the board has received the request.

2 **SECTION 13.** ORS 320.192 is amended to read:

3 320.192. (1) The governing body of a city or county may impose a construction tax by adoption  
4 of an ordinance or resolution that conforms to the requirements of this section and ORS 320.195.

5 (2)(a) A tax may be imposed on improvements to residential real property that result in a new  
6 residential structure or additional square footage in an existing residential structure, including re-  
7 modeling that adds living space.

8 (b) An ordinance or resolution imposing the tax described in paragraph (a) of this subsection  
9 must state the rate of the tax. The tax may not exceed one percent of the permit valuation for  
10 residential construction permits issued by the city or county either directly or through the Building  
11 Codes Division of the *[Department of Consumer and Business Services]* **Bureau of Labor and In-**  
12 **dustries.**

13 (3)(a) A tax may be imposed on improvements to commercial and industrial real property, in-  
14 cluding the commercial and industrial portions of mixed-use property, that result in a new structure  
15 or additional square footage in an existing structure, including remodeling that adds living space.

16 (b) An ordinance or resolution imposing the tax described in paragraph (a) of this subsection  
17 must state the rate and base of the tax.

18 (4) Taxes imposed pursuant to this section shall be paid at the time specified in ORS 320.189 to  
19 the city or county that imposed the tax.

20 (5)(a) This section and ORS 320.195 do not apply to a tax described in ORS 320.171 (2).

21 (b) Conformity of a tax imposed pursuant to this section by a city or county to the requirements  
22 of this section and ORS 320.195 shall be determined without regard to any tax described in ORS  
23 320.171 (2) that is imposed by the city or county.

24 **SECTION 14.** ORS 401.256 is amended to read:

25 401.256. (1) As used in this section, “emergency” has the meaning given that term in ORS  
26 401.025.

27 (2) The State Fire Marshal shall develop and administer a statewide program, as described in  
28 this section, to evaluate the condition of buildings after an emergency and determine whether the  
29 buildings may be safely occupied. The program shall be known as the Oregon Safety Assessment  
30 Program (OrSAP).

31 (3) Under the program:

32 (a) The State Fire Marshal shall develop standards and procedures for training and certifying  
33 building evaluators.

34 (b) The State Fire Marshal shall develop standards and procedures for determining whether  
35 buildings may be safely occupied after an emergency. Standards adopted under this paragraph must  
36 align with national standards.

37 (c) The State Fire Marshal shall work with local governments to designate local program coor-  
38 dinators who are responsible for implementing the program at the local government level, including  
39 authorizing certified building evaluators to perform work on behalf of the local government.

40 (d) The State Fire Marshal shall implement a statewide emergency registry system for registra-  
41 tion of local program coordinators, certified building evaluators and approved trainers. The system  
42 must allow for efficient communication of information to registered individuals.

43 (e) The State Fire Marshal may enter into agreements with other states to provide mutual aid,  
44 which may include reciprocal recognition of certifications for skills related to building evaluation.

45 (4) In developing and implementing the program, the State Fire Marshal shall consult with:

1 (a) Local governments;

2 (b) Relevant state agencies or offices, including the [*Department of Consumer and Business Ser-*  
3 *vices*] **Bureau of Labor and Industries**; and

4 (c) Relevant professional organizations, including organizations representing architects, engi-  
5 neers and building safety professionals.

6 (5) The State Fire Marshal shall adopt rules to administer and implement the provisions of this  
7 section.

8 **SECTION 15.** ORS 401.915 is amended to read:

9 401.915. (1) There is established a Seismic Safety Policy Advisory Commission consisting of the  
10 following members:

11 (a) The chief officer or the chief officer’s designee of the following:

12 (A) [*Department of Consumer and Business Services*] **Bureau of Labor and Industries**;

13 (B) State Department of Geology and Mineral Industries;

14 (C) Department of Land Conservation and Development;

15 (D) Department of Transportation; and

16 (E) Office of Emergency Management; and

17 (b) Thirteen members appointed by the Governor as follows:

18 (A) One representative of local government;

19 (B) Six members representing the public interest, including:

20 (i) One representative of a school district, community college or university;

21 (ii) Two members of the Legislative Assembly; and

22 (iii) Three members of the general public; and

23 (C) Six members representing affected industries or stakeholders.

24 (2) The term of office of each member, except a member of the Legislative Assembly, appointed  
25 under subsection (1)(b) of this section is four years, but a member serves at the pleasure of the  
26 Governor. The term of office of a member of the Legislative Assembly expires at the end of the term  
27 for which the member is elected. Before the expiration of the term of a member, the Governor shall  
28 appoint a successor whose term begins on July 1 next following. A member is eligible for reap-  
29 pointment. If there is a vacancy for any cause, the Governor shall make an appointment to become  
30 immediately effective for the unexpired term.

31 **SECTION 16.** ORS 401.922 is amended to read:

32 401.922. The Office of Emergency Management shall provide technical, clerical and other nec-  
33 essary support services to the Seismic Safety Policy Advisory Commission. The [*Department of Con-*  
34 *sumer and Business Services*] **Bureau of Labor and Industries**, the State Department of Geology  
35 and Mineral Industries, the Department of Land Conservation and Development, the Department of  
36 Transportation, the Oregon Health Authority, the Water Resources Department and the public uni-  
37 versities listed in ORS 352.002 shall provide assistance, as required, to the commission to enable it  
38 to meet its objectives.

39 **SECTION 17.** ORS 421.645 is amended to read:

40 421.645. (1) Notwithstanding ORS 195.025, 197.175, 197.180, 215.130 (4), 227.286, 455.148 or 455.150  
41 or any other provision of law, including but not limited to statutes, ordinances, regulations and  
42 charter provisions, the [*Director of the Department of Consumer and Business Services*] **Commis-**  
43 **sioner of the Bureau of Labor and Industries**, through the Building Codes Division, shall exercise  
44 authority for the issuance of all permits required under the state building code for the construction  
45 and operation of the women’s correctional facility and intake center complex approved under ORS

1 421.643.

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

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

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

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

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

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

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

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

35 (8) In accordance with the applicable provisions of ORS chapter 183 and notwithstanding ORS  
 36 455.035, the *[Director of the Department of Consumer and Business Services]* **Commissioner of the**  
 37 **Bureau of Labor and Industries** shall adopt such rules as the *[director]* **commissioner** determines  
 38 necessary to implement the provisions of subsections (1) to (7) of this section.

39 **SECTION 18.** ORS 433.521 is amended to read:

40 433.521. (1) Based upon the recommendations of the Indoor Air Pollution Task Force, the Oregon  
 41 Health Authority may establish indoor air quality standards for significant indoor air pollutants. If  
 42 established, the standards:

- 43 (a) Shall include an adequate margin of safety;
- 44 (b) Shall be adequate to protect the population, including sensitive groups; and
- 45 (c) May be revised as appropriate.

1 (2) If established, indoor air quality standards shall be at least for the following significant in-  
 2 door air pollutants:

- 3 (a) Particulate matter;
- 4 (b) Aldehydes;
- 5 (c) Radon;
- 6 (d) Carbon monoxide;
- 7 (e) Carbon dioxide;
- 8 (f) Ozone; and
- 9 (g) Water vapor.

10 (3) In developing the indoor air quality standards, the authority shall consult with the Depart-  
 11 ment of Environmental Quality, the *[Department of Consumer and Business Services]* **Bureau of**  
 12 **Labor and Industries** and the Indoor Air Pollution Task Force.

13 (4) The standards established by the authority shall not take effect before July 1, 1991. The au-  
 14 thority shall seek voluntary compliance with the standards.

15 **SECTION 19.** ORS 443.760 is amended to read:

16 443.760. (1) Adult foster homes that are certified as residential homes as defined in ORS 197.660  
 17 must meet all state and local building, sanitation, utility and fire code requirements applicable to  
 18 single family dwellings. However, by rule, the licensing agency may adopt more stringent standards  
 19 upon a finding that there is a significant health or safety threat to residents that necessitates a  
 20 standard not imposed on other single family dwellings.

21 (2) In adopting more stringent standards, the licensing agency shall consult with the *[Department*  
 22 *of Consumer and Business Services]* **Bureau of Labor and Industries** and the office of the State  
 23 Fire Marshal to ensure that the provider has the ability to evacuate all residents from an adult  
 24 foster home within:

- 25 (a) Three minutes; or
- 26 (b) A period that meets applicable fire, life and safety requirements if the adult foster home has  
 27 an interior sprinkler system approved by the appropriate regulatory authorities.

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

30 **SECTION 20.** ORS 446.003 is amended to read:

31 446.003. As used in ORS 446.003 to 446.200 and 446.225 to 446.285, and for the purposes of ORS  
 32 chapters 195, 196, 197, 215 and 227, the following definitions apply, unless the context requires oth-  
 33 erwise, or unless administration and enforcement by the State of Oregon under the existing or re-  
 34 vised National Manufactured Housing Construction and Safety Standards Act would be adversely  
 35 affected, and except as provided in ORS 446.007 or 446.265:

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

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

- 43 (b) "Alteration" does not include:
- 44 (A) Minor repairs with approved component parts;
- 45 (B) Conversion of listed fuel-burning appliances in accordance with the terms of their listing;

- 1 (C) Adjustment and maintenance of equipment; or  
 2 (D) Replacement of equipment or accessories in kind.
- 3 (3) “Approved” means approved, licensed or certified by the [*Department of Consumer and*  
 4 *Business Services*] **Bureau of Labor and Industries** or its designee.
- 5 (4) “Board” means the Residential and Manufactured Structures Board.
- 6 (5) **“Bureau” means the Bureau of Labor and Industries.**
- 7 [(5)] (6) “Cabana” means a stationary, lightweight structure that may be prefabricated, or de-  
 8 mountable, with two or more walls, used adjacent to and in conjunction with a manufactured  
 9 dwelling to provide additional living space.
- 10 [(6)] (7) “Certification” means an evaluation process by which the [*department*] **bureau** verifies  
 11 a manufacturer’s ability to produce manufactured dwellings to the [*department*] **bureau** rules and to  
 12 the [*department*] **bureau** approved quality control manual.
- 13 (8) **“Commissioner” means the Commissioner of the Bureau of Labor and Industries.**
- 14 [(7)] (9) “Dealer” means any person engaged in the business of selling, leasing or distributing  
 15 manufactured dwellings or equipment, or both, primarily to persons who in good faith purchase or  
 16 lease manufactured dwellings or equipment, or both, for purposes other than resale.
- 17 [(8) “Department” means the Department of Consumer and Business Services.]
- 18 [(9) “Director” means the Director of the Department of Consumer and Business Services.]
- 19 (10) “Distributor” means any person engaged in selling and distributing manufactured dwellings  
 20 or equipment for resale.
- 21 (11) “Equipment” means materials, appliances, subassembly, devices, fixtures, fittings and  
 22 apparatuses used in the construction, plumbing, mechanical and electrical systems of a manufactured  
 23 dwelling.
- 24 (12) “Federal manufactured housing construction and safety standard” means a standard for  
 25 construction, design and performance of a manufactured dwelling promulgated by the Secretary of  
 26 Housing and Urban Development pursuant to the federal National Manufactured Housing Con-  
 27 struction and Safety Standards Act of 1974 (Public Law 93-383).
- 28 (13) “Fire Marshal” means the State Fire Marshal.
- 29 (14) “Imminent safety hazard” means an imminent and unreasonable risk of death or severe  
 30 personal injury.
- 31 (15) “Insignia of compliance” means the HUD label for a manufactured dwelling.
- 32 (16) “Inspecting authority” or “inspector” means the [*Director of the Department of Consumer*  
 33 *and Business Services*] **Commissioner of the Bureau of Labor and Industries** or representatives  
 34 as appointed or authorized to administer and enforce provisions of ORS 446.111, 446.160, 446.176,  
 35 446.225 to 446.285, 446.310 to 446.350, 446.990 and this section.
- 36 (17) “Installation” in relation to:
- 37 (a) Construction means the arrangements and methods of construction, fire and life safety,  
 38 electrical, plumbing and mechanical equipment and systems within a manufactured dwelling.
- 39 (b) Siting means the manufactured dwelling and cabana foundation support and tiedown, the  
 40 structural, fire and life safety, electrical, plumbing and mechanical equipment and material con-  
 41 nections and the installation of skirting and temporary steps.
- 42 (18) “Installer” means any individual licensed by the [*director*] **commissioner** to install, set up,  
 43 connect, hook up, block, tie down, secure, support, install temporary steps for, install skirting for  
 44 or make electrical, plumbing or mechanical connections to manufactured dwellings or cabanas or  
 45 who provides consultation or supervision for any of these activities, except architects registered

1 under ORS 671.010 to 671.220 or engineers registered under ORS 672.002 to 672.325.

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

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

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

11 (b) “Manufactured dwelling” does not include any building or structure constructed to conform  
 12 to the State of Oregon Structural Specialty Code, the Low-Rise Residential Dwelling Code adopted  
 13 pursuant to ORS 455.100 to 455.450 and 455.610 to 455.630 or the Small Home Specialty Code  
 14 adopted under section 2, chapter 401, Oregon Laws 2019.

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

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

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

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

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

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

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

44 (28) “Mobile home park”:

45 (a) Means any place where four or more manufactured dwellings, recreational vehicles as de-

1 fined in ORS 174.101, or a combination thereof, are located within 500 feet of one another on a lot,  
 2 tract or parcel of land under the same ownership, the primary purpose of which is to rent space or  
 3 keep space for rent to any person for a charge or fee paid or to be paid for the rental or use of  
 4 facilities or to offer space free in connection with securing the trade or patronage of such person.

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

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

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

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

14 (32) "Skirting" means a weather resistant material used to enclose the space below a manufac-  
 15 tured dwelling.

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

18 (34) "Transitional housing accommodations" means accommodations described under ORS  
 19 446.265.

20 (35) "Utilities" means the water, sewer, gas or electric services provided on a lot for a manu-  
 21 factured dwelling.

22 **SECTION 21.** ORS 446.003, as amended by section 1b, chapter 422, Oregon Laws 2019, is  
 23 amended to read:

24 446.003. As used in ORS 446.003 to 446.200 and 446.225 to 446.285, and for the purposes of ORS  
 25 chapters 195, 196, 197, 215 and 227, the following definitions apply, unless the context requires oth-  
 26 erwise, or unless administration and enforcement by the State of Oregon under the existing or re-  
 27 vised National Manufactured Housing Construction and Safety Standards Act would be adversely  
 28 affected, and except as provided in ORS 446.007 or 446.265:

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

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

36 (b) "Alteration" does not include:

37 (A) Minor repairs with approved component parts;

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

39 (C) Adjustment and maintenance of equipment; or

40 (D) Replacement of equipment or accessories in kind.

41 (3) "Approved" means approved, licensed or certified by the [*Department of Consumer and*  
 42 *Business Services*] **Bureau of Labor and Industries** or its designee.

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

44 (5) "Bureau" means the **Bureau of Labor and Industries.**

45 [(5)] (6) "Cabana" means a stationary, lightweight structure that may be prefabricated, or de-



1 mountable, with two or more walls, used adjacent to and in conjunction with a manufactured  
2 dwelling to provide additional living space.

3 [(6)] (7) "Certification" means an evaluation process by which the [department] **bureau** verifies  
4 a manufacturer's ability to produce manufactured dwellings to the [department] **bureau** rules and to  
5 the [department] **bureau** approved quality control manual.

6 (8) "**Commissioner**" means the **Commissioner of the Bureau of Labor and Industries**.

7 [(7)] (9) "Dealer" means any person engaged in the business of selling, leasing or distributing  
8 manufactured dwellings or equipment, or both, primarily to persons who in good faith purchase or  
9 lease manufactured dwellings or equipment, or both, for purposes other than resale.

10 [(8) "*Department*" means the *Department of Consumer and Business Services*.]

11 [(9) "*Director*" means the *Director of the Department of Consumer and Business Services*.]

12 (10) "Distributor" means any person engaged in selling and distributing manufactured dwellings  
13 or equipment for resale.

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

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

21 (13) "Fire Marshal" means the State Fire Marshal.

22 (14) "Imminent safety hazard" means an imminent and unreasonable risk of death or severe  
23 personal injury.

24 (15) "Insignia of compliance" means the HUD label for a manufactured dwelling.

25 (16) "Inspecting authority" or "inspector" means the [*Director of the Department of Consumer*  
26 *and Business Services*] **Commissioner of the Bureau of Labor and Industries** or representatives  
27 as appointed or authorized to administer and enforce provisions of ORS 446.111, 446.160, 446.176,  
28 446.225 to 446.285, 446.310 to 446.350, 446.990 and this section.

29 (17) "Installation" in relation to:

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

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

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

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

45 (20) "Lot" means any space, area or tract of land, or portion of a manufactured dwelling park,

1 mobile home park or recreation park that is designated or used for occupancy by one manufactured  
2 dwelling.

3 (21)(a) "Manufactured dwelling" means a residential trailer, mobile home or manufactured home.

4 (b) "Manufactured dwelling" does not include any building or structure constructed to conform  
5 to the State of Oregon Structural Specialty Code or the Low-Rise Residential Dwelling Code adopted  
6 pursuant to ORS 455.100 to 455.450 and 455.610 to 455.630.

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

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

21 (b) For purposes of implementing any contract pertaining to manufactured homes between the  
22 [department] **bureau** and the federal government, "manufactured home" has the meaning given the  
23 term in the contract.

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

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

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

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

36 (28) "Mobile home park":

37 (a) Means any place where four or more manufactured dwellings, recreational vehicles as de-  
38 fined in ORS 174.101, or a combination thereof, are located within 500 feet of one another on a lot,  
39 tract or parcel of land under the same ownership, the primary purpose of which is to rent space or  
40 keep space for rent to any person for a charge or fee paid or to be paid for the rental or use of  
41 facilities or to offer space free in connection with securing the trade or patronage of such person.

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

45 (29) "Municipality" means a city, county or other unit of local government otherwise authorized

1 by law to enact codes.

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

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

6 (32) "Skirting" means a weather resistant material used to enclose the space below a manufac-  
 7 tured dwelling.

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

10 (34) "Transitional housing accommodations" means accommodations described under ORS  
 11 446.265.

12 (35) "Utilities" means the water, sewer, gas or electric services provided on a lot for a manu-  
 13 factured dwelling.

14 **SECTION 22.** ORS 446.005 is amended to read:

15 446.005. As used in ORS 446.003 to 446.200, 446.225 to 446.285 and 446.425, unless the context  
 16 requires otherwise, or unless administration and enforcement by Oregon under the existing or re-  
 17 vised National Manufactured Housing Construction and Safety Standards Act would be adversely  
 18 affected, "issuing authority" means with respect to mobile home or manufactured dwelling park  
 19 plans review and construction, the [*Department of Consumer and Business Services*] **Bureau of La-**  
 20 **bor and Industries.**

21 **SECTION 23.** ORS 446.007 is amended to read:

22 446.007. Notwithstanding ORS 446.003, as used in ORS chapters 195, 196, 197, 215 and 227, the  
 23 following definitions apply, unless the context requires otherwise:

24 (1) "Accessory building or structure" means any portable, demountable or permanent structure  
 25 established for use of the occupant of a manufactured structure and as further defined by rule by  
 26 the [*Director of the Department of Consumer and Business Services*] **Commissioner of the Bureau**  
 27 **of Labor and Industries** as provided under ORS 446.003.

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

31 (3) "Manufactured dwelling":

32 (a) Means a residential trailer, mobile home or manufactured home.

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

37 (4) "Manufactured structure":

38 (a) Means a recreational vehicle, manufactured dwelling or recreational structure.

39 (b) Does not include any building or structure regulated under the State of Oregon Structural  
 40 Specialty Code or the Low-Rise Residential Dwelling Code.

41 (5) "Manufacturer" means any person engaged in manufacturing, building, rebuilding, altering,  
 42 converting or assembling manufactured structures or equipment.

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

45 (7) "Mobile home park":

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

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

9 (8) "Recreational structure" means a campground structure with or without plumbing, heating  
10 or cooking facilities intended to be used by any particular occupant on a limited-time basis for rec-  
11 reational, seasonal, emergency or transitional housing purposes and may include yurts, cabins, fabric  
12 structures or similar structures as further defined, by rule, by the [director] **commissioner**.

13 (9) "Recreational vehicle" has the meaning given that term in ORS 174.101.

14 **SECTION 24.** ORS 446.062 is amended to read:

15 446.062. (1)(a) The [Director of the Department of Consumer and Business Services] **Commis-**  
16 **sioner of the Bureau of Labor and Industries** shall issue rules under ORS chapter 183 to regulate  
17 mobile home or manufactured dwelling parks. These rules shall conform to ORS 446.090 to 446.140.

18 (b) Any water system serving a mobile home or manufactured dwelling park is subject to ORS  
19 448.115 to 448.285 and the rules adopted pursuant thereto.

20 (2) Mobile home or manufactured dwelling parks are subject to ORS 446.003, 446.055, 446.072 to  
21 446.100, 446.140 and 446.271 and the state building code, as defined in ORS 455.010, and the rules  
22 adopted thereunder by the [director] **commissioner** under ORS chapter 183.

23 (3) The [Department of Consumer and Business Services] **Bureau of Labor and Industries** shall  
24 review plans and inspect construction of mobile home or manufactured dwelling parks to ensure  
25 compliance with subsection (2) of this section. The [director] **commissioner** shall adopt rules under  
26 ORS chapter 183 to provide a schedule for plan review fees and construction inspection fees.

27 (4) A person shall not construct a new mobile home or manufactured dwelling park or add lots  
28 to an existing mobile home or manufactured dwelling park without approval by the [department]  
29 **bureau**.

30 (5) Installation of a submeter as provided in ORS 90.574 to measure water consumption at a  
31 space in an existing manufactured dwelling park is a minor plumbing installation under ORS 447.076  
32 and may be performed under a statewide permit and inspection system for minor construction work  
33 established under ORS 455.155.

34 **SECTION 25.** ORS 446.066 is amended to read:

35 446.066. The [Department of Consumer and Business Services] **Bureau of Labor and Industries**  
36 may inspect every mobile home or manufactured dwelling park in order to determine whether it  
37 conforms with the provisions of ORS 446.003 to 446.200 and 446.225 to 446.285 and the rules adopted  
38 pursuant thereto. Any person operating such facilities shall at all reasonable times, upon request  
39 of the [department] **bureau**, permit access to all parts of the facilities.

40 **SECTION 26.** ORS 446.072 is amended to read:

41 446.072. The [Department of Consumer and Business Services] **Bureau of Labor and Industries**  
42 shall make surveys necessary to assure uniform enforcement throughout the state with respect to  
43 mobile home or manufactured dwelling parks.

44 **SECTION 27.** ORS 446.076 is amended to read:

45 446.076. All moneys received by the [Department of Consumer and Business Services] **Bureau**

1 **of Labor and Industries** under ORS 446.003 to 446.200 and 446.225 to 446.285 shall be paid into the  
 2 [*Consumer and Business Services Fund*] **Bureau of Labor and Industries Account** created by ORS  
 3 [705.145] **651.160**. The moneys received under this section are continuously appropriated to the [*de-*  
 4 *partment*] **bureau** for use as provided in ORS 446.423.

5 **SECTION 28.** ORS 446.095 is amended to read:

6 446.095. The owner or operator of a mobile home or manufactured dwelling park shall:

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

11 (2) Provide to each tenant an adequate supply of healthful water and adequate electric power  
 12 and sewerage facilities. All plumbing shall be installed in compliance with ORS 447.010 to 447.156  
 13 and 447.992 and the rules of the [*Department of Consumer and Business Services*] **Bureau of Labor**  
 14 **and Industries** adopted thereunder.

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

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

22 **SECTION 29.** ORS 446.100 is amended to read:

23 446.100. (1) A person may not:

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

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

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

29 (2) The [*Director of the Department of Consumer and Business Services*] **Commissioner of the**  
 30 **Bureau of Labor and Industries** shall adopt rules pursuant to the rulemaking provisions of ORS  
 31 chapter 183 specifying minimum distances between adjacent manufactured dwellings and between  
 32 manufactured dwellings and other structures. In adopting these rules, the [*director*] **commissioner**  
 33 shall take into consideration the standards established by the National Fire Protection Association  
 34 and standards recommended by the State Fire Marshal.

35 (3) Except as provided in this subsection, the rules adopted by the [*director*] **commissioner** un-  
 36 der subsection (2) of this section must provide for at least 10 feet of space between manufactured  
 37 dwellings. The [*director*] **commissioner** may adopt a rule allowing less than 10 feet of space between  
 38 manufactured dwellings that are separated by a one-hour fire-resistive wall. A standard established  
 39 by the [*director*] **commissioner** for a one-hour fire-resistive wall separating manufactured dwellings  
 40 must be at least as stringent as the equivalent standard, if any, for a fire-resistive wall in a two  
 41 family dwelling under the Low-Rise Residential Dwelling Code.

42 **SECTION 30.** ORS 446.105 is amended to read:

43 446.105. (1) The [*Director of the Department of Consumer and Business Services*] **Commissioner**  
 44 **of the Bureau of Labor and Industries** may issue a permit for the establishment of a temporary  
 45 mobile home or manufactured dwelling park to a construction company, timber company, govern-

1 ment entity or farm if:

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

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

6 (2) Upon approval by the [*Department of Consumer and Business Services*] **Bureau of Labor and**  
7 **Industries** and the county or city planning commission, a permit may be issued to a person to es-  
8 tablish a temporary mobile home or manufactured dwelling park on the person's own premises in  
9 areas having a critical housing shortage due to large construction projects. The permit shall expire  
10 upon completion of the project.

11 **SECTION 31.** ORS 446.155 is amended to read:

12 446.155. (1) A person may not sell or offer for sale within this state a manufactured dwelling  
13 manufactured after January 1, 1962, that contains:

14 (a) Plumbing equipment, unless such equipment meets the requirements of the [*Department of*  
15 *Consumer and Business Services*] **Bureau of Labor and Industries**;

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

18 (c) Electrical equipment, unless such equipment meets the requirements of the [*department*] **bu-**  
19 **reau.**

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

23 (a) Plumbing, mechanical and electrical equipment or installations that meet the minimum safety  
24 standards of the [*department*] **bureau**;

25 (b) Thermal, fire and life safety equipment, material and installations that meet the minimum  
26 safety standards of the [*department*] **bureau**; or

27 (c) Structural and transportation equipment, materials, installations and construction that meet  
28 the minimum safety standards of the [*department*] **bureau.**

29 (3) Persons manufacturing, remanufacturing, converting, altering or repairing manufactured  
30 dwellings or equipment within the state or for use within the state shall comply with all applicable  
31 construction and safety rules of the [*department*] **bureau** and the following:

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

35 (b) After the initial sale to a consumer by a manufacturer or dealer, all alterations to a manu-  
36 factured dwelling, except as identified by the [*Director of the Department of Consumer and Business*  
37 *Services*] **Commissioner of the Bureau of Labor and Industries** by rule, shall be in conformance  
38 with the specialty codes as described in ORS 455.010 to 455.740 and 479.855.

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

41 (d) Notwithstanding subsections (1) and (2) of this section, a previously owned manufactured  
42 dwelling may be sold "as is" provided that the seller discloses in the bill of sale that the manufac-  
43 tured dwelling is being sold on an "as is" or "with all faults" basis, and that the entire risk as to  
44 the quality and performance of the manufactured dwelling is with the buyer. If the manufactured  
45 dwelling is found to be defective after purchase, the buyer shall assume the entire cost of all ser-

1 vicing and repair. The seller, manufacturer, distributor or retailer is not responsible for any cost  
2 for servicing and repair.

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

7 **SECTION 32.** ORS 446.160 is amended to read:

8 446.160. (1) The *[Department of Consumer and Business Services]* **Bureau of Labor and Indus-**  
9 **tries** may cause such inspections to be made, approve plans and specifications, provide technical  
10 services, issue insignia of compliance, collect fees provided by ORS 446.176 and, in compliance with  
11 ORS chapter 183, promulgate and enforce such rules and regulations as are reasonably necessary  
12 to carry out its duties and insure compliance with those parts of ORS 446.003 to 446.200, 446.225 to  
13 446.285, 446.310 to 446.350 and 446.395 to 446.440 within the jurisdiction of the *[department]*  
14 **bureau**.

15 (2) The *[Director of the Department of Consumer and Business Services]* **Commissioner of the**  
16 **Bureau of Labor and Industries** shall adopt rules pursuant to ORS chapter 183 to insure that  
17 manufacturers, distributors and dealers comply with the reporting requirements of the *[Department*  
18 *of Consumer and Business Services]* **Bureau of Labor and Industries** of this state and the Secre-  
19 tary of Housing and Urban Development as required by the National Manufactured Housing Con-  
20 struction and Safety Standards Act of 1974 (Public Law 93-383).

21 (3) The *[director]* **commissioner** is authorized to conduct such inspections and investigations  
22 as may be necessary to administer and enforce any federal manufactured dwelling construction and  
23 safety standards adopted under ORS 446.155 or the National Manufactured Housing Construction  
24 and Safety Standards Act of 1974 (Public Law 93-383). The *[director]* **commissioner** shall furnish to  
25 the Secretary of Housing and Urban Development or a designee any information obtained indicating  
26 noncompliance with such standards for appropriate action.

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

35 **SECTION 33.** ORS 446.170 is amended to read:

36 446.170. (1) An insignia of compliance shall be affixed to manufactured dwellings that are subject  
37 to the provisions of ORS 446.155 to 446.200 and to manufactured dwellings upon which additions,  
38 conversions or alterations of installations of equipment or material are made.

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

41 (3) Insignia of compliance may be issued in bulk only to manufacturers, remanufacturers or  
42 converters certified and registered with the *[Department of Consumer and Business Services]* **Bureau**  
43 **of Labor and Industries**.

44 (4) Insignia of compliance are not transferable, and the *[department]* **bureau** may not make a  
45 refund representing any unused insignia.

1       **SECTION 34.** ORS 446.176 is amended to read:

2       446.176. (1) The [*Director of the Department of Consumer and Business Services*] **Commissioner**  
3 **of the Bureau of Labor and Industries**, with the approval of the Residential and Manufactured  
4 Structures Board, shall adopt regulations under the provisions of ORS chapter 183 to provide a  
5 schedule for plan review fees, insignia fees, inspection fees and other necessary fees based on the  
6 estimated cost of administering ORS 446.003 to 446.200 and 446.225 to 446.285.

7       (2) Fees collected by the [*department*] **bureau** pursuant to this section shall be deposited in the  
8 [*Consumer and Business Services Fund*] **Bureau of Labor and Industries Account** established by  
9 ORS [705.145] **651.160**. Moneys deposited into the [*fund*] **account** pursuant to this section are con-  
10 tinuously appropriated to the [*department*] **bureau** for use as provided in ORS 446.423.

11       **SECTION 35.** ORS 446.180 is amended to read:

12       446.180. (1) If the [*Director of the Department of Consumer and Business Services*] **Commissioner**  
13 **of the Bureau of Labor and Industries** determines that standards for construction, equipment and  
14 material installed in manufactured dwellings provided by the statutes or rules and regulations of  
15 other states are at least equal to the minimum safety standards prescribed under ORS 446.155 to  
16 446.200, and that such statutes, rules and regulations are being enforced, the [*director*] **commis-**  
17 **sioner** may provide by rule that manufactured dwellings approved by such other state shall be  
18 considered approved by the [*director*] **commissioner**.

19       (2) Mobile homes built between September 1, 1969, and June 15, 1976, to the American National  
20 Standards Institute Mobile Home Standards A119.1 and which also bear an insignia of compliance  
21 from the State of California, Idaho, Nevada or Washington shall be considered to comply with ORS  
22 446.155 (2) provided no alterations have been made to the original structure.

23       **SECTION 36.** ORS 446.185 is amended to read:

24       446.185. (1) In compliance with ORS chapter 183, rules establishing minimum safety standards  
25 and requirements shall be adopted and enforced by the [*Director of the Department of Consumer and*  
26 *Business Services*] **Commissioner of the Bureau of Labor and Industries** for manufactured  
27 dwellings and installations as prescribed in ORS 446.155.

28       (2) Minimum safety standards prescribed in ORS 446.155 to 446.200 shall be reasonably consist-  
29 ent with nationally recognized standards for construction of manufactured dwellings. Manufactured  
30 dwellings must be designed to protect the health and safety of the people of this state from dangers  
31 inherent in the use of substandard and unsafe equipment, material and installations.

32       **SECTION 37.** ORS 446.225 is amended to read:

33       446.225. (1) The Legislative Assembly intends to provide a procedure to assure that Oregon as-  
34 sumes fullest responsibility for administration and enforcement of federal manufactured housing  
35 safety and construction standards in Oregon in accordance with the National Manufactured Housing  
36 Construction and Safety Standards Act of 1974 (Public Law 93-383).

37       (2) The [*Director of the Department of Consumer and Business Services*] **Commissioner of the**  
38 **Bureau of Labor and Industries** is authorized to apply for and receive grants from the Secretary  
39 of Housing and Urban Development for implementation and development of a plan for enforcement  
40 and administration of federal manufactured housing safety and construction standards for manufac-  
41 tured housing offered for sale or lease in this state.

42       (3) The [*director*] **commissioner** is authorized to adopt rules pursuant to ORS chapter 183 to  
43 insure acceptance by the Secretary of Housing and Urban Development of Oregon's plan for ad-  
44 ministration and enforcement of federal manufactured housing safety and construction standards in  
45 accordance with the National Manufactured Housing Construction and Safety Standards Act of 1974



1 (Public Law 93-383).

2 **SECTION 38.** ORS 446.230 is amended to read:

3 446.230. (1) The [*Director of the Department of Consumer and Business Services*] **Commissioner**  
 4 **of the Bureau of Labor and Industries** shall, by administrative rule, adopt and enforce safety and  
 5 construction standards for installation, support and tiedown of manufactured dwellings on a lot.  
 6 These safety standards shall be reasonably consistent with nationally recognized standards for  
 7 placement, support and tiedown of manufactured dwellings, and shall be designed to protect the  
 8 health and safety of occupants of manufactured dwellings against uplift, sliding, rotation and over-  
 9 turning of manufactured dwellings.

10 (2) The [*director*] **commissioner** shall designate wind pressure zones in which the rules for  
 11 tiedown of manufactured dwellings shall apply.

12 (3) Except as provided in ORS 446.395, an installer is not required to be licensed by the  
 13 [*director*] **commissioner** to connect utilities from utility terminations provided on a lot to manu-  
 14 factured dwellings.

15 **SECTION 39.** ORS 446.240 is amended to read:

16 446.240. The [*Director of the Department of Consumer and Business Services*] **Commissioner of**  
 17 **the Bureau of Labor and Industries** shall adopt and enforce rules establishing safety standards  
 18 for construction and installation of accessory buildings and structures. Prefabricated and site-built  
 19 accessory buildings and structures shall be consistent with the provisions of the state building code  
 20 adopted pursuant to ORS 455.020 and 455.110 except where application of such standards would  
 21 conflict with standards adopted under the National Manufactured Housing Construction and Safety  
 22 Standards Act of 1974 and would prevent the [*Department of Consumer and Business Services*] **Bu-**  
 23 **reau of Labor and Industries** from enforcing the federal Act in Oregon.

24 **SECTION 40.** ORS 446.245 is amended to read:

25 446.245. (1) Manufactured dwellings shall be used as single-family dwellings.

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

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

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

33 (b) Manufactured dwellings may be used by dealers or distributors as temporary sales offices if:

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

36 (B) The dealer or distributor continues to offer the manufactured dwelling for sale during the  
 37 office use.

38 (c) A portion of a manufactured dwelling may be used for an in-house business when the re-  
 39 mainder of the dwelling is used as a single-family dwelling by the same person. Approval for the type  
 40 and location of an in-home business must be obtained from the authority having jurisdiction and the  
 41 local planning commission prior to the use.

42 **SECTION 41.** ORS 446.250 is amended to read:

43 446.250. The [*Director of the Department of Consumer and Business Services*] **Commissioner of**  
 44 **the Bureau of Labor and Industries** shall cause inspections to be made, approve plans and spec-  
 45 ifications, provide technical services and issue permits for alteration of manufactured dwellings, for

1 installation of manufactured dwellings or accessory buildings or structures on a lot and for alter-  
2 ations of plumbing, heating, illuminating, cooking or electrical equipment installations. The  
3 [*director*] **commissioner** shall appoint or contract with municipalities that request such appointment  
4 or contract for inspection and issuance of permits for manufactured dwelling alterations, for instal-  
5 lations of manufactured dwellings or accessory buildings or structures and for alterations of  
6 plumbing, heating, illuminating, cooking or electrical equipment installations, if the municipality  
7 employs as local inspectors qualified persons who have been certified by the [*director*] **commis-**  
8 **sioner** for inspection and issuance of permits for manufactured dwelling alterations, for installations  
9 of manufactured dwellings or accessory buildings or structures and for alterations of plumbing,  
10 heating, illuminating, cooking or electrical equipment installations under ORS 446.003, 446.111,  
11 446.155, 446.160, 446.176, 446.225 to 446.285 and 446.990. Certification standards under this section  
12 shall relate to the inspections to be performed and shall not be more stringent for municipal in-  
13 spectors than those applying to state inspectors.

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

15 446.252. A person may not install a manufactured dwelling or an accessory building or structure  
16 without first obtaining from the [*Department of Consumer and Business Services*] **Bureau of Labor**  
17 **and Industries** or a municipality as provided under ORS 446.250 all permits necessary for installing  
18 the manufactured dwelling or the accessory building or structure on a lot.

19 **SECTION 43.** ORS 446.253 is amended to read:

20 446.253. (1) The authority of the [*Director of the Department of Consumer and Business*  
21 *Services*] **Commissioner of the Bureau of Labor and Industries** under ORS 446.250 is in addition  
22 to the provisions of ORS chapter 455. Where the provisions of ORS 446.252 and this section conflict  
23 with the provisions under ORS chapter 455, the provisions of ORS 446.252 and this section shall  
24 control.

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

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

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

36 (4) The [*Department of Consumer and Business Services*] **Bureau of Labor and Industries**,  
37 subject to ORS chapter 183, may revoke any authority of a local government under ORS 455.148 or  
38 455.150 to conduct inspections, administration or enforcement of manufactured dwelling alterations  
39 or installations of manufactured dwellings or accessory buildings or structures, if the [*director*]  
40 **commissioner** determines that the municipality is not effectively carrying out duties assumed by  
41 the municipality.

42 **SECTION 44.** ORS 446.255 is amended to read:

43 446.255. (1) After written notice and hearing as provided in subsection (2) of this section, the  
44 [*Director of the Department of Consumer and Business Services*] **Commissioner of the Bureau of**  
45 **Labor and Industries** may revoke the certification of a local inspector certified under ORS 446.250,

1 or the authority of a local government to enforce provisions of ORS 446.003, 446.111, 446.160,  
2 446.176, 446.225 to 446.285 and 446.990, when it appears by competent evidence that the inspector  
3 or local government has consistently failed to act in the public interest in the enforcement of the  
4 provisions of ORS 446.003, 446.111, 446.160, 446.176, 446.225 to 446.285 and 446.990.

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

8 **SECTION 45.** ORS 446.260 is amended to read:

9 446.260. (1) Every manufacturer of manufactured homes offered for sale or lease in this state  
10 shall furnish notification of any defect in any manufactured home produced by the manufacturer that  
11 the manufacturer determines, in good faith, relates to a federal manufactured housing construction  
12 or safety standard or constitutes an imminent safety hazard to the purchaser of the manufactured  
13 home, within a reasonable time after such manufacturer has discovered the defect.

14 (2) The [*Director of the Department of Consumer and Business Services*] **Commissioner of the**  
15 **Bureau of Labor and Industries** is authorized to adopt rules for notification required by sub-  
16 section (1) of this section. The rules shall conform to notification and correction of defects and re-  
17 cord keeping requirements of the Secretary of Housing and Urban Development under the National  
18 Manufactured Housing Construction and Safety Standards Act of 1974 (Public Law 93-383).

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

24 (b) The [*Department of Consumer and Business Services*] **Bureau of Labor and Industries** shall  
25 develop and make a standard disclosure available to dealers and distributors. The disclosure shall  
26 be completed in writing by the dealer or distributor prior to sale of an affected manufactured  
27 dwelling. The dealer or distributor shall present a completed disclosure to the purchaser for signa-  
28 ture at the time of sale and provide a copy of the signed disclosure to the purchaser. The dealer  
29 or distributor shall retain the signed disclosure for not less than five years following the date of  
30 sale.

31 **SECTION 46.** ORS 446.271 is amended to read:

32 446.271. The [*Department of Consumer and Business Services*] **Bureau of Labor and Industries**  
33 may impose a civil penalty for a violation of ORS 446.003 to 446.200 or 446.225 to 446.285 or rules  
34 adopted or orders issued for the administration or enforcement of those sections. The [*department*]  
35 **bureau** shall impose a civil penalty authorized by this section as provided in ORS 455.895.

36 **SECTION 47.** ORS 446.280 is amended to read:

37 446.280. The Residential and Manufactured Structures Board shall serve in an advisory capacity  
38 to the [*Director of the Department of Consumer and Business Services*] **Commissioner of the Bureau**  
39 **of Labor and Industries** in promulgating, administering and enforcing the plan for the adminis-  
40 tration and enforcement of the National Manufactured Housing Construction and Safety Standards  
41 Act of 1974 (Public Law 93-383) and safety standards pursuant to ORS 446.003 to 446.200, 446.225 to  
42 446.285, 446.310 to 446.350 and 446.395 to 446.420.

43 **SECTION 48.** ORS 446.285 is amended to read:

44 446.285. To assist the [*Director of the Department of Consumer and Business Services*] **Commis-**  
45 **sioner of the Bureau of Labor and Industries** in administration and enforcement of the National

1 Manufactured Housing Construction and Safety Standards Act of 1974, and safety standards pursu-  
 2 ant to ORS 446.003 to 446.200, 446.225 to 446.285, 446.310 to 446.350 and 446.395 to 446.420, the  
 3 Residential and Manufactured Structures Board may approve or conduct programs of training and  
 4 education that maintain and advance the professional skills and abilities of persons engaged in  
 5 manufacturing, delivery, installation, sale or service of manufactured dwellings.

6 **SECTION 49.** ORS 446.322 is amended to read:

7 446.322. Upon receipt of a completed application on an Oregon Health Authority form, required  
 8 fee, and after representation by the applicant that the facility is in compliance with the provisions  
 9 of ORS 446.310 to 446.350, and the rules adopted pursuant thereto, and the requirements of the  
 10 [*Department of Consumer and Business Services*] **Bureau of Labor and Industries**, the authority  
 11 shall issue a license, unless there is reason to believe noncompliance exists.

12 **SECTION 50.** ORS 446.395 is amended to read:

13 446.395. (1) Except as provided by rule by the [*Director of the Department of Consumer and*  
 14 *Business Services*] **Commissioner of the Bureau of Labor and Industries**, an individual must ob-  
 15 tain an installer license under ORS 446.400 before installing a manufactured dwelling or cabana.

16 (2) An individual required by subsection (1) of this section to obtain a license shall comply with  
 17 ORS 446.003 to 446.240 and 446.395 to 446.420 and [*Department of Consumer and Business Services*]  
 18 **Bureau of Labor and Industries** rules adopted under ORS 446.003 to 446.240, 446.395 to 446.420  
 19 and 455.117.

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

21 (4) A person may not employ any individual to install a manufactured dwelling or cabana unless  
 22 the individual is licensed by the [*department*] **bureau** to perform the work and complies with ORS  
 23 446.003 to 446.240 and 446.395 to 446.420 and rules adopted under ORS 446.003 to 446.240, 446.395  
 24 to 446.420 and 455.117.

25 (5) Licenses issued pursuant to ORS 446.395 to 446.420 and [*department*] **bureau** rules adopted  
 26 under ORS 455.117 are not transferable.

27 **SECTION 51.** ORS 446.400 is amended to read:

28 446.400. (1) The [*Department of Consumer and Business Services*] **Bureau of Labor and Indus-**  
 29 **tries**, subject to approval of the Residential and Manufactured Structures Board, shall issue licenses  
 30 as provided by [*department*] **bureau** rules adopted under ORS 455.117 to individuals to install man-  
 31 ufactured dwellings and cabanas. The board may adopt classifications of installers including, but not  
 32 limited to, temporary installer, limited installer and installer.

33 (2) In determining the appropriate initial license and renewal fees for installers, the [*Director*  
 34 *of the Department of Consumer and Business Services*] **Commissioner of the Bureau of Labor and**  
 35 **Industries**, with the approval of the board, shall ensure that the annual income to the  
 36 [*department*] **bureau** from license and renewal fees established under this section does not exceed  
 37 one-third of the estimated total cost of administering and enforcing ORS 446.003 and 446.395 to  
 38 446.420.

39 (3) Fees collected by the [*department*] **bureau** pursuant to this section shall be deposited in the  
 40 [*Consumer and Business Services Fund*] **Bureau of Labor and Industries Account** established by  
 41 ORS [705.145] **651.160** and are continuously appropriated to the [*department*] **bureau** for use as  
 42 provided in ORS 446.423.

43 **SECTION 52.** ORS 446.405 is amended to read:

44 446.405. (1) If a manufactured dwelling or cabana is not installed in accordance with the rules  
 45 adopted under ORS 446.003 and 446.395 to 446.420, the owner of the manufactured dwelling or

1 cabana, at the time of installation, may, within one year of the completion date of such installation,  
2 file a written complaint with the [*Department of Consumer and Business Services*] **Bureau of Labor**  
3 **and Industries**. The [*department*] **bureau** shall provide a copy of the complaint to the installer and  
4 shall also notify the dealer, if any, that arranged for such installation and may then investigate the  
5 complaint. If the [*department*] **bureau** determines that the installation fails to comply with licensure  
6 requirements as provided by ORS 446.003 and 446.395 to 446.420 or the installation rules adopted  
7 by the [*Director of the Department of Consumer and Business Services*] **Commissioner of the Bu-**  
8 **reau of Labor and Industries**, the [*department*] **bureau** shall provide notice of such failure to the  
9 installer and shall order the installer to bring the installation into compliance.

10 (2) The [*director*] **commissioner** shall establish, by rule, fees and a procedure for inspection of  
11 manufactured dwellings and cabanas to carry out the provisions of this section.

12 (3) If the installer fails to bring the installation into compliance as ordered, the [*department*]  
13 **bureau** may suspend or revoke the installer's license as provided under ORS 455.129.

14 (4) If the installer fails to bring the installation into compliance, the [*department*] **bureau** shall  
15 order the dealer, if any, that arranged for such installation to bring the installation into compliance  
16 with the provisions of ORS 446.003 and 446.395 to 446.420 and the rules adopted under ORS 446.003  
17 and 446.395 to 446.420. The dealer is responsible to bring only those installation activities into  
18 compliance that the dealer arranged. The dealer shall have 30 days from the date of the order to  
19 bring the installation into compliance. If the dealer fails to bring the installation into compliance  
20 within 30 days of the date of the order, the dealer shall be subject to civil penalties as provided by  
21 ORS 446.416.

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

24 **SECTION 53.** ORS 446.410 is amended to read:

25 446.410. Fees collected by the [*Department of Consumer and Business Services*] **Bureau of Labor**  
26 **and Industries** pursuant to ORS 446.003 and 446.395 to 446.420 shall be deposited in the [*Consumer*  
27 *and Business Services Fund*] **Bureau of Labor and Industries Account** established by ORS  
28 [705.145] **651.160** and are continuously appropriated to the [*department*] **bureau** for use as provided  
29 in ORS 446.423.

30 **SECTION 54.** ORS 446.416 is amended to read:

31 446.416. The [*Department of Consumer and Business Services*] **Bureau of Labor and Industries**  
32 may impose a civil penalty for a violation of ORS 446.395 to 446.420 or rules adopted for the ad-  
33 ministration and enforcement of those sections. The [*department*] **bureau** shall impose a civil penalty  
34 authorized by this section as provided in ORS 455.895.

35 **SECTION 55.** ORS 446.423 is amended to read:

36 446.423. Except as otherwise provided in ORS 455.220 (1), all moneys deposited to the [*Consumer*  
37 *and Business Services Fund*] **Bureau of Labor and Industries Account** that are derived pursuant  
38 to ORS 446.003 to 446.200, 446.225 to 446.285, 446.395 to 446.420, 446.566 to 446.646, 446.661 to  
39 446.756 and 455.220 (1) are continuously appropriated to the [*Department of Consumer and Business*  
40 *Services*] **Bureau of Labor and Industries** for carrying out any of the duties, functions and powers  
41 of the [*department*] **bureau** under ORS 446.003 to 446.200, 446.225 to 446.285, 446.395 to 446.420,  
42 446.566 to 446.646 and 446.661 to 446.756, and rules adopted thereunder.

43 **SECTION 56.** ORS 446.430 is amended to read:

44 446.430. (1) The [*Department of Consumer and Business Services*] **Bureau of Labor and Indus-**  
45 **tries** shall delegate to any county board of commissioners or city governing body which requests

1 any of the authority, responsibilities and functions of the [department] **bureau** under ORS 446.062  
 2 if the [department] **bureau** determines that the county or city is willing and able to carry out the  
 3 rules of the [department] **bureau** relating to fee collection, plan review, inspections, enforcement and  
 4 issuance and revocation of permits in compliance with standards for enforcement by the counties  
 5 or cities and monitoring by the [department] **bureau**. Such standards shall be established by the  
 6 [department] **bureau** in consultation with the appropriate county or city officials and in accordance  
 7 with ORS 446.062. The [department] **bureau** shall review and monitor each county's or city's per-  
 8 formance under this subsection. In accordance with ORS chapter 183, the [department] **bureau** may  
 9 suspend or rescind a delegation under this subsection. If it is determined that a county or city is  
 10 not carrying out such rules or the delegation is suspended, the unexpended portion of the fees col-  
 11 lected under subsection (2) of this section shall be available to the [department] **bureau** for carrying  
 12 out the authority, responsibility and functions under this section.

13 (2) The county or city may determine the amount of, and retain, any fee for any function  
 14 undertaken pursuant to subsection (1) of this section. The amount of the fees shall not exceed the  
 15 costs of administering the inspection program. The county or city, quarterly, shall remit 15 percent  
 16 of the collected fees to the [department] **bureau** for monitoring county or city programs and for  
 17 providing informational material necessary to maintain a uniform state program.

18 (3) The [department] **bureau** shall be made a party to any action, suit or proceeding arising out  
 19 of county or city administration of functions pursuant to subsection (1) of this section and involving  
 20 the validity of a rule adopted by the [department] **bureau**.

21 **SECTION 57.** ORS 446.566 is amended to read:

22 446.566. The following information must be recorded on the ownership document issued for a  
 23 manufactured structure by the [Department of Consumer and Business Services] **Bureau of Labor**  
 24 **and Industries**:

25 (1) All ownership interests, for a manufactured structure sold in this state.

26 (2) A change in location, for a manufactured structure that has been sited in this state.

27 (3) The manufactured structure identification number as described by [department] **bureau** rule.

28 (4) The manufacturer's name and, if available, the model of the manufactured structure.

29 (5) The identifying physical characteristics of the manufactured structure, including but not  
 30 limited to the total square footage of the living area, type of siding, type of roof, number of  
 31 bedrooms, number of bathrooms and types of heating and cooling.

32 (6) If the ownership document is issued due to sale of the manufactured structure, the most re-  
 33 cent sales price and date of sale for the manufactured structure.

34 (7) Any other information required by [department] **bureau** rule.

35 **SECTION 58.** ORS 446.568 is amended to read:

36 446.568. (1) Except as provided in this subsection, if a manufactured structure is purchased from  
 37 or otherwise acquired through a manufactured structure dealer, the dealer shall provide the infor-  
 38 mation described in ORS 446.566 (3) to (7) to the [Department of Consumer and Business Services]  
 39 **Bureau of Labor and Industries**. A manufactured structure dealer is not required to provide the  
 40 information to the [department] **bureau** if the dealer complies with an instruction from the purchaser  
 41 to provide the information to a lender, escrow agent, title company or other designee of the pur-  
 42 chaser. A lender, escrow agent, title company or other designee of the purchaser that receives the  
 43 information described in ORS 446.566 (3) to (7) from a manufactured structure dealer shall provide  
 44 the information to the [department] **bureau**. However, the provision of information described in ORS  
 45 446.566 (3) to (7) to the purchaser does not excuse a manufactured structure dealer from the duty

1 to provide the information to the *[department]* **bureau**.

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

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

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

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

10 **SECTION 59.** ORS 446.571 is amended to read:

11 446.571. (1)(a) Except as provided in paragraph (b) of this subsection, the owner of a manufac-  
12 tured structure shall apply to the *[Department of Consumer and Business Services]* **Bureau of Labor**  
13 **and Industries** for an ownership document. Upon receipt of an application in appropriate form as  
14 described in ORS 446.736 (2), the *[Department of Consumer and Business Services]* **bureau** shall issue  
15 an ownership document for a manufactured structure. Except as provided in ORS 308.875, a manu-  
16 factured structure for which an ownership document is issued is subject to assessment and taxation  
17 as personal property under the ad valorem tax laws of this state.

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

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

24 (C) If a dealer, lender or escrow agent refuses to file an application as required by subparagraph  
25 (A) of this paragraph, or if a county assessor refuses to accept an application in appropriate form  
26 as required by subparagraph (B) of this paragraph, the owner may file an application for an owner-  
27 ship document directly with the *[department]* **bureau**.

28 (2) The *[department]* **bureau** shall maintain ownership records on manufactured structures for  
29 which the *[department]* **bureau** has issued ownership documents. The *[department]* **bureau** shall  
30 maintain a record of ownership documents or other documents evidencing ownership that have been  
31 canceled.

32 (3) The *[department]* **bureau** shall note all security interests in the manufactured structure on  
33 the ownership document and in the records maintained by the *[department]* **bureau** pursuant to  
34 subsection (2) of this section. The recording of the security interests in the records maintained by  
35 the *[department]* **bureau** is constructive notice of the interests.

36 (4) The *[department]* **bureau** shall send the ownership document to the holder of the earliest  
37 perfected unreleased security interest in the manufactured structure or, if none, to the owner of the  
38 structure. The *[department]* **bureau** shall also send a copy of the ownership document to the county  
39 assessor for the county in which the manufactured structure is being sited.

40 (5) If an interest in a manufactured structure other than an ownership interest is satisfied or  
41 assigned, the holder of the interest shall notify the *[department]* **bureau**. If the holder of the satisfied  
42 interest is in possession of the ownership document for the structure, the holder shall return the  
43 ownership document to the *[department]* **bureau**. The *[department]* **bureau** shall adjust the ownership  
44 document and send the adjusted ownership document and copy as described in subsection (4) of this  
45 section.

1        **SECTION 60.** ORS 446.581 is amended to read:

2        446.581. The [*Department of Consumer and Business Services*] **Bureau of Labor and Industries**  
 3 shall adopt rules to provide for the transference of an ownership document for an abandoned man-  
 4 ufactured structure to a landlord pursuant to ORS 90.425 or 90.675 and ORS 446.616 (2).

5        **SECTION 61.** ORS 446.586 is amended to read:

6        446.586. As used in ORS 446.586 to 446.606:

7        (1) “Holder or other person” means the manufactured structure owner or other person having  
 8 an interest in the structure as indicated in the records of the [*Department of Consumer and Business*  
 9 *Services*] **Bureau of Labor and Industries**.

10        (2) “Last-known address” means:

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

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

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

19        **SECTION 62.** ORS 446.591 is amended to read:

20        446.591. An ownership application, information described in ORS 446.736 or an ownership docu-  
 21 ment or other document evidencing ownership and any release thereon under ORS 446.571, 446.616  
 22 or 446.641 does not need to be submitted to the [*Department of Consumer and Business Services*]  
 23 **Bureau of Labor and Industries** as a condition for the [*department*] **bureau** recording an owner-  
 24 ship interest in a manufactured structure if all of the following conditions are met:

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

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

30        (3) The escrow agent sends the written notice, in the form described in ORS 446.596, at least  
 31 30 days prior to the application for issuance of a replacement or original ownership document or for  
 32 changes to an ownership document.

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

37        (5) The escrow agent provides the [*Department of Consumer and Business Services*] **Bureau of**  
 38 **Labor and Industries** with an application as provided by [*department*] **bureau** rule for an owner-  
 39 ship document. The application must be signed by the transferee, if any, and contain any information  
 40 required by the [*department*] **bureau**, including but not limited to the following information:

41        (a) A description of the manufactured structure, including the identification number as described  
 42 by [*department*] **bureau** rule.

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

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



1        **SECTION 63.** ORS 446.596 is amended to read:

2        446.596. The escrow agent shall send the notice under ORS 446.591 (4) by certified mail with  
3 return receipt requested and by first class mail, both with postage prepaid, to the last-known address  
4 of the holder or other person responsible for furnishing the documents and of any person having a  
5 perfected security interest. The notice must:

6        (1) Contain a description of the manufactured structure, including the year of manufacture, the  
7 make and the identification number as described by rule of the [*Department of Consumer and Busi-*  
8 *ness Services*] **Bureau of Labor and Industries**;

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

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

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

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

23        **SECTION 64.** ORS 446.601 is amended to read:

24        446.601. (1) The [*Department of Consumer and Business Services*] **Bureau of Labor and Indus-**  
25 **tries** shall treat an application described in ORS 446.591 (5):

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

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

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

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

41        **SECTION 65.** ORS 446.606 is amended to read:

42        446.606. (1) An escrow agent may not provide an application to the [*Department of Consumer and*  
43 *Business Services*] **Bureau of Labor and Industries** under ORS 446.591 (5) if the agent has received  
44 a written objection in response to the notice provided under ORS 446.596.

45        (2) An escrow agent may charge the person owning the manufactured structure under the re-

1 placement ownership document a reasonable fee for services provided in compliance with ORS  
2 446.591 and 446.596.

3 (3) In addition to any other remedy provided by law, a person may bring an action against an  
4 escrow agent for damages sustained by the person due to the negligence or willful misconduct of the  
5 escrow agent in complying with ORS 446.591 and 446.596.

6 **SECTION 66.** ORS 446.611 is amended to read:

7 446.611. (1)(a) Except as provided in paragraph (b) of this subsection, the exclusive means for  
8 perfecting a security interest in a manufactured structure that has an ownership document is by  
9 application for and notation of the security interest in the manufactured structure ownership docu-  
10 ment records of the [*Department of Consumer and Business Services*] **Bureau of Labor and Indus-**  
11 **tries.** The application to have a security interest noted may be included as part of the application  
12 for issuance of an original ownership document. The [*department*] **bureau** shall record the date of  
13 receipt of an application to have a security interest noted on the ownership document. The security  
14 interest is perfected as provided in ORS 79.0311 upon the [*department's*] **bureau's** entering the se-  
15 curity interest in the records maintained by the [*department*] **bureau** under ORS 446.571. The [*de-*  
16 *partment*] **bureau** shall note the interest on a new or updated ownership document and send the  
17 document as provided in ORS 446.571. A security interest perfected under this section continues in  
18 effect until released by the holder of the interest.

19 (b) Paragraph (a) of this subsection does not apply if the debtor who granted the security in-  
20 terest is in the business of selling manufactured structures and the structure constitutes inventory  
21 held for sale or lease. The filing provisions of ORS 79.0501 to 79.0528 apply to security interests in  
22 manufactured structures described in this paragraph.

23 (2) The [*department*] **bureau** shall issue or update an ownership document to reflect a security  
24 interest described in subsection (1)(a) of this section and note the interest in the manufactured  
25 structure ownership document records maintained by the [*department*] **bureau.** The [*department*]  
26 **bureau** shall deliver the ownership document to the holder of the earliest perfected unreleased se-  
27 curity interest in the manufactured structure or, if none, to the owner of the structure. The [*de-*  
28 *partment*] **bureau** shall also send a copy of the ownership document to the county assessor for the  
29 county in which the manufactured structure is being sited.

30 (3) If the [*department*] **bureau** cancels an ownership document because the manufactured struc-  
31 ture is recorded in the deed records of a county, the [*department*] **bureau** shall notify the county  
32 assessor of any unreleased security interest recorded in the [*department's*] **bureau's** record for the  
33 manufactured structure. The county assessor shall record the security interest information for the  
34 structure in the deed records.

35 (4) If a manufactured structure is recorded in the deed records of a county prior to the record-  
36 ing of a security interest, the recording of a security interest in the county deed records satisfies  
37 the requirement in ORS 72A.3095 that the security interest be recorded as a mortgage on real estate  
38 and is effective as a financing statement perfecting the security interest in the structure as provided  
39 in ORS 79.0502 (3).

40 (5) If a manufactured structure ceases to be exempt from the ownership document requirement,  
41 upon recording the termination of the exemption in the deed records, the county assessor shall no-  
42 tify the [*department*] **bureau** of any unreleased interest shown on the deed record for the manufac-  
43 tured structure. The [*department*] **bureau** shall note the security interest information on the  
44 ownership document issued by the [*department*] **bureau.**

45 **SECTION 67.** ORS 446.616 is amended to read:

1       446.616. (1) Except as otherwise provided in subsection (2) or (3) of this section, upon the  
2 transfer of any interest in a manufactured structure shown on an ownership document, each person  
3 whose interest is released, terminated, assigned or transferred shall acknowledge the release, ter-  
4 mination, assignment or transfer of that interest in a manner specified by the [*Department of Con-*  
5 *sumer and Business Services*] **Bureau of Labor and Industries** by rule. The [*department*] **bureau**  
6 shall design the rules adopted for purposes of this subsection to protect the interests of all parties  
7 to the transfer of interest.

8       (2) Notwithstanding subsection (1) of this section:

9       (a) In the case of a transfer of an interest by operation of law, the personal representative, re-  
10 ceiver, trustee, sheriff, landlord or other representative or successor in interest of the person whose  
11 interest is transferred shall file the acknowledgment described in subsection (1) of this section. The  
12 representative or successor shall also provide the transferee with information satisfactory to the  
13 [*department*] **bureau** concerning all facts entitling the representative or successor to transfer the  
14 interest. If there is no person to transfer the interest, the person to whom interest is awarded or  
15 otherwise transferred is responsible for providing the information concerning the person's  
16 entitlement to the interest.

17       (b) In the case of a transfer at death of the interest of the owner or security interest holder of  
18 the manufactured structure, if the estate is not being probated and ownership is not being trans-  
19 ferred under the provisions of ORS 114.547, an interest in the manufactured structure may be as-  
20 signed through the use of an affidavit. The affidavit must be on a form prescribed by the  
21 [*department*] **bureau** and signed by all of the known heirs of the person whose interest is being  
22 transferred, and shall state the name of the person to whom the ownership interest has been passed.  
23 If any heir has not arrived at the age of majority or is otherwise incapacitated, the parent or  
24 guardian of the heir shall sign the affidavit.

25       (c) In the case of a transfer at death of the interest of the owner or security interest holder  
26 where transfer occurs under ORS 114.547, the affiant, as defined in ORS 114.505, is the person re-  
27 quired to assign interest.

28       (d) A security interest holder, without the consent of the owner, may assign interest of the  
29 holder in a manufactured structure to a person other than the owner without affecting the interest  
30 of the owner or the validity or priority of the interest. A person who is not given notice of the  
31 assignment is protected in dealing with the security interest holder as the holder of the interest  
32 until the assignee files notice of the interest with the [*department*] **bureau** as provided in ORS  
33 446.571. This paragraph does not exempt an assignment of interest from the acknowledgment re-  
34 quirement under subsection (1) of this section.

35       (e) If an interest in a manufactured structure is transferred pursuant to an application under  
36 ORS 446.591 (5), the recital by the escrow company that no written objections were received con-  
37 stitutes both a release, termination, assignment or transfer of interest and an acknowledgment by  
38 the person whose interest is released, terminated, assigned or transferred.

39       (3) Subsection (1) of this section does not apply to a transfer of a security interest where the  
40 security interest holder is a financial institution, a financial holding company or a bank holding  
41 company, as those terms are defined in ORS 706.008, a licensee under ORS chapter 725, or any  
42 subsidiary or affiliate of any of the foregoing and the transfer of the interest of the security interest  
43 holder:

44       (a) Results from the merger, conversion, reorganization, consolidation or acquisition of the se-  
45 curity interest holder; or

(b) Is to an entity that is a member of the same affiliated group as the security holder.

**SECTION 68.** ORS 446.621 is amended to read:

446.621. (1) A certificate of title for a manufactured structure issued by the Department of Transportation prior to May 1, 2005, is effective as a document evidencing ownership of the manufactured structure. If the manufactured structure does not have a title pursuant to ORS 308.855 or 308.860 (1969 Replacement Part), a tax record showing that a person has paid the ad valorem tax assessment on the structure since 1972 is a document evidencing the person's ownership of the structure.

(2) The owner of a manufactured structure described in subsection (1) of this section is not required to obtain an ownership document for the structure unless the structure is moved or sold. Except as provided in subsections (3) and (5) of this section, upon the moving or sale of a manufactured structure described in subsection (1) of this section, the owner shall submit the document evidencing ownership of the structure to the [*Department of Consumer and Business Services*] **Bureau of Labor and Industries** as provided in ORS 446.631 and 446.641. Upon receipt of the document, the [*department*] **bureau** shall enter the information regarding the manufactured structure in the [*department's*] **bureau's** records and issue an ownership document for the structure.

(3) If the owner of a manufactured structure has misplaced a certificate of title, the [*Department of Consumer and Business Services*] **Bureau of Labor and Industries** may require the person to provide proof sufficient to satisfy the [*department*] **bureau** concerning any questions about the ownership of the manufactured structure or security interests in the structure. The proof required by the [*department*] **bureau** may include, but is not limited to, completion of an affidavit that:

(a) Is in a form required by the [*department*] **bureau** by rule;

(b) Contains any information the [*department*] **bureau** requires by rule as necessary to establish ownership of the manufactured structure or to determine any security interests in the structure; and

(c) Is verified by the person making the affidavit.

(4) The [*Department of Consumer and Business Services*] **Bureau of Labor and Industries** is not liable to any person for issuing an ownership document based on proof provided under subsection (3) of this section.

(5) The movement or sale of a manufactured structure described in subsection (1) of this section does not require the owner to obtain an ownership document if:

(a) The move or sale will qualify the manufactured structure for recording in the deed records of a county under ORS 446.626; and

(b) The person who will own the structure after the move or sale files an affidavit with the [*Department of Consumer and Business Services*] **Bureau of Labor and Industries** prior to the move or sale stating that the person will apply within 25 business days after completion of the move or sale to have the manufactured structure recorded in the county deed records.

(6) ORS 803.220 does not apply to a certificate of title for a manufactured structure issued by the Department of Transportation.

(7) If the [*Department of Consumer and Business Services*] **Bureau of Labor and Industries** issues an ownership document for a manufactured structure that was previously issued a certificate of title by the Department of Transportation, the [*Department of Consumer and Business Services*] **bureau** shall record in the [*department's*] **bureau's** records and note on the ownership document any unreleased secured interest that was noted on the certificate of title. A secured interest described in this subsection retains the original perfection date of the interest, but provides the same creditor rights and remedies available for a secured interest in personal property perfected under ORS

1 446.611 (1).

2 **SECTION 69.** ORS 446.626 is amended to read:

3 446.626. (1) The owner of a manufactured structure that qualifies under this subsection may  
 4 apply to the county assessor to have the structure recorded in the deed records of the county. The  
 5 application must be on a form approved by the [*Department of Consumer and Business Services*]  
 6 **Bureau of Labor and Industries**. The application must include a description of the location of the  
 7 real property on which the manufactured structure is or will be sited. If the structure is being sold  
 8 by a manufactured structure dealer, the dealer may file the application on behalf of the owner  
 9 within the time described in ORS 446.736 (7). A manufactured structure qualifies for recording in the  
 10 deed records if the owner of the structure:

11 (a) Also owns the land on which the manufactured structure is located;

12 (b) Is the holder of a recorded leasehold estate of 20 years or more if the lease specifically  
 13 permits the manufactured structure owner to record the structure under this section; or

14 (c) Is a member of a manufactured dwelling park nonprofit cooperative formed under ORS 62.800  
 15 to 62.815 that owns the land on which the manufactured structure is located.

16 (2) If the assessor, as agent for the [*department*] **bureau**, determines that the manufactured  
 17 structure qualifies for recording in the deed records of the county, the assessor shall cause the  
 18 structure to be recorded in the deed records. The deed records must contain any unreleased security  
 19 interest in the manufactured structure. If the [*department*] **bureau** has issued an ownership docu-  
 20 ment for the manufactured structure, the owner must submit the ownership document to the assessor  
 21 with the application described in subsection (1) of this section. Upon recording the manufactured  
 22 structure in the deed records, the assessor shall send the ownership document to the [*department*]  
 23 **bureau** for cancellation. The [*department*] **bureau** shall cancel the ownership document and send  
 24 confirmation of the cancellation to the assessor and the owner.

25 (3) The recording of a security interest in the deed records of the county under this section  
 26 satisfies the requirements for filing a financing statement for a fixture to real property under ORS  
 27 79.0502. The recording of a manufactured structure in the deed records of the county is independent  
 28 of the assessment and taxation of the structure as real property under ORS 308.875. The recording  
 29 of a manufactured structure in the deed records of the county makes the structure subject to the  
 30 same provisions of law applicable to any other building, housing or structure on the land. However,  
 31 the manufactured structure may not be sold separately from the land or leasehold estate unless the  
 32 owner complies with subsection (4) of this section.

33 (4) The owner of a manufactured structure that is recorded in the deed records of the county  
 34 may apply to have the structure removed from the deed records and an ownership document issued  
 35 for the structure. Unless the manufactured structure is subject to ORS 446.631, the owner must ap-  
 36 ply to the county assessor, as agent for the [*department*] **bureau**, for an ownership document as  
 37 provided in ORS 446.571. Upon approval of the application, the assessor shall terminate the record-  
 38 ing of the manufactured structure in the deed records.

39 (5) If a manufactured structure described in subsection (1)(b) or (c) of this section is recorded  
 40 in the deed records, the owner of the structure has a real property interest in the manufactured  
 41 structure for purposes of:

42 (a) Recordation of documents pursuant to ORS 93.600 to 93.802, 93.804, 93.806 and 93.808;

43 (b) Deed forms pursuant to ORS 93.850 to 93.870;

44 (c) Mortgages, trust deeds and other liens pursuant to ORS chapters 86, 87 and 88; and

45 (d) Real property tax collection pursuant to ORS chapters 311 and 312. The structure owner is

1 considered the owner of the real property for purposes of assessing the structure under ORS 308.875.

2 **SECTION 70.** ORS 446.631 is amended to read:

3 446.631. (1) A person may not move a manufactured structure to a different situs unless the  
4 [Department of Consumer and Business Services] **Bureau of Labor and Industries** approves the  
5 move and the county assessor issues a trip permit on behalf of the [department] **bureau**. An appli-  
6 cation to move a manufactured structure must be filed in the manner and form required by [depart-  
7 ment] **bureau** rule and include the following:

8 (a) The ownership document or, if an ownership document does not exist, another document  
9 acceptable to the [department] **bureau** evidencing ownership of the structure or, if the structure is  
10 recorded in the deed records of the county, the property description for the current and proposed  
11 situses for the structure.

12 (b) The identity of the owner of the proposed situs or, if the proposed situs is a facility as de-  
13 fined in ORS 90.100, the name of the facility.

14 (c) Any other information required by the [department] **bureau** by rule.

15 (2)(a) Except as provided in paragraph (b) of this subsection, the [department] **bureau** may not  
16 approve an application to move a manufactured structure to a situs in another county unless all  
17 taxes and special assessments for the current year that will become a lien against the structure  
18 prior to the move as described in ORS 311.405 and all delinquent taxes and special assessments for  
19 past years are paid.

20 (b) A purchaser or landlord may obtain a trip permit from the county assessor without payment  
21 if the county cancels the taxes and assessments as provided in ORS 90.425 or 90.675.

22 (3) If the assessor cannot compute the exact amount of taxes due, the owner shall pay an amount  
23 based on the current assessed value of the manufactured structure or the value that would be used  
24 on the next assessment roll, or an amount based on the assessor's best estimate of the total taxes  
25 and assessments. ORS 311.370 applies to taxes and assessments collected under this section.

26 (4) If the county assessor determines that all due or pending taxes and assessments have been  
27 paid, the assessor may issue a trip permit on behalf of the [department] **bureau** and shall forward  
28 the application information to the [department] **bureau**. The [department] **bureau** shall update the  
29 [department's] **bureau's** record for the manufactured structure and issue an updated ownership  
30 document for the structure indicating the change in information. If no ownership document exists  
31 for the manufactured structure, the [department] **bureau** shall record the information for the struc-  
32 ture and issue an ownership document.

33 (5) The [department] **bureau** shall deliver an ownership document updated or issued under sub-  
34 section (4) of this section to the holder of the earliest perfected unreleased security interest in the  
35 manufactured structure or, if none, to the owner of the structure. The [department] **bureau** shall also  
36 send a copy of the ownership document to any other holders of unreleased security interests in the  
37 structure and to the county assessor for the county in which the structure is to be sited.

38 (6) The [Department of Consumer and Business Services] **Bureau of Labor and Industries** or  
39 a county may charge fees for services provided under this section. The fees charged pursuant to this  
40 subsection may not exceed the cost of the services provided.

41 (7) Subsections (1) to (6) of this section do not apply to the movement of a manufactured struc-  
42 ture described under ORS 446.576 (1)(a) or (b) or 446.736.

43 **SECTION 71.** ORS 446.636 is amended to read:

44 446.636. (1) For a new manufactured structure, the manufactured structure dealer must obtain  
45 the trip permit on behalf of the owner. If the dealer fails to obtain the trip permit prior to the

1 scheduled moving date, the vehicle transporter must obtain the trip permit on behalf of the owner.

2 (2) For a used manufactured structure, the owner must obtain a trip permit from the county  
3 assessor for the county in which the manufactured structure is sited.

4 (3) Notwithstanding subsections (1) and (2) of this subsection, if a dealer or vehicle transporter  
5 refuses to obtain a trip permit as required by subsection (1) of this section, or if a county assessor  
6 refuses to issue a trip permit to an owner who has complied with ORS 446.631, the owner may apply  
7 directly to the [*Department of Consumer and Business Services*] **Bureau of Labor and Industries**  
8 for a trip permit.

9 (4) The [*department*] **bureau** may issue trip permits in bulk to a manufactured structure dealer  
10 or vehicle transporter.

11 **SECTION 72.** ORS 446.641 is amended to read:

12 446.641. (1) If a person sells an ownership interest in a manufactured structure for which there  
13 is an ownership document issued under ORS 446.611 or a structure described in ORS 446.621 (1) to  
14 (6), the seller shall give notice of the sale to the county assessor for the county in which the  
15 structure is sited.

16 (2) The seller's notice must be on a form approved by the [*Department of Consumer and Business*  
17 *Services*] **Bureau of Labor and Industries**. Information required by the form must include, but need  
18 not be limited to:

19 (a) The identities of the seller and the purchaser;

20 (b) Any change in the security interest in the structure resulting from the transaction; and

21 (c) For each holder of an unreleased security interest:

22 (A) A signed statement recorded on the ownership document for the manufactured structure  
23 acknowledging that the interest holder is aware of the sale; or

24 (B) Documentation satisfactory to the [*department*] **bureau** showing that acknowledgment by the  
25 holder was requested but the holder has not responded.

26 (3) The seller shall submit the following with the notice:

27 (a) The ownership document or other document evidencing ownership of the manufactured  
28 structure.

29 (b) A copy of the bill of sale.

30 (c) Documentation satisfactory to the county assessor that all taxes, special assessments and  
31 other charges placed on the tax roll that have been certified for collection under ORS 311.105 and  
32 311.110, all taxes in homestead deferral as described under ORS 311.666 to 311.701 and all delinquent  
33 taxes and special assessments for past years are paid or have been canceled.

34 (4) The county assessor shall forward the information contained in the notice and the ownership  
35 document or other document evidencing ownership to the [*department*] **bureau**. The [*department*]  
36 **bureau** shall update the ownership document for the manufactured structure or, if no ownership  
37 document exists, enter the information in the [*department's*] **bureau's** records and issue an owner-  
38 ship document for the structure.

39 (5) The [*department*] **bureau** shall deliver an ownership document updated or issued under sub-  
40 section (4) of this section to the holder of the earliest perfected unreleased security interest in the  
41 manufactured structure or, if none, to the owner of the structure. The [*department*] **bureau** shall also  
42 send a copy of the ownership document to the county assessor.

43 (6) A transfer of ownership of a manufactured structure by operation of law is a sale of the  
44 manufactured structure for purposes of this section.

45 (7) Notice given to a county assessor under subsection (1) of this section is not an instrument

1 of conveyance.

2 (8) If a seller does not give a notice of sale to the county assessor within 30 days after closing  
3 of the sale of a manufactured structure, a buyer may submit a notice of sale to the assessor if the  
4 notice is accompanied by proof of sale acceptable to the [department] **bureau** as provided by rule.  
5 Upon receipt of a notice of sale and acceptable proof of sale, the assessor shall forward the infor-  
6 mation to the [department] **bureau** as provided in subsection (4) of this section. Submission of a no-  
7 tice of sale by a buyer does not excuse a seller from civil penalty under ORS 455.895 for a violation  
8 of subsection (1) of this section.

9 **SECTION 73.** ORS 446.646 is amended to read:

10 446.646. (1) The [Department of Consumer and Business Services] **Bureau of Labor and Indus-**  
11 **tries** may adopt rules necessary for carrying out the duties, functions and powers of the  
12 [department] **bureau** under ORS 446.566 to 446.646.

13 (2) Except as provided in subsection (4) of this section, the [department] **bureau** shall adopt ap-  
14 propriate fees to cover the cost of services rendered under ORS 446.566 to 446.646 by the [depart-  
15 ment] **bureau** and by a county as agent for the [department] **bureau**. The [department] **bureau** may  
16 not vary the fee for issuance or renewal of an ownership document, or for removal of a manufac-  
17 tured structure from the ownership document system, based upon the applicant's status as an owner,  
18 dealer or escrow agent.

19 (3) A county carrying out functions under ORS 446.566 to 446.646 related to manufactured  
20 structure ownership documents and trip permits is an agent of the [department] **bureau** with regard  
21 to those functions.

22 (4) Unless the [department] **bureau** adopts a different fee pursuant to subsection (2) of this sec-  
23 tion, the fee amount:

24 (a) For issuance of an ownership document is \$55.

25 (b) For issuance of a trip permit is \$5.

26 **SECTION 74.** ORS 446.666 is amended to read:

27 446.666. The [Department of Consumer and Business Services] **Bureau of Labor and**  
28 **Industries:**

29 (1) Shall adopt reasonable rules for regulating manufactured structure dealers and dealerships  
30 and maintaining accurate records of manufactured structure ownership and location. The rules may  
31 include, but need not be limited to, rules governing the issuance, renewal, suspension, revocation  
32 or cancellation of licenses issued under ORS 446.691 and 446.696 and for temporary or limited  
33 manufactured structure dealer licenses issued under ORS 446.701 or 446.706, rules for placement of  
34 dealers on probation under ORS 446.741, rules establishing standards of practice and conduct for  
35 manufactured structure dealers and rules for processing transfers of interests in manufactured  
36 structures.

37 (2) May inspect manufactured structure dealer records and manufactured structures in the pos-  
38 session of a dealer for purposes of administering and enforcing ORS 446.661 to 446.756 and rules of  
39 the [department] **bureau**.

40 (3) May examine an application for a manufactured structure dealer license and make an indi-  
41 vidual investigation relative to statements contained in the application.

42 (4) May adopt rules regulating manufactured dwelling salespersons, including but not limited to  
43 rules governing the ability to engage in the occupation of manufactured dwelling salesperson.

44 **SECTION 75.** ORS 446.681 is amended to read:

45 446.681. The [Department of Consumer and Business Services] **Bureau of Labor and Industries**



1 may petition a circuit court for an injunction or other relief against a person dealing in manufac-  
 2 tured structures in violation of ORS 446.671. If the court grants the petition, the court shall award  
 3 reasonable costs and disbursements and attorney and enforcement fees.

4 **SECTION 76.** ORS 446.686 is amended to read:

5 446.686. (1) If the [*Department of Consumer and Business Services*] **Bureau of Labor and In-**  
 6 **dustries** proceeds under ORS 446.681 or 455.895, the [*department*] **bureau** may post a notice on any  
 7 manufactured structure held in inventory by a person alleged to be acting as a manufactured  
 8 structure dealer without a license. The notice must state that the person offering the manufactured  
 9 structure for sale is currently the subject of a proceeding to determine whether the person has a  
 10 manufactured structure dealer license and that it may be unlawful for the person to sell the manu-  
 11 factured structure to a retail customer.

12 (2) A person may remove a notice posted in accordance with subsection (1) of this section only  
 13 upon authorization by the [*department*] **bureau**. The [*department*] **bureau** shall authorize removal  
 14 within 10 days after any one of the following occurs:

15 (a) The dismissal or termination of the proceeding instituted under ORS 446.681 or 455.895;

16 (b) Full payment of any lawfully owing civil penalty and compliance with ORS 446.661 to 446.756;

17 or

18 (c) A finding by the [*department*] **bureau** or a court that the manufactured structure is being  
 19 offered for sale by a licensed manufactured structure dealer or a person who is exempt from the li-  
 20 censing requirement under ORS 446.676.

21 **SECTION 77.** ORS 446.691 is amended to read:

22 446.691. The [*Director of the Department of Consumer and Business Services*] **Commissioner of**  
 23 **the Bureau of Labor and Industries** shall issue a manufactured structure dealer license to an  
 24 applicant if the applicant:

25 (1) Delivers to the [*director*] **commissioner** a bond or letter of credit that meets the require-  
 26 ments under ORS 446.726;

27 (2) Provides evidence acceptable to the [*director*] **commissioner** that the applicant obtained a  
 28 corporate surety bond as provided in ORS 86A.227 if the applicant employs or intends to employ a  
 29 mortgage loan originator, as defined in ORS 86A.200, or is otherwise subject to ORS 86A.200 to  
 30 86A.239;

31 (3) Certifies to the [*director*] **commissioner** in a form and manner the [*director*] **commissioner**  
 32 specifies by rule that the applicant has independently verified that every individual the applicant  
 33 or licensee hired or intends to hire as a mortgage loan originator meets the requirements set forth  
 34 in ORS 86A.200 to 86A.239 and in ORS 86A.186;

35 (4) Pays the fee specified in ORS 446.721 for issuance of a manufactured structure dealer license;  
 36 and

37 (5) Completes the application for a dealer license in a form approved by the [*director*] **com-**  
 38 **missioner** that includes:

39 (a) The name and residence address of the applicant. If the applicant is a firm or partnership,  
 40 the application must include the names and residence addresses of the members of the firm or  
 41 partnership. If the applicant is a corporation, the application must include the names and residence  
 42 addresses of the principal officers of the corporation and the name of the state in which the corpo-  
 43 ration is incorporated.

44 (b) The name under which the business will be conducted.

45 (c) The street address, including city and county in Oregon, where the business will be con-

1 ducted.

2 (d) A statement that indicates whether the applicant handles used manufactured structures.

3 (e) An affidavit from the applicant showing that the applicant will act as a manufactured  
4 structure dealer and will conduct business at the location given on the application.

5 (f) If the street address where the dealer will conduct the business is in a residential zone, a  
6 statement by the dealer that all manufactured structures sold or displayed at that address will meet  
7 any architectural and aesthetic standards regulating the placement of manufactured structures in  
8 that residential zone.

9 (g) Information the [director] **commissioner** requires to efficiently regulate manufactured  
10 structures, manufactured structure dealers and dealerships or other relevant information the [direc-  
11 tor] **commissioner** requires.

12 (h) If the applicant will offer for sale new manufactured structures that are recreational vehicles  
13 greater than eight and one-half feet in width, an affidavit from the applicant stating that the appli-  
14 cant will maintain a recreational vehicle service facility for those recreational vehicles at a street  
15 address provided in the application.

16 **SECTION 78.** ORS 446.696 is amended to read:

17 446.696. A manufactured structure dealer license is valid for three years, but the [Director of the  
18 Department of Consumer and Business Services] **Commissioner of the Bureau of Labor and In-**  
19 **dustries** may adjust the term of an initial license for the purpose of establishing uniform expiration  
20 dates. A dealer may renew a license as provided by the [director] **commissioner**. The [director]  
21 **commissioner** may renew a license only if the dealer:

22 (1) Delivers to the [director] **commissioner** a bond or letter of credit that meets the require-  
23 ments under ORS 446.726.

24 (2) Provides evidence acceptable to the [director] **commissioner** that the dealer obtained a  
25 corporate surety bond as provided in ORS 86A.227 if the dealer employs or intends to employ a  
26 mortgage loan originator, as defined in ORS 86A.200, or is otherwise subject to ORS 86A.200 to  
27 86A.239.

28 (3) Certifies to the [director] **commissioner** in a form and manner the [director] **commissioner**  
29 specifies by rule that the dealer has independently verified that every individual the dealer hired  
30 or intends to hire as a mortgage loan originator meets the requirements set forth in ORS 86A.200  
31 to 86A.239 and in ORS 86A.186.

32 (4) Pays the fee specified in ORS 446.721 for renewal of a manufactured structure dealer license.

33 (5) Submits a completed application for renewal in a form approved by the [director] **commis-**  
34 **sioner** that includes:

35 (a) The name and residence address of the dealer. If the dealer is a firm or partnership, the  
36 application must include the names and addresses of the members of the firm or partnership. If the  
37 dealer is a corporation, the application must include the names and addresses of the principal offi-  
38 cers of the corporation and the name of the state in which the corporation is incorporated.

39 (b) The name under which the business will be conducted.

40 (c) The street address, including city and county in Oregon, where the business will be con-  
41 ducted.

42 (d) If the location of the dealership is being changed at the time of renewal:

43 (A) For a business that will be conducted in a residential zone, a statement by the dealer that  
44 all manufactured structures sold or displayed at that address will meet any architectural and aes-  
45 thetic standards regulating the placement of manufactured structures in that residential zone.

1 (B) For a business that will offer for sale new manufactured structures that are recreational  
 2 vehicles greater than eight and one-half feet in width, a certificate from the applicant stating that  
 3 the applicant will maintain a recreational vehicle service facility for those recreational vehicles at  
 4 a street address provided in the application.

5 (e) Information the [*director*] **commissioner** requires to efficiently regulate manufactured  
 6 structure dealers and dealerships or other relevant information the [*director*] **commissioner** re-  
 7 quires.

8 **SECTION 79.** ORS 446.701 is amended to read:

9 446.701. (1) If a licensed manufactured structure dealer dies or becomes incapacitated, the [*De-*  
 10 *partment of Consumer and Business Services*] **Bureau of Labor and Industries** may issue a tempo-  
 11 rary manufactured structure dealer license to the executor, administrator or personal representative  
 12 of the estate of the dealer or to an agent of the dealer approved by the [*department*] **bureau**. A  
 13 temporary license issued under this subsection expires after six months, but the [*department*] **bureau**  
 14 may extend the license for good cause. The [*department*] **bureau** may not extend a temporary license  
 15 if the license has been suspended or the licensee placed on probation by the [*department*] **bureau**.

16 (2) A person issued a temporary manufactured structure dealer license must deliver to the [*de-*  
 17 *partment*] **bureau** a bond or letter of credit that meets the requirements under ORS 446.726. A bond  
 18 or letter of credit covering a license term of less than one year must be for the sum otherwise re-  
 19 quired for each year a license is valid and must be renewed if the term is extended. The temporary  
 20 manufactured structure dealer is responsible for ensuring that, during the term of the temporary  
 21 license, the dealership and its employees comply with ORS 446.661 to 446.756 and rules adopted  
 22 thereunder. This subsection does not relieve a manufactured structure dealer licensed under ORS  
 23 446.691 or 446.696 from liability for a violation arising out of actions or omissions by the dealer.

24 (3) Notwithstanding ORS 446.731:

25 (a) Issuance of a temporary manufactured structure dealer license does not, by itself, affect the  
 26 rights or interests of any creditors of the dealer in dealership assets or inventory.

27 (b) Issuance or expiration of a temporary license is not a transfer of interest for purposes of  
 28 ORS 446.736.

29 (4) A person obtaining a temporary manufactured structure dealer license must pay the appli-  
 30 cable fee specified in ORS 446.721 for issuance of a temporary manufactured structure dealer li-  
 31 cense.

32 **SECTION 80.** ORS 446.706 is amended to read:

33 446.706. (1) A person who holds a limited manufactured structure dealer license issued under  
 34 this section may sell during a calendar year up to 10 manufactured dwellings located at a manu-  
 35 factured dwelling park identified in the license. The manufactured dwellings sold under a limited  
 36 manufactured structure dealer license must be dwellings that:

37 (a) Have been abandoned as described in ORS 90.675 at any manufactured dwelling park. If the  
 38 manufactured dwelling is not subject to sale by the limited manufactured structure dealer under  
 39 ORS 90.675 (10), the dealer must have the certificate of title or registration for the dwelling trans-  
 40 ferred to the dealer prior to offering the dwelling for sale; or

41 (b) Have been purchased by the park owner from a person holding title, and at the time of  
 42 purchase by the park owner, were sited in the manufactured dwelling park identified in the license.

43 (2) Notwithstanding ORS 90.525, if a limited manufactured structure dealer sells a manufactured  
 44 dwelling that was abandoned at a manufactured dwelling park other than the park where the  
 45 dwelling is being sold, the sale terms for the manufactured dwelling must require that the dwelling

1 is to be sited under a rental agreement at the park where sold for at least 12 months following the  
2 sale.

3 (3) Except as provided in ORS 446.741, the [*Director of the Department of Consumer and Business*  
4 *Services*] **Commissioner of the Bureau of Labor and Industries** shall issue a limited manufac-  
5 tured structure dealer license to a person if the person:

6 (a) Owns or operates a manufactured dwelling park as defined in ORS 446.003;

7 (b) Submits a completed application for a limited manufactured structure dealer license in a form  
8 approved by the [*director*] **commissioner**;

9 (c) Delivers to the [*director*] **commissioner** a bond or letter of credit that meets the require-  
10 ments under ORS 446.726, except that the bond or letter of credit must be in the sum of \$15,000 for  
11 each year that the license is valid;

12 (d) Delivers to the [*director*] **commissioner** a corporate surety bond that meets the requirements  
13 specified in ORS 86A.227 if the person employs or intends to employ a mortgage loan originator, as  
14 defined in ORS 86A.200, or is otherwise subject to ORS 86A.200 to 86A.239;

15 (e) Certifies to the [*director*] **commissioner** in a form and manner the [*director*] **commissioner**  
16 specifies by rule that the person has independently verified that every individual the person hired  
17 or intends to hire as a mortgage loan originator meets the requirements set forth in ORS 86A.200  
18 to 86A.239 and in ORS 86A.186;

19 (f) Is 18 years of age or older or is legally emancipated; and

20 (g) Pays the fee specified in ORS 446.721 for issuance of a limited manufactured structure dealer  
21 license.

22 (4) If the person is a firm or partnership, the application for a limited manufactured structure  
23 dealer license must include the names and residence addresses of the members of the firm or part-  
24 nership. If the person is a corporation, the application must include the names of the principal offi-  
25 cers of the corporation and residence addresses of the officers and the name of the state under  
26 whose laws the corporation is organized. If the person is the owner of a manufactured dwelling park,  
27 the person may submit a joint application on behalf of the person and a named park operator em-  
28 ployed by the person. If the person is the operator of a manufactured dwelling park, the application  
29 must include the name and signature of the park owner.

30 (5) A limited manufactured structure dealer license is valid for use at a single manufactured  
31 dwelling park. The manufactured dwelling park location must be specified in the license application.  
32 A limited manufactured structure dealer may not employ a salesperson.

33 (6) A limited manufactured structure dealer license is valid for two years, but the [*director*]  
34 **commissioner** may adjust the term of an initial license for the purpose of establishing uniform ex-  
35 piration dates.

36 (7) Notwithstanding subsection (6) of this section, the limited manufactured structure dealer li-  
37 cense for the person expires immediately if the person ceases to be an operator or owner of the  
38 manufactured dwelling park at which the license may be used. The owner of a manufactured dwell-  
39 ing park shall immediately notify the [*director*] **commissioner** if a person licensed under this section  
40 ceases to be an owner or operator of a manufactured dwelling park at which the license may be  
41 used.

42 (8) Notwithstanding subsections (6) and (7) of this section, if a licensed person ceases to be an  
43 operator of the manufactured dwelling park, the park owner may apply to have a corrected license  
44 issued to a new operator employed by the owner. A corrected license issued under this subsection  
45 is valid for the unexpired portion of the original license term. The [*director*] **commissioner** shall

1 charge the fee specified in ORS 446.721 for issuing a corrected license.

2 (9) A limited manufactured structure dealer may renew a license as provided by the [*director*]  
3 **commissioner**. The [*director*] **commissioner** shall renew a license only if the dealer:

4 (a) Submits a completed application for renewal in a form approved by the [*director*] **commis-**  
5 **sioner**;

6 (b) Delivers to the [*department*] **bureau** a bond or letter of credit that meets the requirements  
7 described in subsection (3) of this section; and

8 (c) Pays the fee specified in ORS 446.721 for renewal of a limited manufactured structure dealer  
9 license.

10 **SECTION 81.** ORS 446.711 is amended to read:

11 446.711. (1) In addition to any other requirement for issuance or renewal of a manufactured  
12 structure dealer license, the [*Department of Consumer and Business Services*] **Bureau of Labor and**  
13 **Industries**, by rule, may adopt education and testing requirements as a condition for issuance or  
14 renewal of a license described in ORS 446.691.

15 (2) A person may satisfy a requirement adopted under subsection (1) of this section by taking  
16 an appropriate educational program or test offered by an accredited educational institution, private  
17 school, correspondence school or nonprofit organization and approved by the [*department*] **bureau**.

18 (3) If a dealer is a firm, partnership or corporation, the dealer satisfies a requirement adopted  
19 under subsection (1) of this section if a manager or other person exercising significant control over  
20 the daily sales activities of the dealership meets the education and testing requirements.

21 (4) The [*department*] **bureau** may not require education or testing of a manufactured structure  
22 dealer if the dealer possesses a license issued under ORS chapter 696. This subsection does not  
23 prohibit voluntary participation in education and testing.

24 **SECTION 82.** ORS 446.716 is amended to read:

25 446.716. (1) A licensed manufactured structure dealer may open additional places of business  
26 under the same business name by obtaining a supplemental license from the [*Department of Con-*  
27 *sumer and Business Services*] **Bureau of Labor and Industries**. If the dealer will operate the ad-  
28 ditional place of business under a different business name than that indicated on an existing dealer  
29 license, the dealer must apply for a dealer license for the additional place of business instead of for  
30 a supplemental license.

31 (2) A manufactured structure dealer may move a place of business or change a business name  
32 by obtaining a corrected dealer license from the [*department*] **bureau**. The [*department*] **bureau** shall  
33 prescribe the form for application for a corrected license. For purposes of this subsection, "place  
34 of business" includes a recreational vehicle service facility.

35 (3) The [*department*] **bureau** may refuse to issue a dealer license if a manufactured structure  
36 dealer license issued to the dealer by another jurisdiction is in suspended, revoked or probationary  
37 status in that jurisdiction. This subsection does not authorize the [*department*] **bureau** to refuse a  
38 supplemental license or corrected license.

39 (4) A dealer obtaining or renewing a dealer license, supplemental license or corrected license  
40 must pay the applicable fee specified in ORS 446.721.

41 **SECTION 83.** ORS 446.721 is amended to read:

42 446.721. (1) The fee for issuance or renewal of a manufactured structure dealer license under  
43 ORS 446.691 is \$542.

44 (2) The fee for issuance or renewal of a supplemental license under ORS 446.716 is \$90 for each  
45 additional place of business.

1 (3) The fee for issuance or renewal of a corrected dealer license under ORS 446.716 or corrected  
 2 limited manufactured structure dealer license under ORS 446.706 is \$30.

3 (4) The fee for issuance of a temporary manufactured structure dealer license under ORS 446.701  
 4 is \$100.

5 (5) The fee for issuance or renewal of a limited manufactured structure dealer license under  
 6 ORS 446.706 is \$150.

7 (6) Fees adopted pursuant to this section are not subject to proration or refund.

8 (7) Fees collected by the [*Department of Consumer and Business Services*] **Bureau of Labor and**  
 9 **Industries** under this section must be deposited in the [*Consumer and Business Services Fund*]  
 10 **Bureau of Labor and Industries Account**. Moneys deposited into the [*fund*] **account** pursuant to  
 11 this section are continuously appropriated to the [*department*] **bureau** for use as provided in ORS  
 12 446.423.

13 **SECTION 84.** ORS 446.726 is amended to read:

14 446.726. (1) A bond or letter of credit required to qualify for issuance or renewal of a manufac-  
 15 tured structure dealer license under ORS 446.691 or 446.696 or a temporary manufactured structure  
 16 dealer license under ORS 446.701 must comply with the following requirements:

17 (a) The bond must have a corporate surety licensed to do business within this state. A letter  
 18 of credit must be an irrevocable letter of credit issued by an insured institution.

19 (b) The bond or letter of credit must:

20 (A) Be executed to the State of Oregon;

21 (B) Be in the sum of \$40,000 for each year the license is valid;

22 (C) Be in a form approved by the [*Director of the Department of Consumer and Business*  
 23 *Services*] **Commissioner of the Bureau of Labor and Industries**;

24 (D) Be conditioned that the dealer will conduct the manufactured structure dealership without  
 25 fraud or fraudulent representation and without violating any statute or rule relating to manufac-  
 26 tured structure dealers, manufactured structure dealerships, transfers of interests in manufactured  
 27 structures, alteration of manufactured structures or moving manufactured structures;

28 (E) Be separate from any bond or letter of credit covering business activities other than dealing  
 29 in manufactured structures; and

30 (F) Be filed and held by the [*director*] **commissioner**.

31 (2) The surety or institution shall notify the [*director*] **commissioner** if the bond or letter of  
 32 credit is canceled for any reason. The surety or institution continues to be liable under the bond  
 33 or letter of credit until the [*director*] **commissioner** receives the notice required by this subsection,  
 34 or until the cancellation date specified in the notice, whichever is later.

35 (3) If the license of a manufactured structure dealer is not renewed or is voluntarily or invol-  
 36 untarily canceled, the surety on the bond and the issuer of the letter of credit are relieved from li-  
 37 ability that accrues after the [*director*] **commissioner** cancels the license.

38 (4) The manufactured structure dealer shall purchase a bond or letter of credit under this sec-  
 39 tion annually on or before each anniversary of the issuance of the dealer's license.

40 (5) A retail customer has a right of action against a manufactured structure dealer, against the  
 41 surety on the dealer's bond and the issuer of a letter of credit if the retail customer suffers any loss  
 42 or damage by reason of the manufactured structure dealer's fraud, fraudulent representations or  
 43 violations of statutes relating to:

44 (a) Transfer of interests in manufactured structures;

45 (b) Moving manufactured structures;

1 (c) The alteration of manufactured structures; or

2 (d) The regulation of manufactured structure dealers and manufactured structure dealerships.

3 **SECTION 85.** ORS 446.736 is amended to read:

4 446.736. (1) Except as provided in subsection (7) of this section, a manufactured structure dealer  
5 who transfers an interest in a manufactured structure shall:

6 (a) Submit to the [*Department of Consumer and Business Services*] **Bureau of Labor and In-**  
7 **dustries** an application for an ownership document on behalf of the purchaser; or

8 (b) If the purchase is being financed, submit sufficient information to a lender to allow the  
9 lender to make an application to the [*department*] **bureau** for an ownership document.

10 (2) An application under subsection (1) of this section must be on a form approved by the [*de-*  
11 *partment*] **bureau** and include:

12 (a) The year, manufacturer's name, model if available and identification number for the manu-  
13 factured structure.

14 (b) Any existing ownership document for the structure or, if none, the manufacturer's certificate  
15 of origin or other document evidencing ownership of the manufactured structure.

16 (c) The legal description or street address for the proposed situs for the manufactured structure.

17 (d) The identity of the owner of record for the location where the manufactured structure is  
18 being sited or, if the structure is being sited in a facility as defined in ORS 90.100, the name of the  
19 facility.

20 (e) The name and mailing address of each person acquiring an ownership interest in the manu-  
21 factured structure.

22 (f) The name and mailing address of each person acquiring a security interest in the manufac-  
23 tured structure.

24 (g) Any other information required by the [*department*] **bureau** by rule for processing an appli-  
25 cation.

26 (3) If a manufactured structure dealer is unable to comply with subsection (1) of this section,  
27 within 25 business days of the transfer the dealer shall provide a notice of delay to the security  
28 interest holder next named, if any, and the purchaser. The notice must contain:

29 (a) The reason for the delay;

30 (b) The anticipated extent of the delay; and

31 (c) A statement of the rights and remedies available to the purchaser if the delay becomes un-  
32 reasonably extended.

33 (4) A manufactured structure dealer that fails to comply with this section is subject to revoca-  
34 tion or suspension of the dealer's license or being placed on probation by the [*Department of Con-*  
35 *sumer and Business Services*] **Bureau of Labor and Industries** pursuant to ORS 446.741. A dealer  
36 that fails to comply with subsection (1) of this section within 90 days is subject to criminal penalties  
37 under ORS 446.746 (1)(h).

38 (5) Notwithstanding subsections (1) and (4) of this section, if a purchaser is not in compliance  
39 with the payment terms of a purchase agreement on the 20th calendar day after the transfer, the  
40 dealer is not required to perform under subsection (1) of this section until 25 calendar days after the  
41 purchaser is in compliance with the payment terms of the purchase agreement. This subsection does  
42 not excuse the duty of the dealer under subsection (3) of this section.

43 (6) This section does not apply to a transfer of interest in a manufactured structure that is  
44 subject to an escrow transaction.

45 (7) This section does not apply to a manufactured structure for which an application is filed

1 under ORS 446.626 within 25 business days of the transfer.

2 **SECTION 86.** ORS 446.741 is amended to read:

3 446.741. (1) The [*Director of the Department of Consumer and Business Services*] **Commissioner**  
 4 **of the Bureau of Labor and Industries** may revoke or suspend a manufactured structure dealer  
 5 license, or place a dealer on probation, if the dealer does any of the following:

6 (a) Commits an act that is grounds for suspension, revocation or probation under rules the [*di-*  
 7 *rector*] **commissioner** adopted.

8 (b) Fails to comply with the requirements for notices or reports of the transfer of interest in  
 9 manufactured structures.

10 (c) Moves a manufactured structure or causes a manufactured structure to be moved without  
 11 complying with the requirements for variance permits under ORS 818.200 and trip permits under  
 12 ORS 446.631.

13 (d) Knowingly provides false information on an application for a dealer license, supplemental  
 14 license or corrected dealer license.

15 (e) Deals in a manufactured structure that both before and after the sale is assessed as real  
 16 property under ORS 308.875 or is recorded in the deed records of a county. This paragraph does not  
 17 apply if an ownership document is issued for the manufactured structure prior to sale.

18 (f) Employs a person in an administrative or managerial capacity while the person is disqualified  
 19 under subsection (5) of this section.

20 (g) Fails, in conducting activities of a mortgage loan originator, to comply with the provisions  
 21 of:

22 (A) The Truth in Lending Act, 15 U.S.C. 1601 et seq., and Regulation Z, 12 C.F.R. part 1026, as  
 23 in effect on October 1, 2013;

24 (B) The Real Estate Settlement Procedures Act, 12 U.S.C. 2601 et seq., and Regulation X, 12  
 25 C.F.R. part 1024, as in effect on January 1, 2013;

26 (C) The Equal Credit Opportunity Act, 15 U.S.C. 1691 et seq., and Regulation B, 12 C.F.R. part  
 27 1002, as in effect on January 1, 2013; or

28 (D) The S.A.F.E. Mortgage Licensing Act, 12 U.S.C. 5101 et seq., and Regulation H, 12 C.F.R.  
 29 part 1008, as in effect on January 1, 2013.

30 (h) Fails to certify to the [*director*] **commissioner** in a form and manner the [*director*] **com-**  
 31 **missioner** specifies by rule that the dealer has independently verified that every individual the  
 32 dealer hired or intends to hire as a mortgage loan originator meets the requirements set forth in  
 33 ORS 86A.200 to 86A.239 and ORS 86A.186.

34 (i) Employs a device, scheme or artifice to defraud or engage in an act, practice or course of  
 35 business that operates or would operate as a fraud or deceit.

36 (j) Knowingly makes an untrue statement of a material fact or omits from a statement a material  
 37 fact that would make the statement not misleading in light of the circumstances under which the  
 38 dealer makes the statement.

39 (k) Makes or files or causes to be made or filed with the [*director*] **commissioner** a statement,  
 40 report or document that the dealer knows is false in a material respect or matter.

41 (2) The [*director*] **commissioner** shall cancel a manufactured structure dealer license imme-  
 42 diately upon receipt of legal notice that a bond described under ORS 446.726 or under ORS 86A.227  
 43 is canceled.

44 (3) Upon suspension, revocation or cancellation of a manufactured structure dealer license under  
 45 this section, the [*director*] **commissioner** shall demand the return of the license.



1 (4) The [director] **commissioner** shall cancel a dealer license or supplemental license imme-  
 2 diately upon receipt of notice that zoning approval for a place of business has been revoked.

3 (5) If the [director] **commissioner** finds that a violation of subsection (1)(d), (i), (j) or (k) of this  
 4 section has occurred, the [director] **commissioner** may issue an order under ORS chapter 183 dis-  
 5 qualifying, for up to seven years after the date that the disqualification becomes effective:

6 (a) The dealer whose license is revoked from:

7 (A) Obtaining a license as a manufactured structure dealer; or

8 (B) Working in an administrative or managerial capacity for a manufactured structure dealer.

9 (b) Any other person whose acts or omissions were material to the events that were the basis  
 10 for the violation from working in an administrative or managerial capacity for a manufactured  
 11 structure dealer.

12 (6) If a person who is subject to disqualification or who is disqualified under subsection (5) of  
 13 this section elects to pay restitution to a customer whom the [director] **commissioner** finds suffered  
 14 harm as a result of the violation of subsection (1)(d), (i), (j) or (k) of this section, the [director]  
 15 **commissioner** may choose not to issue an order of disqualification to the person or may rescind a  
 16 previously issued order of disqualification.

17 (7) A person who applies for licensing as a manufactured structure dealer following a period of  
 18 disqualification under subsection (5) of this section must meet the requirements for issuance of an  
 19 initial manufactured structure dealer license.

20 **SECTION 87.** ORS 446.746 is amended to read:

21 446.746. (1) A manufactured structure dealer improperly operates a manufactured structure  
 22 dealership and is subject to the penalties under this section if the dealer commits any of the fol-  
 23 lowing crimes:

24 (a) A manufactured structure dealer commits the crime of failure to obtain a supplemental li-  
 25 cense if the dealer has a manufactured structure dealer license and opens any additional place of  
 26 business using the same business name without first obtaining a supplemental license under ORS  
 27 446.716.

28 (b) A manufactured structure dealer commits the crime of failure to obtain a corrected dealer  
 29 license if the dealer moves a place of business or changes the business name without first obtaining  
 30 a corrected dealer license under ORS 446.716.

31 (c) A manufactured structure dealer commits the crime of failure to maintain proper manufac-  
 32 tured structure dealer records if the dealer does not keep records or books with all of the following  
 33 information concerning a used manufactured structure the dealer handles:

34 (A) A record of the purchase, sale or exchange or of the dealer's receipt for purpose of sale.

35 (B) A description of the manufactured structure.

36 (C) The name and address of the seller, the purchaser and the alleged owner or other person  
 37 from whom the manufactured structure was purchased or received or to whom it was sold or deliv-  
 38 ered.

39 (D) A duly assigned ownership document or other document evidencing ownership or a bill of  
 40 sale from the registered owner of the manufactured structure from the time of delivery to the dealer  
 41 until the dealer disposes of the manufactured structure.

42 (d) A manufactured structure dealer commits the crime of failure to allow administrative in-  
 43 spection if the dealer refuses to allow the [Department of Consumer and Business Services] **Bureau**  
 44 **of Labor and Industries** to inspect the dealer's records and manufactured structures in the pos-  
 45 session of the dealer at any time during normal business hours.

1 (e) A manufactured structure dealer commits the crime of failure to allow police inspection if  
2 the dealer refuses to allow a police officer to conduct an inspection of the dealer's records and  
3 manufactured structures in the possession of the dealer at any time during normal business hours.

4 (f) A manufactured structure dealer commits the crime of failure to exhibit the manufactured  
5 structure dealer license if the dealer fails to exhibit the license at the place of business of the dealer  
6 at all times while the license is in force. This paragraph does not apply to dealer activity at a  
7 temporary exhibition of manufactured structures.

8 (g) A manufactured structure dealer commits the crime of failure to satisfy an interest in a  
9 manufactured structure if, within 15 days after transfer of any interest in a manufactured structure  
10 to the dealer by a person other than another manufactured structure dealer, or within 15 days after  
11 receiving the ownership document for a manufactured structure obtained from another manufactured  
12 structure dealer, the dealer fails to satisfy:

13 (A) The interest of any person from whom the dealer purchased or obtained the manufactured  
14 structure;

15 (B) The interest of any person from whom the person described in subparagraph (A) of this  
16 paragraph leased the manufactured structure; and

17 (C) All security interests in the manufactured structure entered into prior to the time of trans-  
18 fer.

19 (h) Except as provided in subsection (2) of this section, a manufactured structure dealer commits  
20 the crime of failure to report an interest transfer for a manufactured structure if, 90 calendar days  
21 after a transfer of interest that is subject to ORS 446.736, the dealer has failed to submit:

22 (A) An application to the [*Department of Consumer and Business Services*] **Bureau of Labor and**  
23 **Industries** for an ownership document; or

24 (B) Sufficient information to a lender to allow the lender to make an application to the [*de-*  
25 *partment*] **bureau** for an ownership document.

26 (i) A person commits the crime of acting as a manufactured structure dealer while under sus-  
27 pension, revocation or cancellation if the person conducts business as a manufactured structure  
28 dealer in this state and the person's manufactured structure dealer license is revoked, canceled or  
29 suspended, regardless of whether the person is licensed as a manufactured structure dealer in an-  
30 other jurisdiction.

31 (j) A manufactured structure dealer commits the crime of failure to maintain bond or letter of  
32 credit coverage if the dealer permits a bond or letter of credit to lapse during the period that the  
33 bond or letter of credit is required under ORS 446.691, 446.696 or 446.701 or if the dealer fails to  
34 purchase a bond or letter of credit that complies with ORS 446.726.

35 (2) A dealer is not considered to have committed the crime described in subsection (1)(h) of this  
36 section if the dealer demonstrates that:

37 (a) The dealer has made a good faith effort to comply; and

38 (b) The dealer's failure to make an application or provide information is due to circumstances  
39 beyond the dealer's control.

40 (3) The crimes described in this section are subject to the following penalties:

41 (a) The crime described in subsection (1)(a) of this section, failure to obtain a supplemental li-  
42 cense, is a Class A misdemeanor.

43 (b) The crime described in subsection (1)(b) of this section, failure to obtain a corrected dealer  
44 license, is a Class A misdemeanor.

45 (c) The crime described in subsection (1)(c) of this section, failure to maintain proper manufac-

1 tured structure dealer records, is a Class A misdemeanor.

2 (d) The crime described in subsection (1)(d) of this section, failure to allow administrative in-  
 3 spection, is a Class A misdemeanor.

4 (e) The crime described in subsection (1)(e) of this section, failure to allow police inspection, is  
 5 a Class A misdemeanor.

6 (f) The crime described in subsection (1)(f) of this section, failure to exhibit the manufactured  
 7 structure dealer license, is a Class A misdemeanor.

8 (g) The crime described in subsection (1)(g) of this section, failure to satisfy an interest in a  
 9 manufactured structure, is a Class A misdemeanor.

10 (h) The crime described in subsection (1)(h) of this section, failure to report an interest transfer  
 11 for a manufactured structure, is a Class A misdemeanor.

12 (i) The crime described in subsection (1)(i) of this section, acting as a manufactured structure  
 13 dealer while under suspension, revocation or cancellation, is a Class A misdemeanor.

14 (j) The crime described in subsection (1)(j) of this section, failure to maintain bond or letter of  
 15 credit coverage, is a Class A misdemeanor.

16 **SECTION 88.** ORS 446.748 is amended to read:

17 446.748. (1) If the [*Director of the Department of Consumer and Business Services*] **Commissioner**  
 18 **of the Bureau of Labor and Industries** has reason to believe that a person has engaged, is en-  
 19 gaging or is about to engage in a violation of ORS 446.661 to 446.756 or a rule adopted under ORS  
 20 446.661 to 446.756, the [*director*] **commissioner** may issue an order directed to the person to cease  
 21 and desist from the violation or threatened violation.

22 (2) The [*director*] **commissioner** may require a manufactured structure dealer, or a person as-  
 23 sociated with the manufactured structure dealer, to produce for the [*director's*] **commissioner's**  
 24 examination and use books, accounts, records, files, documents or other information or evidence as  
 25 the [*director*] **commissioner** deems necessary to carry out the purposes of ORS 446.661 to 446.756.

26 (3) The [*director*] **commissioner** may direct, subpoena, examine, compel the attendance of, ad-  
 27 minister oaths and affirmations to, and request production of books, accounts, records, files, docu-  
 28 ments or other information or evidence from witnesses and persons that are subject to regulation  
 29 under ORS 446.661 to 446.756.

30 (4) The [*director*] **commissioner** may interview, take and preserve testimony concerning busi-  
 31 ness practices and operations from the manufactured structure dealer's officers, principals, mortgage  
 32 loan originators if applicable, employees, agents and customers or independent contractors associ-  
 33 ated with the manufactured structure dealer.

34 **SECTION 89.** ORS 446.751 is amended to read:

35 446.751. (1) A manufactured structure dealer commits the crime of engaging in illegal consign-  
 36 ment practices if the dealer does any of the following:

37 (a) Takes a manufactured structure on consignment from a person who is not a licensed dealer  
 38 and does not have proof that the consignor is the owner of, or a security interest holder in, the  
 39 structure.

40 (b) Takes a manufactured structure on consignment from a security interest holder without the  
 41 security interest holder first completing a repossession action prior to consigning the structure and  
 42 providing the dealer with proper documentary proof of the repossession action.

43 (c) Takes a manufactured structure on consignment and does not have the terms of the  
 44 consignment agreement in writing and provide a copy of the agreement to the consignor, unless the  
 45 consignor is a security interest holder described in paragraph (b) of this subsection. The agreement

1 must include a provision stating that, if the terms of the agreement are not met, the consignor may  
2 file a complaint in writing with the [*Department of Consumer and Business Services*] **Bureau of**  
3 **Labor and Industries**, Salem, Oregon.

4 (d) Sells a manufactured structure that the dealer has on consignment and does not pay the  
5 consignor within 10 days after the sale.

6 (e) Refuses to allow the [*department*] **bureau** or any duly authorized representative to inspect  
7 and audit any records of any separate accounts into which the dealer deposits any funds received  
8 or handled by the dealer in the course of business as a dealer from consignment sales of manufac-  
9 tured structures at such times as the [*department*] **bureau** may direct.

10 (f) Takes any money paid to the dealer in connection with any consignment transaction as part  
11 or all of the dealer’s commission or fee until the transaction has been completed or terminated.

12 (g) Does not make an arrangement with the seller for the disposition of money from a consign-  
13 ment transaction at the time of establishing a consignment agreement.

14 (h) Sells a manufactured structure that the dealer has taken on consignment without first giving  
15 the purchaser the following disclosure in writing:

16 \_\_\_\_\_

17  
18 DISCLOSURE REGARDING  
19 CONSIGNMENT SALE

20  
21 \_\_\_\_\_ (Name of Dealer) is selling the following described manufactured structure:  
22 \_\_\_\_\_ (Year) \_\_\_\_\_ (Make) \_\_\_\_\_ (Model) \_\_\_\_\_ (Identification Number) on consignment.  
23 Ownership of this manufactured structure is in the name of: \_\_\_\_\_ (Owner(s) as shown  
24 on the ownership document) and the following are listed on the ownership document as security  
25 interest holders:

26 \_\_\_\_\_

27 \_\_\_\_\_

28 \_\_\_\_\_

29  
30 YOU SHOULD TAKE ACTION TO ENSURE THAT ANY SECURITY INTERESTS ARE RE-  
31 LEASED AND THAT THE OWNERSHIP DOCUMENT FOR THE MANUFACTURED STRUCTURE  
32 IS TRANSFERRED TO YOU. OTHERWISE, YOU MAY TAKE OWNERSHIP SUBJECT TO ANY  
33 UNSATISFIED SECURITY INTERESTS.

34 \_\_\_\_\_

35  
36 (2) Engaging in illegal consignment practices is a Class A misdemeanor.

37 **SECTION 90.** ORS 446.995 is amended to read:

38 446.995. (1) The [*Department of Consumer and Business Services*] **Bureau of Labor and Indus-**  
39 **tries** may impose a civil penalty as provided in ORS 455.895 for each violation, against a licensed  
40 manufactured structure dealer or against a person required by a rule adopted pursuant to ORS  
41 446.666 to be licensed, if the dealer or person violates a provision of ORS 446.661 to 446.756 or a  
42 rule adopted by the [*department*] **bureau** relating to the sale of manufactured structures. If the  
43 dealer authorizes a person licensed pursuant to ORS 446.666 to commit a violation, the dealer and  
44 person are both subject to civil penalty. Notwithstanding subsection (2) of this section, if a dealer  
45 expressly or by implication authorizes an act by a real estate agent described in ORS 446.676 (14)

1 that is a violation, the dealer is subject to the civil penalty for the violation.

2 (2) The [department] **bureau** may impose a civil penalty, in an amount not to exceed \$5,000 for  
 3 each manufactured structure improperly sold, brokered or exchanged, or offered or displayed for  
 4 sale, against a person that:

5 (a) Violates a provision of ORS 446.661 to 446.756 or a rule adopted by the [department] **bureau**  
 6 relating to the sale of manufactured structures if the person does not possess a license required by  
 7 ORS 446.671 or by rule pursuant to ORS 446.666; or

8 (b) Violates a rule adopted by the [department] **bureau** relating to the sale of manufactured  
 9 structures if the person is exempt from licensing under ORS 446.676.

10 **SECTION 91.** ORS 447.010 is amended to read:

11 447.010. As used in ORS 447.010 to 447.156 and 447.992, unless the context requires otherwise:

12 (1) "Board" means the State Plumbing Board established under ORS 693.115.

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

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

15 **(2) "Bureau" means the Bureau of Labor and Industries.**

16 **(3) "Commissioner" means the Commissioner of the Bureau of Labor and Industries.**

17 (4) "Journeyman plumber" has the meaning given that term in ORS 693.010.

18 (5) "Ordinary minor repairs" means the repair, replacement or maintenance of existing plumbing  
 19 fixtures, appliances, appurtenances and related water supply and drain attachments for the purpose  
 20 of restoring a plumbing installation to a safe and sanitary operating condition.

21 (6) "Plumbing" is the art of installing, altering or repairing in or adjacent to or serving  
 22 buildings:

23 (a) Pipes, fixtures and other apparatus for bringing in the water supply and removing liquid and  
 24 water-carried waste, including the water supply distributing pipes.

25 (b) Fixtures and fixture traps.

26 (c) Soil, waste and vent pipes.

27 (d) House drain and house sewer to the sewer service lateral at the curb, or in the street, or  
 28 alley, or other disposal terminal holding human or domestic sewage.

29 (e) Storm water drainage, with their devices, appurtenances and connections.

30 (f) Pipes, fixtures and other apparatus for medical gas, anesthetic waste gas and vacuum sys-  
 31 tems.

32 (g) Solar heating and cooling systems.

33 **SECTION 92.** ORS 447.020 is amended to read:

34 447.020. (1) All installations of plumbing and drainage in buildings and structures in this state  
 35 and all potable water supply, drainage, and waste installations, within or serving buildings or  
 36 structures, except in temporary construction camps, and except as otherwise provided in ORS  
 37 447.010 to 447.156 and 447.992, shall be made in accordance with the requirements of ORS 447.010  
 38 to 447.156 and 447.992 and ORS chapter 455.

39 (2) The [Director of the Department of Consumer and Business Services] **Commissioner of the**  
 40 **Bureau of Labor and Industries** with the approval of the State Plumbing Board shall make rules  
 41 pursuant to ORS chapter 183 for the purpose of setting standards for plumbing and defining com-  
 42 pliance with the provisions of ORS 447.010 to 447.156 and 447.992 particularly pertaining to instal-  
 43 lation of piping, protection and adequacy of the water supply, workmanship and materials, traps and  
 44 cleanouts, domestic hot water storage tanks and devices, drinking fountains, solar heating and  
 45 cooling systems, approval of devices, equipment and fixtures, hangers and supports, drainage and

1 venting, house drains and house sewers, storm water drains, special wastes, light and ventilation  
 2 of water closets and bathrooms, and excavation and grading.

3 (3) The [*director*] **commissioner** shall appoint an adequate staff experienced and trained to  
 4 serve as plumbing inspectors to enforce rules adopted under this section.

5 **SECTION 93.** ORS 447.026 is amended to read:

6 447.026. (1) All water pipe used to carry potable water sold in this state shall be clearly marked  
 7 the entire length of pipe, at intervals of length set by the [*Director of the Department of Consumer*  
 8 *and Business Services*] **Commissioner of the Bureau of Labor and Industries** with the approval  
 9 of the State Plumbing Board, with:

10 (a) Identification of the manufacturer and the plant of origin; and

11 (b) The manufacturing standard under which the pipe was made.

12 (2) A label, shield or coding system may be used to identify the manufacturer, origin and man-  
 13 ufacturing standard under which the pipe was made if the manufacturer has on file with the [*De-*  
 14 *partment of Consumer and Business Services*] **Bureau of Labor and Industries** a notice describing  
 15 the identification system used.

16 **SECTION 94.** ORS 447.072 is amended to read:

17 447.072. Notwithstanding ORS 455.610, the [*Department of Consumer and Business Services*] **Bu-**  
 18 **reau of Labor and Industries**, with the approval of the State Plumbing Board, shall adopt rules  
 19 to create an exemption from permit and inspection requirements for ordinary minor repairs in low-  
 20 rise residential dwellings and commercial structures when the board finds that the plumbing does  
 21 not involve any changes or alterations of the existing plumbing system. The exemption from the  
 22 permit:

23 (1) May not include new construction or replacement of water heaters or underground plumbing;  
 24 and

25 (2) Shall be available only to licensed plumbing contractors or persons described under ORS  
 26 693.020.

27 **SECTION 95.** ORS 447.076 is amended to read:

28 447.076. Notwithstanding ORS 455.610, the [*Department of Consumer and Business Services*] **Bu-**  
 29 **reau of Labor and Industries**, with the approval of the State Plumbing Board, shall adopt rules  
 30 to create a mandatory inspection program for minor plumbing installations made by licensed  
 31 plumbing contractors in low-rise residential dwellings. The rules adopted by the [*department*] **bureau**  
 32 shall:

33 (1) Define the term “minor plumbing installations” in a manner that does not include new con-  
 34 struction;

35 (2) Designate which minor plumbing installations are under the inspection program; and

36 (3) Provide for random inspection of minor plumbing installations.

37 **SECTION 96.** ORS 447.080 is amended to read:

38 447.080. No city or county shall enact or enforce any ordinances or building codes providing  
 39 different requirements than those imposed by the state building code for the regulation of the busi-  
 40 ness of master plumbing or the installation of drainage work unless authorized by the [*Director of*  
 41 *the Department of Consumer and Business Services*] **Commissioner of the Bureau of Labor and**  
 42 **Industries** under ORS 455.040.

43 **SECTION 97.** ORS 447.091 is amended to read:

44 447.091. The [*Department of Consumer and Business Services*] **Bureau of Labor and Industries**  
 45 or local government administering the plumbing specialty code adopted under ORS 447.020 (2) may,

1 upon request of any sanitary district formed pursuant to ORS 450.005 to 450.245, sanitary authority  
 2 established under ORS 450.600 to 450.989, or county service district established under ORS 451.410  
 3 to 451.610, contract for the inspection of building sewers constructed to connect a district sewage  
 4 system if inspectors employed by such district are certified for sewer inspections under ORS 455.715  
 5 to 455.740.

6 **SECTION 98.** ORS 447.095 is amended to read:

7 447.095. (1) Rules adopted under ORS 447.020 shall provide a plumbing inspection fee schedule.  
 8 The schedule shall establish inspection fees for inspections made by the *[Department of Consumer*  
 9 *and Business Services]* **Bureau of Labor and Industries** under ORS 447.010 to 447.156, 447.992 and  
 10 455.610 to 455.630 based on the cost of making inspections as measured by the time required of the  
 11 inspector.

12 (2) Plumbing inspections may be made for other governmental units, upon request, pursuant to  
 13 agreements entered into under ORS 190.003 to 190.620.

14 **SECTION 99.** ORS 447.097 is amended to read:

15 447.097. All moneys received by the *[Department of Consumer and Business Services]* **Bureau**  
 16 **of Labor and Industries** under ORS 447.010 to 447.156 and 447.992 shall be disposed of in accord-  
 17 ance with ORS 693.165.

18 **SECTION 100.** ORS 447.100 is amended to read:

19 447.100. (1) No new hotel, motel, apartment house, dwelling, office building or other structure  
 20 shall be constructed which employs a tank-type water closet that is not approved by the *[Director*  
 21 *of the Department of Consumer and Business Services]* **Commissioner of the Bureau of Labor and**  
 22 **Industries**, with the approval of the State Plumbing Board, as meeting adequate standards of safety  
 23 and sanitation.

24 (2) The *[director]* **commissioner**, with the approval of the board, shall cause to have adopted  
 25 and published, pursuant to ORS chapter 183, a list of approved types of tank-type water closets  
 26 meeting the requirements of this section.

27 **SECTION 101.** ORS 447.118 is amended to read:

28 447.118. (1) Nothing in ORS 447.010 to 447.156 and 447.992 shall prohibit the installation of a  
 29 compost toilet for a dwelling by the occupant of the dwelling if the compost toilet complies with the  
 30 minimum requirements established under this section.

31 (2) Rules adopted under ORS 447.020 shall provide minimum requirements for the design, con-  
 32 struction, installation and maintenance of compost toilets.

33 (3) The *[Director of the Department of Consumer and Business Services]* **Commissioner of the**  
 34 **Bureau of Labor and Industries** with the approval of the State Plumbing Board may require by  
 35 rule that, in addition to any other requirements provided by law, any manufacturer or distributor  
 36 of a compost toilet and any person other than the owner of the dwelling in which the compost toilet  
 37 is to be installed who proposes to install a compost toilet file with the *[Department of Consumer and*  
 38 *Business Services]* **Bureau of Labor and Industries** a satisfactory bond, irrevocable letter of credit  
 39 issued by an insured institution as defined in ORS 706.008 or other security in an amount to be fixed  
 40 by the *[department]* **bureau** with approval of the board but not to exceed \$5,000, conditioned that  
 41 such bond, letter of credit or security shall be forfeited in whole or in part to the *[department]* **bu-**  
 42 **reau** for the purpose of carrying out the provisions of ORS 447.124 by failure of such manufacturer,  
 43 distributor or person to comply with the rules adopted under this section.

44 **SECTION 102.** ORS 447.124 is amended to read:

45 447.124. For the purpose of enforcing ORS 447.118 and the rules adopted thereunder, the *[De-*

1 *partment of Consumer and Business Services*] **Bureau of Labor and Industries**, with the assistance  
2 of the Oregon Health Authority:

3 (1) May conduct periodic inspections of any compost toilet;

4 (2) Upon making a finding that a compost toilet is in violation of the rules adopted pursuant to  
5 ORS 447.118 (2), may issue an order requiring the owner of the dwelling served by the compost toilet  
6 to take action necessary to correct the violation; and

7 (3) Upon making a finding that a compost toilet presents or threatens to present a public health  
8 hazard creating an emergency requiring immediate action to protect the public health, safety or  
9 welfare, may issue an order requiring the owner of the dwelling served by the compost toilet to take  
10 any action necessary to remove such hazard or threat thereof. If such owner fails to take the actions  
11 required by such order, the *[department]* **bureau** shall take such action, itself or by contract with  
12 outside parties, as necessary to remove the hazard or threat thereof. The *[department]* **bureau** shall  
13 keep a record of all necessary expenses incurred by the *[department]* **bureau** in carrying out such  
14 action, including a reasonable charge for costs incurred and equipment and materials utilized by the  
15 state. Any owner who fails to take action required by an order issued under this subsection shall  
16 be responsible for such necessary expenses incurred by the state. Based on the record compiled by  
17 the *[department]* **bureau**, an owner responsible for expenses due to the failure of a manufacturer,  
18 distributor or person to comply with the rules adopted under ORS 447.118 (2) shall have a setoff  
19 against the bond or other security forfeited under ORS 447.118 (3) to the extent that such expenses  
20 are due to such failure of the manufacturer, distributor or person. The *[department]* **bureau** shall  
21 make a finding and enter an order against the owner for the necessary expenses. Orders issued un-  
22 der this section may be appealed pursuant to ORS chapter 183 but not as a contested case. Any  
23 amount due the *[department]* **bureau** under this subsection and not paid in full within 30 days after  
24 the order is entered, or, if the order is appealed, within 30 days after there is no further right to  
25 appeal, shall become a lien upon the dwelling of the owner. The *[department]* **bureau** shall file a  
26 notice of the lien with the recording officer of the county in which the dwelling is located and the  
27 recording officer shall record the notice in a manner designed to appear in the mortgage records  
28 of the county.

29 (4) The *[department]* **bureau** may contract with any state or local agency for the purpose of  
30 carrying out the provisions of this section.

31 **SECTION 103.** ORS 447.140 is amended to read:

32 447.140. (1) All waste water and sewage from plumbing fixtures shall be discharged into a sewer  
33 system or alternate sewage disposal system approved by the Environmental Quality Commission or  
34 Department of Environmental Quality under ORS chapters 468, 468A and 468B.

35 (2) No plumbing fixture, device or equipment shall be installed, maintained or offered for sale  
36 which will provide a cross-connection between the distributing system of water for drinking and  
37 domestic purposes and any other water supply, or a drainage system, soil or waste pipe so as to  
38 permit or make possible the backflow of contaminated water, sewage or waste into the water supply  
39 system.

40 (3) No flush valve, vacuum breaker or syphon preventer shall be offered for sale or installed that  
41 has not been approved by the *[Department of Consumer and Business Services]* **Bureau of Labor  
42 and Industries** with the approval of the State Plumbing Board.

43 (4) The use or installation of water-operated sump pumps or sewage ejectors, if connected to the  
44 potable water supply, is prohibited.

45 (5) No pan, plunger, offset washout, washout, long hopper, frost proof or other water closets



1 having invisible seals or unventilated spaces, or walls not thoroughly washed at each flushing, shall  
2 be installed or sold for use in any building.

3 (6) No plumbing fixture, appurtenance or device, the installation of which would be in violation  
4 of the state plumbing specialty code and the rules of the [*department*] **bureau** approved by the board  
5 shall be sold, offered for sale or installed.

6 **SECTION 104.** ORS 447.145 is amended to read:

7 447.145. (1) All new fixtures approved for installation during construction, reconstruction, al-  
8 teration and repair of buildings and other structures under ORS 447.020 shall comply with rules  
9 adopted by the [*Director of the Department of Consumer and Business Services*] **Commissioner of**  
10 **the Bureau of Labor and Industries**. The rules shall be consistent with performance requirements  
11 and test procedures established by the American National Standards Institute, or other equivalent  
12 recognized North American standards and procedures. Except for used fixtures allowed under sub-  
13 section (4) of this section, the average amount of water used by new or replacement fixtures under  
14 the applicable test procedures shall not exceed:

- 15 (a) 1.6 gallons or 6.06 liters per flush for toilets;
- 16 (b) 1.0 gallons or 3.785 liters per flush for urinals;
- 17 (c) 2.5 gallons or 9.46 liters per minute for shower heads; and
- 18 (d) 2.5 gallons or 9.46 liters per minute for interior faucets.

19 (2) Notwithstanding subsection (1) of this section, the [*director*] **commissioner** by rule shall  
20 provide for exemptions to the requirements under subsection (1) of this section if:

21 (a) The reconstruction, alteration or repair of a building does not include the installation of new  
22 or replacement toilets or urinals, shower heads or faucets within the building;

23 (b) Due to the capacity, design or installation of the plumbing or sewage system within an ex-  
24 isting building, toilets or urinals required by subsection (1) of this section would, if installed in the  
25 building, be unable to meet the performance requirements of the American National Standards In-  
26 stitute or other equivalent recognized North American standards as adopted by rule;

27 (c) The fixtures and fittings necessary to perform a specialized function, including but not lim-  
28 ited to emergency showers and aspirator faucets, cannot meet the requirements;

29 (d) The installation of fixtures that do not comply with subsection (1) of this section is necessary  
30 to maintain the historic character of a structure listed under ORS 358.480 to 358.545; or

31 (e) The fixtures and fittings to be installed are specifically designed to withstand unusual abuse  
32 or installation in a penal institution or are located in an area with special needs, such as a labo-  
33 ratory, hospital, nursing home or other health care facility.

34 (3) No person shall sell or offer for sale any new toilet, urinal, shower head or faucet that has  
35 not been approved under ORS 447.020.

36 (4) On or after December 31, 1995, no person shall sell or offer for sale any used toilet, urinal,  
37 shower head or interior faucet that does not meet the conservation standards established in sub-  
38 section (1) of this section.

39 (5) The [*director*] **commissioner** shall adopt rules and regulations for marking, labeling or oth-  
40 erwise identifying fixtures that meet the standards of this section.

41 **SECTION 105.** ORS 447.152 is amended to read:

42 447.152. In compliance with ORS chapter 183, the [*Director of the Department of Consumer and*  
43 *Business Services*] **Commissioner of the Bureau of Labor and Industries**, with the approval of  
44 the State Plumbing Board, shall adopt rules, including but not limited to:

- 45 (1) Governing minimum safety standards for design and construction of plumbing products to be

1 sold or disposed of in this state.

2 (2) Establishing procedures for certification of plumbing products.

3 (3) Establishing criteria for approval of plumbing product testing laboratories and listing agen-  
4 cies, including but not limited to:

5 (a) Independence from manufacturers, vendors and when applicable, testing laboratories;

6 (b) Ethical testing and business standards;

7 (c) Test quality control;

8 (d) Continuity of monitoring continuing product safety;

9 (e) Certification and listing procedures; and

10 (f) Record keeping.

11 (4) Providing for certified or listed product identification.

12 (5) Establishing criteria for approval of a plumbing product by a special deputy similar to those  
13 rules established for testing laboratories.

14 (6) Governing the internal organization and procedure for administering and enforcing ORS  
15 447.152, 447.154 and 447.156 (1) and (2).

16 **SECTION 106.** ORS 447.210 is amended to read:

17 447.210. As used in ORS 447.210 to 447.280, unless the context requires otherwise:

18 (1) "Affected buildings" includes any place of public accommodations and commercial facilities  
19 designed, constructed and altered in compliance with the accessibility standards established by the  
20 Americans with Disabilities Act. "Affected buildings" also includes any government building that is  
21 subject to Title II of the Americans with Disabilities Act. "Affected buildings" also includes private  
22 entities, private membership clubs and churches that have more than one floor level and more than  
23 4,000 square feet in ground area or that are more than 20 feet in height, measured from the top  
24 surface of the lowest flooring to the highest interior overhead finish of the building.

25 (2) "Americans with Disabilities Act" means the Americans with Disabilities Act of 1990 found  
26 at 42 U.S.C. section 12101 et seq.

27 (3) "Architectural barriers" are physical design features that restrict the full use of affected  
28 buildings and their related facilities by persons with disabilities.

29 **(4) "Bureau" means the Bureau of Labor and Industries.**

30 [(4)] **(5)** "Commercial facilities" includes nonresidential facilities, such as office buildings, fac-  
31 tories and warehouses, whose operations affect commerce.

32 **(6) "Commissioner" means the Commissioner of the Bureau of Labor and Industries.**

33 [(5)] **(7)** "Covered multifamily dwellings" means buildings consisting of four or more dwelling  
34 units if such buildings have one or more elevators, and ground floor dwelling units in other buildings  
35 consisting of four or more dwelling units. Dwelling units within a single structure separated by  
36 firewalls do not constitute separate buildings.

37 [(6)] *"Department" means the Department of Consumer and Business Services.*

38 [(7)] *"Director" means the Director of the Department of Consumer and Business Services.*

39 (8) "Fair Housing Act" means the Fair Housing Act of 1968, as amended in 1988, found at 42  
40 U.S.C. section 3604 et seq.

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

43 (10) "Private entities" means privately owned entities offering examinations or courses related  
44 to applications, licensing, certification or credentials for secondary or post-secondary education,  
45 professional or trade purposes.

1 (11) "Public accommodations" means a facility whose operations affect commerce and fall within  
 2 at least one of the following categories:

- 3 (a) Places of lodging not including owner-occupied establishments renting fewer than six rooms;
- 4 (b) Establishments serving food or drink;
- 5 (c) Places of exhibition or entertainment;
- 6 (d) Places of public gathering;
- 7 (e) Sales or rental establishments;
- 8 (f) Service establishments;
- 9 (g) Public transportation terminals, depots or stations;
- 10 (h) Places of public display or collection;
- 11 (i) Places of recreation;
- 12 (j) Places of education;
- 13 (k) Social service center establishments; and
- 14 (L) Places of exercise or recreation.

15 (12) "Related facilities" means building site improvements including, but not limited to, parking  
 16 lots, passageways, roads, clustered mailboxes located either on the site or in an adjacent public  
 17 right of way or any other real or personal property located on the site.

18 (13) "Structural code" means the specialty code defined in ORS 455.010.

19 **SECTION 107.** ORS 447.220 is amended to read:

20 447.220. It is the purpose of ORS 447.210 to 447.280 to make affected buildings, including but not  
 21 limited to commercial facilities, public accommodations, private entities, private membership clubs  
 22 and churches, in the state accessible to and usable by persons with disabilities, as provided in the  
 23 Americans with Disabilities Act, and to make covered multifamily dwellings in the state accessible  
 24 to and usable by all persons with disabilities, as provided in the Fair Housing Act. In requiring that  
 25 buildings and facilities be usable by persons with disabilities, it is not the intention of the Legisla-  
 26 tive Assembly to require that items of personal convenience such as rest rooms, telephones and  
 27 drinking fountains be provided for members of the public who have disabilities if they are not oth-  
 28 erwise provided for members of the public who do not have disabilities. However, pursuant to the  
 29 Americans with Disabilities Act, the [*Director of the Department of Consumer and Business*  
 30 *Services*] **Commissioner of the Bureau of Labor and Industries** may provide greater protection  
 31 to individuals with disabilities by adopting more stringent standards than prescribed by the Ameri-  
 32 cans with Disabilities Act.

33 **SECTION 108.** ORS 447.230 is amended to read:

34 447.230. (1) The [*Director of the Department of Consumer and Business Services*] **Commissioner**  
 35 **of the Bureau of Labor and Industries** shall, pursuant to ORS 455.030 and ORS chapter 183, es-  
 36 tablish standards and specifications in the structural code necessary to eliminate architectural bar-  
 37 riers to entry to and use of affected buildings and their related facilities by persons who have  
 38 disabilities.

39 (2) The [*director*] **commissioner** shall, to assist in the identification of architectural barriers  
 40 and in the development of the standards and specifications referred to in subsection (1) of this sec-  
 41 tion, be assisted by the Oregon Disabilities Commission or its designee.

42 **SECTION 109.** ORS 447.231 is amended to read:

43 447.231. Notwithstanding any other provision of law and the authority of any board within the  
 44 [*Department of Consumer and Business Services, the Director of the Department of Consumer and*  
 45 *Business Services*] **Bureau of Labor and Industries, the Commissioner of the Bureau of Labor**

1 **and Industries** shall adopt rules to conform the state building code to the Americans with Disa-  
 2 bilities Act and the Fair Housing Act and the regulations adopted thereunder. In addition, the [*di-*  
 3 *rector*] **commissioner** shall adopt rules to conform the state building code to the provisions of ORS  
 4 447.210 to 447.280, to the extent to which any statute is stricter than the Americans with Disabilities  
 5 Act or the Fair Housing Act.

6 **SECTION 110.** ORS 447.233 is amended to read:

7 447.233. (1) The [*Director of the Department of Consumer and Business Services*] **Commissioner**  
 8 **of the Bureau of Labor and Industries** shall include in the state building code, as defined in ORS  
 9 455.010, a requirement that the number of accessible parking spaces specified in subsection (2) of  
 10 this section be provided for affected buildings subject to the state building code and that the spaces  
 11 be signed as required by subsection (2) of this section. Spaces may also be marked in a manner  
 12 specified in the state building code.

13 (2)(a) The number of accessible parking spaces shall be:

---

Total Parking In Lot	Required Minimum Number of Accessible Spaces	Required Minimum Number of Van Accessible Spaces	Required Minimum Number of “Wheelchair User Only” Spaces
1 to 25	1	1	-
26 to 50	2	1	-
51 to 75	3	1	-
76 to 100	4	1	-
101 to 150	5	-	1
151 to 200	6	-	1
201 to 300	7	-	1
301 to 400	8	-	1
401 to 500	9	-	2
501 to 1,000	2% of total	-	1 in every 8 accessible spaces or portion thereof
1,001 and over	20 plus 1 for each 100 over 1,000	-	1 in every 8 accessible spaces or portion thereof

---

37 (b) In addition, one in every eight accessible spaces, but not less than one, shall be van acces-  
 38 sible. Where five or more parking spaces are designated accessible, any space that is designated as  
 39 van accessible shall be reserved for wheelchair users. A van accessible parking space shall be at  
 40 least nine feet wide and shall have an adjacent access aisle that is at least eight feet wide.

41 (c) Accessible parking spaces shall be at least nine feet wide and shall have an adjacent access  
 42 aisle that is at least six feet wide.

43 (d) The access aisle shall be located on the passenger side of the parking space except that two  
 44 adjacent accessible parking spaces may share a common access aisle.

45 (e) A sign shall be posted for each accessible parking space. The sign shall be clearly visible

1 to a person parking in the space, shall be marked with the International Symbol of Access and shall  
 2 indicate that the spaces are reserved for persons with disabled person parking permits. A van ac-  
 3 cessible parking space shall have an additional sign marked "Van Accessible" mounted below the  
 4 sign. A van accessible parking space reserved for wheelchair users shall have a sign that includes  
 5 the words "Wheelchair User Only."

6 (f) Accessible parking spaces and signs shall be designed in compliance with the standards set  
 7 forth by the Oregon Transportation Commission in consultation with the Oregon Disabilities Com-  
 8 mission.

9 (3) No ramp or obstacle may extend into the parking space or the aisle, and curb cuts and ramps  
 10 may not be situated in such a way that they could be blocked by a legally parked vehicle.

11 (4) Parking spaces required by this section shall be maintained so as to meet the requirements  
 12 of this section at all times and to meet the standards established by the state building code.

13 (5) The [*director*] **commissioner** is authorized to inspect parking spaces and facilities and  
 14 buildings subject to the provisions of this section, and to do whatever is necessary to enforce the  
 15 requirements, including the maintenance requirements, of this section. Municipalities and counties  
 16 may administer and enforce the requirements of this section in the manner provided under ORS  
 17 455.148 or 455.150 for administration and enforcement of specialty codes. All plans for parking  
 18 spaces subject to the provisions of this section must be approved by the [*director*] **commissioner**  
 19 prior to the creation of the spaces.

20 (6) Requirements adopted under this section do not apply to long-term parking facilities at the  
 21 Portland International Airport.

22 (7) Any reported violation of this section shall be investigated by the administrative authority.  
 23 The administrative authority shall make a final decision and order correction, if necessary, within  
 24 30 days of notification. Any aggrieved person may appeal within 30 days of the decision by the ad-  
 25 ministrative authority to the appropriate municipal appeals board or, at the option of the local ju-  
 26 risdiction, directly to the Building Codes Structures Board established under ORS 455.132. The  
 27 appeal shall be acted upon within 60 days of filing. The decision of the municipal appeals board may  
 28 be appealed to the board. The board shall act on the appeal within 60 days of filing. All appeals to  
 29 the board shall be filed in accordance with ORS 455.690.

30 **SECTION 111.** ORS 447.247 is amended to read:

31 447.247. (1) Elevators are required:

32 (a) In all shopping centers, shopping malls, professional offices of health care providers and  
 33 government buildings that are covered by Title II of the Americans with Disabilities Act;

34 (b) In all other commercial facilities, private entities and places of public accommodation cov-  
 35 ered by Title III of the Americans with Disabilities Act that have more than one floor level and  
 36 more than 3,000 square feet in ground area or that are more than 20 feet in height, measured from  
 37 the top surface of the lowest flooring to the highest interior overhead finish of the building; and

38 (c) In all private membership clubs and churches that have more than one floor level and more  
 39 than 4,000 square feet in ground area or that are more than 20 feet in height, measured from the  
 40 top surface of the lowest flooring to the highest interior overhead finish of the building.

41 (2) The [*Department of Consumer and Business Services*] **Bureau of Labor and Industries** may  
 42 by rule create exceptions to the requirements of this section if this section would require an eleva-  
 43 tor in a building that would not be required to have an elevator under the provisions of the Amer-  
 44 icans with Disabilities Act or the Fair Housing Act.

45 **SECTION 112.** ORS 447.250 is amended to read:

1 447.250. (1) When a person or governmental entity undertaking the construction, renovation,  
 2 alteration or modification of an affected building or its related facilities determines that a particular  
 3 standard or specification exceeds the standards or specifications imposed by the Americans with  
 4 Disabilities Act and the Fair Housing Act, and that full compliance with the standard or specifica-  
 5 tion is impractical in that it would defeat the purpose of the project proposed or in process, it may  
 6 apply to the appeals board having jurisdiction over the project for a waiver or modification of such  
 7 standard or specification, setting forth the reasons for its determination and a proposal for the work  
 8 complying with the particular standard or specification to the maximum extent that it considers  
 9 practical.

10 (2)(a) For projects involving a state correctional facility as defined in ORS 421.005 (2), or a local  
 11 correctional facility, as defined in ORS 169.005, the appeals board referred to in subsection (1) of  
 12 this section is the Building Codes Structures Board established under ORS 455.132.

13 (b) For all other projects, the appeals board referred to in subsection (1) of this section is the  
 14 appeals board established under ORS 455.020 (4) by the municipality having jurisdiction over the  
 15 project.

16 (3) The appeals board shall thereupon investigate the application. The board in its investigation  
 17 shall be required to seek the advice of the Oregon Disabilities Commission or its designee in dealing  
 18 with architectural barrier waivers. If the appeals board finds that the proposal submitted with the  
 19 application would constitute a substantial compliance with, or an acceptable alternative to, the  
 20 particular standard or specification in view of the objectives of ORS 447.210 to 447.280, the waiver  
 21 shall be granted. If the board finds otherwise, the application shall be promptly denied with notice  
 22 to the requesting person or governmental entity of the denial.

23 (4) The findings of the appeals board shall include the estimated building costs and the addi-  
 24 tional cost of construction to conform to the requirements of ORS 447.210 to 447.280 over the cost  
 25 of a nonconforming feature or any other special reason or circumstance that, in the judgment of the  
 26 board, justifies the decision.

27 (5) Any person aggrieved by the final decision of an appeals board may within 30 days of the  
 28 decision appeal to the [*Director of the Department of Consumer and Business Services*] **Commis-**  
 29 **sioner of the Bureau of Labor and Industries**. In the case where no appeals board has been  
 30 created the [*director*] **commissioner** shall have original jurisdiction of an application for a waiver.  
 31 The applicant for a waiver or an appeal shall submit a fee of \$20 payable to the [*director*] **com-**  
 32 **missioner** with the request for waiver or appeal. In determining an appeal or an original applica-  
 33 tion, the procedures and standards of subsections (1) to (4) of this section shall apply to the  
 34 [*director*] **commissioner**.

35 **SECTION 113.** ORS 447.260 is amended to read:

36 447.260. (1) The [*Director of the Department of Consumer and Business Services*] **Commissioner**  
 37 **of the Bureau of Labor and Industries** may promulgate rules reasonably necessary to implement  
 38 and enforce ORS 447.210 to 447.280 as part of the structural code including, but not limited to, rules  
 39 authorizing the [*director*] **commissioner** to waive or modify any standards and specifications with  
 40 respect to work on affected buildings and their related facilities where the [*director*] **commissioner**  
 41 determines, with respect to emergency or temporary construction, that compliance with such stan-  
 42 dards or specifications would not be necessary to fulfill the objectives of ORS 447.210 to 447.280 or  
 43 would be impractical.

44 (2) The [*Director of the Department of Consumer and Business Services*] **Commissioner of the**  
 45 **Bureau of Labor and Industries** shall by rule establish criteria for determining the lowest flooring

1 of a building for the purposes of the definition of “affected buildings” provided by ORS 447.210 and  
 2 for the purposes of ORS 447.247.

3 **SECTION 114.** ORS 447.270 is amended to read:

4 447.270. The [*Director of the Department of Consumer and Business Services*] **Commissioner of**  
 5 **the Bureau of Labor and Industries** or the designated representative of the [*director*] **commis-**  
 6 **sioner** shall cooperate with and receive the assistance of all persons, all appropriate elective or  
 7 appointive public officials and all state or governmental agencies in carrying out the responsibilities  
 8 of the [*director*] **commissioner** under ORS 447.210 to 447.280.

9 **SECTION 115.** ORS 447.275 is amended to read:

10 447.275. Architects, engineers or other persons designing buildings; contractors and other per-  
 11 sons erecting buildings; building officials, plans examiners, inspectors, the [*Director of the Depart-*  
 12 *ment of Consumer and Business Services*] **Commissioner of the Bureau of Labor and Industries**,  
 13 the State Fire Marshal, State Fire Marshal deputies, municipal fire marshals or municipal deputies  
 14 inspecting buildings; or a municipal appeals board shall be relieved of any personal or financial li-  
 15 ability from persons suffering injury or death or those persons’ heirs as the result of exiting defi-  
 16 ciencies during emergencies resulting from access for persons with disabilities required by ORS  
 17 447.210 to 447.280 or standards adopted under them.

18 **SECTION 116.** ORS 448.330 is amended to read:

19 448.330. (1) The Director of the Oregon Health Authority may prohibit the sale of water pipe  
 20 used to carry potable water and solders, fillers or brazing material used in making up joints and  
 21 fittings in this state and the installation or use of water pipe used to carry potable water and  
 22 solders, fillers or brazing material used in making up joints and fittings in any private or public  
 23 potable water supply system or individual water user’s lines until such time as the director deter-  
 24 mines that adequate standards exist and are practiced in the manufacture of water pipe used to  
 25 carry potable water and solders, fillers or brazing material used in making up joints and fittings to  
 26 insure that the pipe and solder do not present a present or potential threat to the public health in  
 27 this state.

28 (2) The director shall adopt, by rule, product acceptability criteria for water pipe used to carry  
 29 potable water and solders, fillers or brazing material used in making up joints and fittings for water  
 30 supply purposes which insure that the pipe and solder do not present a threat to the public health  
 31 in this state. The Oregon Health Authority shall be responsible for the monitoring of the sale and  
 32 use of water pipe used to carry potable water and solders, fillers or brazing material used in making  
 33 up joints and fittings for compliance with the product acceptability criteria. The [*Department of*  
 34 *Consumer and Business Services*] **Bureau of Labor and Industries** shall cooperate with, and assist,  
 35 the authority in its monitoring efforts.

36 (3) No water pipe used to carry potable water or solders, fillers or brazing material used in  
 37 making up joints and fittings which does not conform to the product acceptability criteria adopted  
 38 under subsection (2) of this section shall be sold in this state or installed in any part of any public  
 39 or private potable water supply system or individual water user’s lines.

40 (4) Notwithstanding subsection (1) or (3) of this section, the director may grant exemptions from  
 41 any prohibition of the sale or use of water pipe used to carry potable water for the emergency repair  
 42 or replacement of any existing part of a water supply system, or for the necessary use by a well  
 43 driller in the installation of a well. The director may require any person using water pipe used to  
 44 carry potable water under this subsection to notify the authority of the date and location of that  
 45 use.

**SECTION 117.** ORS 450.837 is amended to read:

450.837. (1) Water authorities and sanitary authorities are municipalities for the purposes of administering and enforcing the plumbing code as provided under ORS 455.150.

(2) However, notwithstanding ORS 455.150 (3), a building official appointed by a water authority or sanitary authority or an inspector acting under the authority and direction of such a building official shall administer and enforce only that portion of the plumbing code governing the installation and maintenance of connections between structures and the mains and sewers of the authority.

(3) Nothing in this section authorizes a building official or inspector of a water authority or sanitary authority to administer or enforce all or part of any specialty code except the plumbing code.

(4) A water authority or sanitary authority shall notify the [*Director of the Department of Consumer and Business Services*] **Commissioner of the Bureau of Labor and Industries** not later than May 1 of each year as to whether the authority will or will not exercise the code enforcement power granted by this section.

**SECTION 118.** ORS 455.010 is amended to read:

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

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

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

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

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

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

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

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

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

(b) “Appropriate advisory board” means the advisory board that has jurisdiction over a particular code, standard, license, certification or matter.

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

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

**(2) “Bureau” means the Bureau of Labor and Industries.**

**(3) “Commissioner” means the Commissioner of the Bureau of Labor and Industries.**

(4) “Low-Rise Residential Dwelling Code” means the adopted specialty code that, subject to section 2, chapter 401, Oregon Laws 2019, prescribes standards for the construction of residential dwellings that are three stories or less above grade and have an exterior door for each dwelling unit, but are not facilities or homes described in ORS 443.400 or transient lodging.

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

(6) “Prefabricated structure”:

(a) Means a building or subassembly that has been in whole or substantial part manufactured or assembled using closed construction at an off-site location to be wholly or partially assembled on-site.

(b) Does not mean a manufactured dwelling or a small home as defined in section 2, chapter 401, Oregon Laws 2019.

(7) “Small Home Specialty Code” means the specialty code adopted under section 2, chapter 401, Oregon Laws 2019.



1 (8) “Specialty code”:

2 (a) Means a code of regulations adopted under ORS 446.062, 446.185, 447.020 (2), 455.020 (2),  
 3 455.496, 455.610, 455.680, 460.085, 460.360, 479.730 (1) or 480.545 or section 2, chapter 401, Oregon  
 4 Laws 2019.

5 (b) Does not mean regulations adopted by the State Fire Marshal pursuant to ORS chapter 476  
 6 or ORS 479.015 to 479.200 and 479.210 to 479.220.

7 (9) “State building code” means the combined specialty codes.

8 (10) “Structural code” means the specialty code prescribing structural standards for building  
 9 construction.

10 (11) “Unsafe condition” means a condition caused by earthquake which is determined by the  
 11 [department] **bureau** or any representative of the [department] **bureau** to be dangerous to life and  
 12 property. “Unsafe condition” includes but is not limited to:

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

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

18 **SECTION 119.** ORS 455.010, as amended by section 10, chapter 401, Oregon Laws 2019, is  
 19 amended to read:

20 455.010. As used in this chapter, unless the context requires otherwise:

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

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

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

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

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

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

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

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

30 (b) “Appropriate advisory board” means the advisory board that has jurisdiction over a partic-  
 31 ular code, standard, license, certification or matter.

32 [(2) “Department” means the Department of Consumer and Business Services.]

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

34 (2) **“Bureau” means the Bureau of Labor and Industries.**

35 (3) **“Commissioner” means the Commissioner of the Bureau of Labor and Industries.**

36 (4) “Low-Rise Residential Dwelling Code” means the adopted specialty code prescribing stan-  
 37 dards for the construction of residential dwellings that are three stories or less above grade and  
 38 have an exterior door for each dwelling unit, but are not facilities or homes described in ORS  
 39 443.400 or transient lodging.

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

42 (6) “Prefabricated structure”:

43 (a) Means a building or subassembly that has been in whole or substantial part manufactured  
 44 or assembled using closed construction at an off-site location to be wholly or partially assembled  
 45 on-site.

1 (b) Does not mean a manufactured dwelling.

2 (7) “Specialty code”:

3 (a) Means a code of regulations adopted under ORS 446.062, 446.185, 447.020 (2), 455.020 (2),  
4 455.496, 455.610, 455.680, 460.085, 460.360, 479.730 (1) or 480.545.

5 (b) Does not mean regulations adopted by the State Fire Marshal pursuant to ORS chapter 476  
6 or ORS 479.015 to 479.200 and 479.210 to 479.220.

7 (8) “State building code” means the combined specialty codes.

8 (9) “Structural code” means the specialty code prescribing structural standards for building  
9 construction.

10 (10) “Unsafe condition” means a condition caused by earthquake which is determined by the  
11 [department] **bureau** or any representative of the [department] **bureau** to be dangerous to life and  
12 property. “Unsafe condition” includes but is not limited to:

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

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

18 **SECTION 120.** ORS 455.015 is amended to read:

19 455.015. The Legislative Assembly finds and declares that:

20 (1)(a) It is in the best interests of this state that construction-related development activities  
21 proceed in a manner that is as quick and efficient as practicable;

22 (b) Ensuring that construction-related development activities proceed quickly and efficiently re-  
23 quires a flexible and responsive system for state building code administration and enforcement; and

24 (c) Having a flexible and responsive system for state building code administration and enforce-  
25 ment requires that sufficient staff and resources be available to assist the [Director of the Depart-  
26 ment of Consumer and Business Services] **Commissioner of the Bureau of Labor and Industries**  
27 as needed.

28 (2) It is in the best interests of this state that state building code regulations encourage eco-  
29 nomic development, experimentation, innovation and cost effectiveness in construction, especially  
30 construction in rural or remote parts of this state.

31 **SECTION 121.** ORS 455.020 is amended to read:

32 455.020. (1) This chapter is enacted to enable the [Director of the Department of Consumer and  
33 Business Services] **Commissioner of the Bureau of Labor and Industries** to promulgate a state  
34 building code to govern the construction, reconstruction, alteration and repair of buildings and other  
35 structures and the installation of mechanical devices and equipment therein, and to require the  
36 correction of unsafe conditions caused by earthquakes in existing buildings. The state building code  
37 shall establish uniform performance standards providing reasonable safeguards for health, safety,  
38 welfare, comfort and security of the residents of this state who are occupants and users of buildings,  
39 and will provide for the use of modern methods, devices, materials, techniques and practicable  
40 maximum energy conservation.

41 (2) The rules adopted pursuant to this chapter shall include structural standards; standards for  
42 the installation and use of mechanical, heating and ventilating devices and equipment; and standards  
43 for prefabricated structures; and shall, subject to ORS 455.210, prescribe reasonable fees for the is-  
44 suance of building permits and similar documents, inspections and plan review services by the [De-  
45 partment of Consumer and Business Services] **Bureau of Labor and Industries**. The [department]

1 **bureau** may also establish, by rule, the amount of any fee pertaining to the state building code or  
2 any specialty code that is authorized by statute, but for which an amount is not specified by statute.

3 (3) This chapter does not affect the statutory jurisdiction and authority of the Workers' Com-  
4 pensation Board, under ORS chapter 654, to promulgate occupational safety and health standards  
5 relating to places of employment, and to administer and enforce all state laws, regulations, rules,  
6 standards and lawful orders requiring places of employment to be safe and healthful.

7 (4) This chapter and any specialty code does not limit the authority of a municipality to enact  
8 regulations providing for local administration of the state building code; local appeal boards; fees  
9 and other charges; abatement of nuisances and dangerous buildings; enforcement through penalties,  
10 stop-work orders or other means; or minimum health, sanitation and safety standards for governing  
11 the use of structures for housing, except where the power of municipalities to enact any such reg-  
12 ulations is expressly withheld or otherwise provided for by statute. Pursuant to the regulation of  
13 dangerous buildings, a municipality may adopt seismic rehabilitation plans that provide for phased  
14 completion of repairs that are designed to provide improved life safety but that may be less than the  
15 standards for new buildings.

16 **SECTION 122.** ORS 455.022 is amended to read:

17 455.022. All moneys deposited to the [*Consumer and Business Services Fund*] **Bureau of Labor**  
18 **and Industries Account** that are derived pursuant to ORS 455.240 or 460.370, or from state building  
19 code or specialty code program fees for which the amounts are established by [*Department of Con-*  
20 *sumer and Business Services*] **Bureau of Labor and Industries** rule pursuant to ORS 455.020 (2),  
21 are continuously appropriated to the [*department*] **bureau** for carrying out any of the duties, func-  
22 tions and powers of the [*department*] **bureau** under ORS 455.240 or 460.310 to 460.370 or under a  
23 program for which a fee amount is established by [*department*] **bureau** rule pursuant to ORS 455.020  
24 (2), without regard to the source of the moneys.

25 **SECTION 123.** ORS 455.028 is amended to read:

26 455.028. (1) The [*Department of Consumer and Business Services*] **Bureau of Labor and Indus-**  
27 **tries** may enter into interagency agreements with the Construction Contractors Board for the board  
28 to perform duties on behalf of the [*department*] **bureau** under ORS 446.566 to 446.646, 446.666 to  
29 446.746, 479.510 to 479.945 or 480.510 to 480.670, this chapter or ORS chapter 447, 460 or 693 re-  
30 garding:

31 (a) Licenses, registrations and other authorizations; or

32 (b) The construction, reconstruction, renovation, alteration or repair of structures.

33 (2) Subject to the approval of the [*Director of the Department of Consumer and Business*  
34 *Services*] **Commissioner of the Bureau of Labor and Industries** or the affected advisory board,  
35 the [*department*] **bureau** or advisory board may enter into an agreement with the Construction  
36 Contractors Board under this section regarding performance of advisory board duties by the Con-  
37 struction Contractors Board. An agreement described in this subsection is considered for purposes  
38 of this section to be an agreement between the [*department*] **bureau** and the Construction Contrac-  
39 tors Board.

40 (3) An interagency agreement under this section may provide for the board to perform all or  
41 part of the duties described in the agreement within one or more municipalities, geographic areas  
42 described in agreements under ORS 455.185 or state building code administrative regions established  
43 as provided under ORS 455.042, or on a statewide basis. The [*director*] **commissioner** may use an  
44 agreement under this section for the purpose of ensuring adequate staff and resources as provided  
45 under ORS 455.192. Any board employees utilized to carry out an agreement under this section shall

1 remain employees of the board without loss of seniority or reduction in pay or benefits, but the  
 2 agreement may provide for the [department] **bureau** to retain control over the final work product  
 3 of the employees. An agreement under this section may not be used to avoid any provision of a  
 4 collective bargaining agreement.

5 (4) An interagency agreement under this section may provide for:

6 (a) Good faith cooperation between the board and the [department] **bureau** to enable the board  
 7 and the [department] **bureau** to carry out their respective duties under law or under the agreement;

8 (b) The sharing of resources, including but not limited to the system described in ORS 455.095  
 9 and 455.097, equipment, systems, processes and records, documents and other information;

10 (c) Using board and [department] **bureau** information, including but not limited to complaints,  
 11 reports, findings and orders, to carry out the laws that the board administers and enforces on behalf  
 12 of the [department] **bureau**;

13 (d) Ensuring the security of information shared under the agreement;

14 (e) Purchases by the board of supplies and equipment to carry out duties on behalf of the [de-  
 15 partment] **bureau**, subject to the [department's] **bureau's** reimbursement of the board;

16 (f) The use of financing agreements to provide resources necessary or convenient to carry out  
 17 the agreement; and

18 (g) Acceptance by the board of moneys in payment of [department] **bureau** fees, the temporary  
 19 retention and transfer of fee moneys and the reimbursement of the board's expenses under the  
 20 agreement from those fee moneys.

21 (5)(a) A financing agreement provided for as described in subsection (4)(f) of this section is ex-  
 22 empt from ORS 283.085 to 283.092 and ORS chapter 286A.

23 (b) Any [department] **bureau** moneys accepted by the board as provided in subsection (4)(g) of  
 24 this section must be identified and accounted for separately from any other moneys in the possession  
 25 of or available to the board. [Department] **Bureau** moneys temporarily retained by the board, re-  
 26 gardless of where kept or deposited, are moneys of the [department] **bureau**. The retained moneys  
 27 are not subject to any appropriation to the board, any authorization for or limitation on the ex-  
 28 penditure of moneys by the board, any restriction on the source, use or transfer of board moneys  
 29 or any judgment, lien or other claim against moneys of the board. Notwithstanding any requirement  
 30 or limitation on the retention of moneys by a state agency, the retention of [department] **bureau**  
 31 moneys by the board under an interagency agreement described in this section shall be governed  
 32 solely by the terms of the agreement.

33 (6) An interagency agreement under this section may not:

34 (a) Delegate the authority of the [director] **commissioner** to establish policies or to make a final  
 35 determination on any matter;

36 (b) Allow the board to hold [department] **bureau** fee moneys in a board account under ORS  
 37 182.470 that does not allow for the separate tracking and accounting of those moneys;

38 (c) Allow the board to hold [department] **bureau** fee moneys past the end of the fiscal quarter  
 39 in which the fee moneys were collected; or

40 (d) Transfer [department] **bureau** expenses to the board.

41 **SECTION 124.** ORS 455.030 is amended to read:

42 455.030. (1) Subject to any requirement for approval by the appropriate advisory boards, the  
 43 [Director of the Department of Consumer and Business Services] **Commissioner of the Bureau of**  
 44 **Labor and Industries** may adopt, amend or repeal rules for carrying out the responsibilities of the  
 45 [Department of Consumer and Business Services] **Bureau of Labor and Industries** to develop, im-

1 plement, administer and enforce a program that relates to the state building code or a specialty  
2 code. Except as otherwise provided by this section, the *[director]* **commissioner** shall be subject to  
3 ORS chapter 183 in the adoption, amendment or repeal of regulations authorized by, and in the is-  
4 suance of orders in contested cases arising under, this chapter.

5 (2)(a) In addition to the notice requirements of ORS 183.335, notice of a public hearing on  
6 adoption, amendment or repeal of a specialty code shall be given to the governing bodies of all  
7 municipalities and the notice shall state that copies of the proposed action may be obtained from  
8 the *[department]* **bureau**.

9 (b) The notice of proposed rule change shall include a finding by the advisory board that the  
10 added cost, if any, is necessary to the health and safety of the occupants or the public or necessary  
11 to conserve scarce resources.

12 (c) The *[director]* **commissioner** shall maintain a roster of individuals who wish to be notified  
13 of any changes to or interpretations of the Low-Rise Residential Dwelling Code. Subscribers to the  
14 list may be charged a reasonable amount necessary to defray the cost of maintaining the list and  
15 advising the subscribers of changes in the code.

16 (3) The *[director]* **commissioner** is not required to publish or distribute those parts of a spe-  
17 cialty code of regulations adopted by reference. However, the *[director]* **commissioner** shall publish  
18 with a specialty code and annually thereafter a list of places where copies of those parts of the  
19 specialty code adopted by reference may be obtained together with the approximate cost thereof.  
20 The *[director]* **commissioner** shall file one copy of the rule with the Secretary of State. All stan-  
21 dards referred to in any specialty code or any of the modifications thereto need not be so filed. All  
22 standards and specialty codes referred to in the specialty code shall be kept on file and available  
23 for inspection in the offices of the *[department]* **bureau**.

24 (4) Any interested person may propose amendments to the state building code, which proposed  
25 amendments may be either applicable to all municipalities or, where it is alleged and established  
26 that conditions exist within a municipality or some municipalities that are not generally found  
27 within other municipalities, amendments may be restricted in application to such municipalities.  
28 Amendments proposed to the state building code under this subsection shall be in conformity with  
29 the policy and purpose prescribed by ORS 455.020. The justification and the particular circumstances  
30 requiring the proposed amendments shall be fully stated in the proposal. The *[director]* **commis-**  
31 **sioner** shall submit all proposed amendments to the appropriate advisory board. The board shall  
32 review and report its recommendations to the *[director]* **commissioner** on the amendments within  
33 180 days after the date of submission by the *[director]* **commissioner**.

34 (5) The *[director]* **commissioner**, with the approval of the advisory board, may adopt or modify  
35 and adopt any amendments proposed to the *[director]* **commissioner** under subsection (4) of this  
36 section. The *[director]* **commissioner** shall, within 30 days after the date of receipt of the recom-  
37 mendations of the advisory board, notify the person proposing the amendments of the adoption,  
38 modification and adoption or denial of the proposed amendments. Upon adoption, a copy of each  
39 amendment shall be distributed to the governing bodies of all municipalities affected thereby.

40 (6) The *[director]* **commissioner** shall from time to time make or cause to be made investi-  
41 gations, or may accept authenticated reports from authoritative sources, concerning new materials  
42 or modes of construction intended for use in the construction of buildings or structures, or intended  
43 for use in other activity regulated by the state building code, and shall, where necessary, propose  
44 amendments to the code setting forth the conditions under which the materials or modes may be  
45 used, in accordance with the standards and procedures of this chapter.

1        **SECTION 125.** ORS 455.040 is amended to read:

2        455.040. (1) The state building code shall be applicable and uniform throughout this state and  
3 in all municipalities, and no municipality shall enact or enforce any ordinance, rule or regulation  
4 relating to the same matters encompassed by the state building code but which provides different  
5 requirements unless authorized by the [*Director of the Department of Consumer and Business*  
6 *Services*] **Commissioner of the Bureau of Labor and Industries**. The [*director's*] **commissioner's**  
7 authorization shall not be considered an amendment to the state building code under ORS 455.030.  
8 The [*director*] **commissioner** shall encourage experimentation, innovation and cost effectiveness by  
9 municipalities in the adoption of ordinances, rules or regulations which conflict with the state  
10 building code.

11        (2) Subsection (1) of this section is operative:

12        (a) With regard to the state structural code, July 1, 1974.

13        (b) With regard to the state mechanical, heating and ventilating code, on the effective date of  
14 such code as determined under ORS 183.355.

15        (c) With regard to each specialty code not named by paragraphs (a) and (b) of this subsection,  
16 on the effective date, as determined under ORS 183.355, of the first amendments to such code  
17 adopted pursuant to this chapter.

18        **SECTION 126.** ORS 455.042 is amended to read:

19        455.042. The [*Director of the Department of Consumer and Business Services*] **Commissioner of**  
20 **the Bureau of Labor and Industries** shall establish regions for all areas of the state to carry out  
21 the uniform administration of the state building code. The [*director*] **commissioner** shall assign  
22 [*Department of Consumer and Business Services*] **Bureau of Labor and Industries** employees for the  
23 regions as necessary to:

24        (1) Promote consistent interpretation of the state building code;

25        (2) Resolve disputes between local building officials and contractors or developers regarding the  
26 application of one or more provisions of the state building code; and

27        (3) Provide oversight and enforcement of ORS 446.003 to 446.200, 446.225 to 446.285, 446.395 to  
28 446.420, 479.510 to 479.945, 479.950, 479.995 and 480.510 to 480.670 and ORS chapters 447, 455, 460  
29 and 693 and the rules adopted under those statutes.

30        **SECTION 127.** ORS 455.044 is amended to read:

31        455.044. (1) The [*Department of Consumer and Business Services*] **Bureau of Labor and Indus-**  
32 **tries** may establish and staff a Tri-County Building Industry Service Center to make available to  
33 licensed contractors and their employees, local governments and the public the resources and ser-  
34 vices described in ORS 455.042 and 455.046.

35        (2) The [*Director of the Department of Consumer and Business Services*] **Commissioner of the**  
36 **Bureau of Labor and Industries** may adopt by rule a reasonable fee schedule for the purpose of  
37 recovering the costs incurred by the [*department*] **bureau** in providing services under ORS 455.046.  
38 Fees adopted and imposed under this section shall be in addition to the total building permit fees  
39 otherwise imposed in Clackamas, Multnomah and Washington Counties. A municipality shall collect  
40 fees adopted and imposed under this section and remit the fees to the [*department*] **bureau**.

41        **SECTION 128.** ORS 455.046 is amended to read:

42        455.046. (1) The [*Department of Consumer and Business Services*] **Bureau of Labor and Indus-**  
43 **tries** shall:

44        (a) Develop and administer an installation label program for minor installations under the state  
45 building code, including but not limited to electrical installations under ORS 455.627, 479.540 and

1 479.570 and plumbing installations under ORS 447.076;

2 (b) Develop standard application forms and procedures for use by municipalities in Clackamas,  
3 Multnomah and Washington Counties when issuing structural, mechanical, electrical, plumbing and  
4 other permits when those permits do not require a review of building plans;

5 (c) Develop standard application forms and procedures for issuing building permits and record-  
6 ing inspections;

7 (d) Develop standard forms and procedures for reviewing building plans;

8 (e) Establish standardized criteria and methodology for determining fee amounts for permits that  
9 are required under the state building code established under ORS 455.030;

10 (f) Maintain and make available to the public the names of persons certified to review building  
11 plans;

12 (g) Maintain and make available to the public the names of persons certified to perform techni-  
13 cal inspections; and

14 (h) Administer prepaid building permit cost accounts.

15 (2) The *[department]* **bureau** may use the resources of the Tri-County Building Industry Service  
16 Center to:

17 (a) Assist local building officials in the administration and enforcement of the state building  
18 code; and

19 (b) Establish a process to facilitate the consistent application of the state building code  
20 throughout the state.

21 **SECTION 129.** ORS 455.048 is amended to read:

22 455.048. In accordance with the applicable provisions of ORS chapter 183, the *[Director of the*  
23 *Department of Consumer and Business Services]* **Commissioner of the Bureau of Labor and In-**  
24 **dustries** may adopt rules necessary for the implementation of ORS 455.044 and 455.046.

25 **SECTION 130.** ORS 455.055 is amended to read:

26 455.055. The *[Director of the Department of Consumer and Business Services]* **Commissioner of**  
27 **the Bureau of Labor and Industries** may adopt rules establishing uniform permit, inspection and  
28 certificate of occupancy requirements under the state building code. The rules may include, but need  
29 not be limited to, rules establishing standards for building inspections and inspection procedures and  
30 rules establishing uniform forms for certificates of occupancy. In adopting rules under this section,  
31 the *[director]* **commissioner** may establish a process for a municipality to address conditions that  
32 are unique to the municipality's enforcement of the state building code or that are not addressed  
33 by the rules establishing uniform permit, inspection and certificate of occupancy requirements.

34 **SECTION 131.** ORS 455.058 is amended to read:

35 455.058. (1) Except as provided in subsection (2) of this section, the *[Department of Consumer and*  
36 *Business Services]* **Bureau of Labor and Industries**, or a municipality administering and enforcing  
37 a building inspection program, may assess an investigation fee against a person that is required to  
38 obtain a permit for work on the electrical, gas, mechanical, elevator, boiler, plumbing or other sys-  
39 tems of a building or structure if the work is commenced before the permit required for the work  
40 is obtained. The amount of the investigation fee shall be the average or actual additional cost of  
41 ensuring that a building, structure or system is in conformance with state building code require-  
42 ments that results from the person not obtaining a required permit before work for which the permit  
43 is required commences.

44 (2) This section does not apply to:

45 (a) An emergency repair required for health, safety, the prevention of property damage or the

1 prevention of financial harm if the required building permit for the repair is obtained no later than  
 2 five business days after commencement of the repair; or

3 (b) Any project for which construction, alteration, repair, maintenance or installation in a  
 4 building or structure prior to obtaining a permit is expressly authorized by law.

5 (3) The *[department]* **bureau** may adopt rules and establish policies and procedures for use by  
 6 the *[department]* **bureau** or municipalities in assessing an investigation fee under this section.

7 **SECTION 132.** ORS 455.060 is amended to read:

8 455.060. (1) Any person who desires to use or furnish any material, design or method of con-  
 9 struction or installation in the state, or any building official, may request the *[Director of the De-*  
 10 *partment of Consumer and Business Services]* **Commissioner of the Bureau of Labor and**  
 11 **Industries** to issue a ruling with respect to the acceptability of any material, design or method of  
 12 construction about which there is a question under any provision of the state building code. Re-  
 13 quests shall be in writing and, if made by anyone other than a building official, shall be made and  
 14 the ruling issued prior to the use or attempted use of such questioned material, design or method.

15 (2) In making rulings, the *[director]* **commissioner** shall obtain the approval of the appropriate  
 16 advisory board as to technical and scientific facts and shall consider the standards and interpreta-  
 17 tions published by the body that promulgated any nationally recognized model code adopted as a  
 18 specialty code of this state.

19 (3) A copy of the ruling issued by the *[director]* **commissioner** shall be certified to the person  
 20 making the request. Additional copies shall be transmitted to all building officials in the state. The  
 21 *[director]* **commissioner** shall keep a permanent record of all such rulings, and shall furnish copies  
 22 thereof to any interested person upon payment of such fees as the *[director]* **commissioner** may  
 23 prescribe.

24 (4) A building official or inspector shall approve the use of any material, design or method of  
 25 construction approved by the *[director]* **commissioner** pursuant to this section if the requirements  
 26 of all other local ordinances are satisfied.

27 **SECTION 133.** ORS 455.062 is amended to read:

28 455.062. (1) A *[Department of Consumer and Business Services]* **Bureau of Labor and Industries**  
 29 employee acting within the scope of that employment may provide typical drawings and specifica-  
 30 tions:

31 (a) For structures of a type for which the provision of drawings or specifications is exempted  
 32 under ORS 671.030 from the application of ORS 671.010 to 671.220 and exempted under ORS 672.060  
 33 from the registration requirements of ORS 672.002 to 672.325; and

34 (b) Notwithstanding ORS 671.010 to 671.220 and 672.002 to 672.325, for structures that are metal  
 35 or wood frame Use and Occupancy Classification Group U structures under the structural specialty  
 36 code.

37 (2) A *[Department of Consumer and Business Services]* **Bureau of Labor and Industries** em-  
 38 ployee, who is licensed or registered under ORS 671.010 to 671.220 or 672.002 to 672.325, who is  
 39 acting within the scope of that employment and who is providing typical drawings and specifications  
 40 under subsection (1) of this section, is not required to seal or sign the typical drawings and spec-  
 41 ifications and is not subject to disciplinary action under ORS 671.010 to 671.220 or 672.002 to 672.325  
 42 based on providing those typical drawings and specifications.

43 (3) A building official or inspector, as those terms are defined in ORS 455.715, when acting  
 44 within the scope of direct employment by a municipality, may provide typical drawings or specifi-  
 45 cations for structures of a type for which the provision of drawings or specifications is exempted



1 under ORS 671.030 from the application of ORS 671.010 to 671.220 and exempted under ORS 672.060  
2 from the registration requirements of ORS 672.002 to 672.325. This subsection does not alter any  
3 applicable requirement under ORS 671.010 to 671.220 or 672.002 to 672.325 regarding stamps and  
4 seals for a set of plans for a structure.

5 **SECTION 134.** ORS 455.065 is amended to read:

6 455.065. (1) Notwithstanding any provision of this chapter or ORS chapter 460, 479, 480 or 693,  
7 the [*Director of the Department of Consumer and Business Services*] **Commissioner of the Bureau**  
8 **of Labor and Industries** may establish by rule alternative regulatory options for emerging tech-  
9 nologies without the approval of advisory boards. Before adopting rules under this section, the [*di-*  
10 *rector*] **commissioner** shall consult with the chairperson of an advisory board that will be affected  
11 by the alternative regulatory option. Rules adopted by the [*director*] **commissioner** may include  
12 definitions of the types of products that qualify as emerging technologies and may approve the use  
13 of specific emerging technologies.

14 (2) The [*director*] **commissioner** shall consider national and international standards applicable  
15 to emerging technologies in adopting rules under this section.

16 (3) Rules adopted by the [*director*] **commissioner** under this section must be limited to a specific  
17 site unless statewide application is approved by an advisory board that will be affected by the al-  
18 ternative regulatory option.

19 (4) Rules adopted by the [*director*] **commissioner** under this section may not adversely affect  
20 the scope of practice under any license issued by the [*Department of Consumer and Business*  
21 *Services*] **Bureau of Labor and Industries**.

22 (5) As used in this section, “emerging technology” means a product that is of a unique type or  
23 that has a unique scope of application and that would provide a benefit to Oregon’s economy if de-  
24 veloped, used or produced by Oregon businesses.

25 **SECTION 135.** ORS 455.068 is amended to read:

26 455.068. (1) For the purposes of this section, “winery” means a facility used primarily for the  
27 commercial production of wine or cider, including but not limited to areas used for production,  
28 shipping and distribution, wholesale and retail sales, tasting, crushing, fermenting, blending, aging,  
29 storage, bottling, administrative functions and warehousing.

30 (2) In adopting any construction standards impacting a winery, the [*Department of Consumer and*  
31 *Business Services*] **Bureau of Labor and Industries** shall ensure the standards are applicable to  
32 all wineries producing wine, as defined in ORS 471.001, and cider, as defined in ORS 471.023.

33 **SECTION 136.** ORS 455.070 is amended to read:

34 455.070. (1) Any person may report a suspected violation of the state building code that poses  
35 an imminent threat to public health or safety to the local building official or, where the code is  
36 state-administered, to the [*Department of Consumer and Business Services*] **Bureau of Labor and**  
37 **Industries**. The complaint shall be in writing and submitted under rules adopted by the  
38 [*department*] **bureau**. The rules of the [*department*] **bureau** shall provide for the disposition of friv-  
39 olous or harassing complaints by requiring detailed descriptions of the alleged violation and refer-  
40 ence to the code sections allegedly violated.

41 (2) The municipality or the [*department*] **bureau** shall give notice of the complaint to the con-  
42 tractor, building owner and subcontractor, if any, involved in the project alleged to be in violation.  
43 The municipality or the [*department*] **bureau** may charge the complainant for the necessary costs  
44 of supplying, copying and distributing the complaint form.

45 (3) If, after five working days, no remedial action has taken place, the complainant has standing

1 to appeal the matter to the appeals board of the municipality, where one is established, or directly  
 2 to the appropriate advisory board where there is no local appeals board. The municipal appeals  
 3 board or state advisory board shall reach a final decision within 14 days of the complainant's appeal.  
 4 A municipal appeals board decision shall then be subject to appeal to a state advisory board under  
 5 ORS 455.690, provided that the state advisory board shall reach a final determination within 14 days  
 6 of notice of an appeal. A record of the written complaint and the findings of the appeals and advi-  
 7 sory boards may be introduced into evidence in any judicial proceeding for damages brought against  
 8 the complainant by any person suffering damages as a result of the complaint.

9 **SECTION 137.** ORS 455.083 is amended to read:

10 455.083. If the [*Department of Consumer and Business Services*] **Bureau of Labor and Indus-**  
 11 **tries** has reason to believe that any person has been engaged, or is engaging, or is about to engage  
 12 in any violation of the state building code or of ORS 446.003 to 446.200, 446.225 to 446.285, 446.395  
 13 to 446.420, 479.510 to 479.945, 479.950 or 480.510 to 480.670 or this chapter or ORS chapter 447, 460  
 14 or 693 or any rule adopted under those statutes, the [*department*] **bureau** may, without bond, bring  
 15 suit in the name and on behalf of the State of Oregon in the circuit court of any county of this state  
 16 to enjoin the acts or practices and to enforce compliance with the state building code and ORS  
 17 446.003 to 446.200, 446.225 to 446.285, 446.395 to 446.420, 479.510 to 479.945, 479.950 and 480.510 to  
 18 480.670 and this chapter, and ORS chapter 447, 460 or 693 and any rule adopted under those stat-  
 19 utes. Upon a proper showing, a permanent or temporary injunction, restraining order or writ of  
 20 mandamus shall be granted.

21 **SECTION 138.** ORS 455.085 is amended to read:

22 455.085. (1) The [*Director of the Department of Consumer and Business Services*] **Commissioner**  
 23 **of the Bureau of Labor and Industries** shall, upon receipt of adequate funds under subsection (2)  
 24 of this section, publish all state building code provisions relating to the design, construction, pre-  
 25 fabrication, equipment or appliance installation, quality of materials, use and occupancy location  
 26 and repair of detached low-rise residential dwellings in two separate publications. One publication  
 27 shall contain the applicable provisions of the specialty code adopted under ORS 479.730 (1) and the  
 28 other publication shall contain the remaining applicable provisions of the state building code. The  
 29 text of the publications made under this section shall be readable at the ninth grade level of reading,  
 30 as determined by the [*director*] **commissioner** under one or more standard recognized readability  
 31 formulas, including, but not limited to, the Flesch, Fry or Dale Chall tests.

32 (2) The publications under subsection (1) of this section shall be paid for by funds donated by  
 33 interested citizens, who shall be made aware of the project by the [*Department of Consumer and*  
 34 *Business Services*] **Bureau of Labor and Industries** through public service announcements and  
 35 other nominal-cost advertising. Funds shall be collected until sufficient funds are available to con-  
 36 duct the publication. Refunds shall be made to the donors if sufficient funds are not collected.

37 **SECTION 139.** ORS 455.090 is amended to read:

38 455.090. The [*Department of Consumer and Business Services*] **Bureau of Labor and Industries**  
 39 may identify the resources necessary to develop a system or network that provides electronic access  
 40 to building codes information and services for all building code jurisdictions in the state. The [*de-*  
 41 *partment*] **bureau** may explore the availability of alternative means for establishing a statewide  
 42 system or network for building codes information and services, including but not limited to devel-  
 43 oping resource sharing arrangements with private industry, obtaining foundation grants and ob-  
 44 taining federal funding.

45 **SECTION 140.** ORS 455.095 is amended to read:

1 455.095. (1) The *[Department of Consumer and Business Services]* **Bureau of Labor and Indus-**  
 2 **tries** shall develop and implement a system that provides electronic access to building codes infor-  
 3 mation. The *[department]* **bureau** shall make the system accessible for use by municipalities in  
 4 carrying out the building inspection programs administered and enforced by the municipalities.

5 (2) The *[department]* **bureau** may also make the system available for use by other public bodies  
 6 that provide construction-related services including, but not limited to, public bodies described in  
 7 ORS 455.185 (4). The information and services available through the system may include, but need  
 8 not be limited to:

- 9 (a) Licensing, permit, inspection and other relevant information;
- 10 (b) Access to forms;
- 11 (c) Electronic submission of permit applications;
- 12 (d) Electronic submission of plans for review;
- 13 (e) Electronic issuance of minor label or other appropriate permits;
- 14 (f) Access to permit and inspection processes;
- 15 (g) Scheduling of inspections, tracking of corrections and granting of approvals; and
- 16 (h) The coordination and tracking of construction-related services.

17 (3) The use of the system described in this section by a municipality or other public body is  
 18 voluntary. Nonparticipation in the system by a municipality or other public body is not grounds for  
 19 the *[department]* **bureau** to suspend, revoke authorization for or assume the administration of a  
 20 building inspection program described in ORS 455.148 or 455.150 or to impose other disciplinary  
 21 actions or sanctions against a municipality or other public body.

22 **SECTION 141.** ORS 455.097 is amended to read:

23 455.097. (1) As used in this section, "form and format":

24 (a) Means the arrangement, organization, configuration, structure or style of, or method of de-  
 25 livery for, providing required information or providing the substantive equivalent of required infor-  
 26 mation.

27 (b) Does not mean altering the substance of information or the addition or omission of informa-  
 28 tion.

29 (2) The purpose of this section and ORS 455.095 is to enable the *[Department of Consumer and*  
 30 *Business Services]* **Bureau of Labor and Industries** to develop and implement a system that:

- 31 (a) Provides electronic access to building codes information;
- 32 (b) Is designed to offer a full range of electronic building permits services;
- 33 (c) Allows the streamlining of building inspection services;
- 34 (d) Provides a uniform form and format for submitting building codes information electronically;
- 35 (e) Is available for use by any municipality administering and enforcing a building inspection  
 36 program; and
- 37 (f) At the discretion of the *[department]* **bureau**:
  - 38 (A) Is available for use by other public bodies that provide construction-related services; and
  - 39 (B) Supports access for other purposes that may include, but need not be limited to, access for  
 40 the coordination and tracking of construction-related services.

41 (3) The *[department]* **bureau** shall adopt rules to govern the form and format of building permit  
 42 applications, building plans, specifications, other building program information and any other infor-  
 43 mation exchanged through the electronic building codes information system described in ORS  
 44 455.095.

45 (4) The *[department]* **bureau** may waive a contrary form and format requirement imposed by

1 statute or ordinance or by the rules of another agency for the submission of information in physical  
 2 form to the extent the waiver is necessary to facilitate the submission of the information electron-  
 3 ically. The [*department*] **bureau** may accept an electronic reproduction of a signature, stamp, seal,  
 4 certification or notarization as the equivalent of the original or may accept the substitution of  
 5 identifying information for the signature, stamp, seal, certification or notarization. The [*department*]  
 6 **bureau** may not waive a requirement imposed by statute or ordinance or by the rules of another  
 7 agency, other than a form and format requirement.

8 (5) A person exchanging information through the electronic building codes information system  
 9 in a form and format acceptable to the [*department*] **bureau** is not subject to any licensing sanction,  
 10 civil penalty, fine, permit disapproval or revocation or other sanction for failure to comply with a  
 11 form or format requirement imposed by statute, ordinance or rule for submission of the information  
 12 in physical form, including but not limited to any requirement that the information be in a particular  
 13 form or of a particular size, be submitted with multiple copies, be physically attached to another  
 14 document, be an original document or be signed, stamped, sealed, certified or notarized.

15 **SECTION 142.** ORS 455.100 is amended to read:

16 455.100. The [*Director of the Department of Consumer and Business Services*] **Commissioner of**  
 17 **the Bureau of Labor and Industries** shall have general supervision over the administration of the  
 18 state building code regulations, including providing statewide interpretations for the plumbing, ele-  
 19 vator, electrical, manufactured structures, boiler, amusement ride, structural, mechanical, low-rise  
 20 residential dwelling and prefabricated structures codes.

21 **SECTION 143.** ORS 455.110 is amended to read:

22 455.110. Except as otherwise provided by ORS 479.015 to 479.200, 479.210 to 479.220, 479.510 to  
 23 479.945, 479.990 and 479.995 and ORS chapters 446, 447, 460, 476 and 480:

24 (1) The [*Director of the Department of Consumer and Business Services*] **Commissioner of the**  
 25 **Bureau of Labor and Industries** shall coordinate, interpret and generally supervise the adoption,  
 26 administration and enforcement of the state building code.

27 (2) The [*director*] **commissioner**, with the approval of the appropriate advisory boards, shall  
 28 adopt codes and standards, including regulations as authorized by ORS 455.020 governing the con-  
 29 struction, reconstruction, alteration and repair of buildings and other structures and the installation  
 30 of mechanical devices and equipment therein. The regulations may include rules for the adminis-  
 31 tration and enforcement of a certification system for persons performing work under the codes and  
 32 standards adopted under this subsection. However, this subsection does not authorize the establish-  
 33 ment of a separate certification for performing work on low-rise residential dwellings.

34 (3) The [*director*] **commissioner**, with the approval of the appropriate advisory boards, may  
 35 amend such codes from time to time. The codes of regulations and any amendment thereof shall  
 36 conform insofar as practicable to model building codes generally accepted and in use throughout the  
 37 United States. If there is no nationally recognized model code, consideration shall be given to the  
 38 existing specialty codes presently in use in this state. Such model codes with modifications consid-  
 39 ered necessary and specialty codes may be adopted by reference. The codes so promulgated and any  
 40 amendments thereof shall be based on the application of scientific principles, approved tests and  
 41 professional judgment and, to the extent that it is practical to do so, the codes shall be promulgated  
 42 in terms of desired results instead of the means of achieving such results, avoiding wherever possi-  
 43 ble the incorporation of specifications of particular methods or materials. To that end the codes  
 44 shall encourage the use of new methods, new materials and maximum energy conservation.

45 (4) The [*director*] **commissioner** shall adopt rules requiring a journeyman plumber licensed un-

1 der ORS chapter 693 or an apprentice plumber, as defined in ORS 693.010, who tests backflow as-  
 2 semblies to complete a state-approved training program for the testing of those assemblies.

3 **SECTION 144.** ORS 455.112 is amended to read:

4 455.112. Notwithstanding any other provision of this chapter, the [*Director of the Department of*  
 5 *Consumer and Business Services*] **Commissioner of the Bureau of Labor and Industries** may ini-  
 6 tiate the adoption of rules the [*director*] **commissioner** considers necessary to interpret, harmonize,  
 7 streamline, adjust, promote consistency within, reduce confusion regarding, administer or enforce  
 8 the state building code or any requirement for a license, registration, certification, endorsement or  
 9 other authorization to perform work related to the administration and enforcement of the state  
 10 building code when any provision of the state building code or a requirement for authorization to  
 11 perform work is unclear, duplicative or in conflict with another or when the code or a requirement  
 12 for authorization to perform work does not adequately address a project of a unique type or scope.  
 13 The [*director*] **commissioner** must obtain the approval of the appropriate advisory boards prior to  
 14 adopting a rule under this section.

15 **SECTION 145.** ORS 455.117 is amended to read:

16 455.117. (1) Except as provided in subsection (3) of this section, a regulatory body listed in  
 17 subsection (2) of this section may adopt rules to administer the licensing, certification or registra-  
 18 tion of persons regulated by the body. The rules adopted under this section may include, but need  
 19 not be limited to:

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

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

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

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

27 (e) The creation of a system for combining two or more licenses, certificates or registrations  
 28 issued to an individual by an advisory board or the [*Department of Consumer and Business*  
 29 *Services*] **Bureau of Labor and Industries** into a single license, certificate, registration or other  
 30 authorization.

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

32 (a) Subject to ORS 446.003 to 446.200, 446.225 to 446.285 and 446.395 to 446.420, with the ap-  
 33 proval of the Residential and Manufactured Structures Board, the [*Department of Consumer and*  
 34 *Business Services*] **Bureau of Labor and Industries** for purposes of licenses, certificates and reg-  
 35 istrations issued under ORS 446.003 to 446.200, 446.225 to 446.285 and 446.395 to 446.420.

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

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

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

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

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

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

1 (b) Persons engaged in the manufacture, conversion or repair of prefabricated structures or  
 2 prefabricated components; or

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

4 **SECTION 146.** ORS 455.122 is amended to read:

5 455.122. (1) The [*Director of the Department of Consumer and Business Services*] **Commissioner**  
 6 **of the Bureau of Labor and Industries**, with the approval of the appropriate advisory boards,  
 7 shall establish a system that allows a contractor or business possessing two or more licenses de-  
 8 scribed in subsection (2) of this section to have an approved combination of those licenses issued  
 9 or renewed simultaneously.

10 (2) Notwithstanding any issuance or renewal dates established by rule under ORS 455.117, sub-  
 11 section (1) of this section applies to contractor or business licenses by the Electrical and Elevator  
 12 Board, the Board of Boiler Rules or the State Plumbing Board.

13 (3) The [*director*] **commissioner** shall establish rules to implement the system described in this  
 14 section. The rules must establish the combinations of licenses for which a simultaneous issuance or  
 15 renewal is offered, the term and expiration date for the combination, the appropriate fees for ad-  
 16 ministering the system, the criteria for issuance and renewal and the other standards and criteria  
 17 deemed by the [*Department of Consumer and Business Services*] **Bureau of Labor and Industries**  
 18 to be necessary to administer and enforce the system.

19 **SECTION 147.** ORS 455.125 is amended to read:

20 455.125. (1) As used in this section, “person” includes individuals, corporations, associations,  
 21 firms, partnerships, limited liability companies, joint stock companies, public agencies and an owner  
 22 or holder of a direct or indirect interest in a corporation, association, firm, partnership, limited li-  
 23 ability company or joint stock company.

24 (2) In addition to any other sanction, remedy or penalty provided by law, the [*Director of the*  
 25 *Department of Consumer and Business Services*] **Commissioner of the Bureau of Labor and In-**  
 26 **dustries** or an appropriate advisory board may deny, suspend, condition or revoke a registration,  
 27 certification, license or other authority of a person to perform work or conduct business issued un-  
 28 der laws administered by the [*Department of Consumer and Business Services*] **Bureau of Labor and**  
 29 **Industries** or advisory board if the person:

30 (a) Fails to comply with a provision of ORS 446.003 to 446.200, 446.225 to 446.285, 446.395 to  
 31 446.420, 479.510 to 479.945, 479.950 or 480.510 to 480.670 or this chapter or ORS chapter 447, 460 or  
 32 693, or with any rule adopted under those statutes or under ORS 455.117; or

33 (b) Engages in an act for which the Construction Contractors Board imposes a sanction on the  
 34 holder under ORS 701.098.

35 (3) For purposes of ORS 701.106, a compliance failure described in subsection (2)(a) of this sec-  
 36 tion for which the [*director*] **commissioner** or an advisory board denies, suspends, conditions or  
 37 revokes a registration, certification, license or other authority of a person to perform work or con-  
 38 duct business may be treated as a failure to be in conformance with this chapter.

39 **SECTION 148.** ORS 455.127 is amended to read:

40 455.127. (1) As used in this section, “person” includes individuals, corporations, associations,  
 41 firms, partnerships, limited liability companies, joint stock companies, public agencies and an owner  
 42 or holder of a direct or indirect interest in a corporation, association, firm, partnership, limited li-  
 43 ability company or joint stock company.

44 (2) The [*Director of the Department of Consumer and Business Services, the Department of Con-*  
 45 *sumer and Business Services*] **Commissioner of the Bureau of Labor and Industries, the Bureau**

1 **of Labor and Industries** or an appropriate advisory board may disqualify a person from obtaining  
 2 or renewing a license, registration, certificate or certification if the person:

3 (a) Is or has been subject to civil penalties, revocation, cancellation or suspension of a license,  
 4 registration, certificate or certification or other sanction by the [*director, department*] **commis-**  
 5 **sioner, bureau** or an advisory board; or

6 (b) Is or has been directly involved in an act for which the [*director, department*] **commissioner,**  
 7 **bureau** or an advisory board has levied civil penalties, revoked, canceled or suspended a license,  
 8 registration, certificate or certification or imposed other sanction while the person served as a  
 9 principal, director, officer, owner, majority shareholder, member or manager of a limited liability  
 10 company or in another capacity with direct or indirect control over another business.

11 (3) A disqualification under subsection (2) of this section shall be for a period determined by the  
 12 [*director, department*] **commissioner, bureau** or appropriate advisory board by rule, not to exceed  
 13 five years. If a person applies for reinstatement of a revoked license, registration, certificate or  
 14 certification after the period of disqualification, the person must meet the qualifications for initial  
 15 issuance of the license, registration, certificate or certification.

16 **SECTION 149.** ORS 455.129 is amended to read:

17 455.129. (1) As used in this section, “relative” means an individual related within the third de-  
 18 gree as determined by the common law, a spouse, an individual related to a spouse within the third  
 19 degree as determined by the common law or an individual in an adoptive relationship within the  
 20 third degree as determined by the common law.

21 (2) Subject to ORS chapter 183, a regulatory body listed in subsection (3) of this section may  
 22 deny a license, certificate, registration or application or may suspend, revoke, condition or refuse  
 23 to renew a license, certificate or registration if the regulatory body finds that the licensee, certif-  
 24 icate holder, registrant or applicant:

25 (a) Has failed to comply with the laws administered by the regulatory body or with the rules  
 26 adopted by the regulatory body.

27 (b) Has failed to comply with an order of the regulatory body or the [*Director of the Department*  
 28 *of Consumer and Business Services*] **Commissioner of the Bureau of Labor and Industries**, in-  
 29 cluding but not limited to the failure to pay a civil penalty.

30 (c) Has filed an application for a license, certificate or registration that, as of the date the li-  
 31 cense, certificate or registration was issued or the date of an order denying the application, was  
 32 incomplete in any material respect or contained a statement that, in light of the circumstances un-  
 33 der which it was made, was incorrect or misleading in any respect.

34 (d) Has performed work without appropriate licensing, certification or registration or has em-  
 35 ployed individuals to perform work without appropriate licensing, certification or registration.

36 (e) Has advertised or otherwise held out as being a licensed, certified or registered specialty  
 37 code contractor without holding the appropriate specialty code contractor license, certificate or  
 38 registration.

39 (f) As a partner, officer, member or employee of a business, has advertised or held out that the  
 40 business is a licensed, certified or registered specialty code contractor if the business does not  
 41 possess the appropriate specialty code contractor license, certificate or registration.

42 (g) Has engaged in business as a specialty code contractor without holding a valid specialty  
 43 code contractor license, certificate or registration required for the business.

44 (h) Has failed to meet any condition or requirement to obtain or maintain a license, certificate  
 45 or registration.

- 1 (i) Has acted in a manner creating a serious danger to the public health or safety.
- 2 (j) Has performed work or operated equipment within the scope of a specialty code license,  
3 certificate or registration in a manner that violates an applicable minimum safety standard or a  
4 statute or rule regarding safety.
- 5 (k) Has been subject to a revocation, cancellation or suspension order or to other disciplinary  
6 action by the Construction Contractors Board or has failed to pay a civil penalty imposed by the  
7 board.
- 8 (L) Has been subject to a revocation, cancellation or suspension order or to other disciplinary  
9 action by another state in regard to construction standards, permit requirements or construction-  
10 related licensing violations or has failed to pay a civil penalty imposed by the other state in regard  
11 to construction standards, permit requirements or construction-related licensing violations.
- 12 (m) Has, while performing work that requires or that is related to work that requires a valid  
13 license or certificate under ORS 446.003 to 446.200, 446.225 to 446.285, 446.395 to 446.420, 479.510  
14 to 479.945, 479.950 or 480.510 to 480.670 or this chapter or ORS chapter 447, 460 or 693, violated any  
15 statute or rule related to the state building code.
- 16 (n) Has performed a code inspection or plan review on a project to construct, alter, repair or  
17 make an installation in a structure if the inspector or reviewer, or an employer or relative of the  
18 inspector or reviewer, has a financial interest in or business affiliation with the project or structure.
- 19 (o) Is a business, the owner or an officer of which has an outstanding obligation to pay a civil  
20 penalty assessed under ORS 455.895 or has been the subject of action against the license, certificate  
21 or registration by the *[Department of Consumer and Business Services]* **Bureau of Labor and In-**  
22 **dustries**, the *[director]* **commissioner** or an appropriate advisory board.
- 23 (p) Is a business, owner or officer of a reorganized business entity as defined in ORS 657.682, if  
24 an owner, officer, shareholder or partner of the reorganized business entity, or a member if the re-  
25 organized business entity is a member-managed limited liability company, has been subject to a re-  
26 vocation or suspension order or to a condition or civil penalty under ORS 446.003 to 446.200, 446.225  
27 to 446.285, 446.395 to 446.420, 479.510 to 479.945, 479.950 or 480.510 to 480.670 or this chapter or  
28 ORS chapter 447, 460, 693 or 701, or by another state in regard to construction standards, permit  
29 requirements or construction-related licensing violations.
- 30 (q) Is ordered to pay damages under a judgment or arbitration award that relates to con-  
31 struction and that has become final by operation of law or on appeal.
- 32 (r) Is a business, the owner or an officer of which was an owner or officer in another business  
33 at the time:
- 34 (A) The other business was assessed a civil penalty under ORS 455.895 that remains unpaid; or  
35 (B) An act or failure to act by any owner or officer of the other business resulted in action  
36 being taken against the license, certificate or registration of the other business by the *[department]*  
37 **bureau**, the *[director]* **commissioner** or any advisory board.
- 38 (3) Subsection (2) of this section applies to:
- 39 (a) The State Plumbing Board for purposes of licenses issued under ORS 447.010 to 447.156 or  
40 ORS chapter 693.
- 41 (b) The Electrical and Elevator Board for purposes of licenses issued under ORS 479.510 to  
42 479.945.
- 43 (c) The Board of Boiler Rules for purposes of licenses issued under ORS 480.510 to 480.670.
- 44 (d) The *[department]* **bureau** for purposes of licenses issued under this chapter.
- 45 (e) The *[department]* **bureau**, subject to Electrical and Elevator Board approval, for purposes of



1 licenses issued under ORS 460.005 to 460.175.

2 (f) The [*department*] **bureau**, subject to Residential and Manufactured Structures Board ap-  
3 proval, for purposes of licenses, certificates and registrations issued under ORS 446.003 to 446.200,  
4 446.225 to 446.285 and 446.395 to 446.420.

5 (4) The [*department*] **bureau** may administer and enforce subsection (2) of this section in the  
6 same manner and to the same extent as any advisory board.

7 **SECTION 150.** ORS 455.132 is amended to read:

8 455.132. (1) There is established in the [*Department of Consumer and Business Services*] **Bureau**  
9 **of Labor and Industries** a Building Codes Structures Board consisting of nine members.

10 (2) The Building Codes Structures Board shall assist the [*Director of the Department of Consumer*  
11 *and Business Services*] **Commissioner of the Bureau of Labor and Industries** in administering the  
12 structural, prefabricated structures and energy programs described in this chapter and the accessi-  
13 bility to persons with physical disabilities program described in ORS 447.210 to 447.280.

14 (3) The board shall consist of members broadly representative of the industries and professions  
15 involved in the development and construction of buildings and energy conservation, including:

16 (a) An architect or engineer;

17 (b) A general contractor, as defined in ORS 701.005, specializing in the construction of buildings  
18 more than three stories above grade;

19 (c) A contractor specializing in construction for heavy industry;

20 (d) A representative of the building trade;

21 (e) A representative of a utility or energy supplier;

22 (f) A representative of a fire protection agency;

23 (g) A building official;

24 (h) An owner or manager of a commercial office building; and

25 (i) A representative selected from individuals recommended by the Oregon Disabilities Commis-  
26 sion.

27 **SECTION 151.** ORS 455.135 is amended to read:

28 455.135. (1) There is established a Residential and Manufactured Structures Board consisting of  
29 11 members appointed by the Governor.

30 (2) The members of the board shall assist the [*Director of the Department of Consumer and*  
31 *Business Services*] **Commissioner of the Bureau of Labor and Industries** in administering the  
32 low-rise residential dwelling program and Small Home Specialty Code described in this chapter.

33 (3) The board must consist of:

34 (a) One contractor specializing in the construction of residential structures;

35 (b) One contractor specializing in the remodeling of residential structures;

36 (c) One contractor specializing in building multifamily housing three stories or less above grade;

37 (d) One home designer or architect;

38 (e) One building official;

39 (f) One representative of residential building trade subcontractors;

40 (g) One structural engineer;

41 (h) One representative of a utility or energy supplier;

42 (i) One manufacturer of manufactured dwellings;

43 (j) One seller or distributor of new manufactured dwellings; and

44 (k) One public member who does not receive compensation from any interest represented under  
45 paragraphs (a) to (j) of this subsection.

1        **SECTION 152.** ORS 455.135, as amended by section 11, chapter 401, Oregon Laws 2019, is  
 2 amended to read:

3        455.135. (1) There is established a Residential and Manufactured Structures Board consisting of  
 4 11 members appointed by the Governor.

5        (2) The members of the board shall assist the [*Director of the Department of Consumer and*  
 6 *Business Services*] **Commissioner of the Bureau of Labor and Industries** in administering the  
 7 low-rise residential dwelling program described in this chapter.

8        (3) The board must consist of:

9        (a) One contractor specializing in the construction of residential structures;

10       (b) One contractor specializing in the remodeling of residential structures;

11       (c) One contractor specializing in building multifamily housing three stories or less above grade;

12       (d) One home designer or architect;

13       (e) One building official;

14       (f) One representative of residential building trade subcontractors;

15       (g) One structural engineer;

16       (h) One representative of a utility or energy supplier;

17       (i) One manufacturer of manufactured dwellings;

18       (j) One seller or distributor of new manufactured dwellings; and

19       (k) One public member who does not receive compensation from any interest represented under  
 20 paragraphs (a) to (j) of this subsection.

21       **SECTION 153.** ORS 455.138 is amended to read:

22       455.138. (1) There is established in the [*Department of Consumer and Business Services*] **Bureau**  
 23 **of Labor and Industries** an Electrical and Elevator Board consisting of 15 members.

24       (2) The Electrical and Elevator Board shall assist the [*Director of the Department of Consumer*  
 25 *and Business Services*] **Commissioner of the Bureau of Labor and Industries** in administering the  
 26 electrical program described in ORS 479.510 to 479.945 and 479.995 and the elevator program de-  
 27 scribed in ORS 460.005 to 460.175.

28       (3) The board shall be composed of:

29       (a) A fire and casualty underwriter;

30       (b) A representative of industrial plants regularly employing licensed electricians;

31       (c) A person representing the power and light industry;

32       (d) An electrical equipment supplier who otherwise qualifies by experience in the industry;

33       (e) An elevator manufacturing representative;

34       (f) One member from the electrical equipment manufacturing industry who otherwise qualifies  
 35 by experience and training in electricity;

36       (g) Two journeyman electricians;

37       (h) An electrical inspector;

38       (i) Two electrical contractors;

39       (j) A municipal building official;

40       (k) A journeyman elevator installer;

41       (L) An owner or manager of a commercial office building; and

42       (m) A public member who does not receive compensation from any interest described in para-  
 43 graphs (a) to (L) of this subsection.

44       **SECTION 154.** ORS 455.140 is amended to read:

45       455.140. (1) There is established a Mechanical Board consisting of 10 members appointed by the

1 Governor.

2 (2) The members of the board shall assist the [*Director of the Department of Consumer and*  
 3 *Business Services*] **Commissioner of the Bureau of Labor and Industries** in administering the  
 4 code adopted pursuant to ORS 455.020 for mechanical devices and equipment.

5 (3) The board must consist of:

6 (a) One representative of the plumbing industry;

7 (b) One sheet metal and air conditioner contractor;

8 (c) One municipal mechanical inspector possessing the highest level of mechanical inspector  
 9 certification issued by the [*Department of Consumer and Business Services*] **Bureau of Labor and**  
 10 **Industries**;

11 (d) One heating, venting and air conditioning contractor;

12 (e) One heating, venting and air conditioning installer;

13 (f) One sheet metal and air conditioner installer;

14 (g) One representative of a natural gas company or other utility;

15 (h) One building official;

16 (i) One insulation craftsperson who has experience with heat and frost insulation; and

17 (j) One public member who does not receive compensation from any interest represented under  
 18 paragraphs (a) to (i) of this subsection.

19 (4) At least one of the board members described in subsection (3)(b) or (d) of this section must  
 20 be an owner or operator of a contracting business employing 10 or fewer persons at the time of the  
 21 member's appointment to the term.

22 **SECTION 155.** ORS 455.144 is amended to read:

23 455.144. (1) The Building Codes Structures Board, the Electrical and Elevator Board, the Resi-  
 24 dential and Manufactured Structures Board and the Mechanical Board shall each be organized and  
 25 governed as described in this section.

26 (2)(a) The term of office of each member is four years and a member is not eligible for appoint-  
 27 ment to more than two full terms of office. The Governor shall appoint the members of each board  
 28 and the board members shall serve at the pleasure of the Governor.

29 (b) Before the expiration of the term of a member, the Governor shall appoint a successor whose  
 30 term begins on July 1 next following. If there is a vacancy for any cause, the Governor shall make  
 31 an appointment to become immediately effective for the unexpired term.

32 (3) A member of each board is entitled to compensation and expenses as provided in ORS  
 33 292.495.

34 (4) A board shall select one of its members as chairperson and another as vice chairperson, for  
 35 such terms and with duties and powers necessary for the performance of the functions of such po-  
 36 sition as the board determines.

37 (5) A majority of the members of a board constitutes a quorum for the transaction of business.

38 (6) In accordance with applicable provisions of ORS chapter 183, the [*director*] **Commissioner**  
 39 **of the Bureau of Labor and Industries** may adopt rules necessary for the administration of the  
 40 laws that the [*Department of Consumer and Business Services*] **bureau** is charged with administering.

41 (7) The Governor may remove a board member for good cause. "Good cause" for removal of a  
 42 member includes, but is not limited to, three unexcused absences during any 12-month period from  
 43 a regularly scheduled board meeting.

44 (8) The appointment of a member of a board is subject to confirmation by the Senate pursuant  
 45 to section 4, Article III of the Oregon Constitution.

1        **SECTION 156.** ORS 455.146 is amended to read:

2        455.146. (1) The Electrical and Elevator Board established in ORS 455.138, the Board of Boiler  
3 Rules established in ORS 480.535 and the State Plumbing Board established in ORS 693.115 shall  
4 each meet at least four times per year at times and places specified by the [*Director of the Depart-*  
5 *ment of Consumer and Business Services*] **Commissioner of the Bureau of Labor and Industries**  
6 after consultation with the board, or at times and places specified by the call of a majority of the  
7 members of the board after consultation with the [*director*] **commissioner**.

8        (2) The Building Codes Structures Board established in ORS 455.132, the Residential and Man-  
9 ufactured Structures Board established in ORS 455.135, the Mechanical Board established in ORS  
10 455.140 and the Construction Industry Energy Board established in ORS 455.492 shall each meet at  
11 least twice per year at times and places specified by the [*Director of the Department of Consumer*  
12 *and Business Services*] **Commissioner of the Bureau of Labor and Industries** after consultation  
13 with the board, or at times and places specified by the call of a majority of the members of the board  
14 after consultation with the [*director*] **commissioner**.

15        **SECTION 157.** ORS 455.148 is amended to read:

16        455.148. (1)(a) A municipality that assumes the administration and enforcement of a building in-  
17 spection program shall administer and enforce the program for all of the following:

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

20        (B) Manufactured dwelling installation requirements under ORS 446.155, 446.185 (1) and 446.230.

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

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

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

24        (F) Manufactured dwelling alterations regulated under ORS 446.155.

25        (G) Accessory buildings or structures under ORS 446.253.

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

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

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

30        (B) Elevator programs under ORS 460.005 to 460.175;

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

32        (D) Prefabricated structure regulation under ORS chapter 455;

33        (E) Manufacture of manufactured dwelling programs under ORS 446.155 to 446.285, including the  
34 administration and enforcement of federal manufactured dwelling construction and safety standards  
35 adopted under ORS 446.155 or the National Manufactured Housing Construction and Safety Stan-  
36 dards Act of 1974;

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

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

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

44        (3) When a municipality administers a building inspection program, the governing body of the  
45 municipality shall, unless other means are already provided, appoint a person to administer and

1 enforce the building inspection program, who shall be known as the building official. A building of-  
2 ficial shall, in the municipality for which appointed, attend to all aspects of code enforcement, in-  
3 cluding the issuance of all building permits. Two or more municipalities may combine in the  
4 appointment of a single building official for the purpose of administering a building inspection pro-  
5 gram within their communities.

6 (4)(a) By January 1 of the year preceding the expiration of the four-year period described in  
7 subsection (2) of this section, the governing body of the municipality shall notify the [*Director of the*  
8 *Department of Consumer and Business Services*] **Commissioner of the Bureau of Labor and In-**  
9 **dustries** and, if the municipality is not a county, notify the county whether the municipality will  
10 continue to administer and enforce the building inspection program after expiration of the four-year  
11 period.

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

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

20 (6) If a county does not notify the [*director*] **commissioner**, or notifies the [*director*] **commis-**  
21 **sioner** that it will not administer and enforce a building inspection program, the [*director*] **com-**  
22 **missioner** shall contract with a municipality or other person or use such state employees or state  
23 agencies as are necessary to administer and enforce a building inspection program, and permit or  
24 other fees arising therefrom shall be paid into the [*Consumer and Business Services Fund*] **Bureau**  
25 **of Labor and Industries Account** created by ORS [705.145] **651.160** and credited to the account  
26 responsible for paying the expenses thereof. A state employee may not be displaced as a result of  
27 using contract personnel.

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

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

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

44 (10) The [*department*] **bureau** or a municipality that accepts an inspection or plan review as  
45 required by this section by a person licensed under ORS 455.457 has no responsibility or liability for

1 the activities of the licensee.

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

5 (a) Creating building inspection program application and amendment requirements and proce-  
 6 dures;

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

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

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

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

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

15 (D) Proposed staffing levels; and

16 (E) Proposed service levels;

17 (d) Reviewing procedures and program operations of municipalities;

18 (e) Creating standards for efficient, effective, timely and acceptable building inspection pro-  
 19 grams;

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

22 (g) Creating standards for determining whether a county or [*department*] **bureau** building in-  
 23 spection program is economically impaired in its ability to reasonably continue providing the pro-  
 24 gram throughout a county, if another municipality is allowed to provide a building inspection  
 25 program within the same county; and

26 (h) Enforcing the requirements of this section.

27 (12) The [*department*] **bureau** may assume administration and enforcement of a building in-  
 28 spection program:

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

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

32 (c) If a municipality fails to substantially comply with any provision of this section or of ORS  
 33 455.465, 455.467 and 455.469.

34 (13) If the [*department*] **bureau** assumes the administration and enforcement of a building in-  
 35 spection program under this section, in addition to any other power granted to the [*director*] **com-**  
 36 **missioner**, the [*director*] **commissioner** may:

37 (a) Enter into agreements with local governments under ORS 455.185 regarding the adminis-  
 38 tration and enforcement of the assumed building inspection program;

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

42 (c) Charge fees described in ORS 455.195 for [*department*] **bureau** services provided in adminis-  
 43 tering and enforcing the assumed building inspection program.

44 (14) A municipality that abandons or otherwise ceases to administer and enforce a building in-  
 45 spection program that the municipality assumed under this section may not resume the adminis-

1 tration or enforcement of the program for at least two years. The municipality may resume the  
 2 administration and enforcement of the abandoned program only on July 1 of an odd-numbered year.  
 3 Prior to resuming the administration and enforcement of the program, the municipality must follow  
 4 the notification procedure set forth in subsection (7) of this section.

5 **SECTION 158.** ORS 455.150 is amended to read:

6 455.150. (1) Except as provided in subsection (15) of this section, a municipality that assumes the  
 7 administration and enforcement of a building inspection program prior to January 1, 2002, may ad-  
 8 minister and enforce all or part of a building inspection program. A building inspection program:

9 (a) Is a program that includes the following:

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

12 (B) Manufactured dwelling installation requirements under ORS 446.155, 446.185 (1) and 446.230.

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

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

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

16 (F) Manufactured dwelling alterations regulated under ORS 446.155.

17 (G) Accessory buildings or structures under ORS 446.253.

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

19 (b) Is not a program that includes:

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

22 (B) Elevator programs under ORS 460.005 to 460.175;

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

24 (D) Prefabricated structure regulation under ORS chapter 455;

25 (E) Manufacture of manufactured dwelling programs under ORS 446.155 to 446.285, including the  
 26 administration and enforcement of federal manufactured dwelling construction and safety standards  
 27 adopted under ORS 446.155 or the National Manufactured Housing Construction and Safety Stan-  
 28 dards Act of 1974;

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

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

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

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

43 (4)(a) By January 1 of the year preceding the expiration of the four-year period described in  
 44 subsection (2) of this section, the governing body of the municipality shall notify the [*Director of the*  
 45 *Department of Consumer and Business Services*] **Commissioner of the Bureau of Labor and In-**

1 **dustries** and, if not a county, notify the county whether the municipality will continue to administer  
 2 the building inspection program, or parts thereof, after expiration of the four-year period. If parts  
 3 of a building inspection program are to be administered and enforced by a municipality, the parts  
 4 shall correspond to a classification designated by the *[director]* **commissioner** as reasonable divi-  
 5 sions of work.

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

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

14 (6) If a county does not notify the *[director]* **commissioner**, or notifies the *[director]* **commis-**  
 15 **sioner** that it will not administer and enforce certain specialty codes or parts thereof under the  
 16 building inspection program, the *[director]* **commissioner** shall contract with a municipality or other  
 17 person or use such state employees or state agencies as are necessary to administer and enforce  
 18 those codes or parts thereof, and permit or other fees arising therefrom shall be paid into the  
 19 *[Consumer and Business Services Fund]* **Bureau of Labor and Industries Account** created by *[ORS*  
 20 *705.145]* **ORS 651.160** and credited to the account responsible for paying such expenses. A state  
 21 employee may not be displaced as a result of using contract personnel.

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

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

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

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

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

43 (a) Creating building inspection program application and amendment requirements and proce-  
 44 dures;

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



- 1 (c) Reviewing procedures and program operations of municipalities;
- 2 (d) Creating standards for efficient, effective, timely and acceptable building inspection pro-
- 3 grams;
- 4 (e) Creating standards for justifying increases in building inspection program fees adopted by a
- 5 municipality;
- 6 (f) Creating standards for determining whether a county or *[department]* **bureau** building in-
- 7 spection program is economically impaired in its ability to reasonably continue providing the pro-
- 8 gram or part of the program throughout a county, if another municipality is allowed to provide a
- 9 building inspection program or part of a program within the same county; and
- 10 (g) Enforcing the requirements of this section.
- 11 (12) The *[department]* **bureau** may assume administration and enforcement of a building in-
- 12 spection program:
- 13 (a) During the pendency of activities under ORS 455.770;
- 14 (b) If a municipality abandons any part of the building inspection program or is no longer able
- 15 to administer the building inspection program; and
- 16 (c) If a municipality fails to substantially comply with any provision of this section or of ORS
- 17 455.465, 455.467 and 455.469.
- 18 (13) If the *[department]* **bureau** assumes the administration and enforcement of a building in-
- 19 spection program under this section, in addition to any other power granted to the *[director]* **com-**
- 20 **missioner**, the *[director]* **commissioner** may:
- 21 (a) Enter into agreements with local governments under ORS 455.185 regarding the adminis-
- 22 tration and enforcement of the assumed building inspection program;
- 23 (b) Take action as described in ORS 455.192 to ensure that sufficient staff and other resources
- 24 are available for the administration and enforcement of the assumed building inspection program;
- 25 and
- 26 (c) Charge fees described in ORS 455.195 for *[department]* **bureau** services provided in adminis-
- 27 tering and enforcing the assumed building inspection program.
- 28 (14) If a municipality abandons or otherwise ceases to administer all or part of a building in-
- 29 spection program described in this section, the municipality may not resume the administration and
- 30 enforcement of the abandoned program or part of a program for at least two years. The municipality
- 31 may resume the administration and enforcement of the abandoned program or part of a program only
- 32 on July 1 of an odd-numbered year. To resume the administration and enforcement of the abandoned
- 33 program or part of a program, the municipality must comply with ORS 455.148, including the re-
- 34 quirement that the municipality administer and enforce all aspects of the building inspection pro-
- 35 gram. Thereafter, the municipality is subject to ORS 455.148 and ceases to be subject to this
- 36 section.
- 37 (15) A municipality that administers and enforces a building inspection program under this sec-
- 38 tion shall include in the program the inspection of boilers and pressure vessels described in sub-
- 39 section (1)(a)(H) of this section.
- 40 **SECTION 159.** ORS 455.152 is amended to read:
- 41 455.152. (1) A municipality, 10 or more persons or an association with 10 or more members may
- 42 file objections to a municipality's assumption of a building inspection program. The objections must
- 43 be filed within 30 days after the *[Director of the Department of Consumer and Business Services]*
- 44 **Commissioner of the Bureau of Labor and Industries** gives notice of the application.
- 45 (2) The *[director]* **commissioner**, by rule, shall establish a process for reviewing objections filed

1 under subsection (1) of this section. The review process shall include but need not be limited to:

2 (a) Identification of economic impairment, if any, affecting the municipality;

3 (b) Demonstration by the municipality that all building inspection program permits and services  
4 will be available, including any service agreements for carrying out building program services;

5 (c) Review of all elements of the assumption plan submitted by the municipality;

6 (d) Demonstration by the municipality of the ability to provide building inspection program  
7 services for at least two years; and

8 (e) Review of proposed levels of service, including the municipality's ability to maintain or im-  
9 prove upon existing service levels.

10 (3) Upon completion of a review under subsection (2) of this section, the [*director*] **commis-**  
11 **sioner** shall issue a final agency order approving or disapproving the application.

12 **SECTION 160.** ORS 455.153 is amended to read:

13 455.153. (1) A municipality may administer any specialty code or building requirements as  
14 though the code or requirements were ordinances of the municipality if the municipality is author-  
15 ized to administer:

16 (a) The specialty code under ORS chapter 447 or 455 or ORS 479.510 to 479.945 and 479.995.

17 (b) Mobile or manufactured dwelling parks requirements adopted under ORS 446.062.

18 (c) Temporary parks requirements adopted under ORS 446.105.

19 (d) Manufactured dwelling installation, support and tiedown requirements adopted under ORS  
20 446.230.

21 (e) Park or camp requirements adopted under ORS 455.680.

22 (2) Administration of any specialty code or building requirement includes establishing a program  
23 intended to verify compliance with state licensing requirements and all other administrative and  
24 judicial aspects of enforcement of the code or requirement. Nothing in this section affects the con-  
25 current jurisdiction of the [*Director of the Department of Consumer and Business Services*] **Com-**  
26 **missioner of the Bureau of Labor and Industries**, the Building Codes Structures Board, the State  
27 Plumbing Board, the Electrical and Elevator Board, the Residential and Manufactured Structures  
28 Board or the Mechanical Board to impose civil penalties for violations committed within munici-  
29 palities.

30 **SECTION 161.** ORS 455.154 is amended to read:

31 455.154. (1) Notwithstanding ORS 447.076, 455.627, 479.560 and 479.565, the [*Department of Con-*  
32 *sumer and Business Services*] **Bureau of Labor and Industries**, in consultation with the appropriate  
33 advisory boards, may establish special alternative permit and inspection programs for any installa-  
34 tions or equipment regulated under the state building code. The alternative programs may include,  
35 but need not be limited to:

36 (a) Programs for work, other than life-safety work, performed in commercial, manufacturing, in-  
37 dustrial and institutional facilities; and

38 (b) Inspection programs for in-plant construction.

39 (2) Every municipality that administers and enforces a building program under ORS 455.148 or  
40 455.150 shall administer and enforce within the municipality any special alternative permit and in-  
41 spection program that the [*department*] **bureau** makes applicable to that municipality.

42 (3) A municipality may apply to the [*department*] **bureau** for approval of municipal application  
43 forms, procedures and criteria for plan review, permits and inspections and methodologies for de-  
44 termining fee amounts, for use by the municipality in carrying out an applicable special alternative  
45 permit and inspection program.

1 (4) If the [*department*] **bureau** determines that an optional special alternative permit and in-  
 2 spection program affects only some of the jurisdictions that are subject to ORS 455.046, the re-  
 3 quirements of ORS 455.046 are applicable only to standard permit and inspection programs and not  
 4 to the optional program.

5 **SECTION 162.** ORS 455.155 is amended to read:

6 455.155. Notwithstanding ORS 447.076, 455.627, 479.560 and 479.565, the [*Department of Consumer*  
 7 *and Business Services*] **Bureau of Labor and Industries**, in consultation with the appropriate ad-  
 8 visory boards, may establish a statewide permitting and inspection system for minor construction  
 9 work. Every municipality that administers and enforces a building program under ORS 455.148 or  
 10 455.150 must recognize and accept permits issued by the [*department*] **bureau** under this section.

11 **SECTION 163.** ORS 455.156 is amended to read:

12 455.156. (1) Notwithstanding any other provision of this chapter, ORS chapter 693 or ORS  
 13 447.010 to 447.156, 447.992, 479.510 to 479.945, 479.990 or 479.995, the [*Department of Consumer and*  
 14 *Business Services*] **Bureau of Labor and Industries** shall carry out the provisions of this section.

15 (2)(a) A municipality that establishes a building inspection program under ORS 455.148 or a  
 16 plumbing inspection program under ORS 455.150 covering installations under the plumbing specialty  
 17 code, the Low-Rise Residential Dwelling Code or the Small Home Specialty Code may act on behalf  
 18 of the State Plumbing Board to investigate violations of and enforce ORS 447.040, 693.030 and  
 19 693.040 and to issue notices of proposed assessment of civil penalties for those violations.

20 (b) A municipality that establishes a building inspection program under ORS 455.148 or an  
 21 electrical inspection program under ORS 455.150 covering installations under the electrical specialty  
 22 code, the Low-Rise Residential Dwelling Code or the Small Home Specialty Code may act on behalf  
 23 of the Electrical and Elevator Board to investigate violations of and enforce ORS 479.550 (1) and  
 24 479.620 and to issue notices of proposed assessment of civil penalties for those violations.

25 (c) A municipality that establishes a building inspection program under ORS 455.148 or 455.150  
 26 may investigate violations and enforce any provisions of the program administered by the municipi-  
 27 pality.

28 (3) The [*department*] **bureau** shall establish:

29 (a) Procedures, forms and standards to carry out the provisions of this section, including but  
 30 not limited to creating preprinted notices of proposed assessment of penalties that can be completed  
 31 and served by municipal inspectors;

32 (b) A program to provide that all of the moneys recovered by the [*department*] **bureau**, less  
 33 collection expenses, be paid to the municipality that initiated the charges when a person charged  
 34 with a violation as provided in subsection (2) of this section, other than a violation of a licensing  
 35 requirement, agrees to the entry of an assessment of civil penalty or does not request a hearing, and  
 36 an order assessing a penalty is entered against the person;

37 (c) A uniform citation process to be used in all jurisdictions of the state for violation of a li-  
 38 censing requirement. The process may include but need not be limited to all program areas admin-  
 39 istered by a municipality under ORS 455.148 or 455.150 and may provide a uniform method for  
 40 checking license status and issuing citations for violation of a licensing requirement, and a con-  
 41 sistent basis for enforcement of licensing requirements and treatment of violations, including fine  
 42 amounts;

43 (d) A program to provide a division of the moneys recovered by the [*department*] **bureau** with  
 44 the municipality that initiated the charges, when a person charged with a violation as provided in  
 45 subsection (2) of this section, other than a violation of a licensing requirement, requests a hearing

1 and is assessed a penalty. One-half of the amounts recovered shall be paid to the municipality. The  
 2 [department] bureau shall keep an amount equal to its costs of processing the proceeding and col-  
 3 lection expenses out of the remaining one-half and remit the balance, if any, to the municipality; and

4 (e) A program to require municipalities to investigate violations of the [department's] bureau's  
 5 permit requirements for plumbing installations and services under the plumbing specialty code and  
 6 for plumbing and electrical installations and services under the Low-Rise Residential Dwelling Code  
 7 or Small Home Specialty Code, and to:

8 (A) Initiate notices of proposed assessment of civil penalties as agents of the boards designated  
 9 in subsection (2) of this section; and

10 (B) Pay the agents of the boards out of net civil penalty recoveries as if the recoveries were  
 11 under paragraphs (b) and (d) of this subsection.

12 (4) The assessment of a civil penalty under this section by a municipality is subject to the  
 13 amount limitations set forth in ORS 455.895.

14 (5)(a) It shall be a defense for any person charged with a penalty for violation of a building in-  
 15 spection program permit requirement covering plumbing installations under the plumbing specialty  
 16 code, electrical permit requirements under ORS 479.550 or plumbing or electrical requirements un-  
 17 der the Low-Rise Residential Dwelling Code or Small Home Specialty Code that the person was  
 18 previously penalized for the same occurrence.

19 (b) A building inspection program permit requirement is a requirement contained in a specialty  
 20 code or municipal ordinance or rule requiring a permit before the particular installations covered  
 21 by the codes are commenced.

22 (c) A penalty for the same occurrence includes a combination of two or more of the following  
 23 that are based on the same plumbing or electrical installation:

24 (A)(i) An investigative or other fee added to an electrical permit fee when a permit was obtained  
 25 after the electrical installation was started;

26 (ii) A civil penalty pursuant to ORS 479.995 for violation of ORS 479.550 for failure to obtain  
 27 an electrical permit;

28 (iii) A civil penalty pursuant to ORS 455.895 for failure to obtain an electrical permit under the  
 29 Low-Rise Residential Dwelling Code or Small Home Specialty Code; or

30 (iv) A municipal penalty, other than an investigative fee, for making an electrical installation  
 31 under the electrical specialty code, the Low-Rise Residential Dwelling Code or the Small Home  
 32 Specialty Code without a permit; or

33 (B)(i) An investigative or other fee added to a plumbing permit fee when a permit was obtained  
 34 after the plumbing installation was started;

35 (ii) A civil penalty pursuant to ORS 447.992 for failure to obtain a plumbing permit as required  
 36 under the plumbing specialty code;

37 (iii) A civil penalty pursuant to ORS 455.895 for failure to obtain a plumbing permit under the  
 38 Low-Rise Residential Dwelling Code; or

39 (iv) A municipal penalty, other than an investigative fee, for making a plumbing installation  
 40 under the plumbing specialty code, the Low-Rise Residential Dwelling Code or the Small Home  
 41 Specialty Code without a permit.

42 **SECTION 164.** ORS 455.156, as amended by section 12, chapter 401, Oregon Laws 2019, is  
 43 amended to read:

44 455.156. (1) Notwithstanding any other provision of this chapter, ORS chapter 693 or ORS  
 45 447.010 to 447.156, 447.992, 479.510 to 479.945, 479.990 or 479.995, the [Department of Consumer and

1 *Business Services*] **Bureau of Labor and Industries** shall carry out the provisions of this section.

2 (2)(a) A municipality that establishes a building inspection program under ORS 455.148 or a  
3 plumbing inspection program under ORS 455.150 covering installations under the plumbing specialty  
4 code or Low-Rise Residential Dwelling Code may act on behalf of the State Plumbing Board to in-  
5 vestigate violations of and enforce ORS 447.040, 693.030 and 693.040 and to issue notices of proposed  
6 assessment of civil penalties for those violations.

7 (b) A municipality that establishes a building inspection program under ORS 455.148 or an  
8 electrical inspection program under ORS 455.150 covering installations under the electrical specialty  
9 code or Low-Rise Residential Dwelling Code may act on behalf of the Electrical and Elevator Board  
10 to investigate violations of and enforce ORS 479.550 (1) and 479.620 and to issue notices of proposed  
11 assessment of civil penalties for those violations.

12 (c) A municipality that establishes a building inspection program under ORS 455.148 or 455.150  
13 may investigate violations and enforce any provisions of the program administered by the munic-  
14 ipality.

15 (3) The [*department*] **bureau** shall establish:

16 (a) Procedures, forms and standards to carry out the provisions of this section, including but  
17 not limited to creating preprinted notices of proposed assessment of penalties that can be completed  
18 and served by municipal inspectors;

19 (b) A program to provide that all of the moneys recovered by the [*department*] **bureau**, less  
20 collection expenses, be paid to the municipality that initiated the charges when a person charged  
21 with a violation as provided in subsection (2) of this section, other than a violation of a licensing  
22 requirement, agrees to the entry of an assessment of civil penalty or does not request a hearing, and  
23 an order assessing a penalty is entered against the person;

24 (c) A uniform citation process to be used in all jurisdictions of the state for violation of a li-  
25 censing requirement. The process may include but need not be limited to all program areas admin-  
26 istered by a municipality under ORS 455.148 or 455.150 and may provide a uniform method for  
27 checking license status and issuing citations for violation of a licensing requirement, and a con-  
28 sistent basis for enforcement of licensing requirements and treatment of violations, including fine  
29 amounts;

30 (d) A program to provide a division of the moneys recovered by the [*department*] **bureau** with  
31 the municipality that initiated the charges, when a person charged with a violation as provided in  
32 subsection (2) of this section, other than a violation of a licensing requirement, requests a hearing  
33 and is assessed a penalty. One-half of the amounts recovered shall be paid to the municipality. The  
34 [*department*] **bureau** shall keep an amount equal to its costs of processing the proceeding and col-  
35 lection expenses out of the remaining one-half and remit the balance, if any, to the municipality; and

36 (e) A program to require municipalities to investigate violations of the [*department's*] **bureau's**  
37 permit requirements for plumbing installations and services under the plumbing specialty code and  
38 for plumbing and electrical installations and services under the Low-Rise Residential Dwelling Code,  
39 and to:

40 (A) Initiate notices of proposed assessment of civil penalties as agents of the boards designated  
41 in subsection (2) of this section; and

42 (B) Pay the agents of the boards out of net civil penalty recoveries as if the recoveries were  
43 under paragraphs (b) and (d) of this subsection.

44 (4) The assessment of a civil penalty under this section by a municipality is subject to the  
45 amount limitations set forth in ORS 455.895.

1 (5)(a) It shall be a defense for any person charged with a penalty for violation of a building in-  
2 spection program permit requirement covering plumbing installations under the plumbing specialty  
3 code, electrical permit requirements under ORS 479.550 or plumbing or electrical requirements un-  
4 der the Low-Rise Residential Dwelling Code that the person was previously penalized for the same  
5 occurrence.

6 (b) A building inspection program permit requirement is a requirement contained in a specialty  
7 code or municipal ordinance or rule requiring a permit before the particular installations covered  
8 by the codes are commenced.

9 (c) A penalty for the same occurrence includes a combination of two or more of the following  
10 that are based on the same plumbing or electrical installation:

11 (A)(i) An investigative or other fee added to an electrical permit fee when a permit was obtained  
12 after the electrical installation was started;

13 (ii) A civil penalty pursuant to ORS 479.995 for violation of ORS 479.550 for failure to obtain  
14 an electrical permit;

15 (iii) A civil penalty pursuant to ORS 455.895 for failure to obtain an electrical permit under the  
16 Low-Rise Residential Dwelling Code; or

17 (iv) A municipal penalty, other than an investigative fee, for making an electrical installation  
18 under the electrical specialty code or Low-Rise Residential Dwelling Code without a permit; or

19 (B)(i) An investigative or other fee added to a plumbing permit fee when a permit was obtained  
20 after the plumbing installation was started;

21 (ii) A civil penalty pursuant to ORS 447.992 for failure to obtain a plumbing permit as required  
22 under the plumbing specialty code;

23 (iii) A civil penalty pursuant to ORS 455.895 for failure to obtain a plumbing permit under the  
24 Low-Rise Residential Dwelling Code; or

25 (iv) A municipal penalty, other than an investigative fee, for making a plumbing installation  
26 under the plumbing specialty code or Low-Rise Residential Dwelling Code without a permit.

27 **SECTION 165.** ORS 455.160 is amended to read:

28 455.160. (1) The municipality that is responsible for state building code administration and  
29 enforcement in a municipality pursuant to ORS 455.148 or 455.150, or the [*Department of Consumer*  
30 *and Business Services*] **Bureau of Labor and Industries** if the [*department*] **bureau** is responsible  
31 for state building code administration and enforcement pursuant to ORS 455.148 or 455.150, may not  
32 engage in a pattern of conduct of failing to provide timely inspections or plan reviews without rea-  
33 sonable cause.

34 (2) Any person adversely affected by a pattern of conduct prohibited in subsection (1) of this  
35 section may serve the municipality or the [*department*] **bureau** with a written demand to provide  
36 timely inspections or plan reviews.

37 (3) If a municipality, within five days of receipt of the demand, fails to provide timely inspections  
38 or plan reviews without reasonable cause, the person who served the demand may seek to compel  
39 the inspections or plan reviews through a writ of mandamus pursuant to ORS 34.105 to 34.240. If the  
40 court finds that the municipality has engaged in a pattern of conduct of failing to provide timely  
41 inspections or plan reviews without reasonable cause, it may direct the municipality to provide  
42 timely inspections or plan reviews or to transfer the administration and enforcement of the code in  
43 question under procedures outlined in ORS 455.148 (5) and (6) or 455.150 (5) and (6).

44 (4) If the [*department*] **bureau**, within five days of receipt of the demand, fails to provide timely  
45 inspections or plan reviews without reasonable cause, the person who served the demand may seek

1 to compel the inspections or plan reviews through a writ of mandamus pursuant to ORS 34.105 to  
 2 34.240. If the court finds that the [*department*] **bureau** has engaged in a pattern of conduct of failing  
 3 to provide timely inspections or plan reviews without reasonable cause, it may direct the [*depart-*  
 4 *ment*] **bureau** to provide timely inspections or plan reviews or to transfer the administration and  
 5 enforcement of the code in question to an appropriate municipality, if the municipality accepts the  
 6 responsibility. A municipality may accept the transfer of the administration and enforcement of a  
 7 code under this subsection without becoming subject to ORS 455.148 as a result of accepting the  
 8 transfer.

9 **SECTION 166.** ORS 455.165 is amended to read:

10 455.165. (1) As used in this section:

11 (a) “Form and format” has the meaning given that term in ORS 455.097.

12 (b) “Standards” means the content, processing, form and format of building codes information  
 13 collected and maintained by municipalities.

14 (2) The [*Department of Consumer and Business Services*] **Bureau of Labor and Industries** may  
 15 adopt rules establishing building codes information standards for municipalities administering and  
 16 enforcing building inspection programs. The [*department*] **bureau** shall design the standards to en-  
 17 sure consistency between municipalities regarding building inspections, permits, plans specifications  
 18 and other building codes information. The [*department*] **bureau** may not adopt standards that:

19 (a) Waive any requirement imposed by statute or by rule of another state agency for submitting  
 20 building permit applications, building plans, specifications or other building program information in  
 21 physical form.

22 (b) Require a municipality to assume or expand a building inspection program or to provide  
 23 additional building inspection program services.

24 **SECTION 167.** ORS 455.170 is amended to read:

25 455.170. (1) The [*Director of the Department of Consumer and Business Services*] **Commissioner**  
 26 **of the Bureau of Labor and Industries** shall delegate to any municipality that requests any of the  
 27 authority, responsibilities and functions of the [*director*] **commissioner** relating to recreation parks,  
 28 organizational camps and picnic parks as defined in ORS 446.310, including but not limited to plan  
 29 review and inspections, if the [*director*] **commissioner** determines that the municipality is willing  
 30 and able to carry out the rules of the [*director*] **commissioner** relating to such authority, responsi-  
 31 bilities and functions. The [*director*] **commissioner** shall review and monitor each municipality’s  
 32 performance under this subsection. In accordance with ORS chapter 183, the [*director*] **commis-**  
 33 **sioner** may suspend or rescind a delegation under this subsection. If it is determined that a  
 34 municipality is not carrying out such rules or the delegation is suspended, the unexpended portion  
 35 of the fees collected under subsection (2) of this section shall be available to the [*director*] **com-**  
 36 **missioner** for carrying out the authority, responsibility and functions under this section.

37 (2) The [*director*] **commissioner** shall determine, by administrative rule, the amount of fee that  
 38 the municipality may charge and retain for any function undertaken pursuant to subsection (1) of  
 39 this section. The amount of the fees may not exceed the costs of administering the delegated func-  
 40 tions. The municipality, quarterly, shall remit 15 percent of the collected fees to the [*director*]  
 41 **commissioner** for monitoring municipal programs and for providing informational material neces-  
 42 sary to maintain a uniform state program.

43 (3) In any action, suit or proceeding arising out of municipal administration of functions pursu-  
 44 ant to subsection (1) of this section and involving the validity of a rule adopted by the [*director*]  
 45 **commissioner**, the [*director*] **commissioner** shall be made a party to the action, suit or proceeding.

**SECTION 168.** ORS 455.185 is amended to read:

455.185. (1) Notwithstanding ORS 455.148, 455.150 and 455.153, upon request by one or more municipalities and with the consent of all affected parties, the *[Director of the Department of Consumer and Business Services]* **Commissioner of the Bureau of Labor and Industries** may enter into an agreement for the *[Department of Consumer and Business Services]* **Bureau of Labor and Industries** to uniformly administer and enforce all or a portion of a building inspection program within a geographic area. The geographic area may be a municipality, a region comprising parts of more than one municipality or a region comprising multiple municipalities. The geographic area need not correspond to the jurisdictional boundaries of municipalities. The agreement may provide for the *[department]* **bureau** to perform administration and enforcement for a specified period or for carrying out one or more particular projects.

(2) The terms of an agreement under subsection (1) of this section may specify whether the *[department]* **bureau** is to utilize *[department]* **bureau** resources or combine resources with one or more of the municipalities to carry out an agreement. An agreement may combine *[department]* **bureau** and local government resources in any manner that the parties believe will provide for the efficient and uniform administration of the building inspection program within the geographic area, including but not limited to full, divided, mutual or joint performance of any of the administrative or enforcement functions by any of the parties to the agreement. A decision by the *[director]* **commissioner** regarding whether to enter into an agreement under subsection (1) of this section, and the content of any agreement that the *[director]* **commissioner** enters into under subsection (1) of this section, is not subject to review by the Attorney General or the Oregon Department of Administrative Services and is subject to challenge or appeal under ORS chapter 183 only for failure to comply with an express requirement created under ORS 455.185 to 455.198.

(3) An agreement under subsection (1) of this section is not an abandonment of a building inspection program for purposes of ORS 455.148 or 455.150.

(4) If the *[Department of Consumer and Business Services]* **Bureau of Labor and Industries** enters into an agreement under subsection (1) of this section, the *[department]* **bureau** and a public body that offers construction-related services in the geographic area may enter into an agreement for providing access to the construction-related services on the electronic information system described in ORS 455.095 and 455.097. The agreement may include, but need not be limited to, provision for access that allows the electronic submission of an application to the public body for a construction-related permit. As used in this subsection, “public body” has the meaning given that term in ORS 174.109.

**SECTION 169.** ORS 455.188 is amended to read:

455.188. (1) An agreement under ORS 455.185 may provide for the parties to the agreement to share any fee revenue generated by the administration and enforcement of the agreement and to expend the fee revenue anywhere within the geographic area covered by the agreement.

(2) Notwithstanding ORS 455.210, if an agreement under ORS 455.185 provides for the *[Department of Consumer and Business Services]* **Bureau of Labor and Industries** to administer and enforce a building inspection program for which one or more municipalities have adopted a fee or hourly rate, subject to subsection (3)(a) of this section the *[department]* **bureau** may charge the municipally adopted fee or hourly rate when providing the building inspection program services within a municipality.

(3) Fees described in subsection (2) of this section that are charged by the *[department]* **bureau**:



1 (a) Are subject to any surcharges described under ORS 455.210, 455.220 or 455.447; and

2 (b) Notwithstanding ORS 455.210, are not subject to Oregon Department of Administrative Ser-  
3 vices approval.

4 (4) Notwithstanding ORS 293.265, moneys from fees described in this section that are collected  
5 or received by, or in the possession of, a party to an agreement under ORS 455.185 and are to be  
6 expended by or on behalf of the state shall be turned over to the State Treasurer no later than one  
7 business day after the parties to the agreement have determined that the moneys are moneys to be  
8 expended by or on behalf of the state.

9 **SECTION 170.** ORS 455.192 is amended to read:

10 455.192. (1) Subject to ORS 293.235 to 293.245, 293.250, 293.260 to 293.280, 293.285 and 293.293  
11 and any rules adopted under ORS 293.235 to 293.245, 293.250, 293.260 to 293.280, 293.285 and 293.293,  
12 and notwithstanding ORS chapter 240, 276, 282, 283, 291 or 292 or other provisions of ORS chapter  
13 293 or the rules adopted under ORS chapter 240, 276, 282, 283, 291 or 292, except as provided under  
14 this section the [*Director of the Department of Consumer and Business Services*] **Commissioner of**  
15 **the Bureau of Labor and Industries** may take any action the [*director*] **commissioner** considers  
16 reasonable to ensure that sufficient staff and other resources are available for the administration  
17 and enforcement of the state building code. Subject to subsections (2) to (5) of this section, actions  
18 that the [*director*] **commissioner** may take under this section include, but are not limited to:

19 (a) Utilizing municipal personnel, or hiring former municipal personnel, to carry out the admin-  
20 istrative and enforcement duties of the [*Department of Consumer and Business Services*] **Bureau of**  
21 **Labor and Industries** under an agreement described in ORS 455.185;

22 (b) Employing additional [*Department of Consumer and Business Services*] **Bureau of Labor and**  
23 **Industries** staff for carrying out the administrative and enforcement duties of the [*department*] **bu-**  
24 **reau** under an agreement described in ORS 455.185; and

25 (c) Expending available resources to carry out [*department*] **bureau** responsibilities to provide  
26 sufficient staff and other resources under an agreement described in ORS 455.185.

27 (2) Subsection (1) of this section does not authorize action within a municipality administering  
28 and enforcing a building inspection program under ORS 455.148 or 455.150 except as provided in an  
29 agreement described in ORS 455.185 to which the municipality is a party or has consented.

30 (3) The utilization of municipal personnel or hiring of former municipal personnel under sub-  
31 section (1)(a) of this section is subject to any applicable collective bargaining agreements and may  
32 not be used to displace any state employee. Municipal personnel whom the [*department*] **bureau**  
33 utilizes under subsection (1)(a) of this section retain their status as municipal personnel for purposes  
34 of ORS 30.260 to 30.300 while carrying out the administrative and enforcement duties of the [*de-*  
35 *partment*] **bureau** under an agreement.

36 (4) The employment of additional staff under subsection (1)(b) of this section is subject to any  
37 limitations established by the Legislative Assembly on the number of total personnel approved for  
38 the [*department*] **bureau**. To the extent practicable, the [*director*] **commissioner** shall give prefer-  
39 ence to the use of available state employees to fulfill additional staffing requirements.

40 (5) The employment of additional staff under subsection (1)(b) of this section and the expenditure  
41 of available resources under subsection (1)(c) of this section must be predicated upon the availability  
42 of adequate revenue, which may include but need not be limited to revenue derived from municipal  
43 sources through an agreement described under ORS 455.185. The use of existing revenue and avail-  
44 able resources to carry out an agreement under ORS 455.185 is not an addition to or amendment  
45 of the legislatively adopted budget for the [*department*] **bureau**.

1 (6) Notwithstanding ORS 455.230, the *[director]* **commissioner** may use moneys deposited in the  
 2 *[Consumer and Business Services Fund]* **Bureau of Labor and Industries Account** from fees col-  
 3 lected under this section for the purpose of paying the *[department's]* **bureau's** costs of carrying out  
 4 the administrative and enforcement duties of the *[department]* **bureau** within any administrative re-  
 5 gion established by the *[director]* **commissioner** or a geographic region established by an agreement  
 6 under ORS 455.185 or for the purpose of assisting a local government to carry out an agreement  
 7 under ORS 455.185.

8 **SECTION 171.** ORS 455.195 is amended to read:

9 455.195. (1) If the *[Department of Consumer and Business Services]* **Bureau of Labor and In-**  
 10 **dustries** assumes the administration and enforcement of a building inspection program that has been  
 11 surrendered or abandoned by a municipality, and immediately prior to the surrender or abandonment  
 12 the municipality was charging a fee adopted under ORS 455.210 (3) that was different from the fee  
 13 authorized under ORS 455.210 (1) for the same services, the *[department]* **bureau** may charge the fee  
 14 adopted by the municipality for the services that the *[department]* **bureau** provides under the pro-  
 15 gram.

16 (2) Fees described in subsection (1) of this section that are charged by the *[department]*  
 17 **bureau**:

18 (a) Are subject to any surcharges described under ORS 455.210, 455.220 or 455.447; and

19 (b) Notwithstanding ORS 455.210, are not subject to Oregon Department of Administrative Ser-  
 20 vices approval.

21 **SECTION 172.** ORS 455.198 is amended to read:

22 455.198. Notwithstanding any surcharge use described in ORS 455.210 (4), the *[Director of the*  
 23 *Department of Consumer and Business Services]* **Commissioner of the Bureau of Labor and In-**  
 24 **dustries** may use moneys from surcharges imposed under ORS 455.210 (4) for the purpose of paying  
 25 the *[Department of Consumer and Business Services']* **Bureau of Labor and Industries'** costs of  
 26 carrying out the administration and enforcement of the state building code within an administrative  
 27 region established by the *[director]* **commissioner** or a geographic region established by an agree-  
 28 ment that the *[director]* **commissioner** enters into under ORS 455.185.

29 **SECTION 173.** ORS 455.200 is amended to read:

30 455.200. The *[Director of the Department of Consumer and Business Services]* **Commissioner of**  
 31 **the Bureau of Labor and Industries**:

32 (1) May adopt rules, establish policies and procedures and take other actions the *[director]*  
 33 **commissioner** considers reasonable or expedient for carrying out agreements under ORS 455.148  
 34 (13), 455.150 (13) or 455.185 and any duties, functions and powers of the *[director]* **commissioner** or  
 35 the *[Department of Consumer and Business Services]* **Bureau of Labor and Industries** under ORS  
 36 455.148 (13), 455.150 (13) or 455.185 to 455.198;

37 (2) Shall consult at least annually with appropriate advisory boards regarding any agreements  
 38 under ORS 455.185 or actions taken by the *[director]* **commissioner** under ORS 455.148 (13), 455.150  
 39 (13) or 455.185 to 455.198; and

40 (3) Shall report annually to the Legislative Assembly as provided under ORS 192.230 to 192.250  
 41 regarding any *[department]* **bureau** activities under ORS 455.148 (13), 455.150 (13) or 455.185 to  
 42 455.198. The report shall include, but not be limited to, information regarding any projected need for  
 43 an increase in *[department]* **bureau** resources required for carrying out the administration and  
 44 enforcement of building inspection programs under ORS 455.148 (13), 455.150 (13) or 455.185 to  
 45 455.198.

1       **SECTION 174.** ORS 455.210 is amended to read:

2       455.210. (1) Fees shall be prescribed as required by ORS 455.020 for plan review and permits  
3 issued by the [*Department of Consumer and Business Services*] **Bureau of Labor and Industries** for  
4 the construction, reconstruction, alteration and repair of prefabricated structures and of buildings  
5 and other structures and the installation of mechanical heating and ventilating devices and equip-  
6 ment. The fees may not exceed 130 percent of the fee schedule printed in the "Uniform Building  
7 Code," 1979 Edition, and in the "Uniform Mechanical Code," 1979 Edition, both published by the  
8 International Conference of Building Officials. Fees are not effective until approved by the Oregon  
9 Department of Administrative Services.

10       (2) Notwithstanding subsection (1) of this section, the maximum fee the [*Director of the Depart-*  
11 *ment of Consumer and Business Services*] **Commissioner of the Bureau of Labor and Industries**  
12 may prescribe for a limited plan review for fire and life safety as required under ORS 479.155 shall  
13 be 40 percent of the prescribed permit fee.

14       (3)(a) A municipality may adopt by ordinance or regulation such fees as may be necessary and  
15 reasonable to provide for the administration and enforcement of any specialty code or codes for  
16 which the municipality has assumed responsibility under ORS 455.148 or 455.150. A municipality  
17 shall give the [*director*] **commissioner** notice of the proposed adoption of a new or increased fee  
18 under this subsection. The municipality shall give the notice to the [*director*] **commissioner** at the  
19 time the municipality provides the opportunity for public comment under ORS 294.160 regarding the  
20 fee or, if the proposed fee is contained in an estimate of municipal budget resources, at the time  
21 notice of the last budget meeting is published under ORS 294.426.

22       (b) Ten or more persons or an association with 10 or more members may appeal the adoption  
23 of a fee described in this subsection to the [*Director of the Department of Consumer and Business*  
24 *Services*] **Commissioner of the Bureau of Labor and Industries**. The persons or association must  
25 file the appeal no later than 60 days after the [*director*] **commissioner** receives notice of the pro-  
26 posed adoption of the fee from the municipality under paragraph (a) of this subsection. However, if  
27 the municipality failed to give notice to the [*director*] **commissioner**, an appeal may be filed with  
28 the [*director*] **commissioner** within one year after adoption of the new or increased fee. Upon re-  
29 ceiving a timely appeal, the [*director*] **commissioner** shall, after notice to affected parties and  
30 hearing, review the municipality's fee adoption process and the costs of administering and enforcing  
31 the specialty code or codes referred to in paragraph (a) of this subsection. The [*director*] **commis-**  
32 **sioner** shall approve the fee if the [*director*] **commissioner** feels the fee is necessary and reason-  
33 able. If the [*director*] **commissioner** does not approve the fee upon appeal, the fee is not effective.  
34 The appeal process provided in this paragraph does not apply to fees that have been submitted for  
35 a vote and approved by a majority of the electors voting on the question.

36       (c) Fees collected by a municipality under this subsection shall be used for the administration  
37 and enforcement of a building inspection program for which the municipality has assumed responsi-  
38 bility under ORS 455.148 or 455.150.

39       (d) For purposes of paragraph (b) of this subsection, in determining whether a fee is reasonable  
40 the [*director*] **commissioner** shall consider whether:

41       (A) The fee is the same amount as or closely approximates the amount of the fee charged by  
42 other municipalities of a similar size and geographic location for the same level of service;

43       (B) The fee is calculated with the same or a similar calculation method as the fee charged by  
44 other municipalities for the same service;

45       (C) The fee is the same type as the fee charged by other municipalities for the same level of

1 service; and

2 (D) The municipality, in adopting the fee, complied with ORS 294.160, 294.361 and 294.426 and  
3 this section and standards adopted by the [*director*] **commissioner** under ORS 455.148 (11) or  
4 455.150 (11).

5 (4) Notwithstanding any other provision of this chapter:

6 (a) For the purpose of partially defraying state administrative costs, there is imposed a sur-  
7 charge in the amount of four percent of the total permit fees or, if the applicant chooses to pay an  
8 hourly rate instead of purchasing a permit, four percent of the total hourly charges collected.

9 (b) For the purpose of partially defraying state inspection costs, there is imposed a surcharge  
10 in the amount of two percent of the total permit fees or, if the applicant chooses to pay an hourly  
11 rate instead of purchasing a permit, two percent of the total hourly charges collected.

12 (c) For the purpose of defraying the cost of administering and enforcing the state building code,  
13 there is imposed a surcharge on permit fees and on hourly charges collected instead of permit fees.  
14 The surcharge may not exceed one percent of the total permit fees or, if the applicant chooses to  
15 pay an hourly rate instead of purchasing a permit, one percent of the total hourly charges collected.

16 (d) For the purpose of defraying the cost of developing and administering the electronic building  
17 codes information system described in ORS 455.095 and 455.097, there is imposed a surcharge in the  
18 amount of four percent on permit fees, or if the applicant chooses to pay an hourly rate instead of  
19 purchasing a permit, four percent of the total hourly charges collected.

20 (5) Municipalities shall collect and remit surcharges imposed under subsection (4) of this section  
21 to the [*director*] **commissioner** as provided in ORS 455.220.

22 (6) The [*director*] **commissioner** shall adopt administrative rules to allow reduced fees for re-  
23 view of plans that have been previously reviewed.

24 **SECTION 175.** ORS 455.220 is amended to read:

25 455.220. (1) There is hereby imposed a surcharge in the amount of one percent of the total  
26 building permit fees or, if the applicant chooses to pay an hourly rate instead of purchasing a per-  
27 mit, one percent of the total hourly charges collected in connection with the construction of, or  
28 addition or alteration to, buildings and equipment or appurtenances. Up to one-half of the surcharge  
29 collected under this subsection may be used to fund the activities described in ORS 455.042 and  
30 455.046. The remainder of the surcharge collected under this subsection shall be used for the pur-  
31 pose of defraying the costs of training and other educational programs administered by the [*De-*  
32 *partment of Consumer and Business Services*] **Bureau of Labor and Industries** under this chapter.

33 (2) Permit surcharges shall be collected by each municipality and remitted to the [*Director of the*  
34 *Department of Consumer and Business Services*] **Commissioner of the Bureau of Labor and In-**  
35 **dustries**. Each municipality having a population greater than 40,000 shall, on a monthly basis, pre-  
36 pare and submit to the [*director*] **commissioner** a report of permits and certificates issued in each  
37 class or category and fees and surcharges thereon collected during the month, together with other  
38 statistical information as required by the [*director*] **commissioner** concerning construction activity  
39 regulated by the parts of the state building code administered by the municipality. All other  
40 municipalities shall submit a report described in this subsection on a quarterly basis. The report  
41 shall be in a form prescribed by the [*director*] **commissioner** and shall be submitted, together with  
42 a remittance covering the surcharges collected, by no later than the 15th day following the month  
43 or quarter in which the surcharges are collected.

44 (3)(a) All surcharges and other fees prescribed by ORS 455.010 to 455.240 and 455.410 to 455.740  
45 and payable to the [*department*] **bureau**, except fees received under ORS 455.148 (6) or 455.150 (6),

1 shall be deposited by the [*director*] **commissioner** in the [*Consumer and Business Services Fund*]  
2 **Bureau of Labor and Industries Account** created by ORS [705.145] **651.160**.

3 (b) Notwithstanding subsection (1) of this section, the surcharge imposed under subsection (1)  
4 of this section for permits established under ORS 446.062 (3), 446.176, 446.405 (2), 446.430 (2) and  
5 455.170 (2) shall be deposited in the [*Consumer and Business Services Fund*] **Bureau of Labor and**  
6 **Industries Account** established under ORS [705.145] **651.160** and is continuously appropriated to  
7 the [*department*] **bureau** for use as provided in ORS 446.423.

8 (4) Except as provided in subsection (5) of this section, the [*director*] **commissioner** shall ad-  
9 minister training and other education programs under this chapter through contracts with local  
10 educational institutions, professional associations or other training providers.

11 (5) The [*director*] **commissioner** may:

12 (a) Arrange for the [*department*] **bureau** to offer training and other education programs for  
13 building officials and building inspectors; or

14 (b) Arrange for local educational institutions, professional associations or other training pro-  
15 viders to offer training and other education programs for building officials and building inspectors.  
16 A contract between the [*director*] **commissioner** and a training provider under this paragraph is  
17 subject to ORS 279B.235, but is otherwise exempt from ORS chapters 279A and 279B and ORS  
18 279C.100 to 279C.125 and 279C.300 to 279C.470.

19 **SECTION 176.** ORS 455.230 is amended to read:

20 455.230. (1) Except as otherwise provided by law, all moneys appropriated or credited to the  
21 [*Consumer and Business Services Fund*] **Bureau of Labor and Industries Account** and received  
22 under this chapter, ORS 447.010 to 447.156, 447.992, 460.005 to 460.175, 460.310 to 460.370, 479.510  
23 to 479.945, 479.995, 480.510 to 480.670 and ORS chapter 693 hereby are appropriated continuously for  
24 and shall be used by the [*director*] **commissioner** for the purpose of carrying out the duties and  
25 responsibilities imposed upon the [*department*] **bureau** under this chapter, ORS 446.566 to 446.646,  
26 446.661 to 446.756, 447.010 to 447.156, 447.992, 460.005 to 460.175, 460.310 to 460.370, 479.510 to  
27 479.945, 479.995 and 480.510 to 480.670 and ORS chapter 693.

28 (2) Except as otherwise provided by law, all moneys appropriated or credited to the [*Consumer*  
29 *and Business Services Fund*] **Bureau of Labor and Industries Account** and received under ORS  
30 446.003 to 446.200, 446.225 to 446.285, 446.395 to 446.420, 446.566 to 446.646, 446.661 to 446.756 and  
31 455.220 (1) hereby are appropriated continuously for and shall be used by the [*director*] **commis-**  
32 **sioner** for the purpose of carrying out the duties and responsibilities imposed upon the  
33 [*department*] **bureau** under ORS 446.003 to 446.200, 446.225 to 446.285, 446.395 to 446.420, 446.566 to  
34 446.646 and 446.661 to 446.756, and education and training programs pertaining thereto.

35 **SECTION 177.** ORS 455.240 is amended to read:

36 455.240. (1) All revenues derived from the sale of publications of the [*Department of Consumer*  
37 *and Business Services*] **Bureau of Labor and Industries** relating to building codes shall be depos-  
38 ited in the [*Consumer and Business Services Fund*] **Bureau of Labor and Industries Account**.

39 (2) Moneys credited to the [*Consumer and Business Services Fund*] **Bureau of Labor and In-**  
40 **dustries Account** under subsection (1) of this section are continuously appropriated to the [*de-*  
41 *partment*] **bureau** for use as provided in ORS 455.022.

42 **SECTION 178.** ORS 455.310 is amended to read:

43 455.310. (1) It is not the purpose of this chapter to require that permits be obtained or fees be  
44 paid for repairs and maintenance that do not violate the intent of the structural and fire and life  
45 safety specialty provisions of the State of Oregon Structural Specialty Code and the Low-Rise Resi-

1 denial Dwelling Code, adopted pursuant to ORS 455.020 and 455.610, ORS chapter 476, ORS 479.015  
2 to 479.200 and 479.210 to 479.220, when such repair or maintenance is done on a single-family resi-  
3 dence, or a private garage, carport or storage shed that is accessory to a single-family residence.

4 (2) Items designated by the [*Director of the Department of Consumer and Business Services*]  
5 **Commissioner of the Bureau of Labor and Industries**, with the advice of the Residential and  
6 Manufactured Structures Board, shall be exempt from permits and fees required under this chapter.  
7 The [*director*] **commissioner** shall, pursuant to ORS chapter 183, develop and maintain an applica-  
8 ble list of such exempt items, which shall include, but not be limited to, concrete slabs, driveways,  
9 sidewalks, masonry repair, porches, patio covers, painting, interior wall, floor or ceiling covering,  
10 nonbearing partitions, shelving, cabinet work, gutters, downspouts, small accessory buildings, door  
11 and window replacements, replacement or repair of siding and replacement or repair of roofing. In  
12 making the list of exempt items, the [*director*] **commissioner** shall further define the items on the  
13 list contained in this subsection so that no item which adversely affects the structural integrity of  
14 the dwelling shall be on the list.

15 **SECTION 179.** ORS 455.312 is amended to read:

16 455.312. (1) Except as provided in subsection (2) of this section, if the manufacturer intends a  
17 structure manufactured in this state to be for delivery in another state, the [*Director of the Depart-*  
18 *ment of Consumer and Business Services*] **Commissioner of the Bureau of Labor and Industries**  
19 may not require that:

20 (a) The structure conform to the state building code.

21 (b) An inspector provide plan approvals and inspections pursuant to ORS 455.715 to 455.740.

22 (c) A person licensed under ORS 479.630, 693.060 or 693.103 perform electrical or plumbing in-  
23 stallations in the structure.

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

28 (a) Ensure that the structure is in conformance with the state building code;

29 (b) Ensure compliance with plan review and inspection requirements for the structure as deter-  
30 mined by the building official; and

31 (c) Ensure that the structure is in compliance with applicable licensing laws.

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

35 **SECTION 180.** ORS 455.355 is amended to read:

36 455.355. (1) The [*Director of the Department of Consumer and Business Services*] **Commissioner**  
37 **of the Bureau of Labor and Industries** shall, by rule:

38 (a) Prohibit the installation of thermostats that contain mercury in commercial and residential  
39 buildings. The [*director*] **commissioner** may not, under rules developed pursuant to this paragraph,  
40 prohibit the installation of thermostats that contain mercury on industrial equipment used for safety  
41 controls.

42 (b) Establish a uniform notification and process for disposal and delivery of mercury thermostats  
43 by persons installing heating, ventilation or air conditioning systems. Persons installing heating,  
44 ventilation or air conditioning systems shall dispose of mercury thermostats according to the pro-  
45 cess established pursuant to this paragraph.

1 (2) As used in this section, “thermostat” means a device commonly used to sense and, through  
 2 electrical communication with heating, cooling or ventilation equipment, control room temperature.

3 **SECTION 181.** ORS 455.365 is amended to read:

4 455.365. (1) The Building Codes Structures Board and the Residential and Manufactured Struc-  
 5 tures Board shall adopt design and construction standards for mitigating radon levels in new resi-  
 6 dential buildings that are identified under the structural specialty code as Group R-2 or R-3  
 7 buildings and new public buildings. In adopting the standards, the boards shall give consideration  
 8 to any standards recommended by the United States Environmental Protection Agency for radon  
 9 mitigation systems in buildings.

10 (2) The boards shall make the design and construction standards for mitigating radon levels  
 11 applicable in:

12 (a) Baker, Clackamas, Hood River, Multnomah, Polk, Washington and Yamhill Counties; and

13 (b) Any county for which the boards, after consultation with the Oregon Health Authority,  
 14 consider the standards appropriate due to local radon levels.

15 (3) The *[Director of the Department of Consumer and Business Services]* **Commissioner of the**  
 16 **Bureau of Labor and Industries** may authorize a municipality that administers and enforces one  
 17 or more building inspection programs under ORS 455.148 or 455.150 to also administer and enforce  
 18 any applicable standards for mitigating radon that are adopted by the boards.

19 (4) The *[director]* **commissioner**, in consultation with the boards, may adopt rules for the im-  
 20 plementation, administration and enforcement of this section.

21 **SECTION 182.** ORS 455.380 is amended to read:

22 455.380. (1) Notwithstanding the provisions of ORS 455.148 and 455.150, the *[Department of*  
 23 *Consumer and Business Services]* **Bureau of Labor and Industries** is the final authority in inter-  
 24 pretation, execution and enforcement of state and municipal administration of building codes and  
 25 rules with respect to construction of agriculture workforce housing as defined in ORS 315.163.

26 (2) The *[department]* **bureau** shall provide for a statewide uniform application and method of  
 27 calculating permit fees for agriculture workforce housing as defined in ORS 315.163.

28 (3) The *[department]* **bureau** shall adopt rules to carry out the provisions of subsections (1) and  
 29 (2) of this section.

30 **SECTION 183.** ORS 455.412 is amended to read:

31 455.412. (1) The *[Department of Consumer and Business Services]* **Bureau of Labor and Indus-**  
 32 **tries** shall amend the state building code as necessary for the purpose of reducing the frequency  
 33 of false alarms from smoke alarms and smoke detectors. Rules adopted under this section shall be  
 34 designed to address smoke alarms and smoke detectors in single family and multifamily dwellings,  
 35 hotels and lodging houses and shall not apply to recreational vehicles, commercial vehicles, railroad  
 36 equipment, aircraft, marine vessels and manufactured dwellings.

37 (2) As used in this section, “smoke alarm” and “smoke detector” shall have the meanings pro-  
 38 vided in ORS 479.250.

39 **SECTION 184.** ORS 455.415 is amended to read:

40 455.415. (1) A person who is licensed by the State Plumbing Board or the *[Department of Con-*  
 41 *sumer and Business Services]* **Bureau of Labor and Industries** pursuant to ORS 460.057, 460.059,  
 42 479.630, 479.910, 480.630, 693.060, 693.103 or 693.111 must wear and visibly display an identification  
 43 badge indicating the person’s current license status while performing work for which the license is  
 44 required. The authority that licenses the person shall specify the size and content of the identifica-  
 45 tion badge and may establish such other specifications as the authority deems appropriate.

1 (2) Subsection (1) of this section does not apply if wearing or displaying the identification badge  
 2 may create a danger to the public health or to the safety of the person or the public.

3 (3) This section does not require the display of a contractor or business license.

4 **SECTION 185.** ORS 455.420 is amended to read:

5 455.420. (1) Each individual dwelling unit in a multifamily residential building constructed after  
 6 October 4, 1977, shall have installed a separate, individual electrical meter for each such dwelling  
 7 unit except where a building inspector certified under ORS 455.715 to 455.740 determines that pur-  
 8 suant to standards adopted by the [*Director of the Department of Consumer and Business Services*]  
 9 **Commissioner of the Bureau of Labor and Industries** the installation of a single, central elec-  
 10 trical meter for all the dwelling units in such building would facilitate an overall reduction in  
 11 electrical consumption by such units.

12 (2) For the purpose of carrying out the provisions of subsection (1) of this section, the  
 13 [*director*] **commissioner**, based on recommendations of the Residential and Manufactured Structures  
 14 Board, shall adopt by rule standards for determining whether the installation of a single electrical  
 15 meter for all dwelling units in a multifamily residential building facilitates an overall reduction in  
 16 electrical consumption by such units.

17 **SECTION 186.** ORS 455.425 is amended to read:

18 455.425. (1) Any low-income housing for the elderly on which construction begins after January  
 19 1, 1978, and which is financed in whole or in part by federal or state funds shall contain a multi-  
 20 service room adequate in size to seat all of the tenants.

21 (2) The [*Director of the Department of Consumer and Business Services*] **Commissioner of the**  
 22 **Bureau of Labor and Industries** shall adopt rules, in accordance with the applicable provisions  
 23 of ORS chapter 183, establishing standards and specifications for low-income elderly housing multi-  
 24 service rooms required under subsection (1) of this section. In development of standards and spec-  
 25 ifications, the [*director*] **commissioner** may take into account any standards or specifications  
 26 established pursuant to any federal program under which the construction of such housing is funded.

27 (3) No housing described in subsection (1) of this section that contains 20 or fewer units is re-  
 28 quired to provide a multiservice room.

29 **SECTION 187.** ORS 455.430 is amended to read:

30 455.430. If the [*Director of the Department of Consumer and Business Services*] **Commissioner**  
 31 **of the Bureau of Labor and Industries** determines that the standards for prefabricated structures  
 32 prescribed by statute, rule or regulation of another state are at least equal to the regulations pre-  
 33 scribed under this chapter, and that such standards are actually enforced by such other state, the  
 34 [*director*] **commissioner** may provide by regulation that prefabricated structures approved by such  
 35 other state shall be deemed to have been approved by the [*director*] **commissioner**.

36 **SECTION 188.** ORS 455.445 is amended to read:

37 455.445. (1) After considering the recommendations of the Indoor Air Pollution Task Force, and  
 38 as expeditiously as possible, the [*Director of the Department of Consumer and Business Services*]  
 39 **Commissioner of the Bureau of Labor and Industries** shall adopt ventilation standards for public  
 40 areas and office workplaces that are at least equivalent to the most recent, nationally recognized  
 41 ventilation standards generally accepted and in use throughout the United States.

42 (2) The [*director*] **commissioner** shall adopt building codes and building product standards to  
 43 protect the indoor air quality of private residences but only as necessary to address serious or  
 44 unique indoor air quality problems in Oregon when federal statutes, regulations and national codes  
 45 fail to address building product and building code related indoor air quality problems.



1 (3) As expeditiously as possible, the [*director*] **commissioner** shall consider for adoption the  
2 ventilation standards recommended by the Indoor Air Pollution Task Force.

3 **SECTION 189.** ORS 455.447 is amended to read:

4 455.447. (1) As used in this section, unless the context requires otherwise:

5 (a) "Essential facility" means:

6 (A) Hospitals and other medical facilities having surgery and emergency treatment areas;

7 (B) Fire and police stations;

8 (C) Tanks or other structures containing, housing or supporting water or fire-suppression mate-  
9 rials or equipment required for the protection of essential or hazardous facilities or special occu-  
10 pancy structures;

11 (D) Emergency vehicle shelters and garages;

12 (E) Structures and equipment in emergency-preparedness centers;

13 (F) Standby power generating equipment for essential facilities; and

14 (G) Structures and equipment in government communication centers and other facilities required  
15 for emergency response.

16 (b) "Hazardous facility" means structures housing, supporting or containing sufficient quantities  
17 of toxic or explosive substances to be of danger to the safety of the public if released.

18 (c) "Major structure" means a building over six stories in height with an aggregate floor area  
19 of 60,000 square feet or more, every building over 10 stories in height and parking structures as  
20 determined by [*Department of Consumer and Business Services*] **Bureau of Labor and Industries**  
21 rule.

22 (d) "Seismic hazard" means a geologic condition that is a potential danger to life and property  
23 that includes but is not limited to earthquake, landslide, liquefaction, tsunami inundation, fault dis-  
24 placement, and subsidence.

25 (e) "Special occupancy structure" means:

26 (A) Covered structures whose primary occupancy is public assembly with a capacity greater  
27 than 300 persons;

28 (B) Buildings with a capacity greater than 250 individuals for every public, private or parochial  
29 school through secondary level or child care centers;

30 (C) Buildings for colleges or adult education schools with a capacity greater than 500 persons;

31 (D) Medical facilities with 50 or more resident, incapacitated patients not included in subpara-  
32 graphs (A) to (C) of this paragraph;

33 (E) Jails and detention facilities; and

34 (F) All structures and occupancies with a capacity greater than 5,000 persons.

35 (2) The [*Department of Consumer and Business Services*] **Bureau of Labor and Industries** shall  
36 consult with the Seismic Safety Policy Advisory Commission and the State Department of Geology  
37 and Mineral Industries prior to adopting rules. Thereafter, the [*Department of Consumer and Busi-  
38 ness Services*] **bureau** may adopt rules as set forth in ORS 183.325 to 183.410 to amend the state  
39 building code to:

40 (a) Require new building sites for essential facilities, hazardous facilities, major structures and  
41 special occupancy structures to be evaluated on a site specific basis for vulnerability to seismic  
42 geologic hazards.

43 (b) Require a program for the installation of strong motions accelerographs in or near selected  
44 major buildings.

45 (c) Provide for the review of geologic and engineering reports for seismic design of new

1 buildings of large size, high occupancy or critical use.

2 (d) Provide for filing of noninterpretive seismic data from site evaluation in a manner accessible  
3 to the public.

4 (3) For the purpose of defraying the cost of applying the regulations in subsection (2) of this  
5 section, there is hereby imposed a surcharge in the amount of one percent of the total fees collected  
6 under the structural and mechanical specialty codes for essential facilities, hazardous facilities,  
7 major structures and special occupancy structures, which fees are retained by the jurisdiction en-  
8 forcing the particular specialty code as provided in ORS 455.150 or enforcing a building inspection  
9 program under ORS 455.148.

10 (4) Developers of new essential facilities, hazardous facilities, major structures and special oc-  
11 cupancy structures that are located in an identified tsunami inundation zone, as described in ORS  
12 455.446 (2), shall consult with the State Department of Geology and Mineral Industries for assistance  
13 in determining the impact of possible tsunamis on the proposed development and for assistance in  
14 preparing methods to mitigate risk at the site of a potential tsunami. Consultation must take place  
15 prior to submittal of design plans to the building official for final approval.

16 **SECTION 190.** ORS 455.448 is amended to read:

17 455.448. (1) For the purposes of enforcement of this chapter the building inspector or any person  
18 appointed by the [*Department of Consumer and Business Services*] **Bureau of Labor and**  
19 **Industries**, after showing official identification and, if necessary, a warrant issued to the building  
20 owner or agent of the owner under subsection (2) of this section, may:

21 (a) Enter, at reasonable times, any property that is known to be damaged, or for which there  
22 are reasonable grounds to believe that the structure has been damaged, as a result of an earthquake.

23 (b) Inspect, at reasonable times, within reasonable limits and in a reasonable manner property  
24 that is known to be damaged, or for which there are reasonable grounds to believe that the struc-  
25 ture has been damaged, as a result of an earthquake.

26 (2) If entry is refused, the building inspector or any duly appointed representative of the [*De-*  
27 *partment of Consumer and Business Services*] **Bureau of Labor and Industries** may appear before  
28 any magistrate empowered to issue warrants and request such magistrate to issue an inspection  
29 warrant, directing it to any peace officer, as defined in ORS 161.015 to enter the described property  
30 to remove any person or obstacle and assist the building inspector or representative of the [*depart-*  
31 *ment*] **bureau** inspecting the property in any way necessary to complete the inspection.

32 **SECTION 191.** ORS 455.449 is amended to read:

33 455.449. (1) All buildings or portions thereof which are determined after inspection by a building  
34 inspector or a representative of the [*Department of Consumer and Business Services*] **Bureau of**  
35 **Labor and Industries** to be in unsafe condition as a result of earthquake damage may be declared  
36 to be a public nuisance and shall be abated by repair, rehabilitation, demolition or removal in ac-  
37 cordance with the procedure specified by rules adopted by the agency.

38 (2) Any building declared to be in unsafe condition under subsection (1) of this section shall be  
39 made to comply with one of the following:

40 (a) The building shall be repaired in accordance with the current building code or other current  
41 code applicable to the type of substandard conditions requiring repair;

42 (b) The building shall be demolished if the owner of the building consents; or

43 (c) The building may be vacated, secured and maintained against entry if the building does not  
44 constitute an immediate danger to the life, limb, property or safety of the public.

45 (3) If the building or structure is in such condition as to make it immediately dangerous to the

1 life, limb, property or safety of the public or its occupants, the [*Department of Consumer and Busi-*  
 2 *ness Services*] **Bureau of Labor and Industries** or representative of the [*department*] **bureau** shall  
 3 order it to be vacated.

4 (4) If the structure, in whole or in part, is listed on or is eligible for listing on the National  
 5 Register of Historic Places, established and maintained under the National Historic Preservation  
 6 Act of 1966 (P.L. 89-665), or if the National Register of Historic Places ceases accepting nominations,  
 7 is approved for listing on an Oregon register of historic places, or is a locally designated landmark  
 8 protected by ordinance against demolition without due process, alternative compliance with the  
 9 provisions of subsection (2)(a) and (c) of this section shall be allowed if the repaired or rehabilitated  
 10 building is no more hazardous than it would be if repaired or rehabilitated in accordance with (2)(a)  
 11 of this section.

12 **SECTION 192.** ORS 455.450 is amended to read:

13 455.450. A person may not:

14 (1) Violate, or procure or assist in the violation of, any final order of the [*Director of the De-*  
 15 *partment of Consumer and Business Services*] **Commissioner of the Bureau of Labor and Indus-**  
 16 **tries**, an advisory board, a state administrative officer or any local appeals board, building official  
 17 or inspector, concerning the application of the state building code in a particular case or concerning  
 18 a license, certificate, registration or other authorization.

19 (2) Engage in, or procure or assist any other person to engage in, any conduct or activity for  
 20 which a permit, label, license, certificate, registration or other formal authorization is required by  
 21 any specialty code, any provision of ORS 446.003 to 446.200, 446.225 to 446.285, 446.395 to 446.420,  
 22 446.566 to 446.646, 446.666 to 446.746, 479.510 to 479.945, 479.950 and 480.510 to 480.670, this chapter  
 23 or ORS chapter 447, 460 or 693, or any rule adopted or order issued for the administration and  
 24 enforcement of those provisions, without first having obtained such permit, label, license, certificate,  
 25 registration or other formal authorization.

26 (3) Violate, or procure or assist in the violation of, any standard, specification, requirement,  
 27 prohibition or other technical provision set forth in the state building code or an applicable local  
 28 building code or in any rule or order of the [*Department of Consumer and Business Services*] **Bureau**  
 29 **of Labor and Industries**, an advisory board, a local governing body or local building official.

30 **SECTION 193.** ORS 455.457 is amended to read:

31 455.457. In accordance with the applicable provisions of ORS chapter 183, the [*Director of the*  
 32 *Department of Consumer and Business Services*] **Commissioner of the Bureau of Labor and In-**  
 33 **dustries** by rule shall establish a licensing system for persons that perform specialty code in-  
 34 spections or plan reviews and for businesses that employ persons that perform specialty code  
 35 inspections or plan reviews. Such a system shall include but not be limited to the following pro-  
 36 visions:

37 (1) Prescribing the form and content of and the times and procedures for submitting an appli-  
 38 cation for the issuance or renewal of a license.

39 (2) Prescribing the terms of the licenses and the fees for the original issue and renewal in  
 40 amounts that do not exceed the cost to the [*Department of Consumer and Business Services*] **Bureau**  
 41 **of Labor and Industries** of administering the licensing system.

42 (3) Prescribing the requirements for and the manner of testing the competency of applicants for  
 43 the protection of the public health and safety.

44 (4) Prescribing the amounts and conditions of bonds and liability insurance.

45 (5) Setting forth those actions or circumstances that constitute failure to achieve or maintain

1 licensing competency or that otherwise constitute a danger to the public health or safety and for  
 2 which the [*director*] **commissioner** may refuse to issue or renew or may suspend or revoke a license  
 3 or impose a civil penalty.

4 **SECTION 194.** ORS 455.461 is amended to read:

5 455.461. (1) The [*Director of the Department of Consumer and Business Services*] **Commissioner**  
 6 **of the Bureau of Labor and Industries**, by rule, shall develop quality control procedures for the  
 7 activities of specialty code inspectors, plan reviewers and businesses that employ specialty code in-  
 8 spectors and plan reviewers licensed under ORS 455.457. These procedures shall include but are not  
 9 limited to random sampling of the work of such persons and businesses.

10 (2) The [*Director of the Department of Consumer and Business Services*] **Commissioner of the**  
 11 **Bureau of Labor and Industries** shall appoint by rule a chief inspector for each specialty code  
 12 under this chapter.

13 **SECTION 195.** ORS 455.463 is amended to read:

14 455.463. (1) In addition to any other authority and power granted to the [*Director of the De-*  
 15 *partment of Consumer and Business Services*] **Commissioner of the Bureau of Labor and Indus-**  
 16 **tries** under this chapter and ORS chapters 447 and 479, with respect to specialty code inspectors,  
 17 plan reviewers and businesses that employ specialty code inspectors and plan reviewers licensed  
 18 under ORS 455.457, if the [*director*] **commissioner** has reason to believe that there is a failure to  
 19 enforce or there is a violation of any provision of this chapter or ORS chapters 447 and 479 or any  
 20 rule adopted thereunder, the [*director*] **commissioner** may:

21 (a) Examine building code activities of specialty code inspectors, plan reviewers and businesses  
 22 that employ specialty code inspectors and plan reviewers;

23 (b) Take sworn testimony; and

24 (c) With the authorization of the office of the Attorney General, subpoena persons and records  
 25 to obtain testimony on official actions that were taken or omitted or to obtain documents otherwise  
 26 subject to public inspection under ORS 192.311 to 192.478.

27 (2) The investigative authority authorized by subsection (1) of this section covers violations or  
 28 omissions by specialty code inspectors, plan reviewers and businesses that employ specialty code  
 29 inspectors and plan reviewers licensed under ORS 455.457 related to enforcement of codes or ad-  
 30 ministrative rules, licensing of inspectors or financial transactions.

31 **SECTION 196.** ORS 455.465 is amended to read:

32 455.465. (1) In administering a building inspection program, the [*Department of Consumer and*  
 33 *Business Services*] **Bureau of Labor and Industries** or a municipality shall:

34 (a) Designate at least three persons licensed under ORS 455.457 from whom the [*department*]  
 35 **bureau** or municipality will accept plan reviews; or

36 (b) Contract with a person licensed under ORS 455.457 and may include as a term of the con-  
 37 tract a process for collection of plan review fees.

38 (2) For plan reviews conducted under subsection (1) of this section, the [*department*] **bureau** or  
 39 a municipality may:

40 (a) Establish the process for collecting fees from a person licensed under ORS 455.457; and

41 (b) Collect an administrative fee as provided in ORS 455.210.

42 (3) The provisions of ORS 279C.100 to 279C.125 and 279C.300 to 279C.470 and ORS chapters  
 43 279A and 279B, except ORS 279B.235, do not apply to a personal services contract between the  
 44 [*department*] **bureau** or a municipality and a person licensed under ORS 455.457.

45 **SECTION 197.** ORS 455.466 is amended to read:

- 1 455.466. (1) As used in this section, “essential project” means a:
- 2 (a) State owned or operated development;
- 3 (b) Development of industries in the traded sector as defined in ORS 285A.010 for structures  
4 more than 100,000 square feet in size;
- 5 (c) Project in an industrial site listed by the Oregon Business Development Department as ready  
6 for development and for which the project construction totals more than 100,000 square feet in size;  
7 or
- 8 (d) Development designated by the Director of the Oregon Business Development Department  
9 as essential to the economic well-being of the state.
- 10 (2) Notwithstanding any municipal building inspection program under ORS 455.148 or 455.150,  
11 an applicant for a building permit for an essential project or the municipality having jurisdiction  
12 over an essential project may request in writing that the [*Department of Consumer and Business*  
13 *Services*] **Bureau of Labor and Industries** administer and enforce the state building code for the  
14 project.
- 15 (3) Upon receipt by the [*Department of Consumer and Business Services*] **Bureau of Labor and**  
16 **Industries** of a written request under this section, the [*Director of the Department of Consumer and*  
17 *Business Services*] **Commissioner of the Bureau of Labor and Industries** shall assemble a rapid  
18 approval assessment team consisting of such [*department*] **bureau** employees and other persons as  
19 the [*director*] **commissioner** considers appropriate. The purpose of the rapid approval assessment  
20 team shall be to provide assistance and advice to the [*director*] **commissioner**.
- 21 (4) The [*Director of the Department of Consumer and Business Services*] **Commissioner of the**  
22 **Bureau of Labor and Industries**, in consultation with the rapid approval assessment team, shall  
23 determine whether adequate resources are available to ensure that an essential project may proceed  
24 in a timely, consistent and flexible manner. In determining the availability of resources under this  
25 subsection, the [*director*] **commissioner** and the rapid approval assessment team shall give first  
26 consideration to the availability of municipal resources. If the [*director*] **commissioner** determines  
27 that municipal resources may be inadequate for the essential project, the [*director*] **commissioner**  
28 may consider whether state resources or a combination of municipal and state resources is available  
29 to ensure that the essential project may proceed in a timely, consistent and flexible manner. A de-  
30 termination by the [*director*] **commissioner** under this subsection is not appealable.
- 31 (5) The [*Director of the Department of Consumer and Business Services*] **Commissioner of the**  
32 **Bureau of Labor and Industries** may take all actions that the [*director*] **commissioner** considers  
33 reasonable and necessary to ensure that an essential project may proceed in a timely, consistent and  
34 flexible manner, including but not limited to:
- 35 (a) Establishing policies, procedures and rules as necessary;
- 36 (b) Working directly with local municipalities and other state agencies to resolve conflicts and  
37 disputes related to the state building code;
- 38 (c) Encouraging cooperation between state and municipal building officials and inspectors;
- 39 (d) Developing agreements;
- 40 (e) Developing site-specific dispute resolution and appeals related to state building code re-  
41 quirements;
- 42 (f) Expediting, coordinating or providing building inspection program plan review, permitting  
43 and inspection services;
- 44 (g) Assisting a municipality or seeking assistance from a municipality; and
- 45 (h) Establishing fees to cover the cost of provided services.

1        **SECTION 198.** ORS 455.467 is amended to read:

2        455.467. (1) Except as provided in subsection (2) of this section, for specialty code plan reviews  
3 of simple low-rise residential dwellings, the [*Department of Consumer and Business Services*] **Bureau**  
4 **of Labor and Industries** or a municipality that administers a building inspection program under  
5 ORS 455.148 or 455.150 shall approve or disapprove the specialty code building plan:

6        (a) For a jurisdiction with a population that is less than 300,000, within 10 business days of re-  
7 ceiving a complete application, or shall implement the process described in ORS 455.465.

8        (b) For a jurisdiction with a population that is 300,000 or more, within 15 business days of re-  
9 ceiving a complete application, or shall implement the process described in ORS 455.465.

10        (2) The 10-day and 15-day requirements in subsection (1) of this section do not apply if:

11        (a) The plan requires approval by federal, state or local agencies outside the jurisdiction of the  
12 issuing agency;

13        (b) The plan is for a complex structure that requires additional review as determined by the  
14 [*department*] **bureau** or municipality; or

15        (c) Based on conditions that exist in the affected municipality, the [*Director of the Department*  
16 *of Consumer and Business Services*] **Commissioner of the Bureau of Labor and Industries** au-  
17 thORIZES a different plan review schedule as described in a building inspection program submitted  
18 under ORS 455.148 or 455.150.

19        (3) For specialty code plan reviews of commercial structures, a municipality shall include in its  
20 building inspection program submitted under ORS 455.148 or 455.150 a process for plan review ser-  
21 vices. The municipality shall include in its program detailed reasons supporting the proposed plan  
22 review process. The plan review services provided by the municipality shall:

23        (a) Allow an applicant to defer the submittal of plans for one or more construction phases for  
24 a commercial construction project in accordance with the state building code; and

25        (b) Allow an applicant to receive permits for each of the phases of a commercial construction  
26 project as described in the state building code when the plan review for that phase is approved.

27        (4) For a phased commercial construction project as described in subsection (3) of this section,  
28 the municipality shall inform the applicant of the detailed plans necessary for each phase of the  
29 project and the estimated time for initial and phased review of the building plans for conformance  
30 with the state building code.

31        (5) An applicant submitting plans under subsection (3) of this section is responsible for ensuring  
32 that the project meets all specialty code requirements and that the project does not proceed beyond  
33 the level of approval authorized by the building official.

34        (6) A municipality that repeatedly fails to meet the plan review period described in this section  
35 or otherwise authorized in its building inspection program submitted under ORS 455.148 or 455.150  
36 shall be considered to be engaging in a pattern of conduct of failing to provide timely plan reviews  
37 under ORS 455.160.

38        **SECTION 199.** ORS 455.471 is amended to read:

39        455.471. (1) Fee amounts shall not be established by the [*Director of the Department of Consumer*  
40 *and Business Services*] **Commissioner of the Bureau of Labor and Industries** or any municipality  
41 for fees charged by persons licensed under ORS 455.457.

42        (2) Fees charged by a person licensed under ORS 455.457 shall include a surcharge equal to the  
43 percentage amounts established for municipalities under ORS 455.210 (4)(a) and (b) and 455.220 (1).  
44 The surcharges shall be remitted quarterly to the [*department*] **bureau** to partially defray the  
45 [*department's*] **bureau's** administration, inspection and training costs incurred pursuant to ORS

1 455.455, 455.457, 455.461 and 455.463. Funds received by the [department] **bureau** under this section  
2 shall be deposited in the [Consumer and Business Services Fund] **Bureau of Labor and Industries**  
3 **Account** created by ORS [705.145] **651.160**.

4 **SECTION 200.** ORS 455.473 is amended to read:

5 455.473. All moneys received by the [Department of Consumer and Business Services] **Bureau**  
6 **of Labor and Industries** pursuant to ORS 455.457 and 455.471 shall be paid into the State Treasury  
7 and credited to the appropriate specialty code account under this chapter or ORS 479.510 to 479.945.  
8 All moneys deposited in the accounts under this section are continuously appropriated to the [de-  
9 partment] **bureau** to carry out the provisions of ORS 455.455 to 455.463, 455.471, 455.473, 455.477 and  
10 455.897 and section 10, chapter 1045, Oregon Laws 1999.

11 **SECTION 201.** ORS 455.475 is amended to read:

12 455.475. (1) An applicant for a building permit may appeal a decision made by a building official  
13 under authority established pursuant to ORS 455.148, 455.150 or 455.467. The following apply to an  
14 appeal under this subsection:

15 (a) An appeal regarding the interpretation or application of a particular specialty code provision  
16 shall be made first to the appropriate specialty code chief inspector of the [Department of Consumer  
17 and Business Services] **Bureau of Labor and Industries**. The decision of the [department] **bureau**  
18 chief inspector may be appealed to the appropriate advisory board. The decision of the advisory  
19 board may only be appealed to the [Director of the Department of Consumer and Business Services]  
20 **Commissioner of the Bureau of Labor and Industries** if codes in addition to the applicable spe-  
21 cialty code are at issue.

22 (b) If the appropriate advisory board determines that a decision by the [department] **bureau** chief  
23 inspector is a major code interpretation, then the inspector shall distribute the decision in writing  
24 to all applicable specialty code public and private inspection authorities in the state. The decision  
25 shall be distributed within 60 days after the board's determination, and there shall be no charge for  
26 the distribution of the decision. As used in this paragraph, a "major code interpretation" means a  
27 code interpretation decision that affects or may affect more than one job site or more than one in-  
28 spection jurisdiction.

29 (2) Except as provided in subsection (1) of this section, an applicant for a building permit may  
30 appeal the decision of a building official on any matter relating to the administration and enforce-  
31 ment of this chapter to the [department] **bureau**. The appeal must be in writing. A decision by the  
32 [department] **bureau** on an appeal filed under this subsection is subject to judicial review as pro-  
33 vided in ORS 183.484.

34 (3) If an appeal is made under this section, an inspection authority shall extend the plan review  
35 deadline by the number of days it takes for a final decision to be issued for the appeal.

36 **SECTION 202.** ORS 455.479 is amended to read:

37 455.479. Nothing in ORS 455.455 to 455.477 and 455.897 and section 10, chapter 1045, Oregon  
38 Laws 1999, applies to special inspections as described in each specialty code as adopted by the  
39 [Director of the Department of Consumer and Business Services] **Commissioner of the Bureau of**  
40 **Labor and Industries**.

41 **SECTION 203.** ORS 455.483 is amended to read:

42 455.483. (1) The [Department of Consumer and Business Services] **Bureau of Labor and Indus-**  
43 **tries**, with the approval of the Electrical and Elevator Board, shall adopt rules to make electrical  
44 code plan review mandatory only for complex structures located in jurisdictions that offer electrical  
45 code plan review services.

1 (2) The *[department]* **bureau** shall adopt rules to make plumbing code plan review mandatory  
2 only for complex structures located in jurisdictions that offer plumbing code plan review services.

3 (3) Notwithstanding any rules adopted pursuant to subsections (1) and (2) of this section, an  
4 owner of a complex structure or the owner's agent may request and receive plan review and in-  
5 spections for any electrical and plumbing materials and installations that are subject to the state  
6 building code.

7 **SECTION 204.** ORS 455.485 is amended to read:

8 455.485. (1) When adopting the state building code, the *[Director of the Department of Consumer*  
9 *and Business Services]* **Commissioner of the Bureau of Labor and Industries** shall give special  
10 consideration to the unique needs of construction in rural or remote parts of this state.

11 (2) Notwithstanding any description of State Fire Marshal duties in ORS 476.030, 476.033,  
12 476.035, 476.150 or 476.155, the *[Director of the Department of Consumer and Business Services]*  
13 **Commissioner of the Bureau of Labor and Industries** or a local building official administering  
14 a building inspection program under ORS 455.148 or 455.150 may determine whether the structure  
15 as set forth in the plans and specifications or as constructed meets the standards of the state  
16 building code, including but not limited to fire and life safety standards. The State Fire Marshal,  
17 or a local fire official for a governmental subdivision exempted from State Fire Marshal regulations  
18 as described under ORS 476.030, may provide advice to building officials, inspectors or *[Department*  
19 *of Consumer and Business Services]* **Bureau of Labor and Industries** employees concerning state  
20 building code standards. A local building official or *[department]* **bureau** employee shall give con-  
21 sideration to advice of the State Fire Marshal or local fire official that does not conflict with the  
22 state building code, but shall retain the authority to make final decisions regarding the code.

23 **SECTION 205.** ORS 455.490 is amended to read:

24 455.490. The Legislative Assembly finds and declares that:

25 (1) The use of a consensus-based expedited review system for the uniform statewide adoption,  
26 implementation, application and enforcement of certain state building code requirements to promote  
27 energy efficiency and energy conservation will facilitate and expedite compliance with those state  
28 building code requirements by providing a comprehensive source for interpretation of requirements  
29 that integrate elements affecting a variety of specialty codes.

30 (2) The establishment of a Construction Industry Energy Board as an advisory board to the  
31 *[Department of Consumer and Business Services]* **Bureau of Labor and Industries** is an appropriate  
32 means for furthering the goal of facilitating and expediting state building code compliance related  
33 to energy efficiency and energy conservation.

34 (3) The creation of a Construction Industry Energy Board will improve state building code  
35 compliance with regard to energy efficiency and energy use standards by creating an additional  
36 body empowered to enforce those standards.

37 (4) The reorganization of certain existing advisory boards and the realignment of code enforce-  
38 ment responsibilities will enable the *[Department of Consumer and Business Services]* **Bureau of**  
39 **Labor and Industries** to more effectively ensure compliance with state building code specialty  
40 codes by increasing the focus of appropriate technical expertise, making the advisory boards more  
41 responsive to inquiries regarding code requirements and streamlining code enforcement responsibil-  
42 ities.

43 **SECTION 206.** ORS 455.492 is amended to read:

44 455.492. (1) There is established a Construction Industry Energy Board, consisting of 11 mem-  
45 bers. The membership shall consist of the following:



1 (a) Two members selected by the Electrical and Elevator Board from the members of the Elec-  
2 trical and Elevator Board who have practical experience in the electric industry.

3 (b) Two members selected by the Residential and Manufactured Structures Board from the  
4 members of the Residential and Manufactured Structures Board who have practical experience in  
5 the residential structure industry or manufactured structure industry.

6 (c) Two members selected by the Building Codes Structures Board from the members of the  
7 Building Codes Structures Board who have practical experience in construction.

8 (d) Two members selected by the State Plumbing Board from the members of the State Plumbing  
9 Board who have practical experience in construction.

10 (e) Two members selected by the Mechanical Board from the members of the Mechanical Board  
11 who have practical experience in construction.

12 (f) One member who is an employee or officer of the State Department of Energy appointed by  
13 the Director of the State Department of Energy.

14 (2) The Construction Industry Energy Board shall select one of its members as chairperson and  
15 another as vice chairperson, for such terms and with duties and powers necessary for the perform-  
16 ance of the functions of those positions as the board determines.

17 (3) Except as provided in ORS 455.496 (2), a majority of the members of the board constitutes  
18 a quorum for the transaction of business.

19 (4) A member of the board is not entitled to compensation, but at the discretion of the  
20 [*director*] **commissioner** may be reimbursed from funds available to the [*Department of Consumer*  
21 *and Business Services*] **Bureau of Labor and Industries** for actual and necessary travel and other  
22 expenses incurred by the member in the performance of the member's official duties in the manner  
23 and amount provided in ORS 292.495.

24 **SECTION 207.** ORS 455.496 is amended to read:

25 455.496. (1) The Construction Industry Energy Board may evaluate and approve or disapprove  
26 proposed state building code standards relating to the energy use and energy efficiency aspects of  
27 the electrical, structural, prefabricated structure and low-rise residential specialty codes. The pro-  
28 posed standards evaluated by the board may include, but need not be limited to, standards regarding  
29 energy-conserving technology, construction methods, products and materials. The board shall for-  
30 ward any proposed standards recommended by the board to the [*Director of the Department of Con-*  
31 *sumer and Business Services*] **Commissioner of the Bureau of Labor and Industries** for adoption  
32 or rejection by the [*director*] **commissioner**.

33 (2) Approval by seven or more board members is required in order to recommend adoption of  
34 an energy construction standard to the [*director*] **commissioner**. If the standard relates to a spe-  
35 cialty code that is administered by an advisory board described in ORS 455.492 (1)(a) to (e), the  
36 Construction Industry Energy Board may not recommend the standard to the [*director*] **commis-**  
37 **sioner** unless all of the Construction Industry Energy Board members who are members of the ad-  
38 visory board that administers that specialty code approve of recommending the standard.

39 (3) Notwithstanding any provision of this chapter or ORS chapter 446 or ORS 479.510 to 479.945  
40 or 479.950, or any provision of ORS chapter 447 regulating fixture installations or regulating  
41 plumbing products, the [*director*] **commissioner** may adopt or reject a proposed standard recom-  
42 mended by the Construction Industry Energy Board without further consultation of an advisory  
43 board. No later than 30 days after the [*director*] **commissioner** receives the proposed standard, the  
44 [*director*] **commissioner** shall initiate a process for considering the approval or rejection of the re-  
45 commended proposed standard. If the [*director*] **commissioner** approves the standard, the [*director*]

1 **commissioner** shall file the standard with the Secretary of State under ORS 183.335 as a rule  
2 amending the state building code.

3 (4) The Construction Industry Energy Board shall identify and give notice to the [*director*]  
4 **commissioner** of the specialty codes that are affected by a recommended proposed standard. If the  
5 [*director*] **commissioner** adopts the standard as a rule, the rule shall be enforceable as a specialty  
6 code provision administered by the board and enforceable by any appropriate advisory board as a  
7 provision of the code administered by that advisory board.

8 **SECTION 208.** ORS 455.500 is amended to read:

9 455.500. (1) The [*Director of the Department of Consumer and Business Services*] **Commissioner**  
10 **of the Bureau of Labor and Industries**, in consultation with the appropriate advisory boards, shall  
11 adopt, amend and administer a code separate from the state building code, to be known as the Reach  
12 Code. The [*director*] **commissioner** shall design the code to increase energy efficiency in buildings  
13 that are newly constructed, reconstructed, altered or repaired.

14 (2) The Reach Code shall be a set of statewide optional construction standards and methods that  
15 are economically and technically feasible, including any published generally accepted codes and  
16 standards newly developed for construction or for the installation of products, equipment and de-  
17 vices. When adopting or amending the code, the [*director*] **commissioner**, in consultation with the  
18 appropriate advisory boards, shall:

19 (a) Review generally accepted codes and standards that achieve greater energy efficiency than  
20 the energy efficiency required by the state building code; and

21 (b) Review technical components of generally accepted construction documents as the [*director*]  
22 **commissioner** considers necessary to address federal, state and local financial incentives and ad-  
23 vances in construction methods, standards and technologies.

24 (3) When amending the state building code under ORS 455.030, the [*director*] **commissioner**  
25 shall consider whether any of the standards and methods contained in the Reach Code should be  
26 removed from the Reach Code and adopted in the state building code.

27 (4) The inclusion of a standard or method for construction or for the installation of products,  
28 equipment or devices in the Reach Code:

29 (a) Does not alter any licensing or certification requirements under ORS 446.003 to 446.200,  
30 446.225 to 446.285, 447.010 to 447.156, 460.005 to 460.175, 479.510 to 479.945 or 480.510 to 480.670 or  
31 this chapter or ORS chapter 693 or [*Department of Consumer and Business Services*] **Bureau of**  
32 **Labor and Industries** rules;

33 (b) Exempts products, equipment and devices from product certification requirements under ORS  
34 447.010 to 447.156 and 479.510 to 479.945 and the state building code; and

35 (c) Requires that a municipality administering and enforcing a building inspection program un-  
36 der ORS 455.148 or 455.150 must recognize and accept the standard, method, installation, product,  
37 equipment or device if a person applies to construct, reconstruct, alter or repair a building in con-  
38 formance with the Reach Code.

39 **SECTION 209.** ORS 455.505 is amended to read:

40 455.505. The [*Director of the Department of Consumer and Business Services*] **Commissioner of**  
41 **the Bureau of Labor and Industries**, subject to the approval of the appropriate advisory boards,  
42 shall adopt rules establishing uniform energy conservation standards for inclusion under the state  
43 building code. The [*director*] **commissioner** shall design the energy conservation standards to in-  
44 crease energy efficiency in buildings that are newly constructed, reconstructed, altered or repaired.  
45 The [*director*] **commissioner** shall periodically review the energy conservation standards of the

1 state building code and propose updates to the standards as the [*director*] **commissioner** considers  
2 necessary to reflect changing technology in energy efficiency and to encourage continual improve-  
3 ments in building energy efficiency in accordance with ORS 455.511. In reviewing the energy con-  
4 servation standards, the [*director*] **commissioner** shall consider the target standards described in  
5 the Architecture 2030 organization's 2030 Challenge and may consider other available nationally  
6 recognized energy conservation standards.

7 **SECTION 210.** ORS 455.511 is amended to read:

8 455.511. (1) As used in this section, "energy efficiency" means the use of construction and design  
9 standards, construction methods, products, equipment and devices to increase efficient use of, and  
10 reduce consumption of, electricity, natural gas and fossil fuels in buildings undergoing new con-  
11 struction, reconstruction, alteration or repair.

12 (2) The [*Director of the Department of Consumer and Business Services*] **Commissioner of the**  
13 **Bureau of Labor and Industries**, after consultation with the State Department of Energy and  
14 subject to the approval of the appropriate advisory boards, shall adopt amendments to the state  
15 building code under ORS 455.030 to increase energy efficiency in buildings that are newly con-  
16 structed, reconstructed, altered or repaired. In adopting the amendments, the [*director*] **commis-**  
17 **sioner** shall consider generally accepted model codes, products and product standards, the Reach  
18 Code adopted under ORS 455.500 and other available data to evaluate codes and standards that  
19 promote energy efficiency in buildings.

20 (3) The [*director*] **commissioner**, in consultation with the appropriate advisory boards, shall  
21 develop a schedule for the periodic review of energy efficiency standards and shall establish goals  
22 for increasing the level of energy conservation achieved by the use of energy efficiency standards  
23 contained in the state building code and the Reach Code. In establishing goals and the schedule for  
24 periodic review of standards under this section, the [*director*] **commissioner** shall consider the  
25 publication schedule of generally accepted construction codes and standards. If the [*director*] **com-**  
26 **missioner** determines that the adopted review schedule or energy efficiency goals are not practi-  
27 cable for economic or technical reasons, the [*director*] **commissioner** may amend the schedule or  
28 goals as the [*director*] **commissioner** considers appropriate.

29 **SECTION 211.** ORS 455.525 is amended to read:

30 455.525. (1) In the manner provided in ORS chapter 183 for the adoption of rules and after con-  
31 sideration of available technology and costs, the Building Codes Structures Board and the Residen-  
32 tial and Manufactured Structures Board, or the Construction Industry Energy Board, may make  
33 recommendations to the [*Director of the Department of Consumer and Business Services*] **Commis-**  
34 **sioner of the Bureau of Labor and Industries** for the establishment of basic and uniform per-  
35 formance standards to provide maximum energy conservation and use of passive solar energy in the  
36 design, construction, reconstruction, alteration and repair of buildings and other structures. Such  
37 standards shall be submitted to the [*Director of the Department of Consumer and Business Services*]  
38 **commissioner** for proposed inclusion in the state building code by the Building Codes Structures  
39 Board or the Residential and Manufactured Structures Board as provided by ORS 455.030 (4) or by  
40 the Construction Industry Energy Board as provided under ORS 455.496.

41 (2) Any testing requirements adopted under subsection (1) of this section do not apply to  
42 fenestration products that are for use within residential structures if the fenestration products are:

43 (a) Used in the creation of sunrooms and solariums and constructed with a minimum of a one-  
44 half inch space between the panes; or

45 (b) Fenestration products used as skylights that constitute no more than 10 percent of the total

1 glazing used in any dwelling unit.

2 (3) The Residential and Manufactured Structures Board or the Construction Industry Energy  
3 Board shall develop, for adoption by the [*director*] **commissioner**, default thermal performance val-  
4 ues for residential fenestration products that are produced in low volume. Any testing requirements  
5 adopted under subsection (1) of this section or ORS 455.020, 455.030 or 455.496 do not apply to res-  
6 idential fenestration products that are produced in low volume.

7 (4) Fenestration products manufactured for use as skylights that are subject to the provisions  
8 of subsection (1) of this section and have frames that are wood, thermal break aluminum or alumi-  
9 num with vinyl shall be deemed to meet any performance standards included in the state building  
10 code when the following glazing configurations are used:

11 (a) A minimum one-half inch space between the panes and low-e (emissivity) glass; or

12 (b) Triple-layered acrylic.

13 (5) Regulations relating to the use and conservation of energy adopted pursuant to ORS 455.020  
14 (2) shall be reviewed by the Building Codes Structures Board and the Residential and Manufactured  
15 Structures Board or by the Construction Industry Energy Board.

16 **SECTION 212.** ORS 455.560 is amended to read:

17 455.560. As used in ORS 455.560 to 455.580, unless the context requires otherwise:

18 [(1) “Department” means the Department of Consumer and Business Services.]

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

20 (1) **“Bureau” means the Bureau of Labor and Industries.**

21 (2) **“Commissioner” means the Commissioner of the Bureau of Labor and Industries.**

22 (3) “Person” means an individual, partnership, joint venture, private or public corporation, as-  
23 sociation, firm, public service company, political subdivision, municipal corporation, government  
24 agency, people’s utility district, or any other entity, public or private, however organized.

25 (4) “Public buildings” means any building, including outdoor area adjacent thereto, which is  
26 open to the public during normal business hours, except exempted buildings. Each of the following  
27 is a public building within the meaning of ORS 455.560 to 455.580, unless it or any portion thereof  
28 is exempted by rule or order pursuant to ORS 455.570 (2), (3) and (4):

29 (a) Any building which provides facilities or shelter for public assembly, or which is used for  
30 educational, office or institutional purposes;

31 (b) Any inn, hotel, motel, sports arena, supermarket, transportation terminal, retail store, res-  
32 taurant, or other commercial establishment which provides services or retails merchandise;

33 (c) Any portion of an industrial plant building used primarily as office space; or

34 (d) Any building owned by the state or political subdivision thereof, including libraries, muse-  
35 ums, schools, hospitals, auditoriums, sports arenas and university buildings.

36 **SECTION 213.** ORS 455.570 is amended to read:

37 455.570. (1) After consultation with the Building Codes Structures Board or with the Con-  
38 struction Industry Energy Board, the [*Director of the Department of Consumer and Business*  
39 *Services*] **Commissioner of the Bureau of Labor and Industries**, as provided in this chapter, shall  
40 establish maximum lighting standards for public buildings constructed on or after July 1, 1978. Such  
41 standards may distinguish between type of design, the uses to which buildings are put, location, age  
42 or any other applicable classification.

43 (2) Such standards shall allow for:

44 (a) Differences in lighting levels within public buildings for special areas and uses, including but  
45 not limited to hospital, drafting room, and advertising display, and for other areas and activities

1 requiring special illumination.

2 (b) The interaction between lighting and heating systems.

3 (c) Occupational safety and health standards.

4 (3) The *[director]* **commissioner** may by rule or order exempt from the maximum lighting stan-  
5 dards, new public buildings or portions thereof that:

6 (a) Are of insufficient size to warrant maximum lighting standard regulations;

7 (b) Should be allowed a specific period of time before compliance with maximum lighting stan-  
8 dards is required;

9 (c) Are difficult or impractical to regulate based upon location;

10 (d) Are not open to the public during normal business hours;

11 (e) Are impractical to regulate, based upon unique design; or

12 (f) Would not be benefited by regulation, based upon the insignificant amount of energy possible  
13 to conserve.

14 (4) Any person subject to ORS 455.560 to 455.580 may apply to the *[director]* **commissioner** for  
15 an exemption under this section.

16 **SECTION 214.** ORS 455.575 is amended to read:

17 455.575. After consultation with the Building Codes Structures Board or with the Construction  
18 Industry Energy Board, the *[Director of the Department of Consumer and Business Services]* **Com-**  
19 **missioner of the Bureau of Labor and Industries**, as provided in ORS chapter 183, shall establish  
20 advisory maximum lighting standards for public buildings constructed before July 1, 1978, based on  
21 the factors set forth in ORS 455.570.

22 **SECTION 215.** ORS 455.580 is amended to read:

23 455.580. The powers and duties given the *[Director of the Department of Consumer and Business*  
24 *Services]* **Commissioner of the Bureau of Labor and Industries** by ORS 455.560 to 455.580 shall  
25 be in addition to, and not in derogation of, all other powers, duties and responsibilities vested in the  
26 *[director]* **commissioner**.

27 **SECTION 216.** ORS 455.610 is amended to read:

28 455.610. (1) The *[Director of the Department of Consumer and Business Services]* **Commissioner**  
29 **of the Bureau of Labor and Industries** shall adopt, and amend as necessary, a Low-Rise Resi-  
30 dential Dwelling Code that, except as provided in section 2, chapter 401, Oregon Laws 2019, contains  
31 all requirements, including structural design provisions, related to the construction of residential  
32 dwellings three stories or less above grade. The code provisions for plumbing and electrical re-  
33 quirements must be compatible with other specialty codes adopted by the *[director]* **commissioner**.  
34 The Electrical and Elevator Board, the Mechanical Board and the State Plumbing Board shall re-  
35 view, respectively, amendments to the electrical, mechanical or plumbing provisions of the code.

36 (2) Changes or amendments to the code adopted under subsection (1) of this section may be made  
37 when:

38 (a) Required by geographic or climatic conditions unique to Oregon;

39 (b) Necessary to be compatible with other statutory provisions;

40 (c) Changes to the national codes are adopted in Oregon; or

41 (d) Necessary to authorize the use of building materials and techniques that are consistent with  
42 nationally recognized standards and building practices.

43 (3) Notwithstanding ORS 455.030, 455.035, 455.110 and 455.112, the *[director]* **commissioner** may,  
44 at any time following appropriate consultation with the Mechanical Board or Building Codes  
45 Structures Board, amend the mechanical specialty code or structural specialty code to ensure com-

1 patibility with the Low-Rise Residential Dwelling Code.

2 (4) The water conservation provisions for toilets, urinals, shower heads and interior faucets  
3 adopted in the Low-Rise Residential Dwelling Code shall be the same as those adopted under ORS  
4 447.020 to meet the requirements of ORS 447.145.

5 (5) The Low-Rise Residential Dwelling Code shall be adopted and amended as provided by ORS  
6 455.030 and 455.110.

7 (6) The *[director]* **commissioner**, by rule, shall establish uniform standards for a municipality  
8 to allow an alternate method of construction to the requirements for one and two family dwellings  
9 built to the Low-Rise Residential Dwelling Code or Small Home Specialty Code in areas where the  
10 local jurisdiction determines that the fire apparatus means of approach to a property or water sup-  
11 ply serving a property does not meet applicable fire code or state building code requirements. The  
12 alternate method of construction, which may include but is not limited to the installation of auto-  
13 matic fire sprinkler systems, must be approved in conjunction with the approval of an application  
14 under ORS 197.522.

15 (7) For lots of record existing before July 2, 2001, or property that receives any approval for  
16 partition, subdivision or construction under ORS 197.522 before July 2, 2001, a municipality allowing  
17 an alternate method of construction to the requirements for one and two family dwellings built to  
18 the Low-Rise Residential Dwelling Code or Small Home Specialty Code may apply the uniform  
19 standards established by the *[director]* **commissioner** pursuant to subsection (6) of this section. For  
20 property that receives all approvals for partition, subdivision or construction under ORS 197.522 on  
21 or after July 2, 2001, a municipality allowing an alternate method of construction to the require-  
22 ments for one and two family dwellings built to the Low-Rise Residential Dwelling Code or Small  
23 Home Specialty Code must apply the uniform standards established by the *[director]* **commissioner**  
24 pursuant to subsection (6) of this section.

25 (8) The *[director]* **commissioner**, by rule, shall establish uniform standards for a municipality  
26 to allow alternate approval of construction related to conversions of single-family dwellings into no  
27 more than four residential dwelling units built to the Low-Rise Residential Dwelling Code that re-  
28 ceived occupancy approval prior to January 1, 2020. The standards established under this subsection  
29 must include standards describing the information that must be submitted before an application for  
30 alternate approval will be deemed complete.

31 (9)(a) A building official described in ORS 455.148 or 455.150 must approve or deny an applica-  
32 tion for alternate approval under subsection (8) of this section no later than 15 business days after  
33 receiving a complete application.

34 (b) A building official who denies an application for alternate approval under this subsection  
35 shall provide to the applicant:

36 (A) A written explanation of the basis for the denial; and

37 (B) A statement that describes the applicant's appeal rights under subsection (10) of this section.

38 (10)(a) An appeal from a denial under subsection (9) of this section must be made through a  
39 municipal administrative process. A municipality shall provide an administrative process that:

40 (A) Is other than a judicial proceeding in a court of law; and

41 (B) Affords the party an opportunity to appeal the denial before an individual, department or  
42 body that is other than a plan reviewer, inspector or building official for the municipality.

43 (b) A decision in an administrative process under this subsection must be completed no later  
44 than 30 business days after the building official receives notice of the appeal.

45 (c) Notwithstanding ORS 455.690, a municipal administrative process required under this sub-

1 section is the exclusive means for appealing a denial under subsection (9) of this section.

2 (11) The costs incurred by a municipality under subsections (9) and (10) of this section are  
 3 building inspection program administration and enforcement costs for the purpose of fee adoption  
 4 under ORS 455.210.

5 **SECTION 217.** ORS 455.610, as amended by section 13, chapter 401, Oregon Laws 2019, is  
 6 amended to read:

7 455.610. (1) The [*Director of the Department of Consumer and Business Services*] **Commissioner**  
 8 **of the Bureau of Labor and Industries** shall adopt, and amend as necessary, a Low-Rise Resi-  
 9 dential Dwelling Code that contains all requirements, including structural design provisions, related  
 10 to the construction of residential dwellings three stories or less above grade. The code provisions  
 11 for plumbing and electrical requirements must be compatible with other specialty codes adopted by  
 12 the [*director*] **commissioner**. The Electrical and Elevator Board, the Mechanical Board and the  
 13 State Plumbing Board shall review, respectively, amendments to the electrical, mechanical or  
 14 plumbing provisions of the code.

15 (2) Changes or amendments to the code adopted under subsection (1) of this section may be made  
 16 when:

- 17 (a) Required by geographic or climatic conditions unique to Oregon;
- 18 (b) Necessary to be compatible with other statutory provisions;
- 19 (c) Changes to the national codes are adopted in Oregon; or
- 20 (d) Necessary to authorize the use of building materials and techniques that are consistent with  
 21 nationally recognized standards and building practices.

22 (3) Notwithstanding ORS 455.030, 455.035, 455.110 and 455.112, the [*director*] **commissioner** may,  
 23 at any time following appropriate consultation with the Mechanical Board or Building Codes  
 24 Structures Board, amend the mechanical specialty code or structural specialty code to ensure com-  
 25 patibility with the Low-Rise Residential Dwelling Code.

26 (4) The water conservation provisions for toilets, urinals, shower heads and interior faucets  
 27 adopted in the Low-Rise Residential Dwelling Code shall be the same as those adopted under ORS  
 28 447.020 to meet the requirements of ORS 447.145.

29 (5) The Low-Rise Residential Dwelling Code shall be adopted and amended as provided by ORS  
 30 455.030 and 455.110.

31 (6) The [*director*] **commissioner**, by rule, shall establish uniform standards for a municipality  
 32 to allow an alternate method of construction to the requirements for one and two family dwellings  
 33 built to the Low-Rise Residential Dwelling Code in areas where the local jurisdiction determines  
 34 that the fire apparatus means of approach to a property or water supply serving a property does  
 35 not meet applicable fire code or state building code requirements. The alternate method of con-  
 36 struction, which may include but is not limited to the installation of automatic fire sprinkler sys-  
 37 tems, must be approved in conjunction with the approval of an application under ORS 197.522.

38 (7) For lots of record existing before July 2, 2001, or property that receives any approval for  
 39 partition, subdivision or construction under ORS 197.522 before July 2, 2001, a municipality allowing  
 40 an alternate method of construction to the requirements for one and two family dwellings built to  
 41 the Low-Rise Residential Dwelling Code may apply the uniform standards established by the  
 42 [*director*] **commissioner** pursuant to subsection (6) of this section. For property that receives all  
 43 approvals for partition, subdivision or construction under ORS 197.522 on or after July 2, 2001, a  
 44 municipality allowing an alternate method of construction to the requirements for one and two  
 45 family dwellings built to the Low-Rise Residential Dwelling Code must apply the uniform standards

1 established by the [*director*] **commissioner** pursuant to subsection (6) of this section.

2 (8) The [*director*] **commissioner**, by rule, shall establish uniform standards for a municipality  
3 to allow alternate approval of construction related to conversions of single-family dwellings into no  
4 more than four residential dwelling units built to the Low-Rise Residential Dwelling Code that re-  
5 ceived occupancy approval prior to January 1, 2020. The standards established under this subsection  
6 must include standards describing the information that must be submitted before an application for  
7 alternate approval will be deemed complete.

8 (9)(a) A building official described in ORS 455.148 or 455.150 must approve or deny an applica-  
9 tion for alternate approval under subsection (8) of this section no later than 15 business days after  
10 receiving a complete application.

11 (b) A building official who denies an application for alternate approval under this subsection  
12 shall provide to the applicant:

13 (A) A written explanation of the basis for the denial; and

14 (B) A statement that describes the applicant's appeal rights under subsection (10) of this section.

15 (10)(a) An appeal from a denial under subsection (9) of this section must be made through a  
16 municipal administrative process. A municipality shall provide an administrative process that:

17 (A) Is other than a judicial proceeding in a court of law; and

18 (B) Affords the party an opportunity to appeal the denial before an individual, department or  
19 body that is other than a plan reviewer, inspector or building official for the municipality.

20 (b) A decision in an administrative process under this subsection must be completed no later  
21 than 30 business days after the building official receives notice of the appeal.

22 (c) Notwithstanding ORS 455.690, a municipal administrative process required under this sub-  
23 section is the exclusive means for appealing a denial under subsection (9) of this section.

24 (11) The costs incurred by a municipality under subsections (9) and (10) of this section are  
25 building inspection program administration and enforcement costs for the purpose of fee adoption  
26 under ORS 455.210.

27 **SECTION 218.** ORS 455.616 is amended to read:

28 455.616. (1) As used in this section, "small home" means a dwelling that is not more than 400  
29 square feet in size.

30 (2) The [*Director of the Department of Consumer and Business Services*] **Commissioner of the**  
31 **Bureau of Labor and Industries** shall adopt construction standards for small homes for incorpo-  
32 ration into the state building code. The construction standards for small homes must include, but  
33 need not be limited to, standards that:

34 (a) Allow sleeping lofts; and

35 (b) Allow the use of ladders or alternate tread devices as the primary means of egress from a  
36 sleeping loft.

37 **SECTION 219.** ORS 455.622 is amended to read:

38 455.622. Notwithstanding ORS 447.020, 455.715 to 455.740, 479.810 (3) or 479.855, the [*Department*  
39 *of Consumer and Business Services*] **Bureau of Labor and Industries** shall adopt education, train-  
40 ing and examination requirements that allow certification of inspectors to perform inspections on  
41 one and two family dwellings under one or more aspects of the Low-Rise Residential Dwelling Code  
42 adopted under ORS 455.610 to 455.630.

43 **SECTION 220.** ORS 455.625 is amended to read:

44 455.625. The [*Director of the Department of Consumer and Business Services*] **Commissioner of**  
45 **the Bureau of Labor and Industries** shall, by rule, adopt:



1 (1) A list of information required for low-rise residential dwelling building permits; and

2 (2) A priority schedule for low-rise residential dwelling inspections and plan review require-  
3 ments.

4 **SECTION 221.** ORS 455.626 is amended to read:

5 455.626. The [*Director of the Department of Consumer and Business Services*] **Commissioner of**  
6 **the Bureau of Labor and Industries** shall adopt, amend or repeal the state building code as nec-  
7 essary to establish viable standards for providing advanced telecommunications and cable service  
8 technology to newly constructed low-rise residential dwellings.

9 **SECTION 222.** ORS 455.627 is amended to read:

10 455.627. The [*Department of Consumer and Business Services*] **Bureau of Labor and**  
11 **Industries**, in consultation with the Residential and Manufactured Structures Board, shall adopt  
12 rules to create a mandatory random inspection program for minor electrical installations made by  
13 electrical contractors in low-rise residential dwellings.

14 **SECTION 223.** ORS 455.628 is amended to read:

15 455.628. (1) The [*Department of Consumer and Business Services*] **Bureau of Labor and Indus-**  
16 **tries** or a municipality administering and enforcing a building inspection program under ORS  
17 455.148 or 455.150 may not require a plan review for one and two family dwellings that are of con-  
18 ventional light frame construction, as defined by the [*department*] **bureau** by rule, if:

19 (a) The plans for the dwelling are designed and stamped by a professional engineer registered  
20 under ORS 672.002 to 672.325 or an architect registered under ORS 671.060; and

21 (b) The engineer or architect is certified by the [*Director of the Department of Consumer and*  
22 *Business Services*] **Commissioner of the Bureau of Labor and Industries** under ORS 455.720 as  
23 being qualified to examine one and two family dwelling plans.

24 (2) The [*department*] **bureau** or municipality is exempt from liability for any damages arising  
25 from the nonperformance of a plan review pursuant to this section.

26 **SECTION 224.** ORS 455.630 is amended to read:

27 455.630. (1) The Low-Rise Residential Dwelling Code shall be enforced by inspectors and building  
28 officials qualified pursuant to ORS 455.715 to 455.740.

29 (2) Notwithstanding subsection (1) of this section, enforcement of electrical specialty code, per-  
30 mit and licensing provisions shall be under the sole authority of the Electrical and Elevator Board  
31 in the [*Department of Consumer and Business Services*] **Bureau of Labor and Industries**.

32 **SECTION 225.** ORS 455.680 is amended to read:

33 455.680. (1) Plan approval and permits shall be obtained from the [*Department of Consumer and*  
34 *Business Services*] **Bureau of Labor and Industries** prior to construction, enlargement or alter-  
35 ation of any recreation park, picnic park or organizational camp as defined in ORS 446.310.

36 (2) If the [*department*] **bureau** determines that the work conforms to the approved plans and  
37 specifications, it shall issue a final approval which shall, if all other conditions of ORS 455.010 to  
38 455.240, 455.410 to 455.450 and 455.595 to 455.740 are met, authorize the issuance of a license by the  
39 Oregon Health Authority to operate the park or, in the case of then currently licensed parks, shall  
40 authorize continued operation for the remaining part of the licensing year.

41 (3) In accordance with ORS 455.010 to 455.240, 455.410 to 455.450 and 455.595 to 455.740 and in  
42 consultation and agreement with the authority, the [*department*] **bureau** shall adopt rules to carry  
43 out this section. The rules adopted pursuant to this section shall be a specialty code as defined in  
44 ORS 455.010.

45 **SECTION 226.** ORS 455.685 is amended to read:

1       455.685. The [*Director of the Department of Consumer and Business Services*] **Commissioner of**  
 2 **the Bureau of Labor and Industries** may, upon an application setting forth a set of plans and  
 3 specifications that will be utilized in one or more municipalities to acquire building permits, review  
 4 and approve the application for the construction or erection of any building or structure if such set  
 5 of plans meets the requirements of the state building code. All costs incurred by the [*director*]  
 6 **commissioner** by virtue of the examination of such a set of plans and specifications shall be paid  
 7 by the applicant. The plans and specifications or any plans and specifications required to be sub-  
 8 mitted to a state agency shall be submitted to the [*director*] **commissioner** who shall examine the  
 9 instruments and if necessary distribute them to the appropriate state agencies for scrutiny regarding  
 10 adequacy as to fire safety, life safety and all other appropriate features. The state agencies shall  
 11 examine and promptly return the plans and specifications together with their certified statement as  
 12 to the adequacy of the instruments regarding that agency's area of concern. The applicant shall  
 13 submit the plans and specifications to a local building official prior to application for a building  
 14 permit. The local building official shall review the plan for those features required by local ordi-  
 15 nance or by any site-specific, geographic, geologic or climatic code requirements. A local building  
 16 official shall issue a building permit upon application and presentation to the local building official  
 17 of such a set of plans and specifications bearing the approval of the [*director*] **commissioner** if the  
 18 requirements of all other local ordinances are satisfied. The [*director*] **commissioner** or local  
 19 building official may assess such fees as necessary to recover the reasonable costs incurred to en-  
 20 sure the compliance of the plans and specifications with the state building code.

21       **SECTION 227.** ORS 455.690 is amended to read:

22       455.690. Any person aggrieved by the final decision of a municipal appeals board or a subordi-  
 23 nate officer of the [*Department of Consumer and Business Services*] **Bureau of Labor and Indus-**  
 24 **tries** as to the application of any provision of a specialty code may, within 30 days after the date  
 25 of the decision, appeal to the appropriate advisory board. The appellant shall submit a fee of \$20,  
 26 payable to the [*department*] **bureau**, with the request for appeal. The final decision of the involved  
 27 municipality or state officer shall be subject to review and final determination by the appropriate  
 28 advisory board as to technical and scientific determinations related to the application of the spe-  
 29 cialty code involved.

30       **SECTION 228.** ORS 455.705 is amended to read:

31       455.705. (1) A manufacturer of prefabricated structures or manufacturer of prefabricated struc-  
 32 ture components may not contract with a municipality or a person to perform prefabricated struc-  
 33 ture plan approvals or inspections unless the person providing the plan approvals or inspections is  
 34 certified or approved under subsection (2) of this section or is providing plan approvals or in-  
 35 spections for a prefabricated structure that is exempt under ORS 455.312 (1).

36       (2)(a) A person may not engage in plan approvals or inspections for a structure without being  
 37 certified under ORS 455.715 to 455.740 or 479.810 unless the person is providing plan approvals or  
 38 inspections for a structure that is exempt under ORS 455.312 (1).

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

43       (3) In accordance with any applicable provisions of ORS chapter 183, the [*Director of the De-*  
 44 *partment of Consumer and Business Services*] **Commissioner of the Bureau of Labor and Indus-**  
 45 **tries** shall establish by rule a system for approval and regulation of businesses and persons who

1 perform prefabricated structure plan approvals or inspections. This subsection does not authorize  
2 the *[director]* **commissioner** to require or regulate plan approval or inspection of a prefabricated  
3 structure that is exempt under ORS 455.312 (1). The system shall include but not be limited to the  
4 following provisions:

5 (a) Prescribing the form and content of and the times and procedures for submitting an appli-  
6 cation for the issuance or renewal of an approval.

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

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

14 (A) Procedures and reports for plan approvals and inspections;

15 (B) Ethical practices and prohibitions of conflicts of interests with manufacturers of prefabri-  
16 cated structures and manufacturers and suppliers of parts and services;

17 (C) Insurance compliance requirements;

18 (D) Procedures for use and application of insignia of compliance; and

19 (E) Fees for and procedures for use and application of certification stamps.

20 (d) Prescribing other actions or circumstances that constitute failure to achieve or maintain  
21 approval competency or that otherwise constitute a danger to the public health or safety and for  
22 which the *[director]* **commissioner** may refuse to issue or renew or may suspend or revoke a cer-  
23 tification, permit or certificate.

24 (e) Prescribing the authority of the *[department]* **bureau** to perform oversight monitoring in-  
25 cluding but not limited to:

26 (A) Right of entry and access to third party records and information;

27 (B) Frequency, type and extent of the oversight monitoring and inspection of third party agen-  
28 cies and manufacturing facilities; and

29 (C) Frequency and description of information to be submitted as part of the monitoring process.

30 (f) Prescribing fees for monitoring conducted by the *[department]* **bureau** at the manufacturing  
31 plant site or at third party inspection service locations, which fees shall not exceed \$60 per hour.

32 (4)(a) The *[department]* **bureau** shall establish by rule a manufacturer compliance program to  
33 allow for plan approvals or inspections of prefabricated structures or prefabricated structure com-  
34 ponents at the facility at which the prefabrication takes place, including but not limited to the fol-  
35 lowing provisions:

36 (A) Quality assurance programs;

37 (B) Procedures for use and application of insignia of compliance; and

38 (C) Fees for and procedures for use and application of certification stamps.

39 (b) A manufacturer of prefabricated structures shall provide the *[department]* **bureau** with  
40 written notice at least 60 days before a manufacturer may provide for plan approval or inspection  
41 service as allowed under subsection (2) of this section.

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

1 (5) A person may not rent, lease, sell, exchange, install or offer for rent, lease, sale, exchange  
 2 or installation within this state a prefabricated structure constructed on or after July 1, 1991, unless  
 3 it bears an insignia of compliance or certification stamp issued by the [department] **bureau** or a  
 4 third party indicating compliance with this state’s building regulations and standards for prefabri-  
 5 cated structures. The prohibition in this subsection does not apply to a prefabricated structure de-  
 6 scribed in ORS 455.312 (1) or (2). A prefabricated structure with an insignia of compliance or  
 7 certification stamp shall be acceptable to municipalities as meeting the state building code regu-  
 8 lations. Prefabricated structures constructed prior to July 1, 1991, are subject to the building code  
 9 regulations in effect at the time of original construction.

10 (6) The provisions of this section do not apply to employees of the [Department of Consumer and  
 11 Business Services] **Bureau of Labor and Industries** and testing laboratories approved under ORS  
 12 chapters 447 and 479.

13 (7) For purposes of this section, “insignia of compliance” means the plate affixed to a structure  
 14 by the [Department of Consumer and Business Services] **Bureau of Labor and Industries** or a third  
 15 party to signify compliance with all state building code requirements for which the structure was  
 16 inspected.

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

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

23 **SECTION 229.** ORS 455.715 is amended to read:

24 455.715. As used in ORS 455.715 to 455.740, unless the context otherwise requires:

25 (1) “Building official” means a person charged by a municipality with responsibility for admin-  
 26 istration and enforcement of the state building code in the municipality.

27 (2) “Business of providing prefabricated structure plan approvals and inspections” means an in-  
 28 dependent contractor providing prefabricated structure plan approval or inspection services, or both,  
 29 under the following specialty codes, as provided in ORS 455.020, 455.705 and 455.715:

- 30 (a) Structural;
- 31 (b) Mechanical;
- 32 (c) Plumbing;
- 33 (d) Electrical; and
- 34 (e) Low-rise residential dwelling.

35 (3) “Inspector” means:

36 (a) A person, including a plans examiner, acting under the authority and direction of a building  
 37 official and charged with the responsibility of routine enforcement of one or more specialty codes  
 38 or parts of specialty codes;

39 (b) A person, including a plans examiner, who provides enforcement of one or more specialty  
 40 codes or parts of specialty codes and who is personally in the business of providing prefabricated  
 41 structure plan approvals or inspections or is employed by such a business;

42 (c) A specialized building inspector certified under ORS 455.723 who is employed by a munic-  
 43 ility or by the [Department of Consumer and Business Services] **Bureau of Labor and**  
 44 **Industries**;

45 (d) A person employed by a municipality or the [department] **bureau** who is certified under ORS

1 455.732 to perform inspections under one or more specialty codes throughout a building code ad-  
 2 ministrative region; or

3 (e) A person designated by the [*Director of the Department of Consumer and Business Services*]  
 4 **Commissioner of the Bureau of Labor and Industries** to ensure compliance with a specialty code  
 5 or with any requirement for a license, registration, certification, endorsement or other authorization  
 6 to perform work related to the administration and enforcement of the state building code.

7 **SECTION 230.** ORS 455.720 is amended to read:

8 455.720. (1) In accordance with applicable provisions of ORS chapter 183, to promote effective  
 9 and uniform enforcement of the state building code by improving the competence of building officials  
 10 and inspectors, the [*Director of the Department of Consumer and Business Services*] **Commissioner**  
 11 **of the Bureau of Labor and Industries**, with the advice of the advisory boards, shall:

12 (a) Establish for building officials and inspectors reasonable minimum training and experience  
 13 standards, including but not limited to courses or subjects for instruction, facilities for instruction,  
 14 qualification of instructors and methods of instruction. The standards shall include provisions for  
 15 determining a practical experience equivalent.

16 (b) Establish a procedure to be used by municipalities to determine whether a person meets  
 17 minimum standards or has minimum training to be appointed or employed as a building official or  
 18 inspector. The procedure shall allow for a field examination of a person to determine if the person  
 19 meets the practical experience equivalent of a minimum standard.

20 (c) Subject to such terms, conditions and classifications as the [*director*] **commissioner** may  
 21 impose, certify building officials as being qualified, and revoke such certifications in the manner  
 22 provided in ORS 455.740.

23 (d) Require an applicant for a certificate as a building official or inspector to demonstrate  
 24 knowledge of the laws governing accessibility to buildings by persons with disabilities by passing  
 25 an examination prescribed by the [*director*] **commissioner**.

26 (2) The [*director*] **commissioner** shall maintain and, upon request of municipalities, furnish in-  
 27 formation on applicants for appointment or employment as building officials or inspectors.

28 (3) Pursuant to ORS chapter 183, the [*director*] **commissioner** shall adopt rules necessary to  
 29 carry out the certification programs provided by subsection (1) of this section.

30 (4) The [*director*] **commissioner**, by rule, may require evidence of completion of continuing ed-  
 31 ucation covering any certification created under this section as a condition of maintaining the cer-  
 32 tification. Nothing in this subsection shall prohibit the [*director*] **commissioner** from delegating any  
 33 of this power to a municipality.

34 (5) The [*director*] **commissioner**, with the advice of the appropriate advisory boards, may adopt  
 35 rules for certifying inspectors as being qualified to enforce one or more particular specialty codes,  
 36 subject to any terms, conditions and classifications the [*director*] **commissioner** may impose, and for  
 37 revoking those certifications in the manner provided in ORS 455.740.

38 **SECTION 231.** ORS 455.723 is amended to read:

39 455.723. (1) The [*Director of the Department of Consumer and Business Services*] **Commissioner**  
 40 **of the Bureau of Labor and Industries**, with the advice of the appropriate advisory boards, may  
 41 adopt rules establishing one or more programs to train, qualify and certify an individual as a spe-  
 42 cialized building inspector authorized to enforce portions of specialty codes. Notwithstanding ORS  
 43 455.720 (1) and 455.725, the rules may include, but need not be limited to, rules that establish:

- 44 (a) Work experience, training and other qualifications for program participation;
- 45 (b) Content and presentation requirements for training programs;

1 (c) Methods for verifying the qualification of the individual to enforce portions of specialty codes  
2 as a specialized building inspector certified under this section;

3 (d) The portions of various specialty codes that each program will enable a qualifying individual  
4 to enforce and any terms, conditions or classifications applicable for that enforcement; and

5 (e) Requirements the [director] **commissioner** believes reasonable for the administration and  
6 enforcement of this section.

7 (2) Notwithstanding ORS 446.250, 455.630, 455.720, 455.725, 479.530, 479.810 and 479.855, the [di-  
8 rector] **commissioner** may issue or cause to be issued a certificate as a specialized building in-  
9 spector to an individual who successfully completes an approved training program and satisfies  
10 qualification verification under this section.

11 (3) An individual certified as a specialized building inspector under this section may conduct  
12 inspections and enforce portions of specialty codes under ORS 479.510 to 479.945 and 479.950 and  
13 this chapter and ORS chapters 446, 447 and 693 as identified by the [director] **commissioner**. The  
14 enforcement of portions of specialty codes by a specialized building inspector is subject to any  
15 terms, conditions or classifications applicable to that enforcement established by the [director]  
16 **commissioner** by rule.

17 **SECTION 232.** ORS 455.725 is amended to read:

18 455.725. (1) Upon application, the [Director of the Department of Consumer and Business  
19 Services] **Commissioner of the Bureau of Labor and Industries** or an authorized representative  
20 shall examine and evaluate any program or facility established by a municipality or educational in-  
21 stitution for the training of building officials, inspectors and specialty code inspectors and plan re-  
22 viewers licensed under ORS 455.457.

23 (2) If the [director] **commissioner** finds that a training program is qualified under the minimum  
24 requirements established pursuant to ORS 455.720, the [director] **commissioner** shall, in writing,  
25 certify the training program as being qualified for such a period of time and upon such conditions  
26 as the [director] **commissioner** may prescribe. An individual complies with any minimum require-  
27 ment for building officials or inspectors established pursuant to ORS 455.720 when the individual  
28 satisfactorily completes a training program certified under this section.

29 **SECTION 233.** ORS 455.732 is amended to read:

30 455.732. (1) As used in this section, "building code administrative region" means a region es-  
31 tablished by the [Director of the Department of Consumer and Business Services] **Commissioner of**  
32 **the Bureau of Labor and Industries** under ORS 455.042 for the uniform administration of the state  
33 building code.

34 (2) The authority of the [director] **commissioner** under ORS 455.720 and 455.723 to specify  
35 terms, conditions and classifications for the certification of inspectors includes the authority to  
36 certify an inspector to perform inspections under multiple specialty codes or parts of a specialty  
37 code.

38 (3) The [director] **commissioner** may provide for an inspector who is likely to be employed  
39 within a specific building code administrative region to be certified to perform inspections through-  
40 out a building code administrative region, whether within or outside of a municipality. The  
41 [director] **commissioner** may recognize any training program certified by the [director] **commis-  
42 sioner** under ORS 455.723 or 455.725 for purposes of certifying an inspector to perform inspections  
43 throughout a building code administrative region. This subsection does not require a municipality  
44 administering and enforcing a building inspection program under ORS 455.148 or 455.150 to allow  
45 an inspector certified under this subsection who is not employed by the municipality to perform

1 building inspections on behalf of the municipality.

2 (4) In determining the appropriate experience, training or other qualifications for an inspector  
3 under ORS 455.720 or 455.723, the [*director*] **commissioner** shall consult with the appropriate advi-  
4 sory boards. The factors to be considered by the [*director*] **commissioner** may include, but need not  
5 be limited to:

6 (a) Any factors specific to, or of particular relevance to, a specialty code or to the types of  
7 buildings, structures, systems or equipment in a geographic area that are inspected under the spe-  
8 cialty code;

9 (b) Staffing levels or other specific criteria for building inspection programs established by a  
10 municipality where the inspector is likely to be employed or for building inspection programs es-  
11 tablished by the [*director*] **commissioner**; and

12 (c) Any factors specific to, or of particular relevance to, the building code administrative region  
13 within which the inspector is likely to be employed.

14 (5) In determining the scope of certifications and qualifications for an inspector, the [*director*]  
15 **commissioner** may utilize field training equivalency, independent evaluations or other methods the  
16 [*director*] **commissioner** deems appropriate.

17 **SECTION 234.** ORS 455.735 is amended to read:

18 455.735. (1) The [*Director of the Department of Consumer and Business Services*] **Commissioner**  
19 **of the Bureau of Labor and Industries** may issue certificates for building officials and building  
20 inspectors under ORS 455.715 to 455.740.

21 (2) Any person desiring issuance of an initial certificate as a building official or inspector shall  
22 make application to the [*director*] **commissioner** upon such forms as the [*director*] **commissioner**  
23 may prescribe for such purpose and pay an application fee.

24 (3) If the [*director*] **commissioner** requires, by rule, an applicant for a particular certification  
25 to pass an examination prepared by a national organization, the applicant shall pay in addition to  
26 the fee required in subsection (2) of this section, the cost of the examination. If the [*director*] **com-**  
27 **missioner** requires an applicant for certification to pass an examination administered by the [*De-*  
28 *partment of Consumer and Business Services*] **Bureau of Labor and Industries**, the [*department*]  
29 **bureau** may charge the applicant an examination administration fee.

30 (4) Upon determining that the applicant is qualified under ORS 455.715 to 455.740, the  
31 [*director*] **commissioner** shall issue a certificate or cause a certificate to be issued to the applicant.

32 (5) A certificate issued under this section shall be valid for a term established by the  
33 [*department*] **bureau** by rule. An applicant for renewal of a certificate shall submit an application  
34 on a form approved by the [*director*] **commissioner** and pay a renewal application fee.

35 (6) The [*department*] **bureau** may adopt rules establishing certificate renewal requirements and  
36 establishing reasonable fees under this section.

37 (7) The [*department*] **bureau** may charge fees for participation in training programs approved  
38 or established by the [*department*] **bureau** under ORS 455.220 or 455.715 to 455.740.

39 **SECTION 235.** ORS 455.737 is amended to read:

40 455.737. (1) Notwithstanding ORS 455.720 (1), the [*Director of the Department of Consumer and*  
41 *Business Services*] **Commissioner of the Bureau of Labor and Industries**, by rule, shall adopt  
42 criteria for review of the experience and training in building inspection and building plan review  
43 acquired by a person outside the State of Oregon. The criteria shall be adopted in a manner that  
44 facilitates review of a person's qualifications by a local building official.

45 (2)(a) A local building official who wishes to employ a person who is not certified under ORS

1 455.735 as an inspector shall submit the person's qualifications to the [director] **commissioner**. The  
 2 [director] **commissioner** shall review the stated qualifications against the criteria adopted under  
 3 subsection (1) of this section, including verification of experience and training. The [director] **com-**  
 4 **missioner** shall respond to the local building official in writing within 10 working days of receiving  
 5 the applicant's qualifications, stating whether the person meets the applicable criteria.

6 (b) Upon application and payment of the required fee, the [director] **commissioner** shall allow  
 7 a person whose qualifications meet the criteria adopted under subsection (1) of this section to sit  
 8 for any examination necessary for the required certification.

9 **SECTION 236.** ORS 455.740 is amended to read:

10 455.740. (1) Subject to ORS chapter 183, the [*Director of the Department of Consumer and Busi-*  
 11 *ness Services*] **Commissioner of the Bureau of Labor and Industries** may deny, condition, sus-  
 12 pend, revoke or refuse to renew a certificate of a building official or inspector if the [director]  
 13 **commissioner** finds that the building official or inspector has:

- 14 (a) Consistently failed to act in the public interest in the performance of duties;
- 15 (b) Failed to complete the continuing education requirements as required under ORS 455.720 (4);
- 16 (c) Provided false information to the [*department*] **bureau**; or
- 17 (d) Committed an act described in ORS 455.125 or 455.129.

18 (2) In any revocation proceeding under this section, the municipality that employs the building  
 19 official or inspector shall be entitled to appear as a party in interest, either for or against the re-  
 20 vocation.

21 (3) When a certification is suspended or revoked under this section, the [director] **commissioner**  
 22 may also suspend, deny or place conditions on that person's right to reapply for certification under  
 23 ORS 455.735 for a period not to exceed 12 months.

24 (4) This section does not limit or otherwise affect the authority of a municipality to dismiss or  
 25 suspend a building official or inspector at the discretion of the municipality.

26 (5) Notwithstanding the requirements of subsections (1) to (4) of this section, the [director]  
 27 **commissioner** may adopt rules that:

- 28 (a) Allow certifications to be placed on inactive status; and
- 29 (b) Extend continuing education compliance requirements in case of illness or hardship.

30 **SECTION 237.** ORS 455.770 is amended to read:

31 455.770. (1) In addition to any other authority and power granted to the [*Director of the De-*  
 32 *partment of Consumer and Business Services*] **Commissioner of the Bureau of Labor and Indus-**  
 33 **tries** under ORS 446.003 to 446.200, 446.225 to 446.285, 446.395 to 446.420, 479.510 to 479.945, 479.995  
 34 and 480.510 to 480.670 and this chapter and ORS chapters 447, 460 and 693, with respect to  
 35 municipalities, building officials and inspectors, if the [director] **commissioner** has reason to believe  
 36 that there is a failure to enforce or a violation of any provision of the state building code or ORS  
 37 446.003 to 446.200, 446.225 to 446.285, 446.395 to 446.420, 479.510 to 479.945, 479.995 or 480.510 to  
 38 480.670 or this chapter or ORS chapter 447, 460 or 693 or any rule adopted under those statutes, the  
 39 [director] **commissioner** may:

- 40 (a) Examine building code activities of the municipality;
- 41 (b) Take sworn testimony; and
- 42 (c) With the authorization of the Office of the Attorney General, subpoena persons and records  
 43 to obtain testimony on official actions that were taken or omitted or to obtain documents otherwise  
 44 subject to public inspection under ORS 192.311 to 192.478.

45 (2) The investigative authority authorized in subsection (1) of this section covers the violation



1 or omission by a municipality related to enforcement of codes or administrative rules, certification  
 2 of inspectors or financial transactions dealing with permit fees and surcharges under any of the  
 3 following circumstances when:

4 (a) The duties are clearly established by law, rule or agreement;

5 (b) The duty involves procedures for which the means and methods are clearly established by  
 6 law, rule or agreement; or

7 (c) The duty is described by clear performance standards.

8 (3) Prior to starting an investigation under subsection (1) of this section, the [*director*] **com-**  
 9 **missioner** shall notify the municipality in writing setting forth the allegation and the rules or  
 10 statutes pertaining to the allegation and give the municipality 30 days to respond to the allegation.  
 11 If the municipality does not satisfy the [*director's*] **commissioner's** concerns, the [*director*] **com-**  
 12 **missioner** may then commence an investigation.

13 (4) If the [*Department of Consumer and Business Services*] **Bureau of Labor and Industries** or  
 14 the [*director*] **commissioner** directs corrective action, the following shall be done:

15 (a) The corrective action shall be in writing and served on the building official and the chief  
 16 executive officers of all municipalities affected;

17 (b) The corrective action shall identify the facts and law relied upon for the required action; and

18 (c) A reasonable time shall be provided to the municipality for compliance.

19 (5) The [*director*] **commissioner** may revoke any authority of the municipality to administer any  
 20 part of the state building code or ORS 446.003 to 446.200, 446.225 to 446.285, 446.395 to 446.420,  
 21 479.510 to 479.945, 479.995 or 480.510 to 480.670 or this chapter or ORS chapter 447, 460 or 693 or  
 22 any rule adopted under those statutes if the [*director*] **commissioner** determines after a hearing  
 23 conducted under ORS 183.413 to 183.497 that:

24 (a) All of the requirements of this section and ORS 455.775 and 455.895 were met; and

25 (b) The municipality did not comply with the corrective action required.

26 **SECTION 238.** ORS 455.775 is amended to read:

27 455.775. In addition to any other authority and power granted under this chapter and ORS  
 28 chapters 446, 447, 460, 479, 480 and 693:

29 (1) The [*Director of the Department of Consumer and Business Services*] **Commissioner of the**  
 30 **Bureau of Labor and Industries** may, at the discretion of the [*director*] **commissioner**, enforce the  
 31 provisions of the state building code and ORS 446.003 to 446.200, 446.225 to 446.285, 446.395 to  
 32 446.420, 479.510 to 479.945, 479.950, 479.995 and 480.510 to 480.670 and this chapter and ORS chap-  
 33 ters 447, 460 and 693 against any person regardless of whether a permit, certificate, license or other  
 34 indicia of authority has been issued. The [*director*] **commissioner** may:

35 (a) Make an investigation;

36 (b) Take sworn testimony;

37 (c) With the authorization of the Office of the Attorney General, subpoena persons and records;

38 (d) Order corrective action; and

39 (e) If an immediate hazard to health and safety is imminent, issue an order to stop all or any  
 40 part of the work under the applicable specialty code.

41 (2) If the [*director*] **commissioner** has reason to believe that any person has been engaged, or  
 42 is engaging, or is about to engage in any violation of the state building code, or ORS 446.003 to  
 43 446.200, 446.225 to 446.285, 446.395 to 446.420, 479.510 to 479.945, 479.950 or 480.510 to 480.670 or this  
 44 chapter or ORS chapter 447, 460 or 693 or any rule adopted under those statutes, the [*director*]  
 45 **commissioner** may issue an order, subject to ORS 183.413 to 183.497, directed to the person to

1 cease and desist from the violation or threatened violation.

2 (3) If the [*director*] **commissioner** has reason to believe that any person has been engaged, or  
 3 is engaging, or is about to engage in any violation of the state building code or ORS 446.003 to  
 4 446.200, 446.225 to 446.285, 446.395 to 446.420, 479.510 to 479.945, 479.950 or 480.510 to 480.670 or this  
 5 chapter or ORS chapters 447, 460 and 693 or any rule adopted under those statutes, the [*director*]  
 6 **commissioner** may, without bond, bring suit in the name and on behalf of the State of Oregon in  
 7 the circuit court of any county of this state to enjoin the acts or practices and to enforce compli-  
 8 ance with the state building code and ORS 446.003 to 446.200, 446.225 to 446.285, 446.395 to 446.420,  
 9 479.510 to 479.945, 479.950 and 480.510 to 480.670 and this chapter and ORS chapters 447, 460 and  
 10 693 and any rule adopted under those statutes. Upon a proper showing, a permanent or temporary  
 11 injunction, restraining order or writ of mandamus shall be granted.

12 (4) This section does not grant any authority over a municipality or an inspector employed by  
 13 a municipality.

14 **SECTION 239.** ORS 455.800 is amended to read:

15 455.800. As used in ORS 455.800 to 455.820:

16 (1) "Building official" means a person who is a building official as defined in ORS 455.715 or a  
 17 [*Department of Consumer and Business Services*] **Bureau of Labor and Industries** employee  
 18 charged with enforcement or administration of the state building code.

19 (2) "Building trade committee" means a group composed of experienced and knowledgeable local  
 20 general contractors or other persons having substantial expertise in various aspects of one and two  
 21 family dwelling construction under the Low-Rise Residential Dwelling Code.

22 (3) "General contractor" has the meaning given that term in ORS 701.005.

23 (4) "Master builder" means a person certified under ORS 455.810.

24 (5) "Qualified construction company" means a company that has been:

25 (a) Continuously licensed by the Construction Contractors Board during the preceding 60  
 26 months as a general contractor; or

27 (b) Continuously licensed by the Construction Contractors Board during at least the preceding  
 28 24 months as a general contractor and by one or more other states during the balance of the pre-  
 29 ceding 60 months in an occupation equivalent to that of a general contractor.

30 (6) "Regular employee" means a person who:

31 (a) Is continuously employed by, and on the regular payroll of, a qualified construction company;

32 (b) Has filed a withholding statement or an exemption certificate pursuant to ORS 316.182 for  
 33 work performed for the qualified construction company; and

34 (c) Is available during working hours to supervise on-site dwelling construction, including but  
 35 not limited to supervising the installation of:

36 (A) Drywall;

37 (B) Electrical systems;

38 (C) Footings;

39 (D) Foundations;

40 (E) Framing;

41 (F) Insulation;

42 (G) Mechanical systems;

43 (H) Plumbing systems; and

44 (I) Stairs.

45 (7) "Whole dwelling remodel" means a project that includes the installation in an existing

1 dwelling of all of the following:

- 2 (a) Drywall;
- 3 (b) Electrical systems;
- 4 (c) Footings;
- 5 (d) Foundations;
- 6 (e) Framing;
- 7 (f) Insulation;
- 8 (g) Mechanical systems; and
- 9 (h) Plumbing systems.

10 **SECTION 240.** ORS 455.805 is amended to read:

11 455.805. An individual may apply to the [*Department of Consumer and Business Services*] **Bureau**  
 12 **of Labor and Industries** to be tested and certified as a master builder. The [*department*] **bureau**  
 13 shall establish uniform criteria for use in determining whether to grant an application. The criteria  
 14 must, at a minimum, provide that:

15 (1) The individual must be an owner or regular employee of a qualified construction company  
 16 and be authorized by the company to provide assurance to the [*department*] **bureau** that all state  
 17 and local code requirements are met.

18 (2) In each of the five preceding calendar years, the individual must either have performed or  
 19 supervised a dwelling construction or whole dwelling remodel. In at least two of the years, the  
 20 construction or remodel must have occurred in a geographic area that had a master builder pro-  
 21 gram.

22 (3) The individual must have completed a program sponsored by a local building trade committee  
 23 or other program approved by the [*department*] **bureau**, providing training relating to the con-  
 24 struction of one and two family dwellings under the Low-Rise Residential Dwelling Code. A program  
 25 must include but need not be limited to instruction in:

- 26 (a) Administration;
- 27 (b) Chimneys and fireplaces;
- 28 (c) Decay and termite protections;
- 29 (d) Energy conservation;
- 30 (e) Footings and foundations;
- 31 (f) Roof-ceiling construction;
- 32 (g) Roof coverings;
- 33 (h) Site inspections;
- 34 (i) Wall construction, assemblies and coverings; and
- 35 (j) Wood and metal framing.

36 (4) The individual must have scored at least 75 percent on a written examination, approved and  
 37 administered by the [*department*] **bureau**, covering the appropriate aspects of the Low-Rise Resi-  
 38 dential Dwelling Code.

39 (5)(a) The individual must not be the subject of an adverse final order issued by the Construction  
 40 Contractors Board or [*Department of Consumer and Business Services*] **Bureau of Labor and In-**  
 41 **dustries** based upon acts committed within 36 months preceding the application date that:

- 42 (A) Violated a specialty code, licensing or permit requirement; or
- 43 (B) Resulted in a claim being filed with the board or [*department*] **bureau** against the individual.

44 (b) For purposes of this subsection, if the individual is an owner of a qualified construction  
 45 company, an adverse final order issued against the company is an adverse final order issued against

1 that individual.

2 **SECTION 241.** ORS 455.810 is amended to read:

3 455.810. (1) An individual seeking certification as a master builder must apply to the [*Department*  
4 *of Consumer and Business Services*] **Bureau of Labor and Industries** on the form prescribed by the  
5 [*department*] **bureau**. Upon determining that the applicant meets the criteria for certification set  
6 forth in ORS 455.805, the [*department*] **bureau** shall issue the certificate.

7 (2) Certification as a master builder is valid for three years unless suspended or revoked. An  
8 individual may renew a certificate that is in good standing by:

9 (a) Providing evidence of continuing education as required by [*department*] **bureau** rule; and

10 (b) Paying a renewal fee established by the [*department*] **bureau** by rule.

11 (3) The [*department*] **bureau** may deny, refuse to renew, suspend or revoke certification as a  
12 master builder if the individual fails or ceases to meet the criteria for certification set forth in ORS  
13 455.805 or engages in actions resulting in a waiver revocation under ORS 455.820 (3). The [*depart-*  
14 *ment*] **bureau** must afford an individual an opportunity for a hearing pursuant to ORS chapter 183  
15 upon a denial or refusal to renew or prior to a suspension or revocation of certification.

16 (4) The [*department*] **bureau** may adopt all rules necessary and proper for administering ORS  
17 455.800 to 455.820, including but not limited to rules establishing application, examination, certi-  
18 fication and renewal fees.

19 **SECTION 242.** ORS 455.815 is amended to read:

20 455.815. (1) Local government establishment of a master builder program is voluntary. A local  
21 government electing to establish or terminate a program shall notify the [*Department of Consumer*  
22 *and Business Services*] **Bureau of Labor and Industries**. If terminating a program, the local gov-  
23 ernment must give the notice six months before the program terminates.

24 (2) The [*Department of Consumer and Business Services*] **Bureau of Labor and Industries** may  
25 implement a master builder program in one or more geographic areas for which the [*department*]  
26 **bureau** provides plan review or inspection services. A [*department*] **bureau** decision to include an  
27 area as a participant in the program affects only those areas, and those reviews or inspections, for  
28 which the [*department*] **bureau** provides services instead of a local government. The [*department*]  
29 **bureau** shall notify a county prior to implementing a master builder program in areas of the county  
30 that are served by the [*department*] **bureau**.

31 (3) A local government may not allow an individual to perform the duties of a master builder  
32 unless the local government has a master builder program. The [*department*] **bureau** may allow an  
33 individual to perform the duties of a master builder in any geographic area administered by the  
34 [*department*] **bureau**.

35 (4) A building official of a government having a master builder program may waive plan review  
36 elements by that government and may waive government performance of one or more of the required  
37 inspections identified by [*department*] **bureau** rule, including but not limited to inspections described  
38 in subsection (6) of this section, if:

39 (a) An individual certified as a master builder submits construction plans for a one or two family  
40 dwelling regulated by the Low-Rise Residential Dwelling Code; and

41 (b) The building official determines that:

42 (A) The work is not of a highly technical nature; and

43 (B) There is no unreasonable potential risk to safety of the structure.

44 (5) A building official may not waive government performance of plan review or required in-  
45 spections for:

1 (a) Special design applications that are complex and highly technical engineered systems; or

2 (b) Unique building sites, including but not limited to sites containing geologic hazards such as  
3 landslide hazard areas, floodplains and wetlands.

4 (6) Subject to subsections (3) to (5) of this section, a building official may allow a master builder  
5 to verify that the master builder has properly performed an installation on a project and, to the  
6 extent that inspection would duplicate the verification conducted by the master builder, may waive  
7 government performance of the following required inspections:

8 (a) Drywall;

9 (b) Footings and setbacks;

10 (c) Foundation walls, Ufer grounding rods and rebar;

11 (d) Insulation;

12 (e) Masonry fireplace pre-cover;

13 (f) Masonry rebar;

14 (g) Gutters, downspouts and foundation drains;

15 (h) Roof sheathing nailing;

16 (i) Suspended ceilings;

17 (j) Underfloor structural; and

18 (k) Wall sheathing nailing.

19 **SECTION 243.** ORS 455.820 is amended to read:

20 455.820. (1) A master builder must perform all plan review and required verifications for which  
21 government review or inspection has been waived by a building official. The master builder shall  
22 maintain copies of all documents and reports required by the government granting the waiver and  
23 provide those copies to the building official.

24 (2) When waiving government performance of plan review or required inspections, a building  
25 official shall require the master builder to sign a form that specifically identifies each waiver and  
26 states that the master builder accepts the duty of performing the review and verifications. A master  
27 builder who accepts the duty of performing a review or verification remains responsible for that  
28 duty unless released by written and signed permission of the building official. A building official may  
29 release a master builder from a review or verification duty by a written and signed assumption of  
30 the review or inspection duty by the building official or written and signed assumption of the review  
31 and verification duty by another master builder.

32 (3) A building official for a government that has a master builder program:

33 (a) Must conduct inspections of at least 10 percent of projects that are built under a master  
34 builder program;

35 (b) May revoke a waiver for a plan review or required inspection if the master builder fails to  
36 properly perform, or document performance of, review or verification duties; and

37 (c) Must notify the [*Department of Consumer and Business Services*] **Bureau of Labor and In-**  
38 **dustries** when the official revokes a waiver pursuant to paragraph (b) of this subsection.

39 (4) When revoking a waiver, a building official shall provide the master builder with a release  
40 under subsection (2) of this section from future performance of review or verification duties. A re-  
41 lease does not relieve a master builder from liability for the failure to perform, or document per-  
42 formance of, review or verification duties prior to the revocation of the waiver.

43 (5) A government having a master builder program has no legal duty with regard to plan review  
44 or required inspections properly waived under ORS 455.815 and accepted by a master builder in a  
45 signed form described under subsection (2) of this section. This subsection does not release a gov-

ernment from a duty arising due to a waiver revocation under subsection (3) of this section or an assumption under subsection (2) of this section.

(6) A local government may refuse to grant recognition to a certified master builder if a waiver granted to the master builder under that government's master builder program has been revoked pursuant to subsection (3)(b) of this section. If a waiver is revoked pursuant to subsection (3)(b) of this section, a local government or building official may send a recommendation to the [department] **bureau** for action against the master builder who was granted the waiver. The local government or building official may also send the [department] **bureau** any information supporting the recommendation.

**SECTION 244.** ORS 455.895 is amended to read:

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

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

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

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

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

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

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

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

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

1 section, the court may, in its discretion, reduce the penalty.

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

6 (9) In addition to the civil penalty set forth in subsection (1) or (2) of this section, any person  
 7 who violates a provision or rule described in subsection (2) of this section may be required by the  
 8 [department] **bureau** or the appropriate advisory board to forfeit and pay to the General Fund of the  
 9 State Treasury a civil penalty in an amount determined by the [department] **bureau** or advisory  
 10 board that does not exceed five times the amount by which such person profited in any transaction  
 11 that violates a provision or rule described in subsection (2) of this section.

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

18 **SECTION 245.** ORS 460.005 is amended to read:

19 460.005. As used in ORS 460.005 to 460.175, unless the context requires otherwise:

20 (1) "Alteration" means a change or addition to equipment, other than the ordinary repair or  
 21 replacement of an existing part of the equipment.

22 (2) "Certified elevator inspector" means an employee or representative of a casualty insurance  
 23 company or companies who has passed the required examination and has been issued a certificate  
 24 of competency as an elevator inspector by the [Department of Consumer and Business Services] **Bu-  
 25 reau of Labor and Industries**.

26 (3) "Elevator" means a hoisting and lowering mechanism equipped with a car or platform that  
 27 moves in guides, and that serves two or more landings, and includes but is not limited to  
 28 dumbwaiters, escalators, manlifts, platform hoists, vertical parking units for motor vehicles and  
 29 moving walks.

30 (4) "Elevator contractor license" means an authorization issued by the [department] **bureau** un-  
 31 der ORS 460.005 to 460.175 for the licensee to engage in the business of installing, altering, repairing  
 32 and maintaining elevators.

33 (5) "Installation permit" means a permit issued by the [department] **bureau** for the installation,  
 34 alteration or repair of an elevator.

35 (6) "Minimum safety standards" means safety standards provided by ORS 460.005 to 460.175 or  
 36 by rules adopted under ORS 460.005 to 460.175.

37 (7) "Moving walk" means a power-driven, horizontal or inclined, or combination, passenger-  
 38 carrying device, in which the passenger-carrying surface remains parallel to its direction of motion,  
 39 and is uninterrupted.

40 (8) "Operating permit" means a permit issued by the [department] **bureau** for the operation of  
 41 an elevator.

42 (9) "Platform hoist" means a hoisting and lowering mechanism equipped with an open platform  
 43 that moves in a substantially vertical direction and that travels a limited distance above or below  
 44 a building floor or dock level.

45 (10) "Provisional operating permit" means a permit issued by the [department] **bureau** on the

1 basis of a variance from the minimum safety standards under ORS 460.005 to 460.175.

2 (11) "Temporary operation authorization" means an authorization issued by the [department]  
 3 **bureau** to operate an elevator for a specified period pending the issuance of an operating permit.

4 **SECTION 246.** ORS 460.024 is amended to read:

5 460.024. The purpose of ORS 460.005 to 460.175 is to protect the health and safety of the people  
 6 of Oregon from the danger of unsafe elevators. To accomplish this purpose the Legislative Assembly  
 7 intends by ORS 460.005 to 460.175:

8 (1) To provide minimum safety standards for the installation, alteration, repair and maintenance  
 9 of elevators to be operated in this state.

10 (2) To ensure compliance with minimum safety standards in installation, alteration, repair and  
 11 maintenance of elevators to be operated within the state.

12 (3) To provide for the administration and enforcement of ORS 460.005 to 460.175 by the [De-  
 13 *partment of Consumer and Business Services*] **Bureau of Labor and Industries**.

14 (4) To provide for defraying the cost of administering and enforcing ORS 460.005 to 460.175 by  
 15 fees collected in connection with licensing, approval or rejection of plans, inspections, processing  
 16 reports and issuing of elevator installation permits and operating permits.

17 **SECTION 247.** ORS 460.035 is amended to read:

18 460.035. (1) Fees are not required under ORS 460.005 to 460.175 to install, alter, repair, operate  
 19 or maintain an elevator:

20 (a) Under the supervision of the United States Government.

21 (b) That is a nonpower-driven lifting device.

22 (c) Located in a private residence, except for initial installation.

23 (2) The owner or user of an elevator described in subsection (1) of this section may request that  
 24 the [Department of Consumer and Business Services] **Bureau of Labor and Industries** inspect the  
 25 elevator. If the [department] **bureau** performs the inspection, the [department] **bureau**,  
 26 notwithstanding subsection (1) of this section, may collect the appropriate fee for performing the  
 27 inspection.

28 (3) Pipes installed in an elevator hoistway prior to July 1, 1961, that do not convey gases or  
 29 liquids that would endanger life if discharged into the hoistway need not be removed.

30 (4) ORS 460.005 to 460.175 do not apply to:

31 (a) Belt, bucket, scoop, roller or similar type material conveyors.

32 (b) Hoists for raising or lowering materials and that are provided with unguided hooks, slings  
 33 and similar means for attachment to the materials.

34 (c) Material hoists used only to raise and lower building material in buildings under con-  
 35 struction.

36 (d) Stackers that serve one floor only.

37 (e) Window-washing scaffolds.

38 (f) Nonpower-driven lifting devices.

39 (g) Amusement rides.

40 (h) Mine elevators.

41 (i) Elevators under the supervision of the United States Government.

42 (j) Elevators located in private residences, except for initial installation permits and installation  
 43 inspections.

44 (k) Other elevators and equipment as provided by the [department] **bureau** by rule.

45 **SECTION 248.** ORS 460.045 is amended to read:



1 460.045. A person may not:

2 (1) Engage in the business of installation, alteration, repair or maintenance of an elevator  
3 without an elevator contractor license issued under ORS 460.005 to 460.175 or 479.510 to 479.945.

4 (2) Install, alter, repair or maintain an elevator unless the person possesses a valid license is-  
5 sued under ORS 460.059 or 479.630 (6).

6 (3) Install, alter, or commence to install or alter, an elevator covered by ORS 460.005 to 460.175  
7 unless the [*Department of Consumer and Business Services*] **Bureau of Labor and Industries** has  
8 issued an installation permit.

9 (4) Permit or suffer an elevator to be operated, without a valid temporary operation authori-  
10 zation or current operating permit, on property that the person owns, controls, manages or super-  
11 vises.

12 (5) Act or offer to act as a certified elevator inspector unless the person has a current certif-  
13 icate of competency as an elevator inspector issued by the [*department*] **bureau**.

14 (6) Place in service a new or altered elevator without a current operating permit issued after  
15 a satisfactory acceptance inspection made by the [*department*] **bureau** and satisfactory acceptance  
16 tests performed in the presence of a member of the [*department's*] **bureau's** staff of elevator in-  
17 spectors.

18 (7) Place in service an elevator that has caused an injury to a person or persons unless per-  
19 mission has been obtained from the [*department*] **bureau**.

20 **SECTION 249.** ORS 460.055 is amended to read:

21 460.055. (1) The [*Department of Consumer and Business Services*] **Bureau of Labor and Indus-**  
22 **tries** shall give its decision within a reasonable time, not exceeding 30 days:

23 (a) Approving or rejecting plans and pertinent data for proposed elevator installations or alter-  
24 ations submitted for the [*department's*] **bureau's** examination.

25 (b) Issuing or denying an installation permit.

26 (c) Issuing or denying a certificate of competency to applicants after examinations for the cer-  
27 tificate have been taken.

28 (d) Issuing or denying operating permits for elevators inspected by a member of the  
29 [*department's*] **bureau's** staff of elevator inspectors or by a certified elevator inspector.

30 (2) Except as provided in subsection (3) of this section operating permits may not be issued or  
31 renewed for elevators failing to meet minimum safety standards.

32 (3) A provisional operating permit may be issued for elevators whose safety standards vary from  
33 the minimum safety standards, if in the opinion of the [*department*] **bureau** no immediate hazard to  
34 health or safety exists. The [*department*] **bureau** shall issue a provisional operating permit for a  
35 specific period of time determined by the [*department*] **bureau** at the time the permit is granted.  
36 During the life of the provisional operating permit, the elevator must be brought into compliance  
37 with the safety standards found at variance at the time of the issuance of the provisional permit.

38 (4) The [*department*] **bureau** may adopt rules regarding installation permits and operating per-  
39 mits. The rules may include, but need not be limited to, rules for the use of standardized forms and  
40 terms and conditions for permit validity.

41 (5) The [*department*] **bureau** shall issue a certificate of competency as an elevator inspector only  
42 to an individual who has passed an examination administered by the [*department*] **bureau** for that  
43 purpose and who is employed by the [*department*] **bureau** or is a representative of a casualty in-  
44 surance company or companies as an elevator inspector. The examination shall:

45 (a) Include questions, the answers to which are confined to matters that will aid in determining

1 the fitness and competency of the applicant for the intended service.

2 (b) Include a practical demonstration of manipulative skill directly related to the intended ser-  
 3 vice, or the requirement of previous related experience in lieu of a practical demonstration.

4 (c) Be maintained on file with the records of practical demonstrations for no less than three  
 5 years and shall be produced by the [*department*] **bureau** upon the request of any court, or the  
 6 Electrical and Elevator Board, or a person with a legitimate interest.

7 (6) If for a period of more than two years after the person is issued a certificate of competency  
 8 as an elevator inspector, a holder of the certificate is not employed as an elevator inspector, the  
 9 person is not entitled to renewal of the certificate. The person may qualify for issuance of a new  
 10 certificate in the manner provided for in subsection (5) of this section.

11 **SECTION 250.** ORS 460.057 is amended to read:

12 460.057. The [*Department of Consumer and Business Services*] **Bureau of Labor and Industries**  
 13 may issue a special limited license to a person who can document to the satisfaction of the [*de-*  
 14 *partment*] **bureau** that the person possesses sufficient work experience in the mechanical aspects  
 15 of elevator installation, alteration, maintenance and repair acquired prior to October 23, 1999. In  
 16 addition to any other conditions or limitations imposed by [*department*] **bureau** rule on the scope  
 17 of work that may be performed under the license, the license shall limit the person to performing  
 18 mechanical installation, alteration, maintenance and repair on elevators.

19 **SECTION 251.** ORS 460.059 is amended to read:

20 460.059. The [*Department of Consumer and Business Services*] **Bureau of Labor and Industries**  
 21 may issue a special limited license to a person engaged in an approved apprenticeship program that  
 22 allows the person to engage in the installation, alteration, maintenance and repair of elevators. The  
 23 [*department*] **bureau**, after consultation with the Electrical and Elevator Board, shall establish con-  
 24 ditions and the specific scope of work that may be performed by a person licensed under this sec-  
 25 tion.

26 **SECTION 252.** ORS 460.061 is amended to read:

27 460.061. (1) As used in this section, “reciprocating conveyor” means a self-contained, power-  
 28 driven stationary device that moves objects on a platform equipped with safety guards, or that  
 29 moves individuals on a motorized chair, along a predetermined horizontal, inclined or vertical path  
 30 between loading and discharge points.

31 (2) The [*Department of Consumer and Business Services*] **Bureau of Labor and Industries** may  
 32 adopt rules establishing a reciprocating conveyor mechanic license and a restricted reciprocating  
 33 conveyor mechanic license that allow the holder to install, alter, repair and maintain the mechanical  
 34 portions of reciprocating conveyors.

35 (3) If the [*department*] **bureau** adopts rules under this section, the rules shall include, but need  
 36 not be limited to, rules that establish:

37 (a) Subject to subsection (4) of this section, the type of work experience and training required  
 38 to qualify for a reciprocating conveyor mechanic license or restricted reciprocating conveyor me-  
 39 chanic license;

40 (b) Supervision and oversight requirements for reciprocating conveyor mechanics or restricted  
 41 reciprocating conveyor mechanics; and

42 (c) Procedures for administering and enforcing this section and the rules adopted under this  
 43 section.

44 (4) An applicant for a reciprocating conveyor mechanic license must demonstrate 3,000 hours  
 45 of work experience in the installation, alteration, repair and maintenance of reciprocating conveyors

1 or of other forms of elevators identified by the [department] **bureau** by rule.

2 (5) ORS 460.045 (2) does not apply to a reciprocating conveyor mechanic or restricted  
3 reciprocating conveyor mechanic engaged in installing, altering, repairing or maintaining the me-  
4 chanical portions of a reciprocating conveyor.

5 (6) [Department] **Bureau** rules adopted under this section may not prohibit a person who holds  
6 a license issued under ORS 460.057, 460.059 or 479.630 (6) from installing, altering, repairing or  
7 maintaining reciprocating conveyors or prohibit a limited journeyman electrician licensed under  
8 ORS 479.630 (5) from repairing or maintaining a reciprocating conveyor located in an industrial  
9 plant.

10 (7) Notwithstanding ORS 460.045 (2), a person is exempt from any licensing requirement estab-  
11 lished by rules adopted under this section or established under ORS 460.057, 460.059 or 479.630 (6)  
12 when engaging in the installation, alteration, repair or maintenance of the mechanical portions of  
13 a reciprocating conveyor that is located in a residence and designed for moving an individual on a  
14 motorized chair.

15 (8)(a) The fee for the issuance or renewal of a reciprocating conveyor mechanic license is \$100  
16 per year.

17 (b) The fee for the issuance or renewal of a restricted reciprocating conveyor mechanic license  
18 is \$50 for a three-year period.

19 **SECTION 253.** ORS 460.065 is amended to read:

20 460.065. (1) A certified elevator inspector certificate of competency expires on December 31 of  
21 the year in which the certificate is issued or on a date established by rule of the [Department of  
22 Consumer and Business Services] **Bureau of Labor and Industries**.

23 (2) An elevator installation permit or operating permit expires on a date established by [de-  
24 partment] **bureau** rule.

25 (3) Except as provided in ORS 460.055, a holder of a valid elevator inspector certificate of  
26 competency or elevator operating permit who has complied with ORS 460.005 to 460.175 and the  
27 rules adopted under ORS 460.085 (1) is entitled to renewal at the expiration of the certificate or  
28 permit.

29 **SECTION 254.** ORS 460.075 is amended to read:

30 460.075. (1) Subject to the provisions of ORS chapter 183, the [Department of Consumer and  
31 Business Services] **Bureau of Labor and Industries** may cancel, revoke or suspend the installation  
32 permit, temporary operation authorization or operating permit for any elevator that does not comply  
33 with minimum safety standards.

34 (2) Subject to the provisions of ORS chapter 183, the [department] **bureau** may suspend or re-  
35 voke the certificate of competency of any certified elevator inspector:

36 (a) Whom the [department] **bureau** finds to be performing the work in a manner inconsistent  
37 with the intent and purposes of ORS 460.005 to 460.175.

38 (b) Who fails to file in advance with the [department] **bureau** the name of any company for  
39 which the inspector performs an inspection.

40 (c) Who willfully violates ORS 460.005 to 460.175 or rules adopted under ORS 460.085 (1).

41 (d) Who deliberately falsified the application of the inspector for the certificate or the inspection  
42 report made to the [department] **bureau**.

43 (e) Who persistently fails to properly report to the [department] **bureau** in writing regarding  
44 elevators inspected by the inspector.

45 **SECTION 255.** ORS 460.085 is amended to read:

1 460.085. (1) In accordance with the applicable provisions of ORS chapter 183, the [*Director of the*  
2 *Department of Consumer and Business Services*] **Commissioner of the Bureau of Labor and In-**  
3 **dustries**, after consultation with the Electrical and Elevator Board, shall adopt reasonable rules:

4 (a) Establishing safety standards applicable to the installation of elevators.

5 (b) Establishing safety standards applicable to the alteration, repair or maintenance of elevators.

6 The [*director*] **commissioner** may provide differing standards for elevators installed prior to July  
7 1, 1961, and after July 1, 1961.

8 (c) Governing the issuance, renewal, suspension and revocation of permits and certificates of  
9 competency issued under ORS 460.005 to 460.175.

10 (d) Prescribing the time, place and circumstances under which permits, licenses and certificates  
11 of competency shall be exhibited for inspection.

12 (e) Governing the internal organization and procedure of the [*Department of Consumer and*  
13 *Business Services*] **Bureau of Labor and Industries** for administering and enforcing ORS 460.005  
14 to 460.175.

15 (f) Prescribing, requiring and governing reports by the [*department's*] **bureau's** staff of elevator  
16 inspectors and certified elevator inspectors on elevators inspected by them.

17 (g) Establishing standards, criteria and intervals for the periodic inspection under ORS 460.125  
18 of the various types of elevators.

19 (h) Establishing standards for the inspection of, and safety testing on, a new or altered elevator  
20 prior to placement of the elevator into service.

21 (i) Establishing reasonable fees, in addition to the fees established by ORS 460.165, that the  
22 [*department*] **bureau** considers appropriate for the purpose of administering and enforcing ORS  
23 460.005 to 460.175.

24 (2) In adopting rules under subsection (1) of this section, the [*director*] **commissioner** shall  
25 consider:

26 (a) Technological advances in the elevator industry.

27 (b) The practicability of following the standards under consideration, if adopted.

28 (c) The probability, extent and gravity of the injury to the public or property that would result  
29 from failure to follow the standards under consideration.

30 (d) Safety standards followed, proposed or approved by responsible members of the elevator in-  
31 dustry.

32 (3) The sole purpose of subsection (1)(b) of this section is to provide reasonable safety for life  
33 and limb. In case of practical difficulty or unnecessary hardship, the [*director*] **commissioner** shall  
34 grant exceptions from the literal requirements or permit the use of other devices or methods than  
35 specified pursuant to subsection (1)(b) of this section when it is evident that reasonable safety is  
36 thereby secured.

37 (4) Any owner, user or other person aggrieved by the application by the [*department*] **bureau**  
38 of the minimum safety standards established by the [*director*] **commissioner** pursuant to subsection  
39 (1)(b) of this section may appeal in the same manner and for the same reasons as provided under  
40 ORS 460.155.

41 **SECTION 256.** ORS 460.125 is amended to read:

42 460.125. (1) The [*Department of Consumer and Business Services*] **Bureau of Labor and Indus-**  
43 **tries** shall:

44 (a) Except as provided in this subsection, periodically inspect each elevator to ascertain if the  
45 elevator is being operated and maintained in accordance with ORS 460.005 to 460.175. The [*de-*

1 *partment*] **bureau** is not required to inspect an elevator if the [*department*] **bureau** is notified in  
 2 writing, by the employer of a certified elevator inspector, that inspection will be made by the cer-  
 3 tified inspector and a copy of the inspection report is filed with the [*department*] **bureau** within 30  
 4 days of the date the elevator is due for inspection.

5 (b) Periodically check the authenticity, appropriateness and expiration date of elevator operat-  
 6 ing permits.

7 (c) Review with the Electrical and Elevator Board any appeals from the decisions of the in-  
 8 spectors.

9 (d) To the extent necessary to ensure safety, perform inspections and witness safety tests of new  
 10 or altered elevators before the elevators are placed in service.

11 (2) Inspection reports provided to owners, users or other affected parties shall contain a notifi-  
 12 cation of the right of appeal as provided in ORS 460.155.

13 (3) If the [*department*] **bureau** finds that an elevator is not being operated in compliance with  
 14 ORS 460.005 to 460.175, and the rules adopted under ORS 460.005 to 460.175, the [*department*] **bu-**  
 15 **reau** may cause the elevator to be disconnected from the source of power for the elevator. The  
 16 [*department*] **bureau** shall give reasonable notice to the owner or operator prior to causing the el-  
 17 evator to be disconnected unless continued operation of the elevator would constitute an immediate  
 18 hazard to the health and safety of persons.

19 **SECTION 257.** ORS 460.135 is amended to read:

20 460.135. For the purpose of discharging any duty imposed by or exercising any authority con-  
 21 ferred by ORS 460.005 to 460.175, the [*Department of Consumer and Business Services*] **Bureau of**  
 22 **Labor and Industries** may, during reasonable hours, enter any building, enclosure or upon any  
 23 premises where an elevator is in operation or about to be put into operation. No person shall ob-  
 24 struct or interfere with the [*department*] **bureau** in the performance of its duties or the exercise of  
 25 any authority conferred by ORS 460.005 to 460.175.

26 **SECTION 258.** ORS 460.145 is amended to read:

27 460.145. When it appears to the [*Department of Consumer and Business Services*] **Bureau of**  
 28 **Labor and Industries** that a person subject to ORS 460.005 to 460.175 is engaged or about to en-  
 29 gage in an act or practice which constitutes a violation of ORS 460.005 to 460.175 or rules issued  
 30 thereunder, the [*department*] **bureau** may, without bond, obtain an order from an appropriate circuit  
 31 court restraining or enjoining such act or practice.

32 **SECTION 259.** ORS 460.155 is amended to read:

33 460.155. (1) The [*Department of Consumer and Business Services*] **Bureau of Labor and Indus-**  
 34 **tries** shall hear the appeal of an appellant:

35 (a) Who has filed a written request:

36 (A) Within 10 days of receiving written notice that an injunction will be sought; or

37 (B) Within 30 days after receiving notice that a permit or certificate of competency will be  
 38 canceled, revoked or suspended; or

39 (b) Who is affected by a notice described in paragraph (a) of this subsection.

40 (2) If there is a timely appeal, the injunction will not be sought or the permit or certificate of  
 41 competency will not be canceled, suspended or revoked pending the appeal unless the reason for the  
 42 injunction, cancellation, suspension or revocation constitutes an immediate menace to health or  
 43 safety.

44 (3) The [*department*] **bureau** shall likewise hear the appeal of an appellant who has filed a  
 45 written request and who has reason to desire a change in the minimum safety standards or the rules

1 under ORS 460.005 to 460.175, or has been denied a permit under ORS 460.055 or a certificate of  
 2 competency.

3 (4) The *[department]* **bureau** shall set the time and place for hearing and give the appellant 10  
 4 days' written notice.

5 (5) All appeals shall be heard within three months of receipt of the request, except that if im-  
 6 mediate menace to health or safety is involved the appeal shall be heard within 20 days of receipt  
 7 of the request.

8 (6)(a) Two or more appeals may be consolidated for hearing, if based upon substantially the same  
 9 facts.

10 (b) The *[department]* **bureau** and the appellant may subpoena witnesses who shall receive the  
 11 same compensation and mileage pay as circuit court witnesses.

12 (c) The appeal shall be heard by the *[department]* **bureau** before the Electrical and Elevator  
 13 Board.

14 (d) A written record shall be kept.

15 (e) The *[department]* **bureau** shall determine the appeal after consultation with and giving con-  
 16 sideration to the views of the board.

17 (7) Judicial review of any final order or decision of the *[department]* **bureau** shall be taken  
 18 pursuant to the provisions of ORS chapter 183.

19 **SECTION 260.** ORS 460.165 is amended to read:

20 460.165. (1) Subject to ORS 460.035 (1) and 460.085 (1), the *[Department of Consumer and Business*  
 21 *Services]* **Bureau of Labor and Industries** may collect the following fees:

22 (a) For each year of an elevator contractor's license for each place of business operated by the  
 23 applicant, \$195.

24 (b) For the submission of plans and other pertinent data when required, for each elevator, \$78.

25 (c) For each year of an inspection period for an operating permit:

26 (A) A dumbwaiter, sidewalk elevator, residential elevator, residential inclinator or subveyor,  
 27 \$60.

28 (B) An escalator, lowerator, manlift, stagelift, inclined elevator, platform hoist or moving walk,  
 29 \$98.

30 (C) A power-driven elevator with a four floor rise or under, \$88.

31 (D) A power-driven elevator with over a four floor rise, but under a 10-floor rise, \$108.

32 (E) A power-driven elevator with a 10-floor rise or over, but under a 20-floor rise, \$134.

33 (F) A power-driven elevator with a 20-floor rise or over, \$157.

34 (d) For a reinspection, \$75.

35 (e) For special inspections of hoisting or lowering mechanisms other than elevators, or for in-  
 36 spections, testing, consultations, site visits or other services for which no fee is otherwise specified,  
 37 \$75 per hour for travel and inspection time.

38 (f) For an elevator installation permit, if the total cost of the installation or alteration is:

39 (A) \$1,000 or under, \$98.

40 (B) Over \$1,000 but under \$15,000, \$98 plus \$13 for each \$1,000 or fraction of \$1,000 by which  
 41 the cost exceeds \$1,000.

42 (C) \$15,000 or over but under \$50,000, \$280 plus \$8 for each \$1,000 or fraction of \$1,000 by which  
 43 the cost exceeds \$15,000.

44 (D) \$50,000 or over, \$553 plus \$3 for each \$1,000 or fraction of \$1,000 by which the cost exceeds  
 45 \$50,000.

(2) If an owner or user of any elevator equipment fails to pay a fee required under this section within 90 days after the billing date, the [department] bureau may consider the fee delinquent and double the amount of the fee.

**SECTION 261.** ORS 460.175 is amended to read:

460.175. All receipts from fees, charges, costs and expenses provided for in ORS 460.005 to 460.175 shall be collected by the [Department of Consumer and Business Services] **Bureau of Labor and Industries** and paid into the [Consumer and Business Services Fund] **Bureau of Labor and Industries Account** created by ORS [705.145] **651.160**.

**SECTION 262.** ORS 460.310 is amended to read:

460.310. As used in ORS 460.310 to 460.370, unless the context requires otherwise:

(1) “Amusement devices” means a structure, electrical or mechanical contrivance or combination thereof which is intended to supply revenue to the owner or operator of the device by providing or offering to provide amusement, pleasures, thrills or excitement at carnivals, fairs or amusement parks. “Amusement device” does not include games, concessions and associated structures.

(2) “Amusement ride” means any vehicle, boat or other mechanical device except “water slides” moving upon or within a flow perimeter or structure, along cables, rails or ground, through the air by centrifugal force or otherwise, or across water, that is used to convey one or more individuals for amusement, entertainment, diversion or recreation. The term “amusement ride” includes, but is not limited to:

(a) Rides commonly known as Ferris wheels, carousels, parachute towers, bungee jumping, tunnels of love and roller coasters.

(b) Equipment generally associated with winter sports activities, such as ski lifts, ski tows, j-bars, t-bars, ski mobiles, chair lifts and aerial tramways.

(c) Equipment not originally designed to be used as an amusement ride, such as cranes or other lifting devices, when used as part of an amusement ride or device.

(3) “Amusement ride inspector” means an employee or representative of a casualty insurance company or companies who is qualified and regularly employed or otherwise authorized by the insurance company to inspect amusement rides and devices for safety.

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

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

**(4) “Bureau” means the Bureau of Labor and Industries.**

**(5) “Commissioner” means the Commissioner of the Bureau of Labor and Industries.**

(6) “Water slide” means a recreational device designed to provide a descending ride on a flowing water film into a splash down pool at the base of the slide.

**SECTION 263.** ORS 460.320 is amended to read:

460.320. (1) No person shall:

(a) Operate an amusement ride or device without a valid operation permit therefor issued under ORS 460.330, or allow an amusement ride or device owned, leased, controlled or managed by the person to be so operated.

(b) Operate an amusement ride or device without first having obtained insurance from a company authorized to transact insurance in this state or an eligible surplus lines insurer as defined in ORS 735.405. The insurance policy shall insure the public and all persons riding or otherwise in contact with the ride or device against loss or injury, in an amount not less than \$1 million per occurrence and an aggregate total of not less than \$2 million.

(2) Whenever an insurance company notifies its insured that it will no longer insure an

1 amusement ride or device, or that insurance on a ride or device is no longer in force, the insurance  
 2 company shall also notify the [*Department of Consumer and Business Services*] **Bureau of Labor and**  
 3 **Industries**, in a form and manner prescribed by rule by the [*department*] **bureau**, of the description  
 4 or identification number of the ride or device for which insurance is canceled or suspended or is  
 5 not to be renewed.

6 **SECTION 264.** ORS 460.330 is amended to read:

7 460.330. (1) An application for an operating permit to operate an amusement ride or device shall  
 8 be made on an annual basis by the person owning the ride or device or the person's agent or lessee.  
 9 The application shall be on forms provided by the [*Department of Consumer and Business Services*]  
 10 **Bureau of Labor and Industries**.

11 (2) An application for an annual operating permit shall include an inspection report by an  
 12 amusement ride inspector employed or otherwise authorized to inspect by the insurance carrier in-  
 13 suring the ride or device. The inspector shall indorse upon the application any restrictions and  
 14 conditions that, in the inspector's judgment, should be imposed upon the operation of the amusement  
 15 ride or device to protect human life and property. In addition, the inspector shall indicate whether  
 16 the amusement ride or device:

17 (a) Meets the underwriter's standards;

18 (b) Meets safety standards approved by ASTM International; and

19 (c) Is assembled and operated in compliance with the manual supplied by the manufacturer of  
 20 the ride or device.

21 (3) The inspection shall be performed no more than 90 days prior to the issuance or renewal  
 22 date of the permit. The [*department*] **bureau** may issue a temporary renewal permit without the re-  
 23 quired inspection report, allowing continued operation of a previously inspected ride or device if it  
 24 appears to the [*department*] **bureau** that the owner or operator has attempted to obtain an in-  
 25 spection, but inspection services are temporarily unavailable.

26 (4) An application shall include the name of the insurance carrier and the number of the insur-  
 27 ance policy insuring the ride or device as required by ORS 460.320 (1)(b).

28 (5) The [*department*] **bureau** shall disapprove and reject an application for a permit if it deter-  
 29 mines that the:

30 (a) Owner or lessee of the amusement ride or device is not insured as required by ORS 460.320  
 31 (1)(b);

32 (b) Operation does not meet safety standards as guided by the safety standards approved by  
 33 ASTM International;

34 (c) Amusement ride or device is not assembled and operated in compliance with the manual  
 35 supplied by the manufacturer; or

36 (d) Operation may endanger human life or property.

37 (6) Upon approval of an application and payment of fees as prescribed by rule, the [*department*]  
 38 **bureau** shall issue a permit authorizing operation of the amusement ride or device.

39 **SECTION 265.** ORS 460.350 is amended to read:

40 460.350. (1) In addition to the inspections required under ORS 460.330, the [*Department of Con-*  
 41 *sumer and Business Services*] **Bureau of Labor and Industries** may cause an amusement ride or  
 42 device to be inspected at any reasonable time to insure compliance with ORS 460.310 to 460.370.

43 (2) The [*department*] **bureau** may deny, suspend or revoke a permit at any time if, in its judg-  
 44 ment, the amusement ride or device for which the permit was issued is not installed or being oper-  
 45 ated in compliance with ORS 460.310 to 460.370.



1 (3) The [department] **bureau** may disconnect an unlawfully installed or operated amusement ride  
2 or device from its source of power at any time and prevent its use until the amusement ride or de-  
3 vice is brought into compliance with ORS 460.310 to 460.370.

4 (4) Any person may demand from the operator of any amusement ride or device proof of a valid  
5 operation permit issued pursuant to ORS 460.330.

6 **SECTION 266.** ORS 460.352 is amended to read:

7 460.352. Subject to the provisions of ORS chapter 183, the [Department of Consumer and Business  
8 Services] **Bureau of Labor and Industries** shall cancel, revoke or suspend the operating permit for  
9 any person who fails to comply with the minimum safety standards provided by ORS 460.310 to  
10 460.370.

11 **SECTION 267.** ORS 460.355 is amended to read:

12 460.355. (1) In adopting rules pursuant to ORS 460.360 (1), applicable to equipment mentioned in  
13 ORS 460.310 (2)(b), the [Department of Consumer and Business Services] **Bureau of Labor and In-**  
14 **dustries** shall be guided by the safety standards approved by ASTM International.

15 (2) The owner or operator shall be deemed not a common carrier; however, such owner or op-  
16 erator shall exercise the highest degree of care for the safety of users.

17 (3) If the [department] **bureau** finds that the United States Forest Service or other agency of  
18 government has jurisdiction over and regulates and provides inspection of the equipment mentioned  
19 in ORS 460.310 (2)(b) pursuant to promulgated safety standards not lower than provided by ORS  
20 460.310 to 460.370, it shall by its rules exempt operators from the requirements of ORS 460.310 to  
21 460.370.

22 (4) The [department] **bureau** shall adopt rules to:

23 (a) Govern the issuance, renewal, suspension and revocation of permits and certificates of com-  
24 petency issued under ORS 460.310 to 460.370.

25 (b) Govern the internal organization and procedure of the [department] **bureau** for administering  
26 and enforcing ORS 460.310 to 460.370.

27 (c) Govern reports by the [department's] **bureau's** staff of amusement ride inspectors on  
28 amusement rides or devices inspected by them.

29 (d) Set permit fees sufficient to pay but not to exceed the [department's] **bureau's** costs of car-  
30 rying out the amusement ride program.

31 (5) In adopting rules under this section, the [department] **bureau** shall consider:

32 (a) Technological advances in the amusement ride industry.

33 (b) The practicability of following the standards under consideration, if adopted.

34 (c) The probability, extent and gravity of the injury to the public or property that would result  
35 from failure to follow the standards under consideration.

36 (d) Safety standards followed, proposed or approved by responsible members of the amusement  
37 ride industry and by ASTM International.

38 **SECTION 268.** ORS 460.360 is amended to read:

39 460.360. (1) The [Department of Consumer and Business Services] **Bureau of Labor and Indus-**  
40 **tries** shall, in compliance with ORS chapter 183, make, amend, repeal, promulgate and enforce rules  
41 to carry out ORS 460.310 to 460.370.

42 (2) All proceedings relating to permits under ORS 460.310 to 460.370 shall be conducted in  
43 compliance with ORS chapter 183.

44 **SECTION 269.** ORS 460.370 is amended to read:

45 460.370. All moneys from fees collected by the [Department of Consumer and Business Services]

1 **Bureau of Labor and Industries** under ORS 460.310 to 460.370 shall be paid into the [*Consumer*  
2 *and Business Services Fund*] **Bureau of Labor and Industries Account** created by ORS [705.145]  
3 **651.160** and are continuously appropriated to the [*department*] **bureau** for use as provided in ORS  
4 455.022.

5 **SECTION 270.** ORS 469.700 is amended to read:

6 469.700. (1) The Residential and Manufactured Structures Board or the Construction Industry  
7 Energy Board, after public hearing and subject to the approval of the [*Director of the Department*  
8 *of Consumer and Business Services*] **Commissioner of the Bureau of Labor and Industries**, shall  
9 adopt a recommended voluntary energy efficiency rating system for single family residences and  
10 provide the State Department of Energy with a copy thereof.

11 (2) The rating system shall provide a single numerical value or other simple concise means to  
12 measure the energy efficiency of any single family residence, taking into account factors including,  
13 but not limited to, the heat loss characteristics of ceilings, walls, floors, windows, doors and heating  
14 ducts.

15 (3) Upon adoption of the rating system under subsections (1) and (2) of this section, the [*de-*  
16 *partment*] **bureau** shall publicize the availability of the system, and encourage its voluntary use in  
17 real estate transactions.

18 (4) As used in subsections (1) to (3) of this section, "single family residence" means a structure  
19 designed as a residence for one family and sharing no common wall with another residence of any  
20 type.

21 **SECTION 271.** ORS 469.735 is amended to read:

22 469.735. As used in ORS 469.730 to 469.745, unless the context requires otherwise:

23 [(1) "*Department*" means the *Department of Consumer and Business Services*.]

24 [(2) "*Director*" means the *Director of the Department of Consumer and Business Services*.]

25 (1) "**Bureau**" means the **Bureau of Labor and Industries**.

26 (2) "**Commissioner**" means the **Commissioner of the Bureau of Labor and Industries**.

27 (3) "Public building" means any publicly or privately owned building constructed prior to Jan-  
28 uary 1, 1978, including the outdoor areas adjacent thereto, which:

29 (a) Is open to and frequented by the public; or

30 (b) Serves as a place of employment.

31 **SECTION 272.** ORS 469.740 is amended to read:

32 469.740. In accordance with ORS chapter 183 and after consultation with the Building Codes  
33 Structures Board or with the Construction Industry Energy Board, the [*Director of the Department*  
34 *of Consumer and Business Services*] **Commissioner of the Bureau of Labor and Industries** shall  
35 adopt rules establishing energy conservation standards for public buildings. The standards shall  
36 provide means of measuring and reducing total energy consumption and shall take into account:

37 (1) The climatic conditions of the areas in which particular buildings are located; and

38 (2) The three basic systems comprising any functioning building, which are:

39 (a) Energized systems such as those required for heating, cooling, lighting, ventilation,  
40 conveyance and business equipment operation.

41 (b) Nonenergized systems such as floors, ceilings, walls, roof and windows.

42 (c) Human systems such as maintenance, operating and management personnel, tenants and  
43 other users.

44 **SECTION 273.** ORS 469.745 is amended to read:

45 469.745. To provide the public with a guide for energy conservation, the Director of the State

1 Department of Energy shall adopt a program for voluntary compliance by the public with the  
2 standard adopted by the [*Director of the Department of Consumer and Business Services*] **Commis-**  
3 **sioner of the Bureau of Labor and Industries** under ORS 469.740.

4 **SECTION 274.** ORS 469B.103 is amended to read:

5 469B.103. (1) For the purposes of carrying out ORS 469B.100 to 469B.118, the State Department  
6 of Energy may adopt rules prescribing minimum performance criteria for alternative energy devices  
7 for dwellings. The department may, in prescribing criteria, rely on applicable federal, state and local  
8 requirements for energy efficiency, including the state building code, state and federal appliance  
9 standards and any specialty codes and any code adopted by the Building Codes Division of the  
10 [*Department of Consumer and Business Services*] **Bureau of Labor and Industries**.

11 (2) The department shall take into consideration evolving market conditions in prescribing  
12 minimum performance criteria for alternative energy devices and in determining credit amounts,  
13 consistent with ORS 316.116.

14 (3) The department, in adopting rules under this section for solar heating and cooling systems,  
15 shall take into consideration applicable standards of federal performance criteria prescribed pursu-  
16 ant to the provisions of the Solar Heating and Cooling Demonstration Act of 1974, 42 U.S.C. 5506.

17 (4) The Director of the State Department of Energy shall adopt rules governing the determi-  
18 nation of eligibility, verification and certification of an alternative fuel device for purposes of the  
19 tax credits granted under ORS 316.116, including but not limited to rules that further define an al-  
20 ternative fuel device and that govern the computation of costs eligible for credit.

21 (5) The department shall by rule establish policies and procedures for the administration and  
22 enforcement of the provisions of ORS 316.116 and 469B.100 to 469B.118.

23 **SECTION 275.** ORS 469B.279 is amended to read:

24 469B.279. The State Department of Energy shall by rule establish the following standards relat-  
25 ing to energy conservation projects:

26 (1) In consultation with the [*Department of Consumer and Business Services*] **Bureau of Labor**  
27 **and Industries** Building Codes Division, standards relating to energy savings in new construction.

28 (2) Standards relating to what constitutes a replacement of inefficient equipment.

29 (3) Standards for the determination of total project cost.

30 (4) Standards for the application of third party review of research and development projects by  
31 a qualified third party selected by the Director of the State Department of Energy, as required in  
32 ORS 469B.285.

33 **SECTION 276.** ORS 479.155 is amended to read:

34 479.155. (1) As used in this section, [*“director”*] **“commissioner”** means the [*Director of the De-*  
35 *partment of Consumer and Business Services*] **Commissioner of the Bureau of Labor and Indus-**  
36 **tries**.

37 (2) Prior to construction or alteration of a hospital, public building as defined in ORS 479.168,  
38 public garage, dry cleaning establishment, apartment house, hotel, bulk oil storage plant, school,  
39 institution as defined in ORS 479.210, or any other building or structure regulated by the State Fire  
40 Marshal for use and occupancy or requiring approval by the State Fire Marshal pursuant to statute,  
41 the owner shall submit to the [*director*] **commissioner** two copies of a plan or sketch showing the  
42 location of the building or structure with relation to the premises, distances, lengths and details of  
43 construction as the [*director*] **commissioner** shall require. A filing is not required with respect to  
44 any such building or structure in any area exempted by order of the State Fire Marshal pursuant  
45 to ORS 476.030. Approval of the plans or sketches by the [*director*] **commissioner** is considered

1 approval by the State Fire Marshal and satisfies any statutory provision requiring approval by the  
2 State Fire Marshal.

3 (3) A declaration of the value of the proposed construction or alteration and the appropriate fee  
4 required under ORS 455.210 must accompany the plan or sketch. However, the determination of  
5 value or valuation shall be made by the [*director*] **commissioner**.

6 (4) The [*director*] **commissioner** shall be furnished with not fewer than two accurate copies of  
7 the plan or sketch and details for the purpose of ascertaining compliance with applicable fire pre-  
8 vention and protection statutes and regulations. The plan examiner shall indicate on the plan or  
9 sketch and in writing approval or disapproval and conditions for approval of the construction or  
10 alteration. One copy of the plan or sketch shall be retained by the [*director*] **commissioner** and one  
11 copy shall be returned to the applicant. No building or structure referred to in subsection (2) of this  
12 section shall be erected or constructed without approval by the [*director*] **commissioner** if the  
13 building or structure requires approval by the State Fire Marshal. After such approval or issuance  
14 of the required permit, construction or alteration must comply with the plan or sketch in all re-  
15 spects unless modified by subsequent permit or order of the [*director*] **commissioner**.

16 (5) The approval of a plan or sketch may not be construed to be a permit for, or an approval  
17 of, any violation of any statute or regulation or the applicable ordinances and regulations of any  
18 governmental subdivision of the state. The approval of a plan or sketch may not be construed as  
19 an approval for noncompliance with fire marshal regulations. Any condition upon approval or dis-  
20 approval is an order subject to appeal as other orders are appealable.

21 (6) Notwithstanding the requirements of subsections (2) and (4) of this section, the State Fire  
22 Marshal may, by rule, require an additional copy of a plan or sketch for local government use and  
23 may specify that plans or sketches submitted for review be drawn clearly and to scale.

24 **SECTION 277.** ORS 479.520 is amended to read:

25 479.520. The purpose of the Electrical Safety Law is to protect the health and safety of the  
26 people of Oregon from the danger of electrically caused shocks, fires and explosions and to protect  
27 property situated in Oregon from the hazard of electrically caused fires and explosions. To accom-  
28 plish this purpose the Legislative Assembly intends to provide a procedure:

29 (1) For determining where and by whom electrical installations are being made and where  
30 electrical products are sold in this state.

31 (2) To assure the public that persons making electrical installations in this state are qualified  
32 by experience and training.

33 (3) To assure the public that electrical installations meet minimum safety standards and that  
34 electrical products meet electrical product safety standards.

35 (4) For the administration and enforcement of the Electrical Safety Law by the [*Department of*  
36 *Consumer and Business Services*] **Bureau of Labor and Industries** and the Electrical and Elevator  
37 Board.

38 (5) By which the cost of administering and enforcing the Electrical Safety Law is defrayed by  
39 the collection of fees in connection with the issuing of permits and electrical licenses and the col-  
40 lection of civil penalties.

41 **SECTION 278.** ORS 479.530 is amended to read:

42 479.530. As used in ORS 479.510 to 479.945 and 479.995, unless the context requires otherwise:

43 (1) "Approved testing laboratory" means a testing laboratory that meets criteria for electrical  
44 product evaluation established by the [*Director of the Department of Consumer and Business*  
45 *Services*] **Commissioner of the Bureau of Labor and Industries** with the approval of the Elec-

1 trical and Elevator Board under ORS 479.730.

2 (2) "Board" means the Electrical and Elevator Board established under ORS 455.138.

3 **(3) "Bureau" means the Bureau of Labor and Industries.**

4 [(3)] (4) "Certified electrical product" means an electrical product that is certified under ORS  
5 479.760 and that is not decertified.

6 [(4) "*Competent inspection service*" means an electrical inspection service of a city or county ad-  
7 ministered under ORS 455.148 or 455.150 that employs electrical inspectors who are certified to meet  
8 standards under ORS 479.810.]

9 (5) "Commercial electrical air conditioning equipment" means heating, cooling, refrigeration,  
10 dehumidifying, humidifying and filtering equipment used for climatizing or moving of air if used in  
11 commerce, industry or government and if installed in a place not accessible to the general public  
12 other than the switches regulating the operation of the equipment.

13 **(6) "Commissioner" means the Commissioner of the Bureau of Labor and Industries.**

14 **(7) "Competent inspection service" means an electrical inspection service of a city or  
15 county administered under ORS 455.148 or 455.150 that employs electrical inspectors who are  
16 certified to meet standards under ORS 479.810.**

17 [(6)] (8) "Demarcation point" means the place of interconnection between the communications  
18 cabling, terminal equipment or protective apparatus of the telecommunications service provider and  
19 the customer's premises.

20 [(7) "*Department*" means the Department of Consumer and Business Services.]

21 [(8) "*Director*" means the Director of the Department of Consumer and Business Services.]

22 (9) "Dwelling unit" means one or more rooms for the use of one or more persons as a house-  
23 keeping unit with space for eating, living and sleeping and permanent provisions for cooking and  
24 sanitation.

25 (10) "Electrical installations" means the construction or installation of electrical wiring and the  
26 permanent attachment or installation of electrical products in or on any structure that is not itself  
27 an electrical product. "Electrical installation" also means the maintenance or repair of installed  
28 electrical wiring and permanently attached electrical products. "Electrical installation" does not  
29 include an oil module.

30 (11) "Electrical product" means any electrical equipment, material, device or apparatus that,  
31 except as provided in ORS 479.540, requires a license or permit to install and either conveys or is  
32 operated by electrical current.

33 (12) "Equipment" means any material, fittings, devices, appliances, fixtures, apparatus or the like  
34 that are used as part of or in connection with an electrical installation.

35 (13) "Field evaluation firm" means an independent organization that provides:

36 (a) Evaluations or testing, or both; and

37 (b) Documentation regarding compliance with electrical product safety standards and with the  
38 electrical installation safety code.

39 (14) "Industrial electrical equipment" means electrical products used in industry or government  
40 that utilize electric energy for mechanical, chemical, heating, lighting or similar purposes, that are  
41 designed to service or produce a product and that are used directly in the production of the service  
42 or product.

43 (15) "Installation label" means an adhesive tag issued by governmental agencies that administer  
44 the Electrical Safety Law to licensed electrical contractors for application to those minor electrical  
45 installations for which the board by rule determines to be appropriate for random inspections.

1 (16) "License" means a permit issued by the [*department*] **bureau** under ORS 479.630 authorizing  
2 the person whose name appears as licensee thereon to act as an electrical contractor, supervising  
3 electrician, journeyman electrician, electrical apprentice or limited elevator journeyman as indicated  
4 thereon.

5 (17) "Minimum safety standards" means safety standards prescribed by concurrence of the board  
6 and the [*director*] **commissioner** under ORS 479.730.

7 (18) "Multifamily dwelling" means a building containing more than one dwelling unit.

8 (19) "Oil module" means a prefabricated structure manufactured to the specifications of the  
9 purchaser and used outside this state in the exploration for or processing or extraction of petroleum  
10 products.

11 (20) "Permit" means an official document or card issued by the enforcing agency to authorize  
12 performance of a specified electrical installation.

13 (21) "Single family dwelling" means a building consisting solely of one dwelling unit.

14 (22) "Telecommunications service provider" means a telecommunications carrier as defined in  
15 ORS 133.721 or a telecommunications utility or competitive telecommunications provider, both as  
16 defined in ORS 759.005.

17 (23) "Uncertified product" means any electrical product that is not an electrical product certi-  
18 fied under ORS 479.760.

19 **SECTION 279.** ORS 479.540 is amended to read:

20 479.540. (1) Except as otherwise provided in this subsection, a person is not required to obtain  
21 a license to make an electrical installation on residential or farm property that is owned by the  
22 person or a member of the person's immediate family if the property is not intended for sale, ex-  
23 change, lease or rent. The following apply to the exemption established in this subsection:

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

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

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

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

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

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

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

45 (3) A person whose sole business is generating or selling electricity in connection with the

1 construction or maintenance of electrical lines, wires or equipment, is not required to obtain a li-  
2 cense to transform, transmit or distribute electricity from its source to the service head of the  
3 premises to be supplied thereby.

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

8 (b) A license is not required for:

9 (A) Temporary demonstrations;

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

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

18 (c) For the purposes of this subsection, "qualified employee" means an employee who has regis-  
19 tered with or graduated from a State of Oregon or federally approved apprenticeship course de-  
20 signed for the work being performed. The supervising electrician signature required under ORS  
21 479.560 (1)(b) does not apply to contractors working under this subsection.

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

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

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

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

32 (6) A permit is not required:

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

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

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

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

43 (7) In cases of emergency in industrial plants, a permit is not required in advance for electrical  
44 installation made by a person licensed as a general supervising electrician, a general journeyman  
45 electrician or an electrical apprentice under ORS 479.630 if an application accompanied by appro-

1 puate fee for a permit is submitted to the [*Department of Consumer and Business Services*] **Bureau**  
 2 **of Labor and Industries** within five days after the commencement of such electrical work.

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

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

8 (c) As used in this subsection:

9 (A) "Duly authorized agents" means individuals trained by the factory or a vendor or by expe-  
 10 rience and who are knowledgeable in the operation, maintenance, repair and installation of indus-  
 11 trial electrical equipment.

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

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

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

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

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

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

28 (e) Installations, by a telecommunications service provider or an appropriately licensed elec-  
 29 trical contractor, of telecommunications systems on the customer side of the demarcation point ex-  
 30 cept:

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

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

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

36 (A) One and two family dwellings; and

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

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

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

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



1 people of this state.

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

4 (11) ORS 479.760 does not apply to products described in this subsection that comply with the  
5 electrical product safety standards established by concurrence of the board and the [*Director of the*  
6 *Department of Consumer and Business Services*] **Commissioner of the Bureau of Labor and In-**  
7 **dustries** as described under ORS 479.730. This subsection does not exempt any products used in  
8 locations determined to be hazardous in the electrical code of this state. The following apply to this  
9 subsection:

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

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

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

14 (C) Commercial electrical air conditioning equipment.

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

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

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

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

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

31 (B) Equipment minimum safety standards established by concurrence of the board and the [*di-*  
32 *rector*] **commissioner**;

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

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

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

36 (F) Any other method approved by the board.

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

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

44 (15) A person is not required to obtain a permit for work on, alterations to or replacement of  
45 parts of electrical installations as necessary for maintenance of existing electrical installations on

1 residential property owned by the person or by a member of the person's immediate family. This  
2 subsection does not establish an exemption for new electrical installations or substantial alterations  
3 to existing electrical installations.

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

6 (17) A residential home, as defined in ORS 443.580, and an adult foster home, as defined in ORS  
7 443.705, is not a multifamily dwelling and only electrical installation standards and safety require-  
8 ments applicable to single family dwellings apply to such homes.

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

11 (19) The provisions of any electrical products code or rule adopted pursuant to ORS 479.510 to  
12 479.945 and 479.995 apply to cable and such products installed as part of a cable television instal-  
13 lation.

14 (20) A person is not required to obtain a license to make an electrical installation in a structure  
15 that is exempt under ORS 455.312 (1).

16 (21) A person is not required to obtain a license to make electrical installations, repairs or re-  
17 placements in a recreational vehicle as defined in ORS 174.101.

18 (22) As used in this section, "smoke alarm" has the meaning given that term under ORS 479.250.

19 **SECTION 280.** ORS 479.560 is amended to read:

20 479.560. (1) The [*Department of Consumer and Business Services*] **Bureau of Labor and Indus-**  
21 **tries** or a designated agent shall issue a permit to:

22 (a) Any applicant who has complied with ORS 479.510 to 479.945 and the rules issued there-  
23 under, covering an electrical installation to be made on residential or farm property owned by the  
24 applicant or a member of the applicant's immediate family as allowed under ORS 479.540 (1).

25 (b) A licensed electrical contractor or an agent the contractor has designated to the  
26 [*department*] **bureau** or the [*department's*] **bureau's** designated agent in a record signed by the  
27 electrical contractor. The [*department*] **bureau** or [*department's*] **bureau's** designated agent shall  
28 only issue a permit under this subsection if the application for the permit is accompanied by a  
29 signed statement that the electrical contractor's general supervising electrician of record will sign  
30 the permit before an inspection of the electrical work is requested. A contractor or the contractor's  
31 general supervisor will promptly request an inspection of electrical work performed under a permit  
32 issued under this subsection. A permit issued under this subsection shall state the name of the  
33 electrical contractor.

34 (2) A permit issued to an electrical contractor upon the request of the contractor's supervising  
35 electrician is void upon the end of the employment of such supervising electrician before completion  
36 of the electrical installation.

37 (3) Except for the installation or alteration of an electrical service, the owner, operating man-  
38 ager or electrical contractor of an industrial plant who meets the provisions of ORS 479.630 (1) and  
39 (2), a commercial office building, a building that is owned, leased, managed or operated by the state  
40 or a local government entity or other facilities designated by the Electrical and Elevator Board, in  
41 lieu of the required inspection permit, may apply to the [*department*] **bureau** or municipality pro-  
42 viding inspection service for a master electrical inspection permit. Under the permit the authority  
43 having jurisdiction shall cause a periodic inspection to be made of the electrical installations. The  
44 authority may also cause a cover inspection, which shall be made before electrical installations are  
45 covered. The periodic inspection under the permit shall be done at least once a year or more fre-

1 quently based on the needs of the particular plant, building or facility. The *[department]* **bureau**  
 2 shall adopt rules in accordance with ORS chapter 183 for:

- 3 (a) The annual issuance of the master electrical inspection permit;
- 4 (b) The conduct of the inspections on the electrical installations and electrical products;
- 5 (c) The granting of a waiver of payment of permit fees other than for the master electrical in-  
 6 spection permit; and
- 7 (d) The fixing and collecting of inspection fees at the cost of making the inspection according  
 8 to the time required of the inspector.

9 **SECTION 281.** ORS 479.570 is amended to read:

10 479.570. (1) Except as provided in subsection (2) of this section, a person who sells electricity  
 11 may not energize an electrical installation unless the installation is first approved by an inspector  
 12 authorized to perform inspections under ORS 479.510 to 479.945.

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

- 14 (a) An installation for which a written request to energize has been made by a licensed super-  
 15 vising electrician qualified pursuant to ORS 479.630 (2) and to which the appropriate electrical  
 16 permit has been attached;
- 17 (b) A temporary installation of less than 480 volts made to provide service to a construction site  
 18 or irrigation pump if the installation is properly grounded and the appropriate electrical permit is  
 19 attached thereto;

20 (c) An installation within a plant or system of a person who sells electricity. As used in this  
 21 paragraph, “person who sells electricity” does not include small power production facilities as de-  
 22 fined in ORS 758.500 (1981 Replacement Part); or

23 (d) A minor electrical installation for which a valid installation label has been issued.

24 (3) Electrical installations energized without inspection pursuant to subsection (2)(a) and (b) of  
 25 this section must receive final inspection as required by ORS 479.510 to 479.945.

26 (4) Notwithstanding ORS 756.040, 756.060 and 757.035, the *[Department of Consumer and Business*  
 27 *Services]* **Bureau of Labor and Industries**, in consultation with the Electrical and Elevator Board,  
 28 may adopt rules regulating the use of a written request by a licensed supervising electrician as de-  
 29 scribed in subsection (2)(a) of this section as adequate authority for a person who sells electricity  
 30 to energize an electrical installation.

31 **SECTION 282.** ORS 479.630 is amended to read:

32 479.630. If the person pays the applicable application fee required under ORS 479.840 and com-  
 33 plies with ORS 479.510 to 479.945 and the rules adopted under ORS 455.117 and 479.510 to 479.945,  
 34 the *[Department of Consumer and Business Services]* **Bureau of Labor and Industries** shall issue:

- 35 (1) An electrical contractor’s license to a person engaging in or carrying on a business of mak-  
 36 ing electrical installations.
- 37 (2) A general supervising electrician’s license to a person who:  
 38 (a) Passes a written examination prepared by the Electrical and Elevator Board and adminis-  
 39 tered by the *[department]* **bureau**; and
- 40 (b) Submits proof satisfactory to the board that the person has had at least four years of expe-  
 41 rience as a general journeyman electrician or its equivalent, as determined by the board by rule, in  
 42 installing, maintaining and repairing electrical wires and equipment.

43 (3) A limited supervising electrician’s license to a person who qualifies under this subsection.  
 44 A person licensed under this subsection is authorized to supervise the class of electrical work in-  
 45 cluded in the branch of the electrical trade and for which the person has passed the examination

1 administered by the *[department]* **bureau**. A person qualifies under this subsection if the person:

2 (a) Passes a written examination prepared by the board and administered by the *[department]*  
 3 **bureau**; and

4 (b) Submits proof satisfactory to the board that the person has had at least four years of spe-  
 5 cialized experience in a recognized branch of the electrical trade on the journeyman level.

6 (4) A general journeyman electrician's license to a person who:

7 (a) Passes a written examination prepared by the board and administered by the *[department]*  
 8 **bureau**; and

9 (b) Submits proof satisfactory to the board that:

10 (A) The person has had at least four years of general experience as an apprentice or its equiv-  
 11 alent, as determined by the board by rule, in installing, maintaining and repairing electrical wires  
 12 and equipment, including not fewer than 1,000 hours in wiring on single or multifamily dwelling  
 13 units; or

14 (B) If the person is licensed as a limited residential electrician under subsection (14) of this  
 15 section, subsequent to receiving that license, the person has worked for at least two years as a  
 16 limited residential electrician and subsequent to those two years has completed an additional two  
 17 years' experience as an apprentice or its equivalent, as determined by the board by rule, for that  
 18 period of apprenticeship time worked exclusively in installing, maintaining and repairing electrical  
 19 wires and equipment in the commercial and industrial branches of the electrical trade under the  
 20 supervision of a licensed electrical contractor.

21 (5) A limited journeyman electrician's license to a person who qualifies under this subsection.  
 22 A person licensed under this subsection is authorized to perform the class of electrical work in-  
 23 cluded in the branch of the electrical trade for which the person has passed the examination ad-  
 24 ministered by the *[department]* **bureau**. A person qualifies under this subsection if the person:

25 (a) Passes a written examination prepared by the board and administered by the *[department]*  
 26 **bureau**; and

27 (b)(A) Except as provided in subparagraph (B) of this paragraph, submits proof satisfactory to  
 28 the board that the person has had at least four years of specialized experience as an apprentice or  
 29 its equivalent, as determined by the board by rule, in a recognized branch of the electrical trade;  
 30 or

31 (B) If applying for licensing as a limited journeyman sign electrician or limited journeyman stage  
 32 electrician, submits proof satisfactory to the board that the person has had at least two years of  
 33 specialized experience as an apprentice or its equivalent, as determined by the board by rule, in the  
 34 sign or stage branch of the electrical trade.

35 (6) A limited elevator journeyman license to a person who qualifies under this subsection. A  
 36 person licensed under this subsection is authorized to install, maintain and repair elevators, in-  
 37 cluding all electrical and mechanical systems. A person qualifies under this subsection if the person  
 38 has completed an elevator apprenticeship program, including both electrical and mechanical training  
 39 components, approved by the board by rule and the person submits an application for licensure to  
 40 the board in writing. A person issued a license under this subsection is exempt from continuing ed-  
 41 ucation requirements established under ORS 455.117 and 479.680.

42 (7) An electrical apprentice's license to a person who has complied with ORS 660.002 to 660.210  
 43 as an electrical apprentice.

44 (8) An electrical apprentice's license to a trainee toward a limited residential electrician's li-  
 45 cense who has complied with ORS 660.002 to 660.210 as an electrical apprentice.

1 (9) An electrical apprentice's license to a trainee toward a limited journeyman's license in a  
 2 recognized branch of the electrical trade who is employed by an employer who also:

3 (a) Employs a holder of either a general journeyman electrician's license or a limited  
 4 journeyman electrician's license; and

5 (b) Conducts an electrical training program in a recognized branch of the electrical trade ap-  
 6 proved by the board as being a training program that will adequately prepare the trainee for the  
 7 limited journeyman's license.

8 (10) A limited maintenance electrician's license to a person who qualifies under this subsection.  
 9 A person licensed under this subsection is authorized to maintain, repair and replace electrical in-  
 10 stallations, including electrical components, required on the premises of industrial plants, and  
 11 maintain, repair and replace electrical installations on systems that are less than 600 volts phase  
 12 to phase, including electrical components, required on the premises of commercial office buildings,  
 13 buildings occupied by the state or a local government entity or facilities designated by the board.  
 14 The following apply to this subsection:

15 (a) A person qualifies under this subsection if the person:

16 (A) Passes a written examination prepared by the board and administered by the [department]  
 17 **bureau** on repair, replacement and maintenance of equipment of the type and nature normally used  
 18 in an industrial plant, commercial office building or government building and on the use of testing  
 19 equipment; and

20 (B)(i) Completes a two-year training program approved by the board that provides for training  
 21 and supervision of the trainee or apprentice; or

22 (ii) Submits proof satisfactory to the board that the person has had sufficient experience and  
 23 related educational training in the repair, replacement and maintenance of electrical wiring and  
 24 equipment of the type and nature used in an industrial plant, commercial office building or govern-  
 25 ment building, as determined by the board or by an appropriate local apprenticeship committee re-  
 26 cognized by the State Apprenticeship and Training Council.

27 (b) An annual inspection of the premises upon which electrical work is performed by persons  
 28 licensed under this subsection shall be made by the electrical inspector for an annual fee determined  
 29 by the board by rule, based upon the time required for the inspection, payable to the [department]  
 30 **bureau**.

31 (c) A person licensed under this subsection may be employed directly by the owner, or owner's  
 32 agent, of any government building or commercial office building. A building owner or owner's agent  
 33 need not be licensed under this section to supervise a limited maintenance electrician.

34 (d) The [department] **bureau**, in consultation with the board, shall adopt rules defining govern-  
 35 ment buildings and commercial office buildings subject to this subsection.

36 (11) A limited building maintenance electrician's license to a person who qualifies under this  
 37 subsection. The following apply to this subsection:

38 (a) A person licensed under this subsection is authorized to maintain, repair and replace the  
 39 following electrical installations required on the premises of commercial office buildings, buildings  
 40 occupied by the state or a local government entity or facilities designated by the board in electrical  
 41 systems not exceeding 300 volts to ground:

42 (A) Electrical appliances;

43 (B) Light switches;

44 (C) Light fixtures;

45 (D) Fans;

1 (E) Receptacles; and

2 (F) Fluorescent ballasts.

3 (b) A person qualifies under this subsection if the person:

4 (A) Passes a written examination prepared by the board and administered by the [department]  
 5 **bureau** on maintenance, repair and replacement of equipment of the type and nature normally used  
 6 in a commercial office building or government building and on the use of testing equipment; and

7 (B) Submits proof satisfactory to the board that the person has:

8 (i) Had sufficient experience in the maintenance, repair and replacement of electrical wiring and  
 9 equipment of the type and nature normally used in a commercial office building or government  
 10 building; or

11 (ii) Completed a one-year training course, with classroom and on-the-job training components  
 12 approved by the board, on the maintenance, repair and replacement of electrical wiring and equip-  
 13 ment of the type and nature normally used in a commercial office building or government building.

14 (c) An annual inspection of the premises upon which electrical work is performed by persons  
 15 licensed under this subsection shall be made by the electrical inspector for an annual fee determined  
 16 by the board by rule, based upon the time required for the inspection, payable to the [department]  
 17 **bureau**, or the inspection shall be performed under an electrical master permit program.

18 (d) Building owners may perform work regulated by this subsection and for which a license is  
 19 required under this subsection without obtaining a license.

20 (e) A person who owns more than 50 percent of a corporation that controls a building is a  
 21 building owner.

22 (f) A person licensed under this subsection may be employed by the owner of a commercial office  
 23 building or the owner's agent. A building owner or owner's agent need not be licensed under this  
 24 section to supervise a limited building maintenance electrician.

25 (12) A limited maintenance specialty contractor license to a person who qualifies under this  
 26 subsection. A person licensed under this subsection is authorized to engage in the electrical work  
 27 related to the repair, service, maintenance, installation or replacement of existing, built-in or per-  
 28 manently connected appliances, fluorescent ballasts or similar equipment and to employ individuals  
 29 to engage in that work. This subsection does not authorize the installation of appliances, ballasts  
 30 or other equipment if there is no existing installation of similar equipment. A person qualifies under  
 31 this subsection if the person:

32 (a) Submits proof satisfactory to the board that the person has had sufficient experience in the  
 33 type of work permitted under the license issued under this subsection; and

34 (b) Maintains with the board a current list of all individuals employed by the person to engage  
 35 in work permitted under this subsection.

36 (13) A limited pump installation specialty contractor license to a person who qualifies under this  
 37 subsection. A person licensed under this subsection is authorized to engage in electrical work re-  
 38 lated to the testing, repair, service, maintenance, installation or replacement of new or existing  
 39 pump equipment for potable or irrigation water systems, sump pumps, effluent pumps and ground  
 40 water pumps on residential and agricultural property and to employ individuals to engage in such  
 41 work. A person qualifies under this subsection if the person:

42 (a) Submits proof satisfactory to the board that the person has had sufficient experience in the  
 43 type of work permitted under the license issued under this subsection; and

44 (b) Maintains with the board a current list of all individuals employed by the person to engage  
 45 in work permitted under this subsection.

1 (14) A limited residential electrician's license to a person who qualifies under this subsection.  
 2 A person licensed under this subsection is authorized to perform the class of electrical work in-  
 3 cluded in the branch of the electrical trade for which the person has passed the examination ad-  
 4 ministered by the [department] **bureau** and approved by the board. However, a person licensed under  
 5 this subsection shall perform the electrical work allowed by the license only on single and multi-  
 6 family dwelling units not exceeding three floors above grade. For purposes of this subsection, the  
 7 first floor of a building is the floor that is designed for human habitation and that has 50 percent  
 8 or more of its perimeter level with or above finished grade of the exterior wall line. A person  
 9 qualifies under this subsection if the person:

10 (a) Has received the same number of hours of electrical safety training as required by rule for  
 11 an electrical apprentice or its equivalent and has received training in electrical theory;

12 (b) Submits documented proof to the board of at least two years of apprenticeship or trainee  
 13 experience in residential wiring of single and multifamily dwelling units or its equivalent, as deter-  
 14 mined by the board by rule; and

15 (c) Passes a written examination prepared by the board and administered by the [department]  
 16 **bureau**.

17 (15) A limited renewable energy contractor license to a person who:

18 (a) Employs at least one full-time renewable energy technician; and

19 (b) Does not engage in electrical work other than work that may be performed by a limited  
 20 renewable energy technician. A limited renewable energy contractor may not make, direct, supervise  
 21 or control the making of an electrical installation unless the contractor is licensed for that activity.

22 (16) A limited renewable energy technician license to a person who qualifies under this sub-  
 23 section. A person qualifies for licensing as a limited renewable energy technician if the person  
 24 completes a two-year apprenticeship program and passes an examination approved by the board. A  
 25 person licensed under this subsection may, while in the employ of a licensed electrical contractor  
 26 or a limited renewable energy contractor:

27 (a) Install, maintain, replace or repair electrical wiring and electrical products that convey or  
 28 operate on renewable electrical energy not exceeding 25 kilowatts AC; and

29 (b) Make electrical installations not exceeding 25 kilowatts AC:

30 (A) On devices using renewable energy involving wind, solar energy systems, micro-  
 31 hydroelectricity, photovoltaic systems or fuel cells.

32 (B) Up to the load side of an inverter.

33 (C) To connect generators that are sized to facilitate the inverter in an off-grid system.

34 **SECTION 283.** ORS 479.632 is amended to read:

35 479.632. Notwithstanding any other provision of ORS 479.510 to 479.945 or any rule adopted by  
 36 the Electrical and Elevator Board under ORS 455.117, the board may not administer an examination  
 37 to, and the [Department of Consumer and Business Services] **Bureau of Labor and Industries** may  
 38 not issue any license to, a person whose practical experience qualification for the license is based  
 39 upon training or experience in another state if the board determines that the training or experience  
 40 is not equivalent to the standards for electrical training programs prescribed in this state.

41 **SECTION 284.** ORS 479.730 is amended to read:

42 479.730. In compliance with ORS chapter 183 the [Director of the Department of Consumer and  
 43 Business Services] **Commissioner of the Bureau of Labor and Industries**, with the approval of  
 44 the Electrical and Elevator Board, shall adopt reasonable rules:

45 (1) Establishing, altering or revoking minimum safety standards for workmanship and materials

1 in various classifications of electrical installations.

2 (2) Establishing, altering or revoking electrical product safety standards for design and con-  
 3 struction of electrical products to be installed in this state. The standards may allow the certifica-  
 4 tion of electrical products that a testing laboratory approved by the [*director*] **commissioner** and  
 5 the board under ORS 479.760 has tested and found to be safe within the electrical product safety  
 6 standards established under this subsection.

7 (3) Relating to the procedure for certifying and decertifying electrical products to be installed  
 8 in this state. The [*Department of Consumer and Business Services*] **Bureau of Labor and**  
 9 **Industries**, with the approval of the board, may limit the type of electrical products it accepts for  
 10 certification under ORS 479.760 (3).

11 (4) Prescribing times, places and circumstances that permits shall be exhibited for inspection.

12 (5) Governing the internal organization and procedure for administering and enforcing ORS  
 13 479.510 to 479.945 and 479.995.

14 (6) Establishing, altering, approving or revoking minimum standards for electrical training pro-  
 15 grams.

16 (7)(a) Establishing which electrical products may be field evaluated by a field evaluation firm  
 17 rather than certified;

18 (b) Establishing cost-based fees, requirements and procedures for approving, maintaining and  
 19 suspending or revoking approvals of field evaluation firms;

20 (c) Establishing:

21 (A) Requirements and procedures for the field evaluation of electrical products; and

22 (B) Requirements and procedures for issuing field evaluation labels for the electrical products  
 23 evaluated by field evaluation firms and testing laboratories;

24 (d) Establishing requirements and procedures for preparation of reports regarding installation  
 25 safety issued by field evaluation firms;

26 (e) Establishing when an inspecting jurisdiction may require a report from a field evaluation  
 27 firm; and

28 (f) Establishing other requirements as necessary to carry out this subsection.

29 **SECTION 285.** ORS 479.740 is amended to read:

30 479.740. (1) In adopting rules under ORS 479.730 the [*Department of Consumer and Business*  
 31 *Services*] **Bureau of Labor and Industries** shall consider:

32 (a) Technological advances in the electrical industry.

33 (b) The practicability of following the standards under consideration, if adopted.

34 (c) The probability, extent and gravity of the injury to the public or property which would result  
 35 from failure to follow the standards under consideration.

36 (d) Safety standards followed, proposed or approved by responsible members of the electrical  
 37 industry.

38 (2) After considering the factors in subsection (1) of this section, the [*department*] **bureau** may  
 39 incorporate by reference proposed safety standards of the electrical industry or independent organ-  
 40 izations. The [*department*] **bureau** may formulate and adopt independent safety standards if stan-  
 41 dards proposed by the industry and independent organizations are not acceptable to it.

42 **SECTION 286.** ORS 479.760 is amended to read:

43 479.760. (1) An electrical product may not be certified unless the product meets electrical prod-  
 44 uct safety standards established in rule by concurrence of the Electrical and Elevator Board and the  
 45 [*Director of the Department of Consumer and Business Services*] **Commissioner of the Bureau of**



1 **Labor and Industries.**

2 (2) Any person may apply to have the [*Department of Consumer and Business Services*] **Bureau**  
 3 **of Labor and Industries** certify an electrical product. The [*department*] **bureau** shall certify an  
 4 electrical product if the product is shown to meet electrical product safety standards by one of the  
 5 following methods:

6 (a) An equipment safety program approved by the board;

7 (b) Equipment minimum safety standards established by concurrence of the board and the [*di-*  
 8 *rector*] **commissioner**;

9 (c) An evaluation by an approved field evaluation firm;

10 (d) A listing from a nationally recognized testing laboratory;

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

12 (f) Any other method approved by the board.

13 (3) To have an electrical product certified, a person may submit a specimen, sample or prototype  
 14 to the [*department*] **bureau** within a reasonable time before the date on which certification will be  
 15 required, together with a fee set by the [*department*] **bureau** sufficient to defray the cost of shipment  
 16 and evaluation. The [*department*] **bureau** shall evaluate the electrical product to determine whether  
 17 the product meets electrical product safety standards. Not later than six months after receipt of a  
 18 specimen, prototype or sample the [*department*] **bureau** shall complete the required evaluation and  
 19 give a decision certifying or rejecting the product. The [*department*] **bureau** may appoint a special  
 20 deputy or enter into an appropriate contract with a testing laboratory approved by the board under  
 21 this section for the evaluation required under this subsection.

22 (4) The [*director*] **commissioner** with the approval of the board may establish standards and  
 23 procedures for the approval of testing laboratories to test electrical products in the certification  
 24 process under this section.

25 **SECTION 287.** ORS 479.770 is amended to read:

26 479.770. No person shall sell or offer for sale in this state any new gas-fired, forced-air central  
 27 space heating equipment, clothes dryer, domestic range or new gas-fired swimming pool heaters,  
 28 unless such equipment, heater, dryer or range is equipped with an electric ignition pilot that com-  
 29 plies with the rules of the [*Department of Consumer and Business Services*] **Bureau of Labor and**  
 30 **Industries** adopted pursuant to ORS 479.740.

31 **SECTION 288.** ORS 479.810 is amended to read:

32 479.810. (1) The Electrical and Elevator Board shall administer and enforce ORS 479.510 to  
 33 479.945 and 479.995. The [*Director of the Department of Consumer and Business Services*] **Commis-**  
 34 **sioner of the Bureau of Labor and Industries** shall appoint an adequate staff of competent per-  
 35 sons experienced and trained to serve as electrical inspectors. The board shall assist the [*director*]  
 36 **commissioner** in reviewing determinations made by the staff involving electrical installations or  
 37 products and to assist in formulating rules under ORS 479.730.

38 (2) The [*director*] **commissioner**, in consultation with the board, shall appoint a representative  
 39 of the [*department's*] **bureau's** staff of electrical inspectors who shall serve ex officio as secretary  
 40 of the board. This person shall be known as the Chief Electrical Inspector.

41 (3) The [*director*] **commissioner** shall certify a person as an electrical inspector if:

42 (a) The person:

43 (A) Completes a general journeyman electrical apprenticeship program in Oregon;

44 (B) Has two years' experience as a licensed electrician in Oregon; and

45 (C) Passes the examination required for certification as a supervising electrician; or

(b) For a person with experience outside the State of Oregon, the person:

(A)(i) Has five years' experience in commercial or industrial electrical inspection; and

(ii) Passes the examination required for certification as a general supervising electrician; or

(B) Has six years of out-of-state experience as an electrician and passes the examination required for certification as a general supervising electrician.

(4) The board may, by rule, allow certification of persons as electrical inspectors with experience or training that does not meet the requirements specified in subsection (3) of this section.

(5) Rules adopted under this section shall provide for the recognition of equivalent experience acquired by a person outside the State of Oregon.

(6) An examination taken for purposes of applying for certification as an electrical inspector under this section shall not be valid for use in an application to become licensed as a supervising electrician.

**SECTION 289.** ORS 479.815 is amended to read:

479.815. The [*Director of the Department of Consumer and Business Services*] **Commissioner of the Bureau of Labor and Industries**, with the approval of the Electrical and Elevator Board, may adopt rules regulating or prohibiting conflicts of interest for electrical inspectors in regard to any work performed by an inspector or a related party under a license issued under ORS 479.630.

**SECTION 290.** ORS 479.820 is amended to read:

479.820. (1) The [*Department of Consumer and Business Services*] **Bureau of Labor and Industries** shall:

(a) Check the authenticity, appropriateness and expiration dates of licenses issued under ORS 479.510 to 479.945.

(b) Inspect electrical installations and products for which a permit or license is required by ORS 479.510 to 479.945.

(c) Inspect permits attached to electrical installations or products for which a permit is required by ORS 479.510 to 479.945.

(2) If the [*department*] **bureau** finds that the electrical installation or product fails to comply with minimum safety standards or electrical product safety standards, the [*department*] **bureau** may disconnect or order the disconnection of service thereto.

(3) If the [*department*] **bureau** finds that the condition of an electrical installation or product constitutes an immediate hazard to life or property, the [*department*] **bureau** may cut or disconnect any wire necessary to remove such hazard or take corrective action as provided by rules adopted under ORS 479.730.

(4) Upon written request of appropriate municipal personnel, the [*department*] **bureau** may make inspections of electrical installations and products within cities and counties. Such inspections shall be made at cost, in accordance with local municipal ordinances, payable on a monthly basis.

(5) For the purpose of discharging any duty imposed by ORS 479.510 to 479.945 and 479.995 or exercising authority conferred hereby the [*department*] **bureau** may enter, during reasonable hours, any building, enclosure, or upon any premises where electrical work is in progress, where an electrical installation has been made or where electrical equipment or products may be located.

(6) A person may not obstruct or interfere with the [*department*] **bureau** in performance of any of the [*department's*] **bureau's** duties or the exercise of any authority conferred under this section.

**SECTION 291.** ORS 479.840 is amended to read:

479.840. (1) Upon receiving payment of the applicable application fee, the [*Department of Consumer and Business Services*] **Bureau of Labor and Industries** may issue or renew a license or

1 permit applied for under ORS 479.510 to 479.945. The fee to apply for or renew a license is:

2 (a) \$125 per year for an electrical contractor license for each place of business operated by the  
3 applicant.

4 (b) \$125 per year for a limited energy contractor, restricted energy contractor or limited sign  
5 contractor license.

6 (c) \$25 per year for a pump specialty contractor or limited maintenance specialty contractor li-  
7 cense.

8 (d) \$150 per year for an elevator contractor license.

9 (e) \$100 for a three-year license for a:

10 (A) General journeyman electrician;

11 (B) General supervising electrician;

12 (C) Limited supervising industrial electrician;

13 (D) Limited supervising manufacturing plant electrician;

14 (E) Limited maintenance industrial electrician; or

15 (F) Limited journeyman manufacturing plant electrician.

16 (f) \$50 for a three-year license for a:

17 (A) Limited elevator journeyman;

18 (B) Class A or Class B limited energy technician;

19 (C) Limited journeyman sign electrician;

20 (D) Limited journeyman stage electrician; or

21 (E) Limited building maintenance electrician.

22 (2) The Electrical and Elevator Board shall set uniform permit fees, by rule, not to exceed the  
23 cost of administration.

24 (3) The fees provided for in this section do not apply to persons paying inspection fees under the  
25 terms of ORS 479.560 (3) or 479.630 (10).

26 (4) Each electrical contractor may furnish to the [department] **bureau** a corporate surety bond  
27 to be approved by the [department] **bureau**, an irrevocable letter of credit issued by an insured in-  
28 stitution as defined in ORS 706.008 or a cash bond under procedures approved by the [department]  
29 **bureau**, in the sum of \$2,000 guaranteeing the payment of all fees provided for under ORS 479.510  
30 to 479.945. Before commencing any electrical job an electrical contractor who has a current bond  
31 or letter of credit under this subsection may apply to the [department] **bureau** for a working permit  
32 which shall cost an amount established by the [department] **bureau** by rule. The working permit  
33 shall authorize the electrical contractor to commence work. The total of all fees due for permits for  
34 each job, and the time such fees are payable, shall be determined by the [department] **bureau** by  
35 administrative rule under ORS 479.730. The contractor shall keep the bond or letter of credit in  
36 force at all times. Any cancellation or revocation of the bond or letter of credit shall revoke and  
37 suspend the license issued to the principal until such time as a new bond or letter of credit shall  
38 be filed and approved. The [department] **bureau** may bring an action against the surety named in the  
39 bond or the letter of credit issuer with or without joining in such action the principal named in the  
40 bond or letter of credit.

41 **SECTION 292.** ORS 479.850 is amended to read:

42 479.850. All receipts from civil penalties, fees, charges, costs and expenses provided for in ORS  
43 455.895 (1)(b), 479.510 to 479.945, 479.990 and 479.995 when collected shall be:

44 (1) Paid into the [Consumer and Business Services Fund] **Bureau of Labor and Industries**  
45 **Account** created by ORS [705.145] **651.160**; and

1 (2) Used only for the enforcement and administration of ORS 479.510 to 479.945 and 479.995.

2 **SECTION 293.** ORS 479.853 is amended to read:

3 479.853. If any person is aggrieved by a decision made upon inspection under authority of ORS  
4 455.148, 455.150 or 479.510 to 479.945 and 479.995 of an electrical product or electrical inspection,  
5 the person may appeal the decision. The following apply to an appeal under this section:

6 (1) An appeal under this section is subject to ORS chapter 183.

7 (2) An appeal under this section must be made first to the Chief Electrical Inspector of the  
8 [*Department of Consumer and Business Services*] **Bureau of Labor and Industries**. The decision of  
9 the Chief Electrical Inspector may be appealed to the Electrical and Elevator Board. The decision  
10 of the Electrical and Elevator Board may be appealed to the [*Director of the Department of Consumer*  
11 *and Business Services*] **Commissioner of the Bureau of Labor and Industries** only if codes in  
12 addition to the electrical code are at issue.

13 (3) If the Electrical and Elevator Board determines that a decision by the Chief Electrical In-  
14 spector is a major code interpretation, then the inspector shall distribute the decision in writing to  
15 all public and private electrical inspection authorities in the state. The decision shall be distributed  
16 within 60 days after the board's determination, and there shall be no charge for the distribution of  
17 the decision. As used in this subsection, a "major code interpretation" means a code interpretation  
18 decision that affects or may affect more than one job site or more than one inspection jurisdiction.

19 (4) If an appeal is made under this section, an inspection authority shall extend the electrical  
20 plan review deadline by the number of days it takes for a final decision to be issued for the appeal.

21 (5) Unless the [*department*] **bureau** determines that the electrical product or electrical installa-  
22 tion presents an immediate fire or life safety hazard, a person may operate an electrical product or  
23 electrical installation that is the subject of an appeal under this section until the appeal process is  
24 complete. If the [*department*] **bureau** determines that an immediate fire or life safety hazard exists  
25 and the product or installation may not be operated during appeal, the [*department*] **bureau** shall  
26 provide the person with a written report detailing the problems found by the [*department*] **bureau**.  
27 If a determination is made under this subsection that products described in ORS 479.540 (11) may  
28 not be operated during appeal, that determination may be appealed immediately under the procedure  
29 established in subsection (2) of this section without first completing any appeal procedure estab-  
30 lished by a city or county.

31 **SECTION 294.** ORS 479.854 is amended to read:

32 479.854. (1) A municipality may enact and enforce an ordinance requiring a municipal general  
33 supervising electrician's license upon the approval of the Electrical and Elevator Board and the  
34 [*Director of the Department of Consumer and Business Services*] **Commissioner of the Bureau of**  
35 **Labor and Industries**.

36 (2) The Electrical and Elevator Board and [*director*] **commissioner** may approve an ordinance  
37 under subsection (1) of this section only if electrical installations within the municipality's jurisdic-  
38 tion are of a unique character beyond the education or experience of a general supervising  
39 electrician licensed under ORS 479.630 (2), and the ordinance applies only to such installations.

40 (3) The [*director*] **commissioner**, after obtaining the opinion of the board, shall revoke approval  
41 of an ordinance upon a finding that in issuing its general supervising electrician's license, a  
42 municipality has engaged in a pattern or practice of discrimination against electricians from outside  
43 the municipality.

44 **SECTION 295.** ORS 479.855 is amended to read:

45 479.855. (1) In addition to the provisions of ORS 455.010 to 455.310 and 455.410 to 455.740, any

1 inspection and enforcement program established by a city or county under ORS 455.148 or 455.150  
2 is subject to the provisions of this section. Where the provisions of this section conflict with pro-  
3 visions under ORS 455.010 to 455.310 and 455.410 to 455.740, the provisions of this section shall  
4 control.

5 (2)(a) Except as otherwise provided in this section, any city or county that wishes to establish  
6 a program under ORS 455.150 to enforce and administer ORS 479.510 to 479.945 and 479.995, in-  
7 cluding a program for inspection under a master permit pursuant to ORS 479.560 (3), must first make  
8 application to the [*Department of Consumer and Business Services*] **Bureau of Labor and**  
9 **Industries**. The program for inspection under a master permit shall be delegated separately from  
10 the general electrical program authorization. The [*department*] **bureau** may authorize the city or  
11 county to administer and enforce the provisions of this section and ORS 479.540 and 479.560 if it  
12 finds that the city or county can comply with the minimum standards and meet the qualifications  
13 for inspections, permit applications and other matters to assure adequate administration and  
14 enforcement of electrical inspection programs. The [*department*] **bureau** may authorize the city or  
15 county to administer and enforce ORS 479.510 to 479.945 and 479.995 if the [*department*] **bureau**  
16 finds that the city or county:

17 (A) Can comply with minimum standards adopted by the Electrical and Elevator Board by rule  
18 for inspections, permit applications and other matters to assure adequate administration and  
19 enforcement of ORS 479.510 to 479.945 and 479.995.

20 (B) Can conduct the electrical plan review, if required by the city or county, in a timely manner  
21 and by qualified personnel who meet the standards adopted by rule by the board.

22 (b) The city or county must assume full responsibility allowed under ORS 455.010 to 455.310 and  
23 455.410 to 455.740 for the enforcement, inspection and administration of the electrical safety laws  
24 under that specialty code and ORS 479.510 to 479.945 and 479.995. This subsection does not require  
25 a city or county to assume full responsibility for enforcement, inspection and administration of the  
26 electrical safety laws if the only enforcement performed by the city or county involves manufactured  
27 dwelling electrical utility connections.

28 (3) The [*department*] **bureau**, subject to ORS chapter 183, shall revoke any authority of a city  
29 or county to carry on inspections, enforcement or administration of electrical installations and  
30 electrical products under ORS 455.148 or 455.150 if the [*department*] **bureau** determines that the city  
31 or county fails to comply with standards adopted by the board or otherwise is not effectively car-  
32 rying out duties assumed by the city or county under this section.

33 (4)(a) Except as provided in paragraph (b) of this subsection, a city or county may not contract  
34 with competing electrical contractors to provide permit inspection of electrical installations.

35 (b) A city or county may contract with competing electrical contractors to provide permit in-  
36 spection of electrical installations on a temporary basis by a supervising electrician if:

37 (A) Emergency circumstances exist; and

38 (B) The city or county has requested that the [*department*] **bureau** perform permit inspections  
39 and the [*department*] **bureau** is unable to respond in a timely manner.

40 (c) Nothing in this subsection prohibits a city or county from contracting with another city or  
41 county to perform permit inspections of electrical installations by a supervising electrician.

42 (5) A city or county that performs electrical installation inspections shall perform license  
43 enforcement inspections as a part of routine installation inspections.

44 **SECTION 296.** ORS 479.860 is amended to read:

45 479.860. (1) Notwithstanding any other provision of law, a person who is the holder of a super-

1 vising electrician's license:

2 (a) Who is employed by the holder of an electrical contractor's license may design, plan and lay  
3 out electrical installations for customers of the electrical contractor without obtaining any other  
4 license, permit or certificate; or

5 (b) Who is employed by an industrial plant may design, plan and lay out electrical installations  
6 for that industrial plant.

7 (2) The *[Director of the Department of Consumer and Business Services]* **Commissioner of the**  
8 **Bureau of Labor and Industries**, after consultation with the Electrical and Elevator Board and  
9 the State Board of Examiners for Engineering and Land Surveying, may adopt rules designating  
10 classes of board licensees that may design, plan and lay out noncomplex electrical installations.  
11 Licensees are not subject to any requirement for an additional license, permit, certificate or regis-  
12 tration when engaging in the design, planning or laying out of electrical installations as authorized  
13 by a rule adopted under this subsection.

14 **SECTION 297.** ORS 479.910 is amended to read:

15 479.910. (1) Upon payment of an application or renewal fee, the *[Department of Consumer and*  
16 *Business Services]* **Bureau of Labor and Industries** shall issue a Class B limited energy technician  
17 license to a person who qualifies under ORS 479.915. A person licensed under this section may  
18 perform limited energy electrical activity except protective signaling as defined in ORS 479.905.

19 (2) A person licensed under this section shall comply with the permit and code compliance re-  
20 quirements under ORS 479.510 to 479.945.

21 (3) The application fee, and the renewal fee, for a Class B limited energy technician license are  
22 the same as those for a Class A limited energy technician license.

23 (4) The Electrical and Elevator Board shall establish continuing education requirements for  
24 persons licensed under this section, not to exceed 24 hours of classes every three years.

25 **SECTION 298.** ORS 479.915 is amended to read:

26 479.915. (1) An applicant for a Class B limited energy technician license must:

27 (a) Submit proof satisfactory to the Electrical and Elevator Board that the person has:

28 (A) At least two years of experience as an apprentice in limited energy electrical activity; or

29 (B) At least two years of experience equivalent to an apprenticeship in limited energy electrical  
30 activity and completed a board-approved 32-hour training program; and

31 (b) Pass a written examination approved by the board and administered by the *[Department of*  
32 *Consumer and Business Services]* **Bureau of Labor and Industries**.

33 (2) An applicant for a Class A limited energy technician license must:

34 (a) Submit proof satisfactory to the board that the person has completed at least three years of  
35 experience as an apprentice, or the equivalent as determined by the board by rule, in a recognized  
36 branch of the electrical trade; and

37 (b) Pass a written examination prepared by the board and administered by the *[department]* **bu-**  
38 **reau**.

39 (3) The board shall determine the adequacy of any training program for qualification under the  
40 requirements of this section and ORS 479.910 and section 1, chapter 728, Oregon Laws 2001.

41 (4) The *[department]* **bureau** shall issue a Class A limited energy technician license to a person  
42 who qualifies under subsection (2) of this section and pays the required fees.

43 **SECTION 299.** ORS 479.950 is amended to read:

44 479.950. (1) Notwithstanding ORS 479.510 to 479.945, 479.995 and 824.045, the *[Director of the*  
45 *Department of Consumer and Business Services]* **Commissioner of the Bureau of Labor and In-**

1 **dustries** shall adopt rules establishing, amending or repealing minimum safety standards for work-  
 2 manship and materials for, and the design and construction of electrical products used in, traction  
 3 electrification and electrical communications and electrical signaling installations for rail fixed  
 4 guideway public transportation systems operated by a mass transit district established under ORS  
 5 267.010 to 267.394. The rules adopted by the [*director*] **commissioner** under this subsection shall be  
 6 the exclusive rules adopted for this state that establish minimum safety standards for workmanship  
 7 and materials for, and the design and construction of electrical products used in, traction  
 8 electrification and electrical communications and electrical signaling installations for rail fixed  
 9 guideway public transportation systems operated by a mass transit district.

10 (2) Before adopting rules under subsection (1) of this section, the [*Director of the Department of*  
 11 *Consumer and Business Services*] **Commissioner of the Bureau of Labor and Industries** shall  
 12 consider:

13 (a) Technological advances in the rail fixed guideway industry.

14 (b) The practicability of following the standards under consideration, if adopted.

15 (c) The probability, extent and gravity of the injury to the public or to property that will result  
 16 from failure to follow the standards under consideration.

17 (d) Safety standards followed, proposed or approved by responsible members of the rail fixed  
 18 guideway industry.

19 (3) Notwithstanding ORS 479.510 to 479.945, 479.995 and 824.045, the [*Department of Consumer*  
 20 *and Business Services*] **Bureau of Labor and Industries** is designated as the state agency to ad-  
 21 minister and enforce the standards established by the [*Director of the Department of Consumer and*  
 22 *Business Services*] **Commissioner of the Bureau of Labor and Industries** under this section. The  
 23 [*department*] **bureau** shall adopt rules establishing procedures for the administration and enforce-  
 24 ment of such standards.

25 **SECTION 300.** ORS 480.432 is amended to read:

26 480.432. (1) A person may not engage in or work at the business of installing, extending, altering  
 27 or repairing any LP gas appliance or piping, vent or flue connection pertaining to or in connection  
 28 with LP gas installations within the state, either as employer or individual, unless the person has  
 29 received an LP gas installation license from the State Fire Marshal in accordance with ORS 480.410  
 30 to 480.460.

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

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

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

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

1 unless the apprentice or journeyman plumber is licensed as required under this section.

2 (6) A person who holds a license issued by the [*Department of Consumer and Business Services*]  
 3 **Bureau of Labor and Industries** under ORS 480.630 of a class that authorizes the person to fab-  
 4 ricate, install, alter or repair pressure piping and to install boilers and pressure vessels by attach-  
 5 ment of piping connector is exempt from the licensing requirements of subsections (1) and (2) of this  
 6 section, except that the person may not install an LP gas tank or make any connection to an LP  
 7 gas tank unless the person is licensed as required under this section.

8 (7) Subsections (1) to (4) of this section do not apply to LP gas installations in a manufactured  
 9 dwelling performed during the construction of the manufactured dwelling, or the alteration or repair  
 10 of an LP gas installation in a manufactured dwelling made pursuant to the manufacturer's warranty.  
 11 The provisions of this section do not apply to LP gas work on recreational vehicles as defined in  
 12 ORS 174.101.

13 **SECTION 301.** ORS 480.450 is amended to read:

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

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

31 (3) After the initial installation, liquefied petroleum gas containers may be inspected once every  
 32 10 years except when changes have been made in the original installation. An installer making  
 33 changes must notify the State Fire Marshal of the changes in the same manner provided in this  
 34 section for new installations. The State Fire Marshal shall collect from the owner a fee of \$50 for  
 35 the inspection of each container. The manner of inspection, requirement of corrections, satisfaction  
 36 of requirements and collection of fees due and payable must conform with the provisions of ORS  
 37 480.410 to 480.460 for new installations. Upon request of the State Fire Marshal, LP gas installation  
 38 licensees shall furnish a list of the locations of 10-year old installations that they service.

39 (4) If, upon inspection of any tank, the new installation does not comply with the requirements  
 40 of the State Fire Marshal, the State Fire Marshal shall instruct the installer as to what corrections  
 41 are necessary for compliance with the State Fire Marshal's requirements. The installer of the new  
 42 installation shall, within the time set by the State Fire Marshal, not to exceed 60 days after notifi-  
 43 cation, notify the State Fire Marshal that the new installation complies with the requirements of the  
 44 fire marshal. If the installer fails to notify the State Fire Marshal, or the State Fire Marshal has  
 45 reason to believe that the corrections have not been made, the State Fire Marshal shall reinspect



1 the new installation and shall collect from the installer an additional fee of \$125. The user, not the  
 2 installer, shall pay the additional fee resulting from actions of the user that require correction to  
 3 achieve compliance with the requirements of the State Fire Marshal.

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

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

14 (7) The provisions of this section do not apply to liquefied petroleum gas installations if made  
 15 entirely within the jurisdiction of a governmental subdivision granted the exemption provided by  
 16 ORS 476.030 (3) and written evidence of the licensing of the installation by the approved authority  
 17 is submitted to the State Fire Marshal. The provisions of this section do not apply to LP gas in-  
 18 stallations made in manufactured dwellings that are constructed or altered in accordance with ap-  
 19 plicable rules of the *[Department of Consumer and Business Services]* **Bureau of Labor and**  
 20 **Industries**. The provisions of this section do not apply to LP gas installations in a recreational  
 21 vehicle as defined in ORS 174.101.

22 **SECTION 302.** ORS 480.515 is amended to read:

23 480.515. As used in ORS 480.510 to 480.670, unless the context requires otherwise:

24 (1) "Alteration" means a change or addition to equipment, other than the ordinary repair or  
 25 replacement of an existing part of the equipment.

26 (2) "Board" means the Board of Boiler Rules created under ORS 480.535.

27 (3) "Boiler" or "boilers" means:

28 (a) A closed vessel or vessels intended for the heating or vaporizing of liquids to be used ex-  
 29 ternally to such vessel or vessels by the application of heat from combustible fuels, electricity or  
 30 nuclear energy;

31 (b) Related appurtenances including but not limited to pressure piping directly connected and  
 32 related to the safe operation of a boiler; and

33 (c) Pressure piping consisting of boiler or nonboiler external piping connected to a boiler, but  
 34 not potable water nonboiler external piping.

35 (4) "Boiler external piping" has the meaning given the term in the 1986 Pressure Piping Code  
 36 B 31.1, adopted by the American Society of Mechanical Engineers.

37 **(5) "Bureau" means the Bureau of Labor and Industries.**

38 ~~[(5)]~~ **(6) "Certificate of competency"** means a certificate issued under the provisions of ORS  
 39 480.565 (3).

40 ~~[(6) "Department" means the Department of Consumer and Business Services.]~~

41 ~~[(7) "Director" means the Director of the Department of Consumer and Business Services.]~~

42 **(7) "Commissioner" means the Commissioner of the Bureau of Labor and Industries.**

43 (8) "Installation permit" means a permit issued by the *[department]* **bureau** for the installation,  
 44 alteration or repair of a boiler or pressure vessel.

45 (9) "Minimum safety standards" means the rules, regulations, formulae, definitions and inter-

pretations for the safe construction, installation, operation and repair of boilers and pressure vessels either adopted by ORS 480.510 to 480.670 or adopted by the board, under ORS 480.510 to 480.670.

(10) "Nonboiler external piping" has the meaning given the term in the 1986 Pressure Piping Code B 31.1, adopted by the American Society of Mechanical Engineers.

(11) "Operating permit" means a permit issued by the [department] **bureau** authorizing the operation of a boiler or pressure vessel.

(12) "Pressure vessel" means containers for the containment of pressure, either internal or external. This pressure may be obtained from an external source or by the application of heat from a direct or indirect source, or any combination thereof.

(13) "Related appurtenances" means any equipment instrumental to the safe operation of a boiler or pressure vessel.

(14) "Shop inspection" means an inspection at a boiler or pressure vessel manufacturing, construction or repair facility.

(15) "Temporary operation authorization" means an authorization issued by the [department] **bureau** to operate a boiler or pressure vessel for a specified period pending the issuance of an operating permit.

**SECTION 303.** ORS 480.520 is amended to read:

480.520. The purpose of ORS 480.510 to 480.670 is to protect the safety of the people of Oregon and to protect property situated in Oregon from the hazard of fires and explosions caused by boilers and pressure vessels. To accomplish this purpose the Legislative Assembly intends by ORS 480.510 to 480.670 to provide a system:

(1) For determining where and by whom boilers and pressure vessels are being constructed, installed, repaired, used and operated.

(2) To ensure that only qualified persons do welding on boilers and on pressure vessels.

(3) To ensure that boilers and pressure vessels are manufactured, installed, repaired, operated, inspected and maintained so as to meet the minimum safety standards formulated and promulgated by the Board of Boiler Rules.

(4) For the administration and enforcement of ORS 480.510 to 480.670 by the [Department of Consumer and Business Services] **Bureau of Labor and Industries** and the board.

(5) To defray the cost of administration and the cost of enforcing ORS 480.510 to 480.670 by establishing fees to be charged for:

(a) Issuing operating permits;

(b) Issuing installation permits;

(c) Giving examinations; and

(d) Making inspections.

**SECTION 304.** ORS 480.525 is amended to read:

480.525. (1) ORS 480.510 to 480.670 do not apply to:

(a) Boilers and pressure vessels under federal safety regulations or control.

(b) Domestic water heaters designed for heating potable water, equipped with an approved pressure-relieving device, containing only water and that do not exceed a:

(A) Capacity of 120 gallons;

(B) Water temperature of 210 degrees Fahrenheit;

(C) Pressure of 150 pounds per square inch gauge pressure; or

(D) Heat input of 200,000 BTU per hour.

(c) Domestic water heaters designed to create hot water instantaneously on demand without the

1 use of a storage tank.

2 (d) Pressure vessels containing liquefied petroleum gas that are under the jurisdiction of the  
 3 State Fire Marshal. However, the construction and repair of the vessels must comply with ORS  
 4 480.510 to 480.670 and are under the jurisdiction of the Board of Boiler Rules.

5 (e) Air tanks used in the operation of brakes on self-propelled vehicles and trailers that are used  
 6 for transporting freight or passengers.

7 (f) Medical sterilizers that do not exceed one and one-half cubic feet in volume.

8 (g) Pressure vessels that do not exceed one and one-half cubic feet in volume and:

9 (A) Are not operated at gauge pressure of more than 150 pounds per square inch;

10 (B) Are equipped with a relief valve;

11 (C) Are approved under the American Society of Mechanical Engineers code adopted by the  
 12 board;

13 (D) Are set at a maximum pressure of 150 pounds per square inch or less; and

14 (E) Are located in a place of public assembly.

15 (h) Pressure vessels that do not exceed five cubic feet in volume and:

16 (A) Are not operated at gauge pressure of more than 150 pounds per square inch;

17 (B) Are equipped with a relief valve;

18 (C) Are approved under the American Society of Mechanical Engineers code adopted by the  
 19 board; and

20 (D) Are set at a maximum pressure of 150 pounds per square inch or less.

21 (2) Notwithstanding subsection (1) of this section, if the board, upon presentation of satisfactory  
 22 evidence, determines that danger to health or safety is evident in any pressure vessel or class of  
 23 pressure vessels exempted under subsection (1)(g) of this section, the board may require the in-  
 24 spection or reinspection of the pressure vessel or class of pressure vessels and make the pressure  
 25 vessel or class of pressure vessels subject to the fee, construction or other requirements of ORS  
 26 480.510 to 480.670.

27 (3) The following boilers and pressure vessels are exempt from ORS 480.510 to 480.670, except  
 28 as to all provisions relating to construction, installation, alteration or repair and to installation  
 29 permits:

30 (a) Boilers that are not operated at gauge pressures of more than 15 pounds per square inch and  
 31 that are located on farms and used solely for agricultural purposes except when used in connection  
 32 with a greenhouse.

33 (b) Air tanks located on farms and used solely for agricultural purposes.

34 (c) Boilers and pressure vessels that are located in private residences and may be inspected only  
 35 by a boiler inspector.

36 (d) Pressure vessels being operated at gauge pressures of less than 15 pounds per square inch  
 37 and equipped with a pressure relief device set to open at a pressure that does not exceed the lesser  
 38 of the pressure vessel's maximum allowed working pressure or 15 pounds per square inch gauge  
 39 pressure.

40 (4)(a) Beverage service tanks that have a product volume of five cubic feet or less are exempt  
 41 from ORS 480.510 to 480.670.

42 (b) Except as provided in paragraph (c) of this subsection, beverage service tanks that have a  
 43 product volume of more than five cubic feet are exempt from ORS 480.510 to 480.670, except as to  
 44 provisions relating to installation permits and installation inspections. The installation permit fee  
 45 for a beverage service tank is \$50.

1 (c) All portable beverage tanks are exempt from ORS 480.510 to 480.670.

2 (5) The *[Director of the Department of Consumer and Business Services]* **Commissioner of the**  
 3 **Bureau of Labor and Industries** may adopt rules identifying boilers and pressure vessels used in  
 4 single family dwellings or other structures that may be inspected by an inspector certified under  
 5 ORS 455.715 to 455.740 for a specialty code other than the code adopted under ORS 480.545. The  
 6 boilers and pressure vessels identified in the rules shall be subject to inspection upon installation,  
 7 alteration or repair, but be exempt from periodic inspection under ORS 480.560 and from the oper-  
 8 ating permit requirements of ORS 480.585.

9 (6) Notwithstanding any requirement of ORS 480.510 to 480.670 or the state building code, the  
 10 *[Department of Consumer and Business Services]* **Bureau of Labor and Industries** may adopt rules  
 11 granting partial or complete exemption from ORS 480.510 to 480.670 for a boiler or pressure vessel  
 12 if the board determines that the boiler or pressure vessel does not present a danger to public health  
 13 or safety within this state.

14 **SECTION 305.** ORS 480.530 is amended to read:

15 480.530. The *[Department of Consumer and Business Services]* **Bureau of Labor and Industries**  
 16 may:

17 (1) Where it appears that a person is engaging in or is about to engage in an act or practice in  
 18 violation of any provision of ORS 480.510 to 480.670, obtain without furnishing a bond, a restraining  
 19 order and injunction from the circuit court in the county where the act or practice is occurring, or  
 20 is threatened, enjoining the act or practice. However, before obtaining a restraining order and in-  
 21 junction, unless the act or practice constitutes an immediate threat to health and safety, the *[de-*  
 22 *partment]* **bureau** shall first notify the person concerned of the *[department's]* **bureau's** intentions.  
 23 The notice shall be in writing, shall advise the person concerned of the *[department's]* **bureau's** in-  
 24 tentions and shall advise the person concerned of the right to appeal in writing within 10 days and  
 25 that the appeal will be heard by the Board of Boiler Rules. In case there is a timely request for an  
 26 appeal, proceedings will be stayed pending the appeal, unless the act or practice constitutes an im-  
 27 mediate menace to health or safety or the person concerned fails to prosecute the appeal with dili-  
 28 gence.

29 (2) Keep a complete record of the types, dimensions, maximum allowable working pressures, age,  
 30 location and date of the last recorded inspection of all boilers and pressure vessels to which ORS  
 31 480.510 to 480.670 apply.

32 (3) Publish and distribute copies of the rules and codes applicable to boilers and pressure ves-  
 33 sels.

34 (4) Check or cause to be checked the authenticity, appropriateness and expiration dates of li-  
 35 censes and certificates issued under ORS 480.510 to 480.670.

36 (5) Administer written, oral or practical examinations to all applicants for certification as chief  
 37 boiler inspector, deputy inspector or special inspector under ORS 480.565.

38 **SECTION 306.** ORS 480.535 is amended to read:

39 480.535. (1) The Board of Boiler Rules is established in the *[Department of Consumer and Busi-*  
 40 *ness Services]* **Bureau of Labor and Industries**. The Governor shall appoint the board, which shall  
 41 formulate and promulgate rules under ORS 480.510 to 480.670 for the safe construction, installation,  
 42 inspection, operation, maintenance and repair of boilers and pressure vessels in this state and re-  
 43 view determinations made by its staff concerning boilers and pressure vessels.

44 (2) Eleven persons shall constitute the board, consisting of:

45 (a) One person who is an owner and user or who is a representative and employee of an owner

1 and user of a high pressure boiler in Oregon and who has had practical experience with high pres-  
2 sure boilers;

3 (b) One person who is a manufacturer or who is a representative and employee of a manufac-  
4 turer of boilers or of pressure vessels in Oregon;

5 (c) One person who is regularly engaged in the inspection of boilers and pressure vessels and  
6 who is employed by an insurer who may and does write policies of boiler and pressure vessels ex-  
7 plosion insurance in Oregon;

8 (d) One person who is a mechanical engineer registered by the State of Oregon;

9 (e) One person who is a boilermaker;

10 (f) One person who is the owner and user or who is a representative and employee of an owner  
11 and user of a low pressure boiler in Oregon;

12 (g) One person who is the owner and user or who is a representative and employee of an owner  
13 and user of a pressure vessel in Oregon and who has had practical experience with pressure vessels;

14 (h) One person who is an owner or employee of a business engaged in the installation and repair  
15 of boilers;

16 (i) One person who is a steamfitter;

17 (j) One person who is a practical steam operating engineer; and

18 (k) One person who is a member of the public not otherwise eligible for appointment to the  
19 board.

20 (3) A member of the board who does not continue to meet the qualifications for board member-  
21 ship under subsection (2) of this section during the member's term may not be appointed to a sub-  
22 sequent term.

23 (4) The appointment of a member of the board is subject to confirmation by the Senate pursuant  
24 to section 4, Article III of the Oregon Constitution.

25 **SECTION 307.** ORS 480.545 is amended to read:

26 480.545. (1) Under ORS chapter 183 the Board of Boiler Rules may adopt and enforce rules and  
27 minimum safety standards to carry out ORS 480.510 to 480.670 and adopt standards for persons  
28 performing welding on boilers and pressure vessels.

29 (2) All proceedings in the administration of ORS 480.510 to 480.670 shall be conducted under  
30 ORS chapter 183 and, additionally, where applicable, under ORS 480.615.

31 (3) In addition to the rules otherwise provided, and subject to ORS chapter 183, the board shall  
32 adopt rules concerning the times, dates, frequency and manner of giving notice to interested persons  
33 of intention to consider one or more of the things which the board may consider under this section.

34 (4) All rules and minimum safety standards adopted under this section shall be reasonable and  
35 in substantial conformity with generally accepted nationwide engineering standards. In adopting  
36 rules the board shall consider the probability, extent and gravity of injuries to health and property  
37 which would result from the failure to adopt the standards being considered and the standards fol-  
38 lowed, proposed or approved by members of affected industries.

39 (5) The board shall adopt rules establishing a continuing education requirement for persons de-  
40 scribed in ORS 480.630 (8) and fees necessary for the administration and enforcement of the con-  
41 tinuing education requirement.

42 (6) Any rule adopted by the board under ORS 480.510 to 480.670 shall be submitted to the [*Di-*  
43 *rector of Department of Consumer and Business Services*] **Commissioner of the Bureau of Labor**  
44 **and Industries**. The [*director*] **commissioner** shall have 30 calendar days from the date of adoption  
45 of the rules to review them. If the [*director*] **commissioner** fails to disapprove the rules within the

1 30-day period, the rules become effective in accordance with their terms and as provided by law. If  
 2 the *[director]* **commissioner** disapproves the rules within the 30-day period, the rules immediately  
 3 shall be returned to the board with the *[director's]* **commissioner's** written objections, and the rules  
 4 do not become effective until approved by the *[director]* **commissioner**.

5 **SECTION 308.** ORS 480.565 is amended to read:

6 480.565. The *[Director of the Department of Consumer and Business Services]* **Commissioner of**  
 7 **the Bureau of Labor and Industries** shall:

8 (1) Appoint a chief boiler inspector who has had practical experience in the construction,  
 9 maintenance, repair or operation of high pressure boilers and pressure vessels as a mechanical en-  
 10 gineer, practical steam operating engineer, boilermaker or boiler inspector and who:

11 (a) Has passed a written examination, which shall be confined to questions the answers to which  
 12 will aid in determining the fitness and competency of the applicant to inspect boilers and pressure  
 13 vessels; or

14 (b) Holds a certificate of competency as an inspector of boilers and pressure vessels issued by  
 15 a state that has standards of examination equal to those of the State of Oregon and that recognizes  
 16 certificates of competency issued by the State of Oregon, and has passed an examination that as-  
 17 sesses the applicant's knowledge of ORS 480.510 to 480.670 and the rules adopted thereunder.

18 (2) Appoint deputy inspectors who shall be responsible to the chief boiler inspector and who  
 19 shall have qualified as provided in subsection (1) of this section, except that less practical experi-  
 20 ence shall be required.

21 (3) Issue a certificate of competency as a special inspector to any individual who qualifies as  
 22 provided in subsection (1) of this section, except that no more practical experience shall be required  
 23 than is required of a deputy inspector, and who is continuously employed by:

24 (a) An insurer who may and does write policies of boiler and pressure vessel insurance in  
 25 Oregon; or

26 (b) Any person operating pressure vessels in this state whose service, personnel, equipment and  
 27 supervision meet the requirements prescribed by the Board of Boiler Rules.

28 **SECTION 309.** ORS 480.570 is amended to read:

29 480.570. (1) A special inspector receiving a certificate of competency under ORS 480.565 (3)(b)  
 30 may not inspect under ORS 480.510 to 480.670 any boiler or pressure vessel not used or not to be  
 31 used by the employer of the special inspector.

32 (2) If a special inspector holds a certificate of competency issued under ORS 480.565 (3)(a), the  
 33 special inspector:

34 (a) May conduct shop inspections of boilers and pressure vessels manufactured or to be installed  
 35 in this state whether or not the boilers or pressure vessels are insured or will be insured by the  
 36 employer of the special inspector; and

37 (b) Upon being notified that the boilers or pressure vessels are ready for inspection, shall per-  
 38 form all installation and operating inspections required under ORS 480.510 to 480.670 on boilers and  
 39 pressure vessels that are operated or insured by the special inspector's employer.

40 (3) A boiler contractor licensed under ORS 480.630 that performs an alteration or repair on a  
 41 boiler or pressure vessel shall utilize the services of:

42 (a) An authorized inspector certified under this chapter with whom the contractor has an  
 43 agreement for inspection of the alteration or repair;

44 (b) A special inspector of an insurance company with which the contractor has an inspection  
 45 contract; or

1 (c) A designated inspector who is authorized to inspect the alteration or repair.

2 (4) A special inspector's certificate of competency remains in force only while the special in-  
3 spector is continuously employed by one of the persons mentioned in ORS 480.565 (3).

4 (5) If a boiler or pressure vessel is inspected by a special inspector as provided in this section,  
5 the boiler or pressure vessel is subject to the installation permit and operating permit fees described  
6 in ORS 480.600 (2) instead of the installation permit and operating permit fees established under  
7 ORS 480.595.

8 (6) The *[Department of Consumer and Business Services]* **Bureau of Labor and Industries** may  
9 cause a deputy inspector to inspect or reinspect all boilers and pressure vessels that a special in-  
10 spector is authorized or required to inspect. However, the deputy inspector may not conduct an  
11 internal inspection or reinspection unless:

12 (a) There is a question as to whether or not the boiler or pressure vessel meets the minimum  
13 safety standards; and

14 (b) The special inspector who made the original inspection, or the employer of the special in-  
15 spector, is given reasonable notice and opportunity to be present during the internal inspection or  
16 reinspection.

17 (7) Subsections (1) to (6) of this section do not apply to boilers or pressure vessels located in a  
18 residential structure that contains fewer than six dwelling units.

19 **SECTION 310.** ORS 480.585 is amended to read:

20 480.585. (1) After a boiler or pressure vessel has successfully passed an installation inspection,  
21 the *[Department of Consumer and Business Services]* **Bureau of Labor and Industries** may issue a  
22 temporary operation authorization. The boiler or pressure vessel covered by the temporary opera-  
23 tion authorization may only be operated during the period specified in the temporary operation au-  
24 thorization.

25 (2) An operating permit for a boiler or pressure vessel shall specify the maximum pressure under  
26 which the boiler or pressure vessel may be operated.

27 (3) The *[department]* **bureau** may at any time suspend or revoke an operating permit if the *[de-*  
28 *partment]* **bureau** finds that the boiler or pressure vessel, or related appurtenances, for which the  
29 permit was issued does not comply with ORS 480.510 to 480.670. Suspension of any permit continues  
30 in effect until the vessel conforms to ORS 480.510 to 480.670 and the permit is reissued. However,  
31 before suspending or revoking a permit, the *[department]* **bureau** shall first notify the person con-  
32 cerned of the *[department's]* **bureau's** intention. The notice must be in writing and advise the person  
33 concerned of the right to appeal in writing within 10 days and that the appeal will be heard by the  
34 Board of Boiler Rules. If there is a timely appeal, the *[department]* **bureau** may not suspend or re-  
35 voke the permit pending the appeal unless the reason for suspension or revocation constitutes an  
36 immediate menace to health or safety or the person concerned fails to prosecute an appeal with  
37 diligence.

38 (4)(a) Except as provided in ORS 480.510 to 480.670, a person may not operate a boiler or pres-  
39 sure vessel unless a valid temporary operation authorization or valid operating permit issued under  
40 this section is attached to the boiler or pressure vessel or posted in a conspicuous place in the room  
41 where the boiler or pressure vessel is located.

42 (b) A person may not permit or suffer the operation of a boiler or pressure vessel on property  
43 the person owns, controls, manages or supervises unless a valid temporary operation authorization  
44 or valid operating permit issued under this section is attached to the boiler or pressure vessel or  
45 posted in a conspicuous place in the room where the boiler or pressure vessel is located.

1 (c) The owner or lessee or person having possession of a boiler or pressure vessel may not  
 2 permit or suffer the operation of the boiler or pressure vessel unless a valid temporary operation  
 3 authorization or valid operating permit issued under this section is attached to the boiler or pres-  
 4 sure vessel or posted in a conspicuous place in the room where the boiler or pressure vessel is lo-  
 5 cated.

6 (5) The board may adopt rules waiving provisions of this section.

7 **SECTION 311.** ORS 480.595 is amended to read:

8 480.595. (1) The [*Department of Consumer and Business Services*] **Bureau of Labor and Indus-**  
 9 **tries** may adopt rules regarding installation permits and operating permits. The rules may include,  
 10 but need not be limited to, rules creating standardized forms, establishing operating permit fees,  
 11 establishing permit cycles and setting terms and conditions for permit validity.

12 (2) Upon timely receipt of an installation permit fee, the [*department*] **bureau** may issue an in-  
 13 stallation permit, perform an installation inspection and issue a temporary operating authorization.

14 (3) Upon timely receipt of an operating permit fee, the [*department*] **bureau** may issue or renew  
 15 an operating permit and may perform a periodic inspection if required during the operating permit  
 16 cycle.

17 (4) Except as provided in ORS 480.525 and 480.600, installation permit fees are as follows:

18 (a) For boilers, \$175.

19 (b) For pressure vessels, \$125.

20 (5) Except as provided in ORS 480.600, maximum operating permit fees per year are as follows:

- |                                       |       |
|---------------------------------------|-------|
| 21 (a) Power boilers of 15 horsepower |       |
| 22 or less                            | \$110 |
| 23 (b) Other boilers of 15 horsepower |       |
| 24 or less                            | \$ 55 |
| 25 (c) Power boilers greater than 15  |       |
| 26 horsepower to 100 horsepower       | \$110 |
| 27 (d) Other boilers greater than 15  |       |
| 28 horsepower to 100 horsepower       | \$ 55 |
| 29 (e) Power boilers greater than 100 |       |
| 30 horsepower to 500 horsepower       | \$110 |
| 31 (f) Other boilers greater than 100 |       |
| 32 horsepower to 500 horsepower       | \$ 55 |
| 33 (g) Power boilers greater          |       |
| 34 than 500 horsepower                | \$110 |
| 35 (h) Other boilers greater          |       |
| 36 than 500 horsepower                | \$ 55 |
| 37 (i) Notwithstanding paragraphs     |       |
| 38 (a) to (h) of this subsection,     |       |
| 39 all cast iron boilers              | \$ 55 |
| 40 (j) Pressure vessels having        |       |
| 41 a product volume of                |       |
| 42 20 cubic feet or less              | \$ 50 |
| 43 (k) Pressure vessels having        |       |
| 44 a product volume                   |       |
| 45 greater than 20 cubic feet         | \$ 50 |



1 (6) For a reinspection, the fee is \$75.

2 (7) For the submission of plans and other pertinent data when required, for each boiler or  
3 pressure vessel, the fee is \$78.

4 **SECTION 312.** ORS 480.600 is amended to read:

5 480.600. (1) For a quantity of boilers or pressure vessels operated at the same locations, each  
6 operating permit fee under ORS 480.595 issued at the same location is \$75.

7 (2) Notwithstanding ORS 480.595 and except as provided in this subsection, the installing, al-  
8 tering or repairing contractor or the owner or user of any boiler or pressure vessel that is inspected  
9 under ORS 480.570 (1) or (2) shall pay an installation permit fee of \$40 and an operating permit fee  
10 of \$40. The [*Department of Consumer and Business Services*] **Bureau of Labor and Industries** may  
11 establish operating permit cycles by rule. The [*department*] **bureau** may require payment of an in-  
12 stallation or operating permit fee as provided in ORS 480.595 if the [*department*] **bureau** finds that  
13 the boiler or pressure vessel is in violation of the minimum safety standards.

14 (3) If an insurance company notifies its insured that the insurance company will no longer insure  
15 a boiler or pressure vessel, or that insurance on a boiler or pressure vessel is no longer in force,  
16 the insurance company shall also notify the chief boiler inspector, in a form and manner prescribed  
17 by the chief boiler inspector, of the description and vessel registration numbers of the boilers or  
18 pressure vessels for which insurance is canceled or suspended or is not to be renewed.

19 (4) If an owner or user of a boiler or pressure vessel fails to pay any fee required by this chapter  
20 within 90 days after the billing date, the [*department*] **bureau** may consider the fee delinquent and  
21 double the amount of the fee. The court may award reasonable attorney fees to the [*department*]  
22 **bureau** if the [*department*] **bureau** prevails in an action to collect a fee required by this chapter.  
23 The court may award reasonable attorney fees to a defendant who prevails in an action to collect  
24 a fee required by this chapter if the court determines that the [*department*] **bureau** had no objec-  
25 tively reasonable basis for asserting the claim or no reasonable basis for appealing an adverse de-  
26 cision of the trial court.

27 **SECTION 313.** ORS 480.605 is amended to read:

28 480.605. The [*Department of Consumer and Business Services*] **Bureau of Labor and Industries**  
29 may:

30 (1) Collect fees for shop inspections, or for inspections, testing, consultations, site visits or other  
31 services for which no fee is otherwise specified, in the amount of \$75 per hour of travel and in-  
32 spection time.

33 (2) Collect a fee for welding and inspectors' examinations and for the renewal of inspectors'  
34 certifications. The Board of Boiler Rules shall fix the amount of the fee.

35 **SECTION 314.** ORS 480.610 is amended to read:

36 480.610. All receipts from fees, charges, costs and expenses under ORS 480.510 to 480.670 shall  
37 be collected by the [*Department of Consumer and Business Services*] **Bureau of Labor and Indus-**  
38 **tries** and paid into the [*Consumer and Business Services Fund*] **Bureau of Labor and Industries**  
39 **Account** created by ORS [705.145] **651.160**. Such moneys shall be used only for the administration  
40 and enforcement of ORS 480.510 to 480.670.

41 **SECTION 315.** ORS 480.630 is amended to read:

42 480.630. (1) A person engaging in the business of installing, repairing or altering boilers or  
43 pressure vessels must possess a boiler contractor license issued by the [*Department of Consumer and*  
44 *Business Services*] **Bureau of Labor and Industries**.

45 (2) A person who installs, repairs or alters boilers or pressure vessels as the employee or agent

1 of a business engaged in the installation, repair or alteration of boilers or pressure vessels must  
2 possess an employee or agent license issued by the [department] **bureau**.

3 (3) The chief boiler inspector may conduct examinations for licensing an employee or agent of  
4 a business to establish the competency of the applicant.

5 (4) Upon payment of the applicable application fee, the [department] **bureau** shall issue a license  
6 to an applicant who qualifies as provided in rules adopted under ORS 455.117 by the Board of Boiler  
7 Rules. Upon payment of the applicable renewal application fee, the [department] **bureau** shall renew  
8 the license of a person who complies with ORS 480.510 to 480.670 and the rules adopted by the board  
9 under ORS 455.117 or 480.545. The fee to apply for or renew a license is:

10 (a) \$27.50 per year for an employee or agent license.

11 (b) \$165 per year for a boiler contractor license.

12 (5) A person required to be licensed under this section may not install, alter or repair a boiler  
13 or pressure vessel unless an installation permit is first secured from the [department] **bureau**. The  
14 [department] **bureau** shall issue permits only to persons possessing a valid boiler contractor license  
15 or as provided by the [department] **bureau** by rule.

16 (6) If an emergency exists, a permit under subsection (5) of this section is not required in ad-  
17 vance for boiler or pressure vessel installations or repair, provided that an application accompanied  
18 by the appropriate fee for the permit is submitted to the [department] **bureau** within five days after  
19 the commencing of the boiler or pressure vessel work.

20 (7) The license and examination requirements of this section and ORS 480.632 do not apply when  
21 a person is brought in from out of state to repair or alter a boiler or pressure vessel utilizing special  
22 tools or a special process for which that person is uniquely qualified. The activity shall be limited  
23 solely to the special process and the person performing the work shall have qualifications that meet  
24 or exceed license standards as determined by the chief boiler inspector. The chief boiler inspector  
25 shall be notified prior to performance of any work under this subsection.

26 (8) If a license issued under subsection (4) of this section is of a class that authorizes a person  
27 to perform work equivalent to that performed by pressure vessel installers, building service me-  
28 chanics, boilermakers or pressure piping mechanics, the person must comply with continuing edu-  
29 cation requirements.

30 **SECTION 316.** ORS 480.647 is amended to read:

31 480.647. (1) The Board of Boiler Rules may adopt rules creating quality control procedures for  
32 welding on nonboiler external piping and may adopt its own Oregon welded stamp symbol.

33 (2) The board may not require the adoption of "R" stamp provisions of the National Board of  
34 Boiler and Pressure Vessel Inspectors or the American Society of Mechanical Engineers Certifica-  
35 tion of Authorization requirements related to boilers for welding on nonboiler external piping.

36 (3) The board shall accept an "R" stamp certificate of authorization by the National Board of  
37 Boiler and Pressure Vessel Inspectors or the American Society of Mechanical Engineers as meeting  
38 the requirements of subsection (1) of this section and may accept any other quality control program  
39 for welding that is at least equivalent to the Oregon quality control procedures adopted under sub-  
40 section (1) of this section.

41 (4) All review by the [Department of Consumer and Business Services] **Bureau of Labor and**  
42 **Industries** for individual approval of quality control procedures and requirements shall be charged  
43 at the shop inspection rates under ORS 480.605.

44 **SECTION 317.** ORS 480.670 is amended to read:

45 480.670. The Board of Boiler Rules may impose a civil penalty for a violation of ORS 480.510 to

1 480.670 or rules adopted for the administration and enforcement of those sections. Moneys received  
 2 by the [*Department of Consumer and Business Services*] **Bureau of Labor and Industries** or the  
 3 board from civil penalties imposed under this section or ORS 455.895 (1)(c) shall be deposited to the  
 4 [*Consumer and Business Services Fund*] **Bureau of Labor and Industries Account** created under  
 5 ORS [705.145] **651.160** and used only for the administration and enforcement of ORS 480.510 to  
 6 480.670 and 480.990 (8).

7 **SECTION 318.** ORS 634.063 is amended to read:

8 634.063. Nothing in ORS 634.057 shall limit the authority of a city, town, county or other poli-  
 9 tical subdivision of this state to adopt or enforce a local ordinance, rule or regulation strictly nec-  
 10 essary to comply with:

11 (1) The Uniform Building Code published by the International Conference of Building Officials,  
 12 as amended and adopted by the [*Director of the Department of Consumer and Business Services*]  
 13 **Commissioner of the Bureau of Labor and Industries;**

14 (2) A uniform fire code; or

15 (3) Any requirement of a state or federal statute or regulation pertaining to pesticides.

16 **SECTION 319.** ORS 672.107 is amended to read:

17 672.107. (1) For purposes of this section:

18 (a) "Significant structure" means:

19 (A) Hazardous facilities and special occupancy structures, as defined in ORS 455.447;

20 (B) Essential facilities, as defined in ORS 455.447, that have a ground area of more than 4,000  
 21 square feet or are more than 20 feet in height;

22 (C) Structures that the [*Director of the Department of Consumer and Business Services*] **Com-**  
 23 **missioner of the Bureau of Labor and Industries** determines to have irregular features; and

24 (D) Buildings that are customarily occupied by human beings and are more than four stories or  
 25 45 feet above average ground level.

26 (b) "Significant structure" does not mean:

27 (A) One-family and two-family dwellings and accompanying accessory structures;

28 (B) Agricultural buildings or equine facilities, both as defined in ORS 455.315; or

29 (C) Buildings located on lands exempt from [*Department of Consumer and Business Services*]  
 30 **Bureau of Labor and Industries** enforcement of building code regulations.

31 (2) Consistent with ORS 672.255, the State Board of Examiners for Engineering and Land Sur-  
 32 veying shall adopt rules establishing standards of competence in structural engineering analysis and  
 33 design relating to seismic influence.

34 (3) An engineer may not provide engineering services for significant structures unless the engi-  
 35 neer possesses a valid professional structural engineer certificate of registration issued by the  
 36 board.

37 **SECTION 320.** ORS 693.025 is amended to read:

38 693.025. (1) A utility company, energy service provider or water supplier whose employees install  
 39 low-flow showerheads or faucet aerators shall furnish evidence to the [*Department of Consumer and*  
 40 *Business Services*] **Bureau of Labor and Industries**, in the form of a public liability policy issued  
 41 by an insurance company qualified to do business in Oregon, that the company, provider or water  
 42 supplier and its employees are protected against liability for injury or death to persons and loss of  
 43 or damage to property resulting from the installation.

44 (2) A person who contracts with a utility company, energy service provider or water supplier  
 45 to perform the functions described in subsection (1) of this section shall furnish evidence to the

1 *[Department of Consumer and Business Services]* **Bureau of Labor and Industries**, in the form of  
 2 a public liability policy issued by an insurance company qualified to do business in Oregon, that the  
 3 contractor and its employees are protected against liability for injury or death to persons and loss  
 4 of or damage to property resulting from the installation.

5 (3) The amount of the liability insurance required under subsections (1) and (2) of this section  
 6 shall be in the amount of not less than \$25,000 for bodily injury to one or more persons and not less  
 7 than \$25,000 for property damage.

8 (4) A person who performs, or who contracts to have performed, a service described in sub-  
 9 section (1) of this section may not perform any additional service for which a license is required  
 10 under ORS chapter 693 unless the person is licensed under ORS chapter 693 to perform the addi-  
 11 tional service. A person not licensed under ORS chapter 693 who performs services that are not  
 12 described in subsection (1) of this section for which a license is required under ORS chapter 693 is  
 13 subject to civil penalty under ORS 693.992.

14 (5) Every utility company, energy service provider or water supplier shall include in any con-  
 15 tract for the performance of a service described in subsection (1) of this section a statement that,  
 16 under penalty of ORS 693.992, the contractor may not perform any service for which a license is  
 17 required under ORS chapter 693, except installation of low-flow showerheads or faucet aerators,  
 18 unless the contractor is licensed under ORS chapter 693 to perform that service.

19 **SECTION 321.** ORS 693.115 is amended to read:

20 693.115. (1) The State Plumbing Board is established in the *[Department of Consumer and Busi-*  
 21 *ness Services]* **Bureau of Labor and Industries**, consisting of seven members appointed by the  
 22 Governor. The appointment of a member of the board is subject to confirmation by the Senate  
 23 pursuant to section 4, Article III of the Oregon Constitution.

24 (2) The members of the board shall be as follows:

25 (a) One journeyman plumber with 10 or more years' experience in the trade or calling of  
 26 journeyman plumber;

27 (b) One licensed plumbing contractor;

28 (c) One local plumbing inspector who is a journeyman plumber;

29 (d) One registered professional mechanical engineer;

30 (e) One officer or employee of the Oregon Health Authority;

31 (f) One plumbing equipment supplier who otherwise qualifies by experience in the industry or  
 32 one building official; and

33 (g) One member of the general public.

34 (3) The term of office of each member is four years, but a member serves at the pleasure of the  
 35 Governor. Before the expiration of the term of a member, the Governor shall appoint a successor.  
 36 A member is not eligible for appointment to more than two full terms of office. If there is a vacancy  
 37 for any cause, the Governor shall make an appointment to become immediately effective for the  
 38 unexpired term.

39 (4) A member of the board shall receive compensation and expenses as provided in ORS 292.495.

40 **SECTION 322.** ORS 693.165 is amended to read:

41 693.165. All moneys received by the *[Department of Consumer and Business Services]* **Bureau**  
 42 **of Labor and Industries** or the State Plumbing Board under ORS 447.010 to 447.156, 447.992 and  
 43 455.895 (1)(a) and this chapter shall be paid into the *[Consumer and Business Services Fund]* **Bureau**  
 44 **of Labor and Industries Account** created by ORS *[705.145]* **651.160**. Such moneys shall be used  
 45 only for the administration and enforcement of ORS 447.010 to 447.156 and 447.992 and this chapter.

1        **SECTION 323.** ORS 701.550 is amended to read:

2        701.550. The Construction Contractors Board shall provide an annual notice to each contractor  
 3 licensed under this chapter that informs contractors of the rules developed by the [*Director of the*  
 4 *Department of Consumer and Business Services*] **Commissioner of the Bureau of Labor and In-**  
 5 **dustries** pursuant to ORS 455.355 prohibiting the installation of thermostats that contain mercury  
 6 and requiring proper disposal of thermostats that contain mercury.

7  
 8        **CONFORMING AMENDMENTS RELATED TO OCCUPATIONAL HEALTH AND SAFETY**

9  
 10       **SECTION 324.** ORS 654.003 is amended to read:

11       654.003. The purpose of the Oregon Safe Employment Act is to ensure as far as possible safe  
 12 and healthful working conditions for every working person in Oregon, to preserve our human re-  
 13 sources and to reduce the substantial burden, in terms of lost production, wage loss, medical ex-  
 14 penses, disability compensation payments and human suffering, that is created by occupational  
 15 injury and disease. To accomplish this purpose the Legislative Assembly intends to provide a pro-  
 16 cedure that will:

17       (1) Encourage employers and employees to reduce the number of occupational safety and health  
 18 hazards and to institute new programs and improve existing programs for providing safe and  
 19 healthful working conditions.

20       (2) Establish a coordinated program of worker and employer education, health and safety  
 21 consultative services, demonstration projects and research to assist workers and their employers in  
 22 preventing occupational injury and disease, whatever the cause.

23       (3) Authorize the [*Director of the Department of Consumer and Business Services*] **Commissioner**  
 24 **of the Bureau of Labor and Industries** and the designees of the [*director*] **commissioner** to set  
 25 reasonable, mandatory, occupational safety and health standards for all employments and places of  
 26 employment.

27       (4) Provide an effective program, under the [*director*] **commissioner**, to enforce all laws, regu-  
 28 lations, rules and standards adopted for the protection of the life, safety and health of employees,  
 29 and in so doing, predominantly prioritize inspections of places of employment to first focus enforce-  
 30 ment activities upon places of employment that the [*director*] **commissioner** reasonably believes to  
 31 be the most unsafe.

32       (5) Establish appropriate reporting and research procedures that will help achieve the objectives  
 33 of the Oregon Safe Employment Act, identify occupational hazards and unsafe and unhealthy work-  
 34 ing conditions, and describe the nature of the occupational safety and health problem.

35       (6) Assure that Oregon assumes fullest responsibility, in accord with the federal Occupational  
 36 Safety and Health Act of 1970 (29 U.S.C. 651 et seq.), for the development, administration and  
 37 enforcement of safety and health laws and standards.

38       **SECTION 325.** ORS 654.005 is amended to read:

39       654.005. As used in this chapter, unless the context requires otherwise:

40       (1) "Board" means the Workers' Compensation Board created by ORS 656.712.

41       [(2) "*Department*" means the *Department of Consumer and Business Services*.]

42       [(3) "*Director*" means the *Director of the Department of Consumer and Business Services*.]

43       (2) "**Bureau**" means the **Bureau of Labor and Industries**.

44       (3) "**Commissioner**" means the **Commissioner of the Bureau of Labor and Industries**.

45       (4) "Employee" includes:

1 (a) Any individual, including a minor whether lawfully or unlawfully employed, who engages to  
 2 furnish services for a remuneration, financial or otherwise, subject to the direction and control of  
 3 an employer.

4 (b) Salaried, elected and appointed officials of the state, state agencies, counties, cities, school  
 5 districts and other public corporations.

6 (c) Any individual who is provided with workers' compensation coverage as a subject worker  
 7 pursuant to ORS chapter 656, whether by operation of law or by election.

8 (5) "Employer" includes:

9 (a) Any person who has one or more employees.

10 (b) Any sole proprietor or member of a partnership who elects workers' compensation coverage  
 11 as a subject worker pursuant to ORS 656.128.

12 (c) Any successor or assignee of an employer. As used in this paragraph, "successor" means a  
 13 business or enterprise that is substantially the same entity as the predecessor employer according  
 14 to criteria adopted by the [department] **bureau** by rule.

15 (6) "Owner" means every person having ownership, control or custody of any place of employ-  
 16 ment or of the construction, repair or maintenance of any place of employment.

17 (7) "Person" means one or more individuals, legal representatives, partnerships, joint ventures,  
 18 associations, corporations (whether or not organized for profit), business trusts, any organized group  
 19 of persons, the state, state agencies, counties, municipal corporations, school districts and other  
 20 public corporations or subdivisions.

21 (8)(a) "Place of employment" includes:

22 (A) Every place, whether fixed or movable or moving, whether indoors or out or underground,  
 23 and the premises and structures appurtenant thereto, where either temporarily or permanently an  
 24 employee works or is intended to work; and

25 (B) Every place where there is carried on any process, operation or activity related, either di-  
 26 rectly or indirectly, to an employer's industry, trade, business or occupation, including a labor camp,  
 27 wherever located, provided by an employer for employees or by another person engaged in providing  
 28 living quarters or shelters for employees.

29 (b) "Place of employment" does not include:

30 (A) Any place where the only employment involves nonsubject workers employed in or about a  
 31 private home; and

32 (B) Any corporate farm where the only employment involves the farm's family members, includ-  
 33 ing parents, spouses, sisters, brothers, daughters, sons, daughters-in-law, sons-in-law, nieces, nephews  
 34 or grandchildren.

35 **SECTION 326.** ORS 654.022 is amended to read:

36 654.022. Every employer, owner, employee and other person shall obey and comply with every  
 37 requirement of every order, decision, direction, standard, rule or regulation made or prescribed by  
 38 the [Department of Consumer and Business Services] **Bureau of Labor and Industries** in connection  
 39 with the matters specified in ORS 654.001 to 654.295, 654.412 to 654.423 and 654.750 to 654.780, or  
 40 in any way relating to or affecting safety and health in employments or places of employment, or  
 41 to protect the life, safety and health of employees in such employments or places of employment, and  
 42 shall do everything necessary or proper in order to secure compliance with and observance of every  
 43 such order, decision, direction, standard, rule or regulation.

44 **SECTION 327.** ORS 654.025 is amended to read:

45 654.025. (1) The [Director of the Department of Consumer and Business Services] **Commissioner**

1 **of the Bureau of Labor and Industries** is vested with full power and jurisdiction over, and shall  
2 have such supervision of, every employment and place of employment in this state as may be nec-  
3 essary to enforce and administer all laws, regulations, rules, standards and lawful orders requiring  
4 such employment and place of employment to be safe and healthful, and requiring the protection of  
5 the life, safety and health of every employee in such employment or place of employment.

6 (2) The [*director*] **commissioner** and the Workers' Compensation Board may make, establish,  
7 promulgate and enforce all necessary and reasonable regulations, rules, standards, orders and other  
8 provisions for the purpose of carrying out their respective functions under ORS 654.001 to 654.295,  
9 654.412 to 654.423 and 654.750 to 654.780, notwithstanding any other statutory provisions which may  
10 be to the contrary. Nothing in ORS 654.001 to 654.295, 654.412 to 654.423 and 654.750 to 654.780,  
11 however, shall authorize or require medical examination, immunization or treatment for those who  
12 object thereto on religious grounds, except where such is necessary to protect the health or safety  
13 of others.

14 (3)(a) The [*director*] **commissioner** may enforce all regulations, rules and standards duly  
15 adopted by any other state agency for the safety and health of employees.

16 (b) This grant of concurrent jurisdiction and authority to the [*director*] **commissioner** shall not  
17 be construed, however, as repealing or amending, or as derogating in any respect from, the statutory  
18 jurisdiction and authority of any other state agency to promulgate and enforce regulations, rules  
19 and standards and to conduct inspections and investigations, except that no other state agency shall  
20 issue the citations or assess the civil penalties provided in ORS 654.001 to 654.295, 654.412 to 654.423  
21 and 654.750 to 654.780.

22 (c) In the event a state of facts or condition constitutes a violation of more than one rule, reg-  
23 ulation, standard or order of the [*director*] **commissioner** or any other agency pertaining to occu-  
24 pational safety or health, the state of facts or condition shall be the basis for the issuance of only  
25 one citation and proceeding or the assessment of only one penalty unless the statute specifically  
26 provides that a continuation of a state of facts or a condition constitutes a new violation.

27 (d) Where another state agency, pursuant to its statutory authority, proposes to adopt a regu-  
28 lation, rule or standard relating to occupational safety or health, such agency shall accord the [*di-*  
29 *rector*] **commissioner** an opportunity to review such regulation, rule or standard prior to its  
30 adoption for the purpose of assuring that employers will not be asked to comply with contradictory  
31 or inconsistent requirements or be burdened with an unnecessary duplication of occupational safety  
32 and health codes, inspections or reports.

33 (4) The board and the [*director*] **commissioner** may subpoena witnesses, administer oaths, take  
34 depositions and fix the fees and mileage of witnesses and compel the attendance of witnesses and  
35 the production of papers, books, accounts, documents and testimony in any inquiry, investigation,  
36 hearing or proceeding in any part of the state, and the board and the [*director*] **commissioner** shall  
37 provide for defraying the expenses thereof.

38 (5) The [*director*] **commissioner** and the board may do and perform all things, whether specif-  
39 ically designated in ORS 654.001 to 654.295, 654.412 to 654.423 and 654.750 to 654.780 or in addition  
40 thereto, which are necessary or convenient in the exercise of any power, authority or jurisdiction  
41 conferred upon them by ORS 654.001 to 654.295, 654.412 to 654.423 and 654.750 to 654.780. The  
42 [*director's*] **commissioner's** authority under this section shall include but is not limited to:

43 (a) Designating by order or rule any named state employee or category of state employees who  
44 shall have authority to exercise any of the duties and powers imposed upon the [*director*] **commis-**  
45 **sioner** by law and whose act as authorized by the order or rule shall be considered to be an official

1 act of the *[director]* **commissioner**. The *[director]* **commissioner** may designate local government  
 2 employees with public health administration or enforcement duties to exercise duties and powers  
 3 imposed upon the *[director]* **commissioner** with respect to ORS 654.174 (1) and (2).

4 (b) Instituting any legal or equitable proceeding which would assist in the enforcement of any  
 5 state occupational safety or health law or any regulation, rule, standard or order promulgated  
 6 thereunder, including but not limited to seeking injunctive relief to enjoin an employer from oper-  
 7 ating the place of employment until the employer has complied with the provisions of such law,  
 8 regulation, rule, standard or order. Upon the filing of a suit for an injunction by the *[director]*  
 9 **commissioner**, the court shall set a day for hearing and shall cause notice thereof to be served  
 10 upon the employer. The hearing shall be not less than five nor more than 15 days from the service  
 11 of such notice.

12 **SECTION 328.** ORS 654.031 is amended to read:

13 654.031. Whenever the *[Director of the Department of Consumer and Business Services]* **Com-**  
 14 **missioner of the Bureau of Labor and Industries** has reason to believe, after an inspection or  
 15 investigation, that any employment or place of employment is unsafe or detrimental to health or that  
 16 the practices, means, methods, operations or processes employed or used in connection therewith  
 17 are unsafe or detrimental to health, or do not afford adequate protection to the life, safety and  
 18 health of the employees therein, the *[director]* **commissioner** shall issue such citation and order  
 19 relative thereto as may be necessary to render such employment or place of employment safe and  
 20 protect the life, safety and health of employees therein. The *[director]* **commissioner** may in the  
 21 order direct that such additions, repairs, improvements or changes be made, and such devices and  
 22 safeguards be furnished, provided and used, as are reasonably required to render such employment  
 23 or place of employment safe and healthful, in the manner and within the time specified in the order.

24 **SECTION 329.** ORS 654.035 is amended to read:

25 654.035. (1) The *[Director of the Department of Consumer and Business Services]* **Commissioner**  
 26 **of the Bureau of Labor and Industries** may, by general or special orders, or by regulations, rules,  
 27 codes or otherwise:

28 (a) Declare and prescribe what devices, safeguards or other means of protection and what  
 29 methods, processes or work practices are well adapted to render every employment and place of  
 30 employment safe and healthful.

31 (b) Fix reasonable standards and prescribe and enforce reasonable orders for the adoption, in-  
 32 stallation, use and maintenance of devices, safeguards and other means of protection, and of meth-  
 33 ods, processes and work practices, including, but not limited to, work practices qualifications for  
 34 equipment, materials and activities requiring special competence, to be as nearly uniform as possi-  
 35 ble, as may be necessary to carry out all laws relative to the protection of the life, safety and health  
 36 of employees.

37 (c) Fix and order reasonable standards for the construction, repair and maintenance of places  
 38 of employment and equipment that will render them safe and healthful.

39 (d) Fix standards for routine, periodic or area inspections of places of employment that are  
 40 reasonably necessary in order to determine compliance with all occupational safety and health laws  
 41 and the regulations, rules and standards adopted under occupational safety and health laws. Except  
 42 for complaint inspections, follow-up inspections, imminent danger inspections, referral inspections  
 43 and inspections to determine the cause of an occupational death, injury or illness, all inspections  
 44 shall be based on written neutral administrative standards. The standards shall include a prioritized  
 45 scheduling system for inspections that predominantly focuses enforcement activities upon places of



1 employment that the [*director*] **commissioner** reasonably believes to be the most unsafe. The stan-  
2 dards shall be accessible to employers under ORS 192.311 to 192.478 for at least 36 months from the  
3 last date the standards are in effect. The [*director*] **commissioner** shall notify in writing each em-  
4 ployer whose place of employment is rated by the [*director*] **commissioner** as one of the most unsafe  
5 places of employment in the state of the increased likelihood of inspection of the employer's place  
6 of employment and of the availability of consultative services. The [*director*] **commissioner** may by  
7 rule offer incentives to employers that elect consultative services before an inspection is conducted.  
8 Nothing in this paragraph prevents the [*director*] **commissioner** from conducting a random in-  
9 spection of a place of employment as long as the inspection is scheduled and conducted pursuant to  
10 written neutral administrative standards.

11 (e) Require the performance of any other act that the protection of the life, safety and health  
12 of employees in employments and places of employment may demand.

13 (2) The [*director*] **commissioner** may not require the use of fall protection by workers engaged  
14 in steel erection at heights lower than the heights at which fall protection relating to steel erection  
15 is required by federal regulation.

16 **SECTION 330.** ORS 654.056 is amended to read:

17 654.056. (1) Any employer may apply to the [*Director of the Department of Consumer and Busi-*  
18 *ness Services*] **Commissioner of the Bureau of Labor and Industries**, pursuant to regulations and  
19 procedures adopted by the [*director*] **commissioner**, for an order granting the employer a variance  
20 from a particular safety or health regulation, rule or standard.

21 (2) The [*director*] **commissioner** may grant a temporary variance only if the employer demon-  
22 strates by a preponderance of the evidence that:

23 (a) The employer is unable to comply with a new regulation, rule or standard by its effective  
24 date;

25 (b) The employer has an effective program for complying with the law as quickly as practicable;  
26 and

27 (c) The employer is taking all available steps in the interim to safeguard the employees of the  
28 employer against the hazards covered by the regulation, rule or standard.

29 (3) The [*director*] **commissioner** may grant a permanent variance only if the employer demon-  
30 strates by a preponderance of the evidence that the conditions, practices, means, methods, oper-  
31 ations or processes used or proposed to be used by the employer will provide employment and a  
32 place of employment which are as safe and healthful as those which would prevail if the employer  
33 complied with the regulation, rule or standard.

34 (4) Where the [*director*] **commissioner** proposes to deny a request for a variance, the employer  
35 shall be given an opportunity for a hearing before the Workers' Compensation Board in which the  
36 employer may contest the proposed denial.

37 (5) Where the [*director*] **commissioner** proposes to grant a variance, the affected employees  
38 shall be given an opportunity for a hearing before the board in which they may contest the proposed  
39 variance.

40 (6) A request for a variance which is filed after an inspection or investigation by the [*director*]  
41 **commissioner** will not act to stay or dismiss any citation which may result from such inspection  
42 or investigation, and an order granting the requested variance shall have no retroactive effect.

43 (7) An order granting a variance may be modified or revoked by the [*director*] **commissioner**  
44 upon the [*director's*] **commissioner's** own motion or upon the application of the employer or an af-  
45 fected employee or representative of the employee, in the manner prescribed for its issuance at any

1 time after six months from its issuance.

2 **SECTION 331.** ORS 654.062 is amended to read:

3 654.062. (1) Every employee should notify the employer of any violation of law, regulation or  
4 standard pertaining to safety and health in the place of employment when the violation comes to the  
5 knowledge of the employee.

6 (2) However, any employee or representative of the employee may complain to the [*Director of*  
7 *the Department of Consumer and Business Services*] **Commissioner of the Bureau of Labor and**  
8 **Industries** or any authorized representatives of the [*director*] **commissioner** of any violation of law,  
9 regulation or standard pertaining to safety and health in the place of employment, whether or not  
10 the employee also notifies the employer.

11 (3) Upon receiving any employee complaint, the [*director*] **commissioner** shall make inquiries,  
12 inspections and investigations that the [*director*] **commissioner** considers reasonable and appropri-  
13 ate. When an employee or representative of the employee has complained in writing of an alleged  
14 violation and no resulting citation is issued to the employer, the [*director*] **commissioner** shall fur-  
15 nish to the employee or representative of the employee, upon written request, a statement of reasons  
16 for the decision.

17 (4) The [*director*] **commissioner** shall establish procedures for keeping confidential the identity  
18 of any employee who requests protection in writing. When a request has been made, neither a  
19 written complaint from an employee, or representative of the employee, nor a memorandum con-  
20 taining the identity of a complainant may be disclosed under ORS 192.311 to 192.478.

21 (5) It is an unlawful employment practice for any person to bar or discharge from employment  
22 or otherwise discriminate against any employee or prospective employee because the employee or  
23 prospective employee has:

24 (a) Opposed any practice forbidden by ORS 654.001 to 654.295, 654.412 to 654.423 and 654.750 to  
25 654.780;

26 (b) Made any complaint or instituted or caused to be instituted any proceeding under or related  
27 to ORS 654.001 to 654.295, 654.412 to 654.423 and 654.750 to 654.780, or has testified or is about to  
28 testify in any such proceeding;

29 (c) Exercised on behalf of the employee, prospective employee or others any right afforded by  
30 ORS 654.001 to 654.295, 654.412 to 654.423 and 654.750 to 654.780; or

31 (d) In good faith reported an assault that occurred on the premises of a health care employer  
32 as defined in ORS 654.412 or in the home of a patient receiving home health care services.

33 (6)(a) Any employee or prospective employee alleging to have been barred or discharged from  
34 employment or otherwise discriminated against in compensation, or in terms, conditions or privileges  
35 of employment, in violation of subsection (5) of this section may, within 90 days after the employee  
36 or prospective employee has reasonable cause to believe that the violation has occurred, file a  
37 complaint with the Commissioner of the Bureau of Labor and Industries alleging discrimination un-  
38 der the provisions of ORS 659A.820. Upon receipt of the complaint the commissioner shall process  
39 the complaint under the procedures, policies and remedies established by ORS chapter 659A and the  
40 policies established by ORS 654.001 to 654.295, 654.412 to 654.423 and 654.750 to 654.780 in the same  
41 way and to the same extent that the complaint would be processed if the complaint involved  
42 allegations of unlawful employment practices under ORS 659A.030 (1)(f).

43 (b) Within 90 days after receipt of a complaint filed under this subsection, the commissioner  
44 shall notify the complainant of the commissioner's determination.

45 (c) The affected employee or prospective employee may bring a civil action in any circuit court

1 of the State of Oregon against any person alleged to have violated subsection (5) of this section. The  
 2 civil action must be commenced within one year after the employee or prospective employee has  
 3 reasonable cause to believe a violation has occurred, unless a complaint has been timely filed under  
 4 ORS 659A.820.

5 (d) The commissioner or the circuit court may order all appropriate relief including rehiring or  
 6 reinstatement to the employee's former position with back pay.

7 **SECTION 332.** ORS 654.067 is amended to read:

8 654.067. (1) In order to carry out the purposes of ORS 654.001 to 654.295, 654.412 to 654.423 and  
 9 654.750 to 654.780, the [*Director of the Department of Consumer and Business Services*] **Commis-**  
 10 **sioner of the Bureau of Labor and Industries**, upon presenting appropriate credentials to the  
 11 owner, employer or agent in charge, is authorized:

12 (a) To enter without delay and at reasonable times any place of employment; and

13 (b) To inspect and investigate during regular working hours and at other reasonable times, and  
 14 within reasonable limits and in a reasonable manner, any such place of employment and all pertinent  
 15 conditions, structures, machines, apparatus, devices, equipment and materials therein, and to ques-  
 16 tion privately the owner, employer, agents or employees.

17 (2) No person shall give an owner, employer, agent or employee advance notice of any inspection  
 18 to be conducted under ORS 654.001 to 654.295, 654.412 to 654.423 and 654.750 to 654.780 of any place  
 19 of employment without authority from the [*director*] **commissioner**.

20 (3) Except in the case of an emergency, or of a place of employment open to the public, if the  
 21 [*director*] **commissioner** is denied access to any place of employment for the purpose of an in-  
 22 spection or investigation, such inspection or investigation shall not be conducted without an in-  
 23 spection warrant obtained pursuant to ORS 654.202 to 654.216, or without such other authority as  
 24 a court may grant in an appropriate civil proceeding. Nothing contained herein, however, is in-  
 25 tended to affect the validity of a constitutionally authorized inspection conducted without an in-  
 26 spection warrant.

27 (4) A representative of the employer and a representative authorized by the employees of the  
 28 employer shall be given an opportunity to accompany the [*director*] **commissioner** during the in-  
 29 spection of any place of employment for the purpose of aiding such inspection. When there is no  
 30 employee representative, or the employee representative is not an employee of the employer, the  
 31 [*director*] **commissioner** should consult with a reasonable number of employees concerning matters  
 32 of safety and health in the place of employment.

33 (5) The representative of the employer may, at the employer's option, be an attorney retained  
 34 by the employer.

35 **SECTION 333.** ORS 654.071 is amended to read:

36 654.071. (1) If the [*Director of the Department of Consumer and Business Services*] **Commissioner**  
 37 **of the Bureau of Labor and Industries** or an authorized representative of the [*director*] **com-**  
 38 **missioner** has reason to believe, after inspection or investigation of a place of employment, that an  
 39 employer has violated any state occupational safety or health law, regulation, standard, rule or or-  
 40 der, the [*director*] **commissioner** or the authorized representative shall with reasonable promptness  
 41 issue to such employer a citation, and notice of proposed civil penalty, if any, to be assessed under  
 42 this chapter, and fix a reasonable time for correction of the alleged violation.

43 (2) Each citation and notice required by subsection (1) of this section shall be in writing, shall  
 44 be mailed to or served upon the employer or a registered agent of the employer, and shall contain:

45 (a) The date and place of the alleged violation;

1 (b) A plain statement of the facts upon which the citation is based;

2 (c) A reference to the law, regulation, rule, standard or order relied upon;

3 (d) The amount, if any, of the proposed civil penalty;

4 (e) The time, if any, fixed for the correction of the alleged violation;

5 (f) Notice of the employer's right to contest the citation, the proposed civil penalty and the pe-  
6 riod of time fixed for correction of the alleged violation; and

7 (g) Notice of any affected employee's right to contest the period of time fixed for correction of  
8 the alleged violation.

9 (3) No citation or notice of proposed civil penalty may be issued under this section after the  
10 expiration of 180 days following the start of the inspection or investigation, but this shall not pre-  
11 vent the issuance, at any time, of an order to correct that violation or the issuance of a citation for  
12 a subsequent violation.

13 (4) If the [*director*] **commissioner** has reason to believe that an employer has failed to correct  
14 a violation within the period of time fixed for correction, or within the time fixed in a subsequent  
15 order granting an extension of time to correct the violation, the [*director*] **commissioner** shall  
16 consider such failure as a separate and continuing violation and shall issue a citation and notice  
17 of proposed civil penalty, if any, to be assessed pursuant to ORS 654.086 (1)(d).

18 (5) The [*director*] **commissioner** may prescribe procedures for the issuance of a notice in lieu  
19 of citation to inform an employer and employees of a minimal violation that has no direct or imme-  
20 diate relationship to occupational safety or health.

21 (6) Each citation and notice, or copies thereof, issued under ORS 654.001 to 654.295, 654.412 to  
22 654.423 and 654.750 to 654.780 shall be posted by the employer, immediately upon receipt, in a con-  
23 spicuous manner in a sufficient number of locations in the place or places of employment to rea-  
24 sonably inform employees of such citation and notice.

25 (7) Notwithstanding any other provision of this section, the [*director*] **commissioner** or author-  
26 ized representative of the [*director*] **commissioner** shall deliver to the operator of a farm labor camp  
27 a copy of any notice, evaluation report or citation resulting from the inspection.

28 **SECTION 334.** ORS 654.078 is amended to read:

29 654.078. (1) An employer may contest a citation, a proposed assessment of civil penalty and the  
30 period of time fixed for correction of a violation, or any of these, by filing with the [*Department of*  
31 *Consumer and Business Services*] **Bureau of Labor and Industries**, within 30 days after receipt of  
32 the citation, notice or order, a written request for a hearing before the Workers' Compensation  
33 Board. Such a request need not be in any particular form, but shall specify the alleged violation that  
34 is contested and the grounds upon which the employer considers the citation or proposed penalty  
35 or correction period unjust or unlawful.

36 (2) An affected employee or representative of such employees may contest the time fixed for  
37 correction of a violation by filing with the [*department*] **bureau**, within 30 days after the receipt by  
38 the employer of the citation, notice or order which fixes such time for correction, a written request  
39 for a hearing before the board. Such a request need not be in any particular form, but shall specify  
40 the violation in question and the grounds upon which the employee considers the correction period  
41 to be unreasonable.

42 (3) A hearing on any question relating to the validity of a citation or the proposed civil penalty  
43 to be assessed therefor shall not be granted unless a request for hearing is filed by the employer  
44 within the period specified in subsection (1) of this section. If a request for hearing is not so filed,  
45 the citation and the assessment of penalty as proposed shall be a final order of the [*department*]

1 **bureau** and shall not be subject to review by any agency or court.

2 (4) A hearing relating to the reasonableness of the time prescribed for the correction of a vio-  
 3 lation shall not be granted, except for good cause shown, unless a request for hearing is filed within  
 4 the period specified in subsections (1) and (2) of this section. If a request for hearing is not so filed  
 5 the time fixed for correction of the violation shall be a final order of the [department] **bureau** and  
 6 shall not be subject to review by any agency or court.

7 (5) Where an employer contests, in good faith and not solely for delay or avoidance of penalties,  
 8 the period of time fixed for correction of a nonserious violation, such period of time shall not run  
 9 between the date the request for hearing is filed and the date the order of the [department] **bureau**  
 10 becomes final by operation of law or on appeal.

11 (6) Where an employer or employee contests the period of time fixed for correction of a serious  
 12 violation, any hearing on that issue shall be conducted as soon as possible and shall take precedence  
 13 over other hearings conducted by the board under the provisions of ORS 654.001 to 654.295, 654.412  
 14 to 654.423 and 654.750 to 654.780.

15 (7) Where informal disposition of a contested case is made by stipulation, agreed settlement or  
 16 a consent order, such stipulation, settlement or order shall not be pleaded or admissible in evidence  
 17 as an admission or confession in any criminal prosecution or in any other civil proceeding that may  
 18 be instituted against the employer, except in the case of a civil proceeding brought to enforce such  
 19 stipulation, settlement or order.

20 **SECTION 335.** ORS 654.082 is amended to read:

21 654.082. (1) The [Director of the Department of Consumer and Business Services] **Commissioner**  
 22 **of the Bureau of Labor and Industries**, or an authorized representative of the [director] **com-**  
 23 **missioner** with the approval of the [director] **commissioner** or, pursuant to such rules and proce-  
 24 dures as the [director] **commissioner** may prescribe, with the approval of the [director]  
 25 **commissioner**, to preclude exposure to a condition which, if such exposure occurred would consti-  
 26 tute a violation of any statute, or of any lawful regulation, rule, standard or order affecting em-  
 27 ployee safety or health at a place of employment, may preclude exposure by prohibiting use of the  
 28 machine, equipment, apparatus or place of employment constituting such condition. When use is  
 29 prohibited a red warning notice shall be posted in plain view of any person likely to use the same,  
 30 calling attention to the condition, defect, lack of safeguard or unsafe or unhealthful place of em-  
 31 ployment and the fact that further use is prohibited.

32 (2) No person shall use or operate any place of employment, machine, device, apparatus or  
 33 equipment, after the red warning notice required by this section is posted, before such place of em-  
 34 ployment, machine, device, apparatus or equipment is made safe and healthful, and the required  
 35 safeguards or safety appliances or devices are provided, and authorization for the removal of such  
 36 red warning notice has been obtained from the [director] **commissioner**. However, nothing in this  
 37 subsection prohibits an employer from directing employees to use or operate any such place of em-  
 38 ployment, machine, device, apparatus or equipment exclusively for the purpose of remedying the vi-  
 39 olation as specifically designated by the [director] **commissioner** in the red warning notice.

40 (3) No person shall deface, destroy or remove any red warning notice posted pursuant to this  
 41 section until authorization for the removal of such notice has been obtained from the [director]  
 42 **commissioner**.

43 **SECTION 336.** ORS 654.086 is amended to read:

44 654.086. (1) The [Director of the Department of Consumer and Business Services] **Commissioner**  
 45 **of the Bureau of Labor and Industries** or the authorized representative of the [director] **com-**

1 **missioner** has the authority to assess civil penalties as provided by this section for violation of the  
2 requirements of a state occupational safety or health statute or the lawful rules, standards or orders  
3 adopted under the statute. In setting maximum penalties, the [*director*] **commissioner** or the  
4 [*director's*] **commissioner's** representative shall consider, but may not exceed, the maximum penal-  
5 ties under the federal Occupational Safety and Health Act of 1970 (29 U.S.C. 651 et seq.).

6 (a) Any employer who receives a citation for a serious violation of such requirements shall be  
7 assessed a civil penalty of not less than \$50.

8 (b) Any employer who receives a citation for a violation of such requirements, and such vio-  
9 lation is specifically determined not to be of a serious nature, may be assessed a civil penalty.

10 (c) Any employer who willfully or repeatedly violates such requirements may be assessed a civil  
11 penalty of not less than the minimum penalty under the federal Occupational Safety and Health Act  
12 of 1970 (29 U.S.C. 651 et seq.).

13 (d) Any employer who receives a citation, as provided in ORS 654.071 (4), for failure to correct  
14 a violation may be assessed a civil penalty for each day during which the violation continues.

15 (e) Any employer who knowingly makes any false statement, representation or certification re-  
16 garding the correction of a violation shall be assessed a civil penalty of not less than \$100.

17 (f) Any employer who violates any of the posting requirements, as prescribed under the pro-  
18 visions of ORS 654.001 to 654.295, 654.412 to 654.423 and 654.750 to 654.780, may be assessed a civil  
19 penalty for each violation.

20 (g) Any person who violates the provisions of ORS 654.082 (2) or (3) shall be assessed a civil  
21 penalty of not less than \$100 for each violation.

22 (h) Notwithstanding paragraph (b) of this subsection, an employer who substantially fails to  
23 comply with ORS 654.174 (1) shall be assessed a civil penalty of not less than \$250 for each violation.

24 (i) Any insurer or self-insured employer who violates any provision of ORS 654.097, or any rule  
25 or order carrying out ORS 654.097, shall be assessed a civil penalty. Each violation, or each day a  
26 violation continues, shall be considered a separate offense.

27 (2) For the purposes of ORS 654.001 to 654.295, 654.412 to 654.423 and 654.750 to 654.780 a se-  
28 rious violation exists in a place of employment if there is a substantial probability that death or  
29 serious physical harm could result from a condition which exists, or from one or more practices,  
30 means, methods, operations or processes which have been adopted or are in use, in such place of  
31 employment unless the employer did not, and could not with the exercise of reasonable diligence,  
32 know of the presence of the violation.

33 (3) When an order assessing a civil penalty becomes final by operation of law or on appeal,  
34 unless the amount of penalty is paid within 20 days after the order becomes final, it constitutes a  
35 judgment and may be recorded with the county clerk in any county of this state. The clerk shall  
36 thereupon record the name of the person incurring the penalty and the amount of the penalty in the  
37 County Clerk Lien Record. The penalty provided in the order so recorded shall become a lien upon  
38 the title to any interest in property owned by the person against whom the order is entered, and  
39 execution may be issued upon the order in the same manner as execution upon a judgment of a court  
40 of record.

41 (4) Except as provided in subsection (5) of this section, civil penalties collected under ORS  
42 654.001 to 654.295, 654.412 to 654.423 and 654.750 to 654.780 shall be paid into the [*Consumer and*  
43 *Business Services Fund*] **Bureau of Labor and Industries Account**.

44 (5) Civil penalties assessed under this section for a violation of ORS 658.750 shall be credited  
45 to the Farmworker Housing Development Account of the Oregon Housing Fund.

**SECTION 337.** ORS 654.090 is amended to read:

654.090. In order to carry out the purposes of ORS 654.001 to 654.295, 654.412 to 654.423 and 654.750 to 654.780 and encourage voluntary compliance with occupational safety and health laws, regulations and standards and to promote more effective workplace health and safety programs, the [Director of the Department of Consumer and Business Services] **Commissioner of the Bureau of Labor and Industries** shall:

(1) Develop greater knowledge and interest in the causes and prevention of industrial accidents, occupational diseases and related subjects through:

(a) Research, conferences, lectures and the use of public communications media;

(b) The collection and dissemination of accident statistics; and

(c) The publication and distribution of training and accident prevention materials, including audio and visual aids.

(2) Appoint advisers who shall, without compensation, assist the [director] **commissioner** in establishing standards of safety and health. The [director] **commissioner** may adopt and incorporate in its regulations, rules and standards such safety and health recommendations as it may receive from such advisers.

(3) Provide consultative services for employers on safety and health matters and prescribe procedures which will permit any employer to request a special inspection or investigation, focused on specific problems or hazards in the place of employment of the employer or to request assistance in developing a plan to correct such problems or hazards, which will not directly result in a citation and civil penalty.

(4) Place emphasis, in the research, education and consultation program, on development of a model for providing services to groups of small employers in particular industries and their employees.

(5) Separately administer the voluntary compliance and research, education and consultation activities described in this section and the enforcement activities described in ORS 654.025 to 654.086.

**SECTION 338.** ORS 654.097 is amended to read:

654.097. (1)(a) An insurer that provides workers' compensation coverage to employers pursuant to ORS chapter 656 shall furnish occupational safety and health loss control consultative services to its insured employers in accordance with standards established by the [Director of the Department of Consumer and Business Services] **Commissioner of the Bureau of Labor and Industries**.

(b) A self-insured employer shall establish and implement an occupational safety and health loss control program in accordance with standards established by the [director] **commissioner**.

(2) An insurer or self-insured employer may furnish any of the services required by this section through an independent contractor.

(3) The program of an insurer for furnishing loss control consultative services as required by this section shall be adequate to meet the minimum standards prescribed by the [director] **commissioner** by rule from time to time. Such services shall include the conduct of workplace surveys to identify health and safety problems, review of employer injury records with appropriate persons and development of plans for improvement of employer health and safety loss records. At the time a workers' compensation insurance policy is issued and on an annual basis thereafter, the insurer shall notify its insured employers of the loss control consultative services that the insurer is required by rule to offer, without additional charge as provided in this section, and shall provide a written description of the services that the insurer does offer.

1 (4) The insurer shall not charge any fee in addition to the insurance premium for safety and  
 2 health loss control consultative services.

3 (5) Each insurer shall make available, at the request of the [*director*] **commissioner** and in the  
 4 form prescribed by the [*director*] **commissioner**, its annual expenditures for safety and health loss  
 5 control activities for the prior year and its budget for safety and health loss control activities for  
 6 the following year.

7 (6) As used in this section, “employer,” “insurer” and “self-insured employer” have the meaning  
 8 for those terms provided in ORS 656.005.

9 **SECTION 339.** ORS 654.120 is amended to read:

10 654.120. (1) The [*Department of Consumer and Business Services*] **Bureau of Labor and Indus-**  
 11 **tries** shall maintain, for a reasonable time, records of all inspections, investigations, employee  
 12 complaints, employer reports, citations, hearings, proceedings and any other matters necessary for  
 13 achieving the purposes of ORS 654.001 to 654.295, 654.412 to 654.423 and 654.750 to 654.780.

14 (2) Each employer shall keep records, in the manner prescribed by the [*Director of the Depart-*  
 15 *ment of Consumer and Business Services*] **Commissioner of the Bureau of Labor and Industries**,  
 16 of work-related deaths and serious injuries and illnesses, and of such other relevant occupational  
 17 safety and health matters as are reasonably necessary for achieving the purposes of ORS 654.001 to  
 18 654.295, 654.412 to 654.423 and 654.750 to 654.780. Each employer shall notify the [*director*] **com-**  
 19 **missioner** forthwith of the work-related death of any employee of the employer, and shall make such  
 20 other reports as the [*director*] **commissioner** may reasonably prescribe by rule or order.

21 (3) All information reported to or otherwise obtained by the [*department*] **bureau** in connection  
 22 with any matter or proceeding under ORS 654.001 to 654.295, 654.412 to 654.423 and 654.750 to  
 23 654.780 which contains or which might reveal a trade secret referred to in section 1905, title 18,  
 24 United States Code, shall be considered confidential for the purposes of that section, except that  
 25 such information may be disclosed to other officers or employees of the [*department*] **bureau** or  
 26 other agencies concerned with carrying out their duties under ORS 654.001 to 654.295, 654.412 to  
 27 654.423 and 654.750 to 654.780 or when relevant in any proceeding under ORS 654.001 to 654.295,  
 28 654.412 to 654.423 and 654.750 to 654.780 or under 654.991. In any such matter or proceeding the  
 29 [*department*] **bureau**, the other state agency, the Administrative Law Judge, the Workers’ Compens-  
 30 sation Board or the court shall issue such orders as may be appropriate to protect the  
 31 confidentiality of trade secrets.

32 (4) The [*director*] **commissioner** will make reports to the Secretary of Labor of the United  
 33 States in such form and containing such information as the Secretary of Labor shall from time to  
 34 time require pursuant to the Occupational Safety and Health Act of 1970 (29 U.S.C. 651 et seq.).

35 (5) Nothing contained in ORS 654.001 to 654.295, 654.412 to 654.423 and 654.750 to 654.780 shall  
 36 relieve an employer from making such reports to the Secretary of Labor of the United States as may  
 37 be required by federal law.

38 **SECTION 340.** ORS 654.130 is amended to read:

39 654.130. (1) The [*Director of the Department of Consumer and Business Services*] **Commissioner**  
 40 **of the Bureau of Labor and Industries** or the Workers’ Compensation Board, or the authorized  
 41 representative or designee of the [*director*] **commissioner** or the board before whom testimony is  
 42 to be given or produced, in case of the refusal of any witness to attend or testify or produce any  
 43 papers as required by subpoena, may report to the circuit court in the county in which the inquiry,  
 44 investigation, hearing or other proceeding is pending, by petition setting forth that due notice has  
 45 been given of the time and place of attendance of the witness, or the production of the papers, and



1 that the witness has been subpoenaed in the manner prescribed and that the witness has failed and  
 2 refused to attend or produce the papers required by the subpoena or has refused to answer questions  
 3 propounded to the witness in the course of such proceeding, and ask an order of the court to compel  
 4 the witness to attend and testify or produce said papers.

5 (2) The court, upon receiving the petition, shall enter an order directing the witness to appear  
 6 before the court at a time and place to be fixed in such order, the time to be not more than 10 days  
 7 from the date of the order, and then and there show cause why the witness has not attended and  
 8 testified or produced the papers.

9 (3) A copy of the order shall be served upon the witness.

10 (4) If it is apparent to the court that the subpoena was regularly issued, the court shall there-  
 11 upon enter an order that the witness appear before the [*director*] **commissioner** or the board or the  
 12 authorized representative or designee of the [*director*] **commissioner** or the board at a time and  
 13 place to be fixed in such order, and testify and produce the required papers and upon failure to obey  
 14 the order the witness shall be dealt with as for contempt of court.

15 **SECTION 341.** ORS 654.150 is amended to read:

16 654.150. (1) At the site of every construction project estimated to cost \$1 million or more the  
 17 employer or owner of such place of employment shall provide toilet facilities and facilities for  
 18 maintaining personal cleanliness for the use of employees on the construction project. Flush toilets  
 19 shall be provided and the washing facilities shall consist of warm water, wash basins and soap. A  
 20 building or a mobile, self-contained unit may be provided for such facilities. The number, types and  
 21 maintenance of facilities shall conform to minimum standards set by the [*Director of the Department*  
 22 *of Consumer and Business Services*] **Commissioner of the Bureau of Labor and Industries**.

23 (2) Subsection (1) of this section does not apply to highway construction or maintenance projects  
 24 or to electricity, water, sewer or gas transmission facility construction or maintenance projects.

25 (3) The [*director*] **commissioner** may, by order, exempt or partially exempt, individual or classes  
 26 of construction projects from the requirements of subsection (1) of this section when conditions are  
 27 such that compliance is impractical or impossible.

28 **SECTION 342.** ORS 654.160 is amended to read:

29 654.160. (1) A statement as to whether or not ORS 654.150 applies at the construction site shall  
 30 be included in the contract for a construction project. If the contract states that ORS 654.150 ap-  
 31 plies, the owner shall also include in the contract documents a provision designating which party  
 32 to the contract is responsible for any costs that may be incurred in complying with ORS 654.150 and  
 33 the rules adopted pursuant thereto.

34 (2) The owner of a construction site is liable to any contractor who is an employer at the site  
 35 for costs incurred by the contractor if:

36 (a) Representatives of the [*Director of the Department of Consumer and Business Services*]  
 37 **Commissioner of the Bureau of Labor and Industries** decide that ORS 654.150 applies to the  
 38 construction project, and the contract documents did not designate which party to the contract for  
 39 the project was responsible for complying with ORS 654.150 and the rules adopted pursuant thereto;  
 40 and

41 (b) The contractor incurs additional costs in complying with ORS 654.150.

42 (3) In addition to being liable for the amount of the additional costs incurred, as provided by  
 43 subsection (2) of this section, the owner is liable for interest on the amount at the rate of one per-  
 44 cent per month from the date such contractor makes demand upon the owner to reimburse the  
 45 contractor for such costs until the contractor is paid.

**SECTION 343.** ORS 654.172 is amended to read:

654.172. (1) Notwithstanding any other provision of the Oregon Safe Employment Act, an employer engaged in agricultural activities with 10 or fewer agricultural employees is exempt from inspection or investigation under ORS 654.067 under the following conditions:

(a) There has not been a complaint filed pursuant to ORS 654.062 or, within the preceding two-year period, an accident at the employer's agricultural place of employment resulting in death or serious disabling injury from violation of the Oregon Safe Employment Act or rules adopted pursuant thereto.

(b) The employer and principal supervisors of the agricultural employees annually attend four hours of instruction on agricultural safety rules and procedures at a course conducted or approved by the *[Director of the Department of Consumer and Business Services]* **Commissioner of the Bureau of Labor and Industries**.

(c) The agricultural activities are inspected once every four years by an individual acting in a safety consultant capacity, and all violations found upon inspection are remedied within 90 days of the date of inspection.

(2) In order to promote communication and understanding between the *[director]* **commissioner** and agricultural interests, the *[director]* **commissioner** shall appoint an agricultural advisory committee of seven agricultural employers, each with 10 or fewer agricultural employees, to review and consult with the *[director]* **commissioner** on the administration of the Oregon Safe Employment Act with regard to agricultural activities.

**SECTION 344.** ORS 654.174 is amended to read:

654.174. (1) Employers of workers who are engaged in field activities for the growing and harvesting of food crops intended for human consumption shall provide for such workers at convenient locations, and in accordance with such rules as the *[Director of the Department of Consumer and Business Services]* **Commissioner of the Bureau of Labor and Industries** may prescribe:

(a) Toilet facilities that are maintained in clean and sanitary condition, of such design and construction as to provide privacy and to prevent crop contamination and, where practicable, one toilet for each sex.

(b) Handwashing facilities that provide clean water, soap or other suitable cleansing agent, paper towels and a method for disposal of used towels and wash water to avoid crop contamination.

(c) Clean, potable drinking water served in a sanitary manner, which may include but is not limited to containers with spigots and tight fitting lids and disposable cups sufficient in number for each worker.

(2) Every employer required to comply with subsection (1) of this section shall keep conspicuously posted a notice describing the requirements of that subsection and advising where complaints may be filed. The notice must be in the English language and in the language spoken by the majority of the employees.

(3) The *[director]* **commissioner** shall promulgate rules to implement subsections (1) and (2) of this section which shall not be less protective than the rules on those subjects that are operative on July 9, 1985.

**SECTION 345.** ORS 654.182 is amended to read:

654.182. (1) In carrying out ORS 654.176, the *[Director of the Department of Consumer and Business Services]* **Commissioner of the Bureau of Labor and Industries** shall adopt rules that include, but are not limited to, provisions:

(a) Prescribing the membership of the committees to ensure equal numbers of employees, who

1 are volunteers or are elected by their peers, and employer representatives and specifying the fre-  
2 quency of meetings.

3 (b) Requiring employers to make adequate written records of each meeting and to file and  
4 maintain the records subject to inspection by the [*director*] **commissioner**.

5 (c) Requiring employers to compensate employee representatives on safety committees at the  
6 regular hourly wage while the employees are engaged in safety committee training or are attending  
7 safety committee meetings.

8 (d) Prescribing the duties and functions of safety committees, which include, but are not limited  
9 to:

10 (A) Establishing procedures for workplace safety inspections by the committee.

11 (B) Establishing procedures for investigating all safety incidents, accidents, illnesses and deaths.

12 (C) Evaluating accident and illness prevention programs.

13 (e) Prescribing guidelines for the training of safety committee members.

14 (f) Prescribing alternate forms of safety committees and safety meetings to meet the special  
15 needs of small employers, agricultural employers and employers with mobile worksites.

16 (2) An employer that is a member of a multiemployer group operating under a collective bar-  
17 gaining agreement that contains provisions regulating the formation and operation of a safety com-  
18 mittee that meets or exceeds the minimum requirements of this section and ORS 654.176 shall be  
19 considered to have met the requirements of this section and ORS 654.176.

20 **SECTION 346.** ORS 654.189 is amended to read:

21 654.189. (1) The [*Director of the Department of Consumer and Business Services*] **Commissioner**  
22 **of the Bureau of Labor and Industries** may appoint a Safe Employment Education and Training  
23 Advisory Committee composed of seven members: Three representing employees, three representing  
24 employers and one representing the [*Department of Consumer and Business Services*] **Bureau of**  
25 **Labor and Industries**. The committee shall elect its chairperson.

26 (2) The members of the committee shall be appointed for a term of three years and shall serve  
27 at the pleasure of the [*director*] **commissioner**. Before the expiration of the term of a member, the  
28 [*director*] **commissioner** shall appoint a successor. A member is eligible for reappointment. If there  
29 is a vacancy for any cause, the [*director*] **commissioner** shall make an appointment to become im-  
30 mediately effective.

31 (3) The members shall serve without compensation, but shall be entitled to travel expenses  
32 pursuant to ORS 292.495.

33 (4) The duties of the committee shall be determined by the [*director*] **commissioner** and shall  
34 include, but not be limited to:

35 (a) Recommending to the [*director*] **commissioner**:

36 (A) Occupational Safety and Health Grant application procedures and criteria for grant ap-  
37 proval;

38 (B) Occupational Safety and Health Grant recipients; and

39 (C) Revocation of grants to recipients failing to comply with grant criteria established by the  
40 [*director*] **commissioner** pursuant to ORS 654.191.

41 (b) Receiving and processing Occupational Safety and Health Grant applications.

42 (5) The committee shall meet at least once every three months at a place, day and hour deter-  
43 mined by the committee. The committee shall also meet at other times and places specified by a  
44 majority of the members of the committee or the chairperson of the committee. A majority of the  
45 members of the committee constitutes a quorum for the transaction of business.

**SECTION 347.** ORS 654.191 is amended to read:

654.191. (1) The *[Director of the Department of Consumer and Business Services]* **Commissioner of the Bureau of Labor and Industries**, in consultation with the Safe Employment Education and Training Advisory Committee, shall establish an Occupational Safety and Health Grant program to fund the education and training of employees in safe employment practices and conduct and to promote the development of employer-sponsored health and safety programs.

(2) The *[director]* **commissioner** shall adopt rules establishing:

(a) Grant application procedures and criteria for grant approval; and

(b) Procedures for revocation of grants to recipients failing to comply with grant criteria established by the *[director]* **commissioner** pursuant to this section.

(3) The *[director]* **commissioner**, after reviewing the recommendation of the Safe Employment Education and Training Advisory Committee, shall approve or deny an application for an Occupational Safety and Health Grant. If the *[director]* **commissioner** approves a grant under this section, the *[director]* **commissioner** shall set the amount of the grant awarded to the grant recipient.

(4) The *[director]* **commissioner** shall monitor grant recipients for compliance with grant criteria and procedures established by the *[director]* **commissioner**.

(5) The grants awarded under this section shall be funded only from the civil penalties paid into the *[Consumer and Business Services Fund]* **Bureau of Labor and Industries Account** under ORS 654.086.

**SECTION 348.** ORS 654.196 is amended to read:

654.196. (1) The *[Director of the Department of Consumer and Business Services]* **Commissioner of the Bureau of Labor and Industries** may by rule require employers to provide information to employees relating to the contents of piping systems. The rules shall include, but need not be limited to requirements for:

(a) Labeling piping systems to provide notice about hazardous chemicals contained in the system; and

(b) Labeling a piping system that uses asbestos as a pipe insulation material.

(2) Every employer shall post a sign in the location where notices to employees are normally posted to inform employees that they have a right under this section and ORS 453.317 (6) to information from the employer regarding hazardous substances found in the place of employment.

(3) The sign required under subsection (2) of this section shall include, but need not be limited to, the following information and shall be substantially in the following form:

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NOTICE TO EMPLOYEES

You have a right under state law to information about hazardous substances found in your place of employment. For this information, contact your employer.

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(4) Notwithstanding any other provision of this chapter or ORS 192.311 to 192.478, an employer may withhold the precise chemical name of a chemical only if the employer can substantiate that:

(a) The chemical name is a trade secret with commercial value that can be protected only by limiting disclosure; and

(b) The commercial value of the product cannot be preserved by withholding the processes, mixture percentages or other aspects of the production of the product instead of its chemical con-

1 stituents.

2 (5) A trade secret designation claimed under subsection (4) of this section may be subject to  
3 yearly review.

4 (6) Notwithstanding any other provision of this chapter or ORS 192.311 to 192.478, if a treating  
5 physician or health professional concludes that the chemical identity of a hazardous chemical used  
6 in an employer's place of employment is necessary to prescribe necessary treatment for a patient,  
7 the employer may not require the physician or health professional to sign a confidentiality agree-  
8 ment as a condition to the release of the information by the employer, manufacturer or importer.

9 **SECTION 349.** ORS 654.200 is amended to read:

10 654.200. (1) There is established in the [*Consumer and Business Services Fund*] **Bureau of Labor**  
11 **and Industries Account** the Workers' Memorial Scholarship Account. Only the interest earned on  
12 moneys in the account shall be used by the [*Director of the Department of Consumer and Business*  
13 *Services*] **Commissioner of the Bureau of Labor and Industries** for the establishment and ad-  
14 ministration of a scholarship program to pay education related expenses of the spouses and children  
15 of workers who are killed or who have received a permanent total disability award from injury on  
16 the job. A maximum of \$1 million to carry out the provisions of this section may be credited to the  
17 account from civil penalties recovered pursuant to ORS 654.086.

18 (2) The [*director*] **commissioner** shall consult with the Safe Employment Education and Training  
19 Advisory Committee established pursuant to ORS 654.189 in determining the appropriate scholarship  
20 standard and in selecting the recipients.

21 **SECTION 350.** ORS 654.202 is amended to read:

22 654.202. Magistrates authorized to issue search warrants may, upon application of the [*Director*  
23 *of the Department of Consumer and Business Services*] **Commissioner of the Bureau of Labor and**  
24 **Industries**, or any public officer, agent or employee of the [*director*] **commissioner** acting in the  
25 course of official duties, issue an inspection warrant whenever an inspection or investigation of any  
26 place of employment is required or authorized by any state or local statute, ordinance or regulation  
27 relating to occupational safety or health. The inspection warrant is an order authorizing the safety  
28 or health inspection or investigation to be conducted at a designated place of employment.

29 **SECTION 351.** ORS 654.251 is amended to read:

30 654.251. (1) [*The Bureau of Labor and Industries and*] Any [*other*] state agency which is vested  
31 under separate statute with the authority to make inspections of places of employment, or to  
32 promulgate regulations, rules or standards relating to particular areas of occupational safety and  
33 health, shall render such advice and assistance to the [*Director of the Department of Consumer and*  
34 *Business Services*] **Commissioner of the Bureau of Labor and Industries** as the [*director*] **com-**  
35 **missioner** may reasonably request or prescribe in order to carry out the purposes of ORS 654.001  
36 to 654.295, 654.412 to 654.423 and 654.750 to 654.780. When any state agency completes an inspection  
37 of a place of employment, it shall promptly notify the [*director*] **commissioner** and the affected  
38 employer of any condition that may violate any occupational safety or health law, regulation, rule  
39 or standard.

40 (2) In addition to the inspection authority granted to the [*director*] **commissioner** and the rep-  
41 resentatives and designees of the [*director*] **commissioner** by ORS 654.001 to 654.295, 654.412 to  
42 654.423 and 654.750 to 654.780, the Bureau of Labor and Industries may inspect farm labor camps,  
43 fields and facilities prior to occupancy and as reasonably necessary or appropriate thereafter[, *and*  
44 *shall report*] **to determine whether** any violation of occupational safety or health laws, regulations,  
45 rules or standards [*to the director or the designees of the director*] **has occurred.**

1        **SECTION 352.** ORS 654.285 is amended to read:

2        654.285. Except as provided in ORS 654.078 (7), every regulation, rule, standard, finding, decision  
3 and order of the [*Department of Consumer and Business Services*] **Bureau of Labor and**  
4 **Industries**, general or special, made and entered under the provisions of ORS 654.001 to 654.295,  
5 654.412 to 654.423 and 654.750 to 654.780 and which has become final by operation of law or on ap-  
6 peal, shall be admissible as evidence in any hearing, civil proceeding or criminal prosecution con-  
7 ducted under the provisions of this chapter and shall, in every such hearing, proceeding or  
8 prosecution, be conclusively presumed to be reasonable and lawful and to fix a reasonable and  
9 proper standard and requirement of safety and health.

10       **SECTION 353.** ORS 654.290 is amended to read:

11       654.290. (1) Promulgation by the [*Director of the Department of Consumer and Business*  
12 *Services*] **Commissioner of the Bureau of Labor and Industries** or by the Workers' Compensation  
13 Board of regulations, rules and standards authorized by ORS 654.001 to 654.295, 654.412 to 654.423  
14 and 654.750 to 654.780, and any judicial review thereof, shall be as provided in ORS chapter 183.

15       (2) Notwithstanding ORS 183.315 (1), the issuance of orders pursuant to ORS 654.001 to 654.295,  
16 654.412 to 654.423 and 654.750 to 654.780, the conduct of hearings in contested cases and the judicial  
17 review thereof shall be as provided in ORS chapter 183, except that:

18       (a) The chairperson of the Workers' Compensation Board or the designee of the chairperson  
19 shall employ Administrative Law Judges to hold hearings in contested cases.

20       (b) The order of an Administrative Law Judge in a contested case shall be deemed to be a final  
21 order of the board.

22       (c) The [*director*] **commissioner** shall have the same right to judicial review of the order of an  
23 Administrative Law Judge as any person who is adversely affected or aggrieved by such final order.

24       (d) Affected employees or their authorized representative shall be accorded an opportunity to  
25 participate as parties in hearings.

26       (3) Administrative Law Judges shall be members in good standing of the Oregon State Bar and  
27 possess such other qualifications as the board may prescribe, and shall be employed in accordance  
28 with ORS 656.724.

29       **SECTION 354.** Section 1, chapter 350, Oregon Laws 2019, is amended to read:

30       **Sec. 1.** (1)(a) Not later than June 30, 2021, a health care employer shall conduct a comprehen-  
31 sive security and safety evaluation to identify factors that may cause violence committed against  
32 employees on the premises of a health care employer.

33       (b) The health care employer shall conduct the evaluation using a state or nationally recognized  
34 workplace violence prevention toolkit designed to reduce violence against health care employees.

35       (2)(a) Not later than December 31, 2021, each health care employer in this state shall report to  
36 the [*Director of the Department of Consumer and Business Services*] **Commissioner of the Bureau**  
37 **of Labor and Industries** as to whether the employer has conducted the evaluation required under  
38 subsection (1) of this section.

39       (b) Not later than March 22, 2022, the [*director*] **commissioner** shall compile the reports sub-  
40 mitted by each health care employer and submit a report summarizing health care employer com-  
41 pliance with this section to the committees of the Legislative Assembly related to health care.

42       (3) As used in this section, "health care employer" has the meaning given that term in ORS  
43 654.412.

44       **SECTION 355.** ORS 654.416 is amended to read:

45       654.416. (1) A health care employer shall maintain a record of assaults committed against em-

1 ployees that occur on the premises of the health care employer or in the home of a patient receiving  
 2 home health care services. The record shall include, but need not be limited to, the following:

- 3 (a) The name and address of the premises on which each assault occurred;
- 4 (b) The date, time and specific location where the assault occurred;
- 5 (c) The name, job title and department or ward assignment of the employee who was assaulted;
- 6 (d) A description of the person who committed the assault as a patient, visitor, employee or

7 other category;

- 8 (e) A description of the assaultive behavior as:

9 (A) An assault with mild soreness, surface abrasions, scratches or small bruises;

10 (B) An assault with major soreness, cuts or large bruises;

11 (C) An assault with severe lacerations, a bone fracture or a head injury; or

12 (D) An assault with loss of limb or death;

- 13 (f) An identification of the physical injury;

- 14 (g) A description of any weapon used;

15 (h) The number of employees, including nursing staff as defined in ORS 441.179, in the immediate  
 16 area of the assault when it occurred; and

17 (i) A description of actions taken by the employees and the health care employer in response  
 18 to the assault.

19 (2) A health care employer shall maintain the record of assaults described in subsection (1) of  
 20 this section for no fewer than five years following a reported assault.

21 (3)(a) Upon the request of an employee or of a workplace safety committee conducting a review  
 22 pursuant to ORS 654.414, the health care employer shall generate and make available to the re-  
 23 questing party a report summarizing:

24 (A) The information in the record required under subsection (1) of this section; and

25 (B) Information regarding work-related injuries and illnesses recorded by the health care em-  
 26 ployer to comply with applicable federal health and safety recordkeeping requirements.

- 27 (b) A report made available under this subsection:

28 (A) May not include any personally identifiable information; and

29 (B) May be used only for the purposes of conducting a review of the assault prevention and  
 30 protection program under ORS 654.414 or for other purposes that are related to improving the pro-  
 31 gram.

32 (4) The *[Director of the Department of Consumer and Business Services]* **Commissioner of the**  
 33 **Bureau of Labor and Industries** shall adopt by rule a common recording form for the purposes  
 34 of this section.

35 **SECTION 356.** ORS 654.760 is amended to read:

36 654.760. The *[Department of Consumer and Business Services]* **Bureau of Labor and Industries**  
 37 shall adopt rules that require employers in agriculture to:

38 (1) Provide adequate information to all of their employees about hazardous chemicals in use in  
 39 the workplace and to which employees may reasonably be expected to be exposed;

40 (2) Provide protective safety equipment determined by rule to be adequate; and

41 (3) Provide adequate training for employees mixing, loading, applying or otherwise handling  
 42 hazardous chemicals.

43 **SECTION 357.** ORS 654.770 is amended to read:

44 654.770. The *[Department of Consumer and Business Services]* **Bureau of Labor and Industries**  
 45 shall develop and make available basic information for agriculture employers to use in informing and

1 training employees pursuant to ORS 654.780. The information shall include, but need not be limited  
2 to, proper personal hygiene, protective safety equipment, general safety rules, proper work clothing,  
3 employee rights with respect to this chapter and common symptoms of hazardous chemical exposure.  
4 The basic information shall be made available in English, Spanish and any other language deter-  
5 mined necessary by the [*Director of the Department of Consumer and Business Services*] **Commis-**  
6 **sioner of the Bureau of Labor and Industries** after consideration of any input received from  
7 stakeholders.

8 **SECTION 358.** ORS 654.780 is amended to read:

9 654.780. Agriculture employers shall give all employees a copy of the basic information devel-  
10 oped by the [*Department of Consumer and Business Services*] **Bureau of Labor and Industries** for  
11 the purpose of informing employees pursuant to ORS 654.770. The information shall be provided in  
12 the employee's own language if the [*department*] **bureau** has produced it in that language. The in-  
13 formation shall be provided to persons at the time of hire.

14 **SECTION 359.** ORS 654.991 is amended to read:

15 654.991. (1) Subject to ORS 153.022, any employer who willfully violates any provision of, or any  
16 regulation, rule, standard or order promulgated pursuant to, ORS 654.001 to 654.295, 654.412 to  
17 654.423 and 654.750 to 654.780, and that violation is found to have caused or materially contributed  
18 to the death of any employee, shall, upon conviction, be punished by a fine of not more than \$10,000  
19 or by imprisonment for not more than six months, or by both; except that if the conviction is for a  
20 violation committed after a first conviction of such person, punishment shall be by a fine of not more  
21 than \$20,000 or by imprisonment for not more than one year, or by both. For the purposes of this  
22 subsection, a violation is willful if it is committed knowingly by an employer or supervisory em-  
23 ployee who, having a free will or choice, intentionally or knowingly disobeys or recklessly disre-  
24 gards the requirements of a regulation, rule, standard or order. ORS 161.085 shall apply to terms  
25 used in this section.

26 (2) Any person who gives advance notice of any inspection to be conducted under ORS 654.001  
27 to 654.295, 654.412 to 654.423 and 654.750 to 654.780, without authority from the [*Director of the*  
28 *Department of Consumer and Business Services*] **Commissioner of the Bureau of Labor and In-**  
29 **dustries** or the designees of the [*director*] **commissioner**, shall, upon conviction, be punished by a  
30 fine of not more than \$1,000 or by imprisonment for not more than six months, or by both.

31 (3) Whoever knowingly makes a false statement, representation, or certification in any applica-  
32 tion, record, report, plan, or other document filed or required to be maintained pursuant to ORS  
33 654.001 to 654.295, 654.412 to 654.423 and 654.750 to 654.780 shall, upon conviction, be punished by  
34 a fine of not more than \$10,000 or by imprisonment for not more than six months, or by both.

35 (4) Punishment under this section does not affect or lessen the civil liability of the offender.

36 **SECTION 360.** ORS 658.705 is amended to read:

37 658.705. As used in ORS 658.705 to 658.850:

38 (1) "Applicant" means an individual who proposes to operate a farmworker camp and who is  
39 applying for a camp operator indorsement under ORS 658.730.

40 (2) "Bureau" means the Bureau of Labor and Industries.

41 (3) "Commissioner" means the Commissioner of the Bureau of Labor and Industries.

42 [(4) "*Department*" means the *Department of Consumer and Business Services*.]

43 [(5) "*Director*" means the *Director of the Department of Consumer and Business Services*.]

44 [(6)] (4) "Farm labor contractor" has the same meaning as that provided in ORS 658.405.

45 [(7)] (5) "Farmworker camp" means any place or area of land where sleeping places, manufac-



1 tured structures or other housing is provided by a farmer, farm labor contractor, employer or any  
 2 other person in connection with the recruitment or employment of workers to work in the pro-  
 3 duction and harvesting of farm crops or in the reforestation of lands, as described in ORS 658.405.  
 4 “Farmworker camp” does not include:

5 (a) A single, isolated dwelling occupied solely by members of the same family, or by five or fewer  
 6 unrelated individuals; or

7 (b) A hotel or motel which provides housing with the same characteristics on a commercial basis  
 8 to the general public on the same terms and conditions as housing is provided to such workers.

9 [(8)] (6) “Farmworker camp operator” means any person who operates a farmworker camp.

10 [(9)] (7) “Indorsee” means a farm labor contractor licensed under ORS 658.410 who has obtained  
 11 a camp indorsement under ORS 658.730.

12 **SECTION 361.** ORS 658.717 is amended to read:

13 658.717. Every farmworker camp operator shall:

14 (1) Post an informational notice, on a form provided by the [*Department of Consumer and Busi-*  
 15 *ness Services*] **Bureau of Labor and Industries** as set forth in subsection (2) of this section, in an  
 16 area of the farmworker camp frequented by the occupants.

17 (2) The notice provided by the [*department*] **bureau** under subsection (1) of this section shall be  
 18 published in English and in the language or languages used to communicate with the occupants of  
 19 the farmworker camp and shall contain the following information:

20 (a) The name and address of the operator.

21 (b) The address and phone number of the [*department*] **bureau**.

22 (c) A statement that inquiries regarding health and sanitation matters or the terms and condi-  
 23 tions of occupancy may be made to the [*department*] **bureau**.

24 (d) A statement that the farmworker camp is registered with the [*department*] **bureau**.

25 **SECTION 362.** ORS 658.755 is amended to read:

26 658.755. (1) Every farmworker camp operator shall:

27 (a) If a farm labor contractor, comply with the provisions of ORS 658.405 to 658.511.

28 (b) Comply with ORS chapter 654 and the administrative rules of the [*Department of Consumer*  
 29 *and Business Services*] **Bureau of Labor and Industries** adopted pursuant to ORS chapter 654.

30 (c) Comply with all applicable building codes and health and safety laws.

31 (d) Comply with ORS 659A.250 to 659A.262.

32 (e) Pay or distribute promptly, when due, to individuals entitled thereto, all moneys or other  
 33 things of value entrusted to the farmworker camp operator, or agents or employees of the operator,  
 34 by any individual for that purpose.

35 (f) Comply with the terms and provisions of all legal and valid agreements or contracts entered  
 36 into in the operator’s capacity as an operator of a farmworker camp.

37 (2) No farmworker camp operator shall:

38 (a) Operate a camp which is not registered with the [*department*] **bureau** as required by ORS  
 39 658.750.

40 (b) Make any material misrepresentation, false statement or willful concealment in the applica-  
 41 tion for an indorsement or registration.

42 (c) Willfully make or cause to be made to any person any false, fraudulent or misleading repre-  
 43 sentation concerning the terms and conditions of occupancy in the farmworker camp.

44 (d) Knowingly publish or circulate any false or misleading information concerning the terms,  
 45 conditions or existence of housing or employment at any place.

1 (e) Assist a person who is not entitled to operate a farmworker camp under ORS 658.705 to  
2 658.850 to act in violation of ORS 658.705 to 658.850 or in violation of ORS 658.405 to 658.511 or  
3 ORS chapter 654.

4 (f) By force, intimidation or threat in any manner whatsoever, induce any occupant of the  
5 farmworker camp to give up any part of the compensation the occupant is entitled to by contract  
6 or by any state or federal wage payment law.

7 (g) By force, intimidation or threat in any manner whatsoever, restrain any person who wishes  
8 to leave the camp from doing so.

9 **SECTION 363.** ORS 658.750 is amended to read:

10 658.750. (1) Every farmworker camp operator shall register with the [*Department of Consumer*  
11 *and Business Services*] **Bureau of Labor and Industries** each farmworker camp operated by the  
12 operator.

13 (2) The [*department*] **bureau** shall establish, by rule, procedures for annual registration of  
14 farmworker camps. The [*department*] **bureau** may adopt any other rule necessary to implement the  
15 provisions of ORS 658.705 to 658.850.

16 (3) Upon receipt of an initial application for registration, the [*department*] **bureau** shall conduct  
17 a preoccupancy consultation with the operator of the farmworker camp if:

18 (a) The camp was not registered with the [*department*] **Department of Consumer and Business**  
19 **Services** prior to January 1, 1989, and has not been registered with the Commissioner of the Bureau  
20 of Labor and Industries [*or the Director of the Department of Consumer and Business Services*] in a  
21 prior year; or

22 (b) The camp operator requests a consultation.

23 (4) If the [*department*] **bureau** has determined that the health and safety conditions existing at  
24 the camp are not in conformance with the rules of the [*department*] **bureau**, the [*department*] **bureau**  
25 shall not register the camp until the [*department*] **bureau** determines that the camp has been  
26 brought into compliance.

27 [(5) Upon registration of a camp, the department shall transmit a copy of the registration to the  
28 Bureau of Labor and Industries.]

29 [(6)] (5) The [*department*] **bureau** shall compile periodically a list of all registered camps and  
30 make the list available to [*the bureau and other*] interested persons.

31 **SECTION 364.** ORS 658.780 is amended to read:

32 658.780. Any individual may protest the registration of any proposed farmworker camp and the  
33 [*Department of Consumer and Business Services*] **Bureau of Labor and Industries** shall give the  
34 individual an opportunity to state the reasons for the objection.

35 **SECTION 365.** ORS 658.785 is amended to read:

36 658.785. The [*Department of Consumer and Business Services*] **Bureau of Labor and Industries**  
37 may revoke or suspend a registration upon the [*department's*] **bureau's** own motion or upon com-  
38 plaint by an aggrieved individual if the:

39 (1) Camp is no longer in compliance with the provisions of ORS 658.705 to 658.850 or any rules  
40 adopted thereunder;

41 (2) Conditions under which the registration was accepted have changed or no longer exist;

42 (3) Information supplied by the operator or applicant regarding the farmworker camp included  
43 any material misrepresentation, false statement or willful concealment in the registration or in any  
44 procedure in the application process; or

45 (4) The [*department*] **bureau** finds that the camp fails to comply with the requirements of ORS

1 chapter 654 and the regulations adopted thereunder.

2 **SECTION 366.** ORS 658.790 is amended to read:

3 658.790. (1) If any government agency authorized to enforce building, health or safety standards  
4 orders a camp vacated because the camp is not habitable, the camp operator shall provide lodging,  
5 without charge, that meets the health and safety standards of the [*Department of Consumer and*  
6 *Business Services*] **Bureau of Labor and Industries**, for seven days or until the camp is made  
7 habitable, whichever is less.

8 (2) The provisions of subsection (1) of this section do not apply if the [*department*] **bureau** de-  
9 termines that the cause of closure was beyond the control of the camp operator.

10 (3) In addition to other remedies provided by law, the [*department*] **bureau** shall enforce the  
11 provisions of subsection (1) of this section.

12 **SECTION 367.** ORS 658.805 is amended to read:

13 658.805. (1) Except to appeal from an act or determination of the Commissioner of the Bureau  
14 of Labor and Industries [*or the Department of Consumer and Business Services*], no person operating  
15 a farmworker camp, as defined in ORS 658.705, is entitled to demand, receive or accept any fee di-  
16 rectly or indirectly or maintain any suit or action in the courts of this state involving the  
17 farmworker camp, without alleging and proving that the person was registered or indorsed to oper-  
18 ate a farmworker camp.

19 (2) The commissioner[, *Director of the Department of Consumer and Business Services*] or any  
20 local governmental agency may bring suit in any court of competent jurisdiction to enjoin any per-  
21 son from violating any of the provisions of ORS 658.705 to 658.850, or rules adopted pursuant  
22 thereto, and from committing future violations.

23 (3) Any aggrieved person may bring suit in any court of competent jurisdiction to enjoin any  
24 person violating ORS 658.715 (1) or 658.755 (2)(a) from violating any of the provisions of ORS 658.705  
25 to 658.850, or rules adopted pursuant thereto, and from committing future violations.

26 (4) In actions brought pursuant to this section, the court may award to the prevailing party  
27 costs and disbursements and a reasonable attorney fee. In addition, if damages are found, the amount  
28 of damages recoverable from a farmworker camp operator who is subject to suit pursuant to sub-  
29 section (3) of this section who violates ORS 658.705 to 658.850 is actual damages or \$500, whichever  
30 is greater.

31 **SECTION 368.** ORS 658.825 is amended to read:

32 658.825. The Commissioner of the Bureau of Labor and Industries shall not revoke, suspend or  
33 refuse to renew or reissue an indorsement under ORS 658.740 or any rule adopted thereunder, or  
34 assess penalties under ORS 658.850 for violations of ORS chapter 654 or any rule adopted thereunder  
35 unless the [*Department of Consumer and Business Services*] **bureau** has determined that the operator  
36 has failed to comply with ORS chapter 654 or any rules adopted thereunder.

37 **SECTION 369.** ORS 183.530 is amended to read:

38 183.530. A housing cost impact statement shall be prepared upon the proposal for adoption or  
39 repeal of any rule or any amendment to an existing rule by:

40 (1) The Oregon Housing Stability Council;

41 (2) A building codes division of the [*Department of Consumer and Business Services*] **Bureau of**  
42 **Labor and Industries** or any board associated with the [*department*] **bureau** with regard to rules  
43 adopted under ORS 455.610 to 455.630;

44 (3) The Land Conservation and Development Commission;

45 (4) The Environmental Quality Commission;

1 (5) The Construction Contractors Board;

2 (6) The Occupational Safety and Health Division of the [*Department of Consumer and Business*  
3 *Services*] **Bureau of Labor and Industries**; or

4 (7) The State Department of Energy.

5 **SECTION 370.** ORS 315.164 is amended to read:

6 315.164. (1) A taxpayer who is the owner or operator of agriculture workforce housing is allowed  
7 a credit against the taxes otherwise due under ORS chapter 316, if the taxpayer is a resident indi-  
8 vidual, or against the taxes otherwise due under ORS chapter 317, if the taxpayer is a corporation.  
9 The total amount of the credit shall be equal to 50 percent of the eligible costs actually paid or  
10 incurred by the taxpayer to complete an agriculture workforce housing project, to the extent the  
11 eligible costs actually paid or incurred by the taxpayer do not exceed the estimate of eligible costs  
12 approved by the Housing and Community Services Department under ORS 315.167.

13 (2) A taxpayer who is otherwise eligible to claim a credit under this section may elect to  
14 transfer all or a portion of the credit to a contributor in the manner provided in ORS 315.169.

15 (3)(a) The credit allowed under this section may be taken for the tax year in which the agri-  
16 culture workforce housing project is completed or in any of the nine tax years succeeding the tax  
17 year in which the project is completed.

18 (b) The credit allowed in any one tax year may not exceed 20 percent of the amount determined  
19 under subsection (1) of this section.

20 (4)(a) To claim a credit under this section, a taxpayer must show in each year following the  
21 completion of an agriculture workforce housing project that the housing continues to be operated  
22 as agriculture workforce housing.

23 (b) A taxpayer need not make the showing required in paragraph (a) of this subsection if the  
24 Housing and Community Services Department waives the requirement after the taxpayer has suc-  
25 cessfully met the requirement for the first five years after completion of the agriculture workforce  
26 housing project.

27 (c) The Housing and Community Services Department shall determine by rule the factors nec-  
28 essary to grant a waiver. Such factors may include a documented decline in a particular area for  
29 agriculture workforce housing.

30 (5) The credit shall apply only to an agriculture workforce housing project that is located within  
31 this state and physically begun on or after January 1, 1990.

32 (6)(a) A credit may not be allowed under this section unless the taxpayer claiming credit under  
33 this section:

34 (A) Obtains a letter of credit approval from the Housing and Community Services Department  
35 pursuant to ORS 315.167; and

36 (B) Files with the Housing and Community Services Department an annual certification provid-  
37 ing that all occupied units for which credit is being claimed are occupied by agricultural workers,  
38 including agricultural workers who are retired or disabled, and their immediate families.

39 (b) The certification described under this subsection shall be made on the form and in the time  
40 and manner prescribed by the Housing and Community Services Department.

41 (7) Except as provided under subsection (8) of this section, the credit allowed in any one year  
42 may not exceed the tax liability of the taxpayer.

43 (8) Any tax credit otherwise allowable under this section that is not used by the taxpayer in a  
44 particular tax year may be carried forward and offset against the taxpayer's tax liability for the next  
45 succeeding tax year. Any credit remaining unused in the next succeeding tax year may be carried

1 forward and used in the second succeeding tax year, and likewise any credit not used in that second  
2 succeeding tax year may be carried forward and used in the third succeeding tax year, and any  
3 credit not used in that third succeeding tax year may be carried forward and used in the fourth  
4 succeeding tax year, and any credit not used in that fourth succeeding tax year may be carried  
5 forward and used in the fifth succeeding tax year, and any credit not used in that fifth succeeding  
6 tax year may be carried forward and used in the sixth succeeding tax year, and any credit not used  
7 in that sixth succeeding tax year may be carried forward and used in the seventh succeeding tax  
8 year, and any credit not used in that seventh succeeding tax year may be carried forward and used  
9 in the eighth succeeding tax year, and any credit not used in that eighth succeeding tax year may  
10 be carried forward and used in the ninth succeeding tax year, but may not be carried forward for  
11 any tax year thereafter.

12 (9)(a) The credit provided by this section is not in lieu of any depreciation or amortization de-  
13 duction for the agriculture workforce housing project to which the taxpayer otherwise may be en-  
14 titled under ORS chapter 316 or 317 for the year.

15 (b) The taxpayer's adjusted basis for determining gain or loss may not be further decreased by  
16 any tax credits allowed under this section.

17 (10) For a taxpayer to receive a credit under this section, the agriculture workforce housing  
18 must:

19 (a) Comply with all occupational safety or health laws, rules, regulations and standards;

20 (b) If registration is required, be registered as a farmworker camp with the [*Department of*  
21 *Consumer and Business Services*] **Bureau of Labor and Industries** under ORS 658.750;

22 (c) Upon occupancy and if an indorsement is required, be operated by a person who holds a valid  
23 indorsement as a farmworker camp operator under ORS 658.730; and

24 (d) Continue to be operated as agriculture workforce housing for a period of at least 10 years  
25 after the completion of the agriculture workforce housing project, unless a waiver has been granted  
26 under subsection (4) of this section.

27 (11) The Director of the Housing and Community Services Department may order the suspension  
28 or revocation of a letter of credit approval issued under ORS 315.167 or the disallowance of a credit  
29 allowed under this section, as provided in ORS 315.061:

30 (a) For the reasons set forth in ORS 315.061; or

31 (b) In the event that an owner or operator claims or claimed the credit, if the director finds that:

32 (A) The taxpayer has failed to continue to substantially comply with the occupational safety or  
33 health laws, rules, regulations or standards;

34 (B) After occupancy and if registration is required, the agriculture workforce housing is not  
35 registered as a farmworker camp with the [*Department of Consumer and Business Services*] **Bureau**  
36 **of Labor and Industries** under ORS 658.750;

37 (C) After occupancy and if an indorsement is required, the agriculture workforce housing is not  
38 operated by a person who holds a valid indorsement as a farmworker camp operator under ORS  
39 658.730; or

40 (D) The taxpayer has failed to make a showing that the housing continues to be operated as  
41 agriculture workforce housing as required under subsection (4)(a) of this section and the taxpayer  
42 has not been granted a waiver by the Housing and Community Services Department under sub-  
43 section (4)(b) of this section.

44 (12) In the event that the agriculture workforce housing is destroyed by fire, flood, natural dis-  
45 aster or act of God before all of the credit has been used, the taxpayer may nevertheless claim the

1 credit as if no destruction had taken place. In the event of fire, if the fire chief of the fire protection  
2 district or unit determines that the fire was caused by arson, as defined in ORS 164.315 and 164.325,  
3 by the taxpayer or by another at the taxpayer's direction, then the fire chief shall notify the Hous-  
4 ing and Community Services Department. Upon conviction of arson, the department shall disallow  
5 the credit in accordance with subsection (11) of this section.

6 (13)(a) A nonresident individual shall be allowed the credit computed in the same manner and  
7 subject to the same limitations as the credit allowed a resident by this section. However, the credit  
8 shall be prorated using the proportion provided in ORS 316.117.

9 (b) If a change in the tax year of a taxpayer occurs as described in ORS 314.085, or if the De-  
10 partment of Revenue terminates the taxpayer's tax year under ORS 314.440, the credit allowed by  
11 this section shall be prorated or computed in a manner consistent with ORS 314.085.

12 (c) If a change in the status of a taxpayer from resident to nonresident or from nonresident to  
13 resident occurs, the credit allowed by this section shall be determined in a manner consistent with  
14 ORS 316.117.

15 (14)(a) The Department of Revenue may adopt rules for carrying out the provisions of this sec-  
16 tion.

17 (b) The Housing and Community Services Department may adopt rules for providing letters of  
18 credit approval and granting certification and for monitoring taxpayer compliance with this section.

19 (15) The Housing and Community Services Department shall provide information to the Depart-  
20 ment of Revenue about all letters of credit approval and certifications granted under this section,  
21 if required by ORS 315.058.

22 **SECTION 371.** ORS 315.169 is amended to read:

23 315.169. (1) A taxpayer that is a contributor is allowed a credit against the taxes otherwise due  
24 under ORS chapter 316, if the taxpayer is a resident individual, or ORS chapter 317, if the taxpayer  
25 is a corporation, to the extent the owner or operator of agriculture workforce housing transferred  
26 all or a portion of the credit allowed to the owner or operator under ORS 315.164.

27 (2) An owner or operator of agriculture workforce housing may transfer all or a portion of the  
28 credit allowed to the owner or operator under ORS 315.164 to one or more contributors but the  
29 amount transferred may not total more than the total credit the owner or operator may claim. The  
30 transfer must comply with ORS 315.056.

31 (3) To receive a credit under this section:

32 (a) The contributor must obtain a letter of credit approval from the Housing and Community  
33 Services Department under ORS 315.167; or

34 (b) If the owner or operator of agriculture workforce housing elects to transfer all or a portion  
35 of the credit allowed under ORS 315.164 after the date that a letter of credit approval has been is-  
36 sued to the owner or operator, the owner or operator and the contributor must comply with ORS  
37 315.056.

38 (4) A contributor remains eligible to receive a credit under this section even if the owner or  
39 operator of the agriculture workforce housing becomes ineligible for the credit as a result of:

40 (a) Failure to file the annual certification under ORS 315.164 (6);

41 (b) Failure to continue to substantially comply with occupational safety or health laws, rules,  
42 regulations or standards under ORS 315.164 (10);

43 (c) Failure to register as a farmworker camp with the [*Department of Consumer and Business*  
44 *Services*] **Bureau of Labor and Industries** under ORS 658.750;

45 (d) Failure of the operator to hold a valid indorsement as a farmworker camp operator under

1 ORS 658.730; or

2 (e) Failure to comply with any other rules or provisions relating to the operation or mainte-  
3 nance of the agriculture workforce housing after work on the agriculture workforce housing project  
4 has been completed.

5 (5)(a) The credit allowed under this section may be taken for the tax year in which the agri-  
6 culture workforce housing project is completed or in any of the nine tax years succeeding the tax  
7 year in which the project is completed.

8 (b) The credit allowed in any one tax year may not exceed 20 percent of the amount determined  
9 under subsection (2) of this section that was transferred to the contributor claiming the credit.

10 (6) Except as provided under subsection (7) of this section, the credit allowed in any one year  
11 may not exceed the tax liability of the taxpayer.

12 (7) Any tax credit otherwise allowable under this section that is not used by the taxpayer in a  
13 particular tax year may be carried forward and offset against the taxpayer's tax liability for the next  
14 succeeding tax year. Any credit remaining unused in the next succeeding tax year may be carried  
15 forward and used in the second succeeding tax year, and likewise any credit not used in that second  
16 succeeding tax year may be carried forward and used in the third succeeding tax year, and any  
17 credit not used in that third succeeding tax year may be carried forward and used in the fourth  
18 succeeding tax year, and any credit not used in that fourth succeeding tax year may be carried  
19 forward and used in the fifth succeeding tax year, and any credit not used in that fifth succeeding  
20 tax year may be carried forward and used in the sixth succeeding tax year, and any credit not used  
21 in that sixth succeeding tax year may be carried forward and used in the seventh succeeding tax  
22 year, and any credit not used in that seventh succeeding tax year may be carried forward and used  
23 in the eighth succeeding tax year, and any credit not used in that eighth succeeding tax year may  
24 be carried forward and used in the ninth succeeding tax year, but may not be carried forward for  
25 any tax year thereafter.

26 (8)(a) A nonresident individual shall be allowed the credit computed in the same manner and  
27 subject to the same limitations as the credit allowed a resident by this section. However, the credit  
28 shall be prorated using the proportion provided in ORS 316.117.

29 (b) If a change in the tax year of a taxpayer occurs as described in ORS 314.085, or if the De-  
30 partment of Revenue terminates the taxpayer's tax year under ORS 314.440, the credit allowed by  
31 this section shall be prorated or computed in a manner consistent with ORS 314.085.

32 (c) If a change in the status of a taxpayer from resident to nonresident or from nonresident to  
33 resident occurs, the credit allowed by this section shall be determined in a manner consistent with  
34 ORS 316.117.

35 (9) The Department of Revenue may adopt rules for carrying out the provisions of this section.

36 **SECTION 372.** ORS 431A.363 is amended to read:

37 431A.363. (1) Any person who violates any provision of, or any rule adopted under, ORS  
38 431A.355 or 431A.358 shall forfeit and pay to the Public Health Account established under ORS  
39 431.210 a civil penalty of not more than \$5,000 for each violation. Moneys paid to the Public Health  
40 Account under this section may be used only for the purposes of lead poisoning prevention, includ-  
41 ing consumer and industry outreach, public education, blood lead screening and other activities.

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

43 (3) A civil penalty imposed under this section is in addition to and not in lieu of any other  
44 penalty or sanction provided by law.

45 (4) The Oregon Health Authority shall report all civil penalties or sanctions imposed under this

1 section or a rule adopted under ORS 431A.355 to each of the following state agencies:

2 (a) The Construction Contractors Board;

3 (b) The Occupational Safety and Health Division of the [*Department of Consumer and Business*  
4 *Services*] **Bureau of Labor and Industries**; and

5 (c) The Department of Environmental Quality.

6 **SECTION 373.** ORS 470.560 is amended to read:

7 470.560. (1) The State Department of Energy shall adopt rules establishing certification stan-  
8 dards for primary contractors participating in the construction of small scale local energy projects  
9 financed through the energy efficiency and sustainable technology loan program. The department  
10 shall design the standards to ensure that the project work performed by a primary contractor  
11 holding the certification and all the primary contractor's subcontractors is of high quality and will  
12 result in a high degree of customer satisfaction.

13 (2) The certification standards established by the department must, at a minimum, require that  
14 the primary contractor:

15 (a) Prove that the primary contractor and the primary contractor's subcontractors have suffi-  
16 cient skill to successfully install energy efficiency, renewable energy or weatherization projects.

17 (b) Not be a contractor listed by the Commissioner of the Bureau of Labor and Industries under  
18 ORS 279C.860 as ineligible to receive a contract or subcontract for public works.

19 (c) Be an equal opportunity employer or small business or be a disadvantaged business enter-  
20 prise, a minority-owned business, a woman-owned business, a business that a service-disabled veteran  
21 owns or an emerging small business, as those terms are defined in ORS 200.005.

22 (d) Demonstrate a history of compliance with the rules and other requirements of the Con-  
23 struction Contractors Board and of the Workers' Compensation Division and the Occupational  
24 Safety and Health Division of the [*Department of Consumer and Business Services*] **Bureau of Labor**  
25 **and Industries**.

26 (e) Employ at least 80 percent of employees used for energy efficiency and sustainable technol-  
27 ogy loan program projects from the local work force, if a sufficient supply of skilled workers is  
28 available locally.

29 (f) Demonstrate a history of compliance with federal and state wage and hour laws.

30 (g) Pay wages to employees used for energy efficiency and sustainable technology loan program  
31 projects at a rate equal to at least 180 percent of the state minimum wage.

32 (3) The State Department of Energy shall consult with the Public Purpose Fund Administrator  
33 and utilities when developing certification standards for primary contractors.

34 (4) The Construction Contractors Board may issue a qualifying primary contractor a certifica-  
35 tion authorizing the primary contractor to participate in the construction of small scale local energy  
36 projects financed through the energy efficiency and sustainable technology loan program. A primary  
37 contractor seeking certification shall apply to the board as provided under ORS 701.119.

38 (5) The State Department of Energy shall identify certified primary contractors that provide  
39 employees with health insurance benefits as preferred service providers and may take other actions  
40 as practicable to encourage certified primary contractors to provide employees with health insur-  
41 ance benefits.

42 **SECTION 374.** ORS 701.995 is amended to read:

43 701.995. (1) A person who violates any provision of, or any rule adopted under, ORS 701.505 to  
44 701.515 shall pay to the Construction Contractors Board Lead-Based Paint Activities Fund estab-  
45 lished under ORS 701.520 a civil penalty of not more than \$5,000 for each violation.



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

2 (3) A civil penalty imposed under this section is in addition to and not in lieu of any other  
3 penalty or sanction provided by law.

4 (4) The board shall report all civil penalties or sanctions imposed under this section to each of  
5 the following state agencies:

6 (a) The Oregon Health Authority;

7 (b) The Occupational Safety and Health Division of the [*Department of Consumer and Business*  
8 *Services*] **Bureau of Labor and Industries**; and

9 (c) The Department of Environmental Quality.

10 **SECTION 375.** ORS 656.726 is amended to read:

11 656.726. (1) The Workers' Compensation Board in its name [*and*], the Director of the Department  
12 of Consumer and Business Services in the director's name as director **and the Commissioner of**  
13 **the Bureau of Labor and Industries in the commissioner's name as commissioner** may sue  
14 and be sued, and each shall have a seal.

15 (2) The board hereby is charged with reviewing appealed orders of Administrative Law Judges  
16 in controversies concerning a claim arising under this chapter, exercising own motion jurisdiction  
17 under this chapter and providing such policy advice as the director may request, and providing such  
18 other review functions as may be prescribed by law. To that end any of its members or assistants  
19 authorized thereto by the members shall have power to:

20 (a) Hold sessions at any place within the state.

21 (b) Administer oaths.

22 (c) Issue and serve by the board's representatives, or by any sheriff, subpoenas for the attend-  
23 ance of witnesses and the production of papers, contracts, books, accounts, documents and testimony  
24 before any hearing under ORS 654.001 to 654.295, 654.412 to 654.423, 654.750 to 654.780 and this  
25 chapter.

26 (d) Generally provide for the taking of testimony and for the recording of proceedings.

27 (3) The board chairperson is hereby charged with the administration of and responsibility for the  
28 Hearings Division.

29 (4)(a) The [*director*] **commissioner** hereby is charged with duties of administration, regulation  
30 and enforcement of ORS 654.001 to 654.295, 654.412 to 654.423, 654.750 to 654.780 [*and*].

31 (b) **The director hereby is charged with duties of administration, regulation and**  
32 **enforcement of** this chapter. [*To that end the director may:*]

33 (c) **To carry out the duties set forth under paragraphs (a) and (b) of this subsection, the**  
34 **commissioner and the director, respectively, may:**

35 [(a)] (A) Make and declare all rules and issue orders which are reasonably required in the per-  
36 formance of the **commissioner's or the director's** duties. Unless otherwise specified by law, all  
37 reports, claims or other documents shall be deemed timely provided to the **commissioner**, director  
38 or board if mailed by regular mail or delivered within the time required by law. Notwithstanding  
39 any other provision of this chapter, the director may adopt rules to allow for the electronic trans-  
40 mission and filing of reports, claims or other documents required to be filed under this chapter and  
41 to require the electronic transmission and filing of proof of coverage required under ORS 656.419,  
42 656.423 and 656.427. Notwithstanding ORS 183.310 to 183.410, if a matter comes before the director  
43 that is not addressed by rule and the director finds that adoption of a rule to accommodate the  
44 matter would be inefficient, unreasonable or unnecessarily burdensome to the public, the director  
45 may resolve the matter by issuing an order, subject to review under ORS 656.704. Such order shall

1 not have precedential effect as to any other situation.

2 [(b)] (B) Hold sessions at any place within the state.

3 [(c)] (C) Administer oaths.

4 [(d)] (D) Issue and serve by representatives of the **commissioner or the** director, or by any  
5 sheriff, subpoenas for the attendance of witnesses and the production of papers, contracts, books,  
6 accounts, documents and testimony in any inquiry, investigation, proceeding or rulemaking hearing  
7 conducted by the **commissioner or the** director or the **representatives of the commissioner or**  
8 **the director** [*director's representatives*]. The director may require the attendance and testimony of  
9 employers, their officers and representatives in any inquiry under this chapter, and the production  
10 by employers of books, records, papers and documents without the payment or tender of witness fees  
11 on account of such attendance.

12 [(e)] (E) Generally provide for the taking of testimony and for the recording of such proceedings.

13 [(f)] (F) Provide standards for the evaluation of disabilities. The following provisions apply to  
14 the standards:

15 [(A)] (i) The criterion for evaluation of permanent impairment under ORS 656.214 is the loss of  
16 use or function of a body part or system due to the compensable industrial injury or occupational  
17 disease. Permanent impairment is expressed as a percentage of the whole person. The impairment  
18 value may not exceed 100 percent of the whole person.

19 [(B)] (ii) Impairment is established by a preponderance of medical evidence based upon objective  
20 findings.

21 [(C)] (iii) The criterion for evaluation of work disability under ORS 656.214 is permanent  
22 impairment as modified by the factors of age, education and adaptability to perform a given job.

23 [(D)] (iv) When, upon reconsideration of a notice of closure pursuant to ORS 656.268, it is found  
24 that the worker's disability is not addressed by the standards adopted pursuant to this paragraph,  
25 notwithstanding ORS 656.268, the director shall, in the order on reconsideration, determine the ex-  
26 tent of permanent disability that addresses the worker's impairment.

27 [(E)] (v) Notwithstanding any other provision of this section, only impairment benefits shall be  
28 awarded under ORS 656.214 if the worker has been released to regular work by the attending phy-  
29 sician or nurse practitioner authorized to provide compensable medical services under ORS 656.245  
30 or has returned to regular work at the job held at the time of injury.

31 [(g)] (G) Prescribe procedural rules for and conduct hearings, investigations and other pro-  
32 ceedings pursuant to ORS 654.001 to 654.295, 654.412 to 654.423, 654.750 to 654.780 and this chapter  
33 regarding all matters other than those specifically allocated to the board or the Hearings Division.

34 [(h)] (H) Participate fully in any proceeding before the Hearings Division, board or Court of  
35 Appeals in which the **commissioner or the** director determines that the proceeding involves a  
36 matter that affects or could affect the discharge of the **commissioner's or the** director's duties of  
37 administration, regulation and enforcement of ORS 654.001 to 654.295, 654.412 to 654.423, 654.750 to  
38 654.780 and this chapter.

39 (5)(a) The board may make and declare all rules which are reasonably required in the perform-  
40 ance of its duties, including but not limited to rules of practice and procedure in connection with  
41 hearing and review proceedings and exercising its authority under ORS 656.278. The board shall  
42 adopt standards governing the format and timing of the evidence. The standards shall be uniformly  
43 followed by all Administrative Law Judges and practitioners. The rules may provide for informal  
44 prehearing conferences in order to expedite claim adjudication, amicably dispose of controversies,  
45 if possible, narrow issues and simplify the method of proof at hearings. The rules shall specify who

1 may appear with parties at prehearing conferences and hearings.

2 (b) Notwithstanding any other provision of this chapter, the board may adopt rules to allow for  
3 the electronic transmission of filings, reports, notices and other documents required to be filed under  
4 the board's authority.

5 (6) The **commissioner**, director and the board chairperson may incur such expenses as they  
6 respectively determine are reasonably necessary to perform their authorized functions.

7 (7) The director, the board chairperson and the State Accident Insurance Fund Corporation shall  
8 have the right, not subject to review, to contract for the exchange of, or payment for, such services  
9 between them as will reduce the overall cost of administering this chapter.

10 (8) The director shall have lien and enforcement powers regarding assessments to be paid by  
11 subject employers in the same manner and to the same extent as is provided for lien and enforce-  
12 ment of collection of premiums and assessments by the corporation under ORS 656.552 to 656.566.

13 (9) The director shall have the same powers regarding inspection of books, records and payrolls  
14 of employers as are granted the corporation under ORS 656.758. The director may disclose infor-  
15 mation obtained from such inspections to the Director of the Department of Revenue to the extent  
16 the Director of the Department of Revenue requires such information to determine that a person  
17 complies with the revenue and tax laws of this state and to the Director of the Employment De-  
18 partment to the extent the Director of the Employment Department requires such information to  
19 determine that a person complies with ORS chapter 657.

20 (10) The director shall collect hours-worked data information in addition to total payroll for  
21 workers engaged in various jobs in the construction industry classifications described in the job  
22 classification portion of the Workers' Compensation and Employers Liability Manual and the Oregon  
23 Special Rules Section published by the National Council on Compensation Insurance. The informa-  
24 tion shall be collected in the form and format necessary for the National Council on Compensation  
25 Insurance to analyze premium equity.

26 **SECTION 376.** ORS 656.612 is amended to read:

27 656.612. (1) The Director of the Department of Consumer and Business Services shall impose and  
28 collect assessments from all insurers, self-insured employers and self-insured employer groups in an  
29 amount sufficient to pay the expenses of the Department of Consumer and Business Services under  
30 this chapter [*and ORS chapter 654*] and under the Insurance Code. The assessments shall be paid in  
31 the manner and at intervals as the director may direct and when collected shall be deposited in the  
32 Consumer and Business Services Fund. The receipts in the account are continuously appropriated  
33 to the department for the purpose described in this subsection.

34 (2) The assessments shall be levied against the insurers' direct earned premium and the direct  
35 earned premium self-insured employers and self-insured employer groups would have paid had they  
36 been insured employers.

37 (3) The director may impose and collect an additional assessment from self-insured employer  
38 groups in an amount sufficient to pay the additional expenses involved in administering the group  
39 self-insured program.

40 (4) The director may establish a minimum assessment applicable to all insurers, self-insured  
41 employers and self-insured employer groups and shall establish the time, manner and method of im-  
42 posing and collecting assessments subject to applicable budgeting and fiscal laws.

43 (5) The assessments required under this section shall be developed pursuant to ORS 183.310 to  
44 183.410 and in such a manner that will reasonably and substantially accomplish the objective of  
45 subsection (2) of this section at the least possible administrative cost to everyone.

1 (6) Assessments developed by the department under this section shall be reported to the Joint  
2 Committee on Ways and Means or, during the interim between sessions of the Legislative Assembly,  
3 to the Emergency Board or to the Joint Interim Committee on Ways and Means.

4 **SECTION 377.** ORS 453.307 is amended to read:

5 453.307. As used in ORS 453.307 to 453.414:

6 (1) "Community right to know regulatory program" or "local program" means any law, rule,  
7 ordinance, regulation or charter amendment established, enforced or enacted by a local government  
8 that requires an employer to collect or report information relating to the use, storage, release,  
9 possession or composition of hazardous substances and toxic substances if a primary intent of the  
10 law, rule, ordinance, regulation or charter amendment is the public distribution of the information.

11 (2) "Emergency service personnel" includes those entities providing emergency services as de-  
12 fined in ORS 401.025.

13 (3) "Employer" means:

14 (a) Any person operating a facility that is included in one or more of the 21 standard industrial  
15 classification categories in Appendix B of the Natural Resources Defense Council v. Train Consent  
16 Decree of June 8, 1976 (8 E.R.C. 2120); or

17 (b) Any person operating a facility designated by the State Fire Marshal.

18 (4) "Fire district" means any agency having responsibility for providing fire protection services.

19 (5) "Hazardous substance" means:

20 (a) Any substance designated as hazardous by the Director of the Department of Consumer and  
21 Business Services or by the State Fire Marshal;

22 (b) Any substance for which a material safety data sheet is required by the [*Director of the De-*  
23 *partment of Consumer and Business Services*] **Commissioner of the Bureau of Labor and Indus-**  
24 **tries** under ORS 654.035 and which appears on the list of Threshold Limit Values for Chemical  
25 Substances and Physical Agents in the Work Environment by the American Conference of Govern-  
26 mental Industrial Hygienists; or

27 (c) Radioactive waste and material as defined in ORS 469.300 and radioactive substance as de-  
28 fined in ORS 453.005.

29 (6) "Health professional" means a physician licensed under ORS chapter 677, naturopathic phy-  
30 sician licensed under ORS chapter 685, physician assistant licensed under ORS 677.505 to 677.525,  
31 registered nurse, industrial hygienist, toxicologist, epidemiologist or emergency medical services  
32 provider.

33 (7) "Law enforcement agency" has the meaning given that term in ORS 181A.010.

34 (8) "Local government" means a city, town, county, regional authority or other political subdivi-  
35 sion of this state.

36 (9) "Person" includes individuals, corporations, associations, firms, partnerships, joint stock  
37 companies, public and municipal corporations, political subdivisions, the state and any agency  
38 thereof, and the federal government and any agency thereof.

39 (10) "Trade secret" has the meaning given that term in ORS 192.345 (2).

40 **SECTION 378.** ORS 658.440 is amended to read:

41 658.440. (1) Each person acting as a labor contractor shall:

42 (a) Carry a labor contractor's license at all times and exhibit it upon request to any person with  
43 whom the labor contractor intends to deal in the capacity of a labor contractor.

44 (b) File immediately at the United States post office serving the labor contractor's address, as  
45 noted on the face of the license, a correct change of address if the labor contractor permanently

1 changes address, and notify the Commissioner of the Bureau of Labor and Industries each time an  
2 address change is made.

3 (c) Pay or distribute promptly, when due, to the individuals entitled thereto all money or other  
4 things of value entrusted to the labor contractor by any person for that purpose.

5 (d) Comply with the terms and provisions of all legal and valid agreements or contracts entered  
6 into in the labor contractor's capacity as a labor contractor.

7 (e) File with the Bureau of Labor and Industries, as required by rule, information relating to  
8 work agreements between the labor contractor and construction property owners or farmers and  
9 between the labor contractor and workers or information concerning changes in the circumstances  
10 under which the license was issued.

11 (f) Furnish to each worker, at the time of hiring, recruiting, soliciting or supplying, whichever  
12 occurs first, a written statement in the English language and any other language used by the labor  
13 contractor to communicate with the workers that contains a description of:

14 (A) The method of computing the rate of compensation.

15 (B) The terms and conditions of any bonus offered, including the manner of determining when  
16 the bonus is earned.

17 (C) The terms and conditions of any loan made to the worker.

18 (D) The conditions of any housing, health and child care services to be provided.

19 (E) The terms and conditions of employment, including the approximate length of season or pe-  
20 riod of employment and the approximate starting and ending dates thereof.

21 (F) The terms and conditions under which the worker is furnished clothing or equipment.

22 (G) The name and address of the owner of all operations where the worker will be working as  
23 a result of being recruited, solicited, supplied or employed by the labor contractor.

24 (H) The existence of a labor dispute at the worksite.

25 (I) The worker's rights and remedies under ORS chapters 654 and 656, ORS 658.405 to 658.511,  
26 the Service Contract Act (41 U.S.C. 351-401) and any other such law specified by the Commissioner  
27 of the Bureau of Labor and Industries, in plain and simple language in a form specified by the  
28 commissioner.

29 (g) At the time of hiring and prior to the worker performing any work for the labor contractor,  
30 execute a written agreement between the worker and the labor contractor containing the terms and  
31 conditions described in paragraph (f)(A) to (I) of this subsection. The written agreement shall be in  
32 the English language and any other language used by the labor contractor to communicate with the  
33 workers.

34 (h) Furnish to the worker, each time the worker receives a compensation payment from the la-  
35 bor contractor, a written statement itemizing the total payment and amount and purpose of each  
36 deduction therefrom, hours worked and rate of pay or rate of pay and pieces done if the work is  
37 done on a piece rate basis, and if the work is done under the Service Contract Act (41 U.S.C.  
38 351-401) or related federal or state law, a written statement of any applicable prevailing wage.

39 (i) Except for a person acting as a property services contractor, provide to the commissioner a  
40 certified true copy of all payroll records for work done as a labor contractor when the contractor  
41 pays employees directly. The records shall be submitted in such form and at such times and shall  
42 contain such information as the commissioner, by rule, may prescribe.

43 (j)(A) If the person is a farm labor contractor engaged in the forestation or reforestation of  
44 lands, provide workers' compensation insurance for each individual who performs manual labor in  
45 forestation or reforestation activities regardless of the business form of the contractor and regard-

1 less of any contractual relationship that may be alleged to exist between the contractor and the  
2 workers notwithstanding ORS 656.027, unless workers' compensation insurance is otherwise pro-  
3 vided; or

4 (B) If the person is a farm labor contractor but is not engaged in the forestation or reforestation  
5 of lands, provide workers' compensation insurance to the extent required under ORS chapter 656,  
6 unless workers' compensation insurance is otherwise provided.

7 (k) If the person is a property services contractor, provide time and pay records, as defined in  
8 ORS 652.750, to the commissioner or an employee of the property services contractor who requests  
9 the records, no later than 45 days after receipt of the request. A property services contractor that  
10 fails to comply with the requirements of this paragraph is subject to civil penalty under ORS  
11 652.900.

12 (2) If the labor contractor:

13 (a) Employs workers, the labor contractor shall substantially comply with the provisions of ORS  
14 654.174 relating to field sanitation, and its implementing rules as adopted by the [*Department of*  
15 *Consumer and Business Services*] **Bureau of Labor and Industries**.

16 (b) Owns or controls housing furnished to workers in connection with the recruitment or em-  
17 ployment of workers, the labor contractor shall ensure that the housing substantially complies with  
18 any applicable law relating to the health, safety or habitability of the housing.

19 (c) Recruits or solicits any worker to travel from one place to another for the purpose of  
20 working at a time prior to the availability of the employment, the labor contractor shall furnish to  
21 the worker, at no charge, lodging and an adequate supply of food until employment begins, in com-  
22 pliance with rules adopted by the Bureau of Labor and Industries. If employment does not begin  
23 within 30 days from the date the labor contractor represented employment would become available,  
24 the labor contractor shall refund to the worker all sums paid by the worker to the labor contractor  
25 and provide the worker, in cash or other form of payment authorized by ORS 652.110, the costs of  
26 transportation, including meals and lodging in transit, to return the worker to the place from which  
27 the worker was induced to travel or the costs of transportation, including meals and lodging in  
28 transit, to another worksite selected by the worker, whichever is less. For the purposes of this  
29 paragraph, "recruits or solicits" does not include the mere provision of housing or employment to  
30 persons who have not otherwise been recruited or solicited by the labor contractor or an agent of  
31 the labor contractor prior to their arrival at the place of housing or employment. Workers who ar-  
32 rive at the place of employment prior to the date they were instructed by the labor contractor to  
33 arrive are not entitled to the benefits of this subsection until the date they were instructed to ar-  
34 rive.

35 (3) A person acting as a labor contractor, or applying for a license to act as a labor contractor,  
36 may not:

37 (a) Make any misrepresentation, false statement or willful concealment in the application for a  
38 license.

39 (b) Willfully make or cause to be made to any person any false, fraudulent or misleading repre-  
40 sentation, or publish or circulate any false, fraudulent or misleading information concerning the  
41 terms, condition or existence of employment at any place or by any person.

42 (c) Solicit or induce, or cause to be solicited or induced, the violation of an existing contract  
43 of employment.

44 (d) Knowingly employ an alien not legally present or legally employable in the United States.

45 (e) Assist an unlicensed person to act in violation of ORS 658.405 to 658.511.

1 (f) By force, intimidation or threat of procuring dismissal or deportation or by any other manner  
2 whatsoever, induce any worker employed or in a subcontracting relationship to the labor contractor  
3 to give up any part of the compensation to which the worker is entitled under the contract of em-  
4 ployment or under federal or state wage laws.

5 (g) Solicit or induce, or cause to be solicited or induced, the travel of a worker from one place  
6 to another by representing to a worker that employment for the worker is available at the destina-  
7 tion when employment for the worker is not available within 30 days after the date the work was  
8 represented as being available.

9 **SECTION 379.** ORS 654.310 is amended to read:

10 654.310. All owners, contractors, subcontractors, or persons whatsoever, engaged in the con-  
11 struction, repairing, alteration, removal or painting of any building, bridge, viaduct or other struc-  
12 ture, or in the erection or operation of any machinery, or in the manufacture, transmission and use  
13 of electricity, or in the manufacture or use of any dangerous appliance or substance, shall see that  
14 all places of employment are in compliance with every applicable order, decision, direction, stand-  
15 ard, rule or regulation made or prescribed by the [*Department of Consumer and Business Services*]  
16 **Bureau of Labor and Industries** pursuant to ORS 654.001 to 654.295, 654.412 to 654.423 and 654.750  
17 to 654.780.

18 **SECTION 380.** ORS 656.268 is amended to read:

19 656.268. (1) One purpose of this chapter is to restore the injured worker as soon as possible and  
20 as near as possible to a condition of self support and maintenance as an able-bodied worker. The  
21 insurer or self-insured employer shall close the worker's claim, as prescribed by the Director of the  
22 Department of Consumer and Business Services, and determine the extent of the worker's permanent  
23 disability, provided the worker is not enrolled and actively engaged in training according to rules  
24 adopted by the director pursuant to ORS 656.340 and 656.726, when:

25 (a) The worker has become medically stationary and there is sufficient information to determine  
26 permanent disability;

27 (b) The accepted injury is no longer the major contributing cause of the worker's combined or  
28 consequential condition or conditions pursuant to ORS 656.005 (7). When the claim is closed because  
29 the accepted injury is no longer the major contributing cause of the worker's combined or conse-  
30 quential condition or conditions, and there is sufficient information to determine permanent disabili-  
31 ty, the likely permanent disability that would have been due to the current accepted condition shall  
32 be estimated;

33 (c) Without the approval of the attending physician or nurse practitioner authorized to provide  
34 compensable medical services under ORS 656.245, the worker fails to seek medical treatment for a  
35 period of 30 days or the worker fails to attend a closing examination, unless the worker  
36 affirmatively establishes that such failure is attributable to reasons beyond the worker's control; or

37 (d) An insurer or self-insured employer finds that a worker who has been receiving permanent  
38 total disability benefits has materially improved and is capable of regularly performing work at a  
39 gainful and suitable occupation.

40 (2) If the worker is enrolled and actively engaged in training according to rules adopted pursu-  
41 ant to ORS 656.340 and 656.726, the temporary disability compensation shall be proportionately re-  
42 duced by any sums earned during the training.

43 (3) A copy of all medical reports and reports of vocational rehabilitation agencies or counselors  
44 shall be furnished to the worker, if requested by the worker.

45 (4) Temporary total disability benefits shall continue until whichever of the following events

1 first occurs:

2 (a) The worker returns to regular or modified employment;

3 (b) The attending physician or nurse practitioner who has authorized temporary disability ben-  
4 efits for the worker under ORS 656.245 advises the worker and documents in writing that the worker  
5 is released to return to regular employment;

6 (c) The attending physician or nurse practitioner who has authorized temporary disability ben-  
7 efits for the worker under ORS 656.245 advises the worker and documents in writing that the worker  
8 is released to return to modified employment, such employment is offered in writing to the worker  
9 and the worker fails to begin such employment. However, an offer of modified employment may be  
10 refused by the worker without the termination of temporary total disability benefits if the offer:

11 (A) Requires a commute that is beyond the physical capacity of the worker according to the  
12 worker's attending physician or the nurse practitioner who may authorize temporary disability un-  
13 der ORS 656.245;

14 (B) Is at a work site more than 50 miles one way from where the worker was injured unless the  
15 site is less than 50 miles from the worker's residence or the intent of the parties at the time of hire  
16 or as established by the pattern of employment prior to the injury was that the employer had mul-  
17 tiple or mobile work sites and the worker could be assigned to any such site;

18 (C) Is not with the employer at injury;

19 (D) Is not at a work site of the employer at injury;

20 (E) Is not consistent with the existing written shift change policy or is not consistent with  
21 common practice of the employer at injury or aggravation; or

22 (F) Is not consistent with an existing shift change provision of an applicable collective bar-  
23 gaining agreement;

24 (d) Any other event that causes temporary disability benefits to be lawfully suspended, withheld  
25 or terminated under ORS 656.262 (4) or other provisions of this chapter; or

26 (e) Notwithstanding paragraph (c)(C), (D), (E) and (F) of this subsection, the attending physician  
27 or nurse practitioner who has authorized temporary disability benefits under ORS 656.245 for a home  
28 care worker or a personal support worker who has been made a subject worker pursuant to ORS  
29 656.039 advises the home care worker or personal support worker and documents in writing that the  
30 home care worker or personal support worker is released to return to modified employment, appro-  
31 priate modified employment is offered in writing by the Home Care Commission or a designee of the  
32 commission to the home care worker or personal support worker for any client of the Department  
33 of Human Services who employs a home care worker or personal support worker and the worker  
34 fails to begin the employment.

35 (5)(a) Findings by the insurer or self-insured employer regarding the extent of the worker's dis-  
36 ability in closure of the claim shall be pursuant to the standards prescribed by the director.

37 (b) The insurer or self-insured employer shall issue a notice of closure of the claim to the  
38 worker, to the worker's attorney if the worker is represented, and to the director. If the worker is  
39 deceased at the time the notice of closure is issued, the insurer or self-insured employer shall mail  
40 the worker's copy of the notice of closure, addressed to the estate of the worker, to the worker's last  
41 known address and may mail copies of the notice of closure to any known or potential beneficiaries  
42 to the estate of the deceased worker.

43 (c) The notice of closure must inform:

44 (A) The parties, in boldfaced type, of the proper manner in which to proceed if they are dissat-  
45 isfied with the terms of the notice of closure;



- 1 (B) The worker of:
- 2 (i) The amount of any further compensation, including permanent disability compensation to be
- 3 awarded;
- 4 (ii) The duration of temporary total or temporary partial disability compensation;
- 5 (iii) The right of the worker or beneficiaries of the worker who were mailed a copy of the notice
- 6 of closure under paragraph (b) of this subsection to request reconsideration by the director under
- 7 this section within 60 days of the date of the notice of closure;
- 8 (iv) The right of beneficiaries who were not mailed a copy of the notice of closure under para-
- 9 graph (b) of this subsection to request reconsideration by the director under this section within one
- 10 year of the date the notice of closure was mailed to the estate of the worker under paragraph (b)
- 11 of this subsection;
- 12 (v) The right of the insurer or self-insured employer to request reconsideration by the director
- 13 under this section within seven days of the date of the notice of closure;
- 14 (vi) The aggravation rights; and
- 15 (vii) Any other information as the director may require; and
- 16 (C) Any beneficiaries of death benefits to which they may be entitled pursuant to ORS 656.204
- 17 and 656.208.
- 18 (d) If the insurer or self-insured employer has not issued a notice of closure, the worker may
- 19 request closure. Within 10 days of receipt of a written request from the worker, the insurer or
- 20 self-insured employer shall issue a notice of closure if the requirements of this section have been
- 21 met or a notice of refusal to close if the requirements of this section have not been met. A notice
- 22 of refusal to close shall advise the worker of:
- 23 (A) The decision not to close;
- 24 (B) The right of the worker to request a hearing pursuant to ORS 656.283 within 60 days of the
- 25 date of the notice of refusal to close;
- 26 (C) The right to be represented by an attorney; and
- 27 (D) Any other information as the director may require.
- 28 (e) If a worker, a worker's beneficiary, an insurer or a self-insured employer objects to the no-
- 29 tice of closure, the objecting party first must request reconsideration by the director under this
- 30 section. A worker's request for reconsideration must be made within 60 days of the date of the no-
- 31 tice of closure. If the worker is deceased at the time the notice of closure is issued, a request for
- 32 reconsideration by a beneficiary of the worker who was mailed a copy of the notice of closure under
- 33 paragraph (b) of this subsection must be made within 60 days of the date of the notice of closure.
- 34 A request for reconsideration by a beneficiary to the estate of a deceased worker who was not
- 35 mailed a copy of the notice of closure under paragraph (b) of this subsection must be made within
- 36 one year of the date the notice of closure was mailed to the estate of the worker under paragraph
- 37 (b) of this subsection. A request for reconsideration by an insurer or self-insured employer may be
- 38 based only on disagreement with the findings used to rate impairment and must be made within
- 39 seven days of the date of the notice of closure.
- 40 (f) If an insurer or self-insured employer has closed a claim or refused to close a claim pursuant
- 41 to this section, if the correctness of that notice of closure or refusal to close is at issue in a hearing
- 42 on the claim and if a finding is made at the hearing that the notice of closure or refusal to close
- 43 was not reasonable, a penalty shall be assessed against the insurer or self-insured employer and paid
- 44 to the worker in an amount equal to 25 percent of all compensation determined to be then due the
- 45 claimant.

1 (g) If, upon reconsideration of a claim closed by an insurer or self-insured employer, the director  
2 orders an increase by 25 percent or more of the amount of compensation to be paid to the worker  
3 for permanent disability and the worker is found upon reconsideration to be at least 20 percent  
4 permanently disabled, a penalty shall be assessed against the insurer or self-insured employer and  
5 paid to the worker in an amount equal to 25 percent of all compensation determined to be then due  
6 the claimant. If the increase in compensation results from information that the insurer or self-  
7 insured employer demonstrates the insurer or self-insured employer could not reasonably have  
8 known at the time of claim closure, from new information obtained through a medical arbiter ex-  
9 amination or from a determination order issued by the director that addresses the extent of the  
10 worker's permanent disability that is not based on the standards adopted pursuant to ORS 656.726  
11 [(4)(f)] (4)(c)(F), the penalty shall not be assessed.

12 (6)(a) Notwithstanding any other provision of law, only one reconsideration proceeding may be  
13 held on each notice of closure. At the reconsideration proceeding:

14 (A) A deposition arranged by the worker, limited to the testimony and cross-examination of the  
15 worker about the worker's condition at the time of claim closure, shall become part of the recon-  
16 sideration record. The deposition must be conducted subject to the opportunity for cross-examination  
17 by the insurer or self-insured employer and in accordance with rules adopted by the director. The  
18 cost of the court reporter, interpreter services, if necessary, and one original of the transcript of the  
19 deposition for the Department of Consumer and Business Services and one copy of the transcript  
20 of the deposition for each party shall be paid by the insurer or self-insured employer. The recon-  
21 sideration proceeding may not be postponed to receive a deposition taken under this subparagraph.  
22 A deposition taken in accordance with this subparagraph may be received as evidence at a hearing  
23 even if the deposition is not prepared in time for use in the reconsideration proceeding.

24 (B) Pursuant to rules adopted by the director, the worker or the insurer or self-insured employer  
25 may correct information in the record that is erroneous and may submit any medical evidence that  
26 should have been but was not submitted by the attending physician or nurse practitioner authorized  
27 to provide compensable medical services under ORS 656.245 at the time of claim closure.

28 (C) If the director determines that a claim was not closed in accordance with subsection (1) of  
29 this section, the director may rescind the closure.

30 (b) If necessary, the director may require additional medical or other information with respect  
31 to the claims and may postpone the reconsideration for not more than 60 additional calendar days.

32 (c) In any reconsideration proceeding under this section in which the worker was represented  
33 by an attorney, the director shall order the insurer or self-insured employer to pay to the attorney,  
34 out of the additional compensation awarded, an amount equal to 10 percent of any additional com-  
35 pensation awarded to the worker.

36 (d) Except as provided in subsection (7) of this section, the reconsideration proceeding shall be  
37 completed within 18 working days from the date the reconsideration proceeding begins, and shall  
38 be performed by a special evaluation appellate unit within the department. The deadline of 18  
39 working days may be postponed by an additional 60 calendar days if within the 18 working days the  
40 department mails notice of review by a medical arbiter. If an order on reconsideration has not been  
41 mailed on or before 18 working days from the date the reconsideration proceeding begins, or within  
42 18 working days plus the additional 60 calendar days where a notice for medical arbiter review was  
43 timely mailed or the director postponed the reconsideration pursuant to paragraph (b) of this sub-  
44 section, or within such additional time as provided in subsection (8) of this section when reconsid-  
45 eration is postponed further because the worker has failed to cooperate in the medical arbiter

1 examination, reconsideration shall be deemed denied and any further proceedings shall occur as  
 2 though an order on reconsideration affirming the notice of closure was mailed on the date the order  
 3 was due to issue.

4 (e) The period for completing the reconsideration proceeding described in paragraph (d) of this  
 5 subsection begins upon receipt by the director of a worker's or a beneficiary's request for recon-  
 6 sideration pursuant to subsection (5)(e) of this section. If the insurer or self-insured employer re-  
 7 quests reconsideration, the period for reconsideration begins upon the earlier of the date of the  
 8 request for reconsideration by the worker or beneficiary, the date of receipt of a waiver from the  
 9 worker or beneficiary of the right to request reconsideration or the date of expiration of the right  
 10 of the worker or beneficiary to request reconsideration. If a party elects not to file a separate re-  
 11 quest for reconsideration, the party does not waive the right to fully participate in the reconsider-  
 12 ation proceeding, including the right to proceed with the reconsideration if the initiating party  
 13 withdraws the request for reconsideration.

14 (f) Any medical arbiter report may be received as evidence at a hearing even if the report is  
 15 not prepared in time for use in the reconsideration proceeding.

16 (g) If any party objects to the reconsideration order, the party may request a hearing under ORS  
 17 656.283 within 30 days from the date of the reconsideration order.

18 (7)(a) The director may delay the reconsideration proceeding and toll the reconsideration  
 19 timeline established under subsection (6) of this section for up to 45 calendar days if:

20 (A) A request for reconsideration of a notice of closure has been made to the director within  
 21 60 days of the date of the notice of closure;

22 (B) The parties are actively engaged in settlement negotiations that include issues in dispute  
 23 at reconsideration;

24 (C) The parties agree to the delay; and

25 (D) Both parties notify the director before the 18th working day after the reconsideration pro-  
 26 ceeding has begun that they request a delay under this subsection.

27 (b) A delay of the reconsideration proceeding granted by the director under this subsection ex-  
 28 pires:

29 (A) If a party requests the director to resume the reconsideration proceeding before the expi-  
 30 ration of the delay period;

31 (B) If the parties reach a settlement and the director receives a copy of the approved settlement  
 32 documents before the expiration of the delay period; or

33 (C) On the next calendar day following the expiration of the delay period authorized by the di-  
 34 rector.

35 (c) Upon expiration of a delay granted under this subsection, the timeline for the completion of  
 36 the reconsideration proceeding shall resume as if the delay had never been granted.

37 (d) Compensation due the worker shall continue to be paid during the period of delay authorized  
 38 under this subsection.

39 (e) The director may authorize only one delay period for each reconsideration proceeding.

40 (8)(a) If the basis for objection to a notice of closure issued under this section is disagreement  
 41 with the impairment used in rating of the worker's disability, the director shall refer the claim to  
 42 a medical arbiter appointed by the director.

43 (b) If the director determines that insufficient medical information is available to determine  
 44 disability, the director may appoint, and refer the claim to, a medical arbiter.

45 (c) At the request of either of the parties, the director shall appoint a panel of as many as three

1 medical arbiters in accordance with criteria that the director sets by rule.

2 (d) The arbiter, or panel of medical arbiters, must be chosen from among a list of physicians  
3 qualified to be attending physicians referred to in ORS 656.005 (12)(b)(A) whom the director selected  
4 in consultation with the Oregon Medical Board and the committee referred to in ORS 656.790.

5 (e)(A) The medical arbiter or panel of medical arbiters may examine the worker and perform  
6 such tests as may be reasonable and necessary to establish the worker's impairment.

7 (B) If the director determines that the worker failed to attend the examination without good  
8 cause or failed to cooperate with the medical arbiter, or panel of medical arbiters, the director shall  
9 postpone the reconsideration proceedings for up to 60 days from the date of the determination that  
10 the worker failed to attend or cooperate, and shall suspend all disability benefits resulting from this  
11 or any prior opening of the claim until such time as the worker attends and cooperates with the  
12 examination or the request for reconsideration is withdrawn. Any additional evidence regarding  
13 good cause must be submitted prior to the conclusion of the 60-day postponement period.

14 (C) At the conclusion of the 60-day postponement period, if the worker has not attended and  
15 cooperated with a medical arbiter examination or established good cause, the worker may not attend  
16 a medical arbiter examination for this claim closure. The reconsideration record must be closed, and  
17 the director shall issue an order on reconsideration based upon the existing record.

18 (D) All disability benefits suspended under this subsection, including all disability benefits  
19 awarded in the order on reconsideration, or by an Administrative Law Judge, the Workers' Com-  
20 pensation Board or upon court review, are not due and payable to the worker.

21 (f) The insurer or self-insured employer shall pay the costs of examination and review by the  
22 medical arbiter or panel of medical arbiters.

23 (g) The findings of the medical arbiter or panel of medical arbiters must be submitted to the  
24 director for reconsideration of the notice of closure.

25 (h) After reconsideration, no subsequent medical evidence of the worker's impairment is admis-  
26 sible before the director, the Workers' Compensation Board or the courts for purposes of making  
27 findings of impairment on the claim closure.

28 (i)(A) If the basis for objection to a notice of closure issued under this section is a disagreement  
29 with the impairment used in rating the worker's disability, and the director determines that the  
30 worker is not medically stationary at the time of the reconsideration or that the closure was not  
31 made pursuant to this section, the director is not required to appoint a medical arbiter before  
32 completing the reconsideration proceeding.

33 (B) If the worker's condition has substantially changed since the notice of closure, upon the  
34 consent of all the parties to the claim, the director shall postpone the proceeding until the worker's  
35 condition is appropriate for claim closure under subsection (1) of this section.

36 (9) No hearing shall be held on any issue that was not raised and preserved before the director  
37 at reconsideration. However, issues arising out of the reconsideration order may be addressed and  
38 resolved at hearing.

39 (10) If, after the notice of closure issued pursuant to this section, the worker becomes enrolled  
40 and actively engaged in training according to rules adopted pursuant to ORS 656.340 and 656.726,  
41 any permanent disability payments due for work disability under the closure shall be suspended, and  
42 the worker shall receive temporary disability compensation and any permanent disability payments  
43 due for impairment while the worker is enrolled and actively engaged in the training. When the  
44 worker ceases to be enrolled and actively engaged in the training, the insurer or self-insured em-  
45 ployer shall again close the claim pursuant to this section if the worker is medically stationary or

1 if the worker's accepted injury is no longer the major contributing cause of the worker's combined  
 2 or consequential condition or conditions pursuant to ORS 656.005 (7). The closure shall include the  
 3 duration of temporary total or temporary partial disability compensation. Permanent disability  
 4 compensation shall be redetermined for work disability only. If the worker has returned to work or  
 5 the worker's attending physician has released the worker to return to regular or modified employ-  
 6 ment, the insurer or self-insured employer shall again close the claim. This notice of closure may  
 7 be appealed only in the same manner as are other notices of closure under this section.

8 (11) If the attending physician or nurse practitioner authorized to provide compensable medical  
 9 services under ORS 656.245 has approved the worker's return to work and there is a labor dispute  
 10 in progress at the place of employment, the worker may refuse to return to that employment without  
 11 loss of reemployment rights or any vocational assistance provided by this chapter.

12 (12) Any notice of closure made under this section may include necessary adjustments in com-  
 13 pensation paid or payable prior to the notice of closure, including disallowance of permanent disa-  
 14 bility payments prematurely made, crediting temporary disability payments against current or future  
 15 permanent or temporary disability awards or payments and requiring the payment of temporary  
 16 disability payments which were payable but not paid.

17 (13) An insurer or self-insured employer may take a credit or offset of previously paid workers'  
 18 compensation benefits or payments against any further workers' compensation benefits or payments  
 19 due a worker from that insurer or self-insured employer when the worker admits to having obtained  
 20 the previously paid benefits or payments through fraud, or a civil judgment or criminal conviction  
 21 is entered against the worker for having obtained the previously paid benefits through fraud. Bene-  
 22 fits or payments obtained through fraud by a worker may not be included in any data used for  
 23 ratemaking or individual employer rating or dividend calculations by an insurer, a rating organiza-  
 24 tion licensed pursuant to ORS chapter 737, the State Accident Insurance Fund Corporation or the  
 25 director.

26 (14)(a) An insurer or self-insured employer may offset any compensation payable to the worker  
 27 to recover an overpayment from a claim with the same insurer or self-insured employer. When  
 28 overpayments are recovered from temporary disability or permanent total disability benefits, the  
 29 amount recovered from each payment shall not exceed 25 percent of the payment, without prior  
 30 authorization from the worker.

31 (b) An insurer or self-insured employer may suspend and offset any compensation payable to the  
 32 beneficiary of the worker, and recover an overpayment of permanent total disability benefits caused  
 33 by the failure of the worker's beneficiaries to notify the insurer or self-insured employer about the  
 34 death of the worker.

35 (15) Conditions that are direct medical sequelae to the original accepted condition shall be in-  
 36 cluded in rating permanent disability of the claim unless they have been specifically denied.

37 **SECTION 381.** ORS 656.732 is amended to read:

38 656.732. The circuit court for any county, or the judge of such court, on application of the  
 39 **Commissioner of the Bureau of Labor and Industries, the** Director of the Department of Con-  
 40 sumer and Business Services, the Workers' Compensation Board, or any of the board members, their  
 41 Administrative Law Judges or assistants, shall compel obedience to subpoenas issued and served  
 42 pursuant to ORS 656.726 and shall punish disobedience of any such subpoena or any refusal to tes-  
 43 tify at any authorized session or hearing or to answer any lawful inquiry of the director or any of  
 44 the board members, Administrative Law Judges or assistants, in the same manner as a refusal to  
 45 testify in the circuit court or the disobedience of the requirements of a subpoena issued from the

1 court is punished.

2  
3 **REPEALS**

4  
5 **SECTION 382. ORS 658.827 is repealed.**

6  
7 **UNIT CAPTIONS**

8  
9 **SECTION 383. The unit captions used in this 2021 Act are provided only for the conven-**  
10 **ience of the reader and do not become part of the statutory law of this state or express any**  
11 **legislative intent in the enactment of this 2021 Act.**

12  
13 **OPERATIVE AND EFFECTIVE DATES**

14  
15 **SECTION 384. (1) Sections 1 to 8 of this 2021 Act, the amendments to ORS 183.530,**  
16 **215.236, 279C.527, 283.421, 308.310, 315.164, 315.169, 320.192, 401.256, 401.915, 401.922, 421.645,**  
17 **431A.363, 433.521, 443.760, 446.003, 446.005, 446.007, 446.062, 446.066, 446.072, 446.076, 446.095,**  
18 **446.100, 446.105, 446.155, 446.160, 446.170, 446.176, 446.180, 446.185, 446.225, 446.230, 446.240,**  
19 **446.245, 446.250, 446.252, 446.253, 446.255, 446.260, 446.271, 446.280, 446.285, 446.322, 446.395,**  
20 **446.400, 446.405, 446.410, 446.416, 446.423, 446.430, 446.566, 446.568, 446.571, 446.581, 446.586,**  
21 **446.591, 446.596, 446.601, 446.606, 446.611, 446.616, 446.621, 446.626, 446.631, 446.636, 446.641,**  
22 **446.646, 446.666, 446.681, 446.686, 446.691, 446.696, 446.701, 446.706, 446.711, 446.716, 446.721,**  
23 **446.726, 446.736, 446.741, 446.746, 446.748, 446.751, 446.995, 447.010, 447.020, 447.026, 447.072,**  
24 **447.076, 447.080, 447.091, 447.095, 447.097, 447.100, 447.118, 447.124, 447.140, 447.145, 447.152,**  
25 **447.210, 447.220, 447.230, 447.231, 447.233, 447.247, 447.250, 447.260, 447.270, 447.275, 448.330,**  
26 **450.837, 453.307, 455.010, 455.015, 455.020, 455.022, 455.028, 455.030, 455.040, 455.042, 455.044,**  
27 **455.046, 455.048, 455.055, 455.058, 455.060, 455.062, 455.065, 455.068, 455.070, 455.083, 455.085,**  
28 **455.090, 455.095, 455.097, 455.100, 455.110, 455.112, 455.117, 455.122, 455.125, 455.127, 455.129,**  
29 **455.132, 455.135, 455.138, 455.140, 455.144, 455.146, 455.148, 455.150, 455.152, 455.153, 455.154,**  
30 **455.155, 455.156, 455.160, 455.165, 455.170, 455.185, 455.188, 455.192, 455.195, 455.198, 455.200,**  
31 **455.210, 455.220, 455.230, 455.240, 455.310, 455.312, 455.355, 455.365, 455.380, 455.412, 455.415,**  
32 **455.420, 455.425, 455.430, 455.445, 455.447, 455.448, 455.449, 455.450, 455.457, 455.461, 455.463,**  
33 **455.465, 455.466, 455.467, 455.471, 455.473, 455.475, 455.479, 455.483, 455.485, 455.490, 455.492,**  
34 **455.496, 455.500, 455.505, 455.511, 455.525, 455.560, 455.570, 455.575, 455.580, 455.610, 455.616,**  
35 **455.622, 455.625, 455.626, 455.627, 455.628, 455.630, 455.680, 455.685, 455.690, 455.705, 455.715,**  
36 **455.720, 455.723, 455.725, 455.732, 455.735, 455.737, 455.740, 455.770, 455.775, 455.800, 455.805,**  
37 **455.810, 455.815, 455.820, 455.895, 460.005, 460.024, 460.035, 460.045, 460.055, 460.057, 460.059,**  
38 **460.061, 460.065, 460.075, 460.085, 460.125, 460.135, 460.145, 460.155, 460.165, 460.175, 460.310,**  
39 **460.320, 460.330, 460.350, 460.352, 460.355, 460.360, 460.370, 469.700, 469.735, 469.740, 469.745,**  
40 **469B.103, 469B.279, 470.560, 479.155, 479.520, 479.530, 479.540, 479.560, 479.570, 479.630, 479.632,**  
41 **479.730, 479.740, 479.760, 479.770, 479.810, 479.815, 479.820, 479.840, 479.850, 479.853, 479.854,**  
42 **479.855, 479.860, 479.910, 479.915, 479.950, 480.432, 480.450, 480.515, 480.520, 480.525, 480.530,**  
43 **480.535, 480.545, 480.565, 480.570, 480.585, 480.595, 480.600, 480.605, 480.610, 480.630, 480.647,**  
44 **480.670, 634.063, 654.003, 654.005, 654.022, 654.025, 654.031, 654.035, 654.056, 654.062, 654.067,**  
45 **654.071, 654.078, 654.082, 654.086, 654.090, 654.097, 654.120, 654.130, 654.150, 654.160, 654.172,**

1 654.174, 654.182, 654.189, 654.191, 654.196, 654.200, 654.202, 654.251, 654.285, 654.290, 654.310,  
 2 654.416, 654.760, 654.770, 654.780, 654.991, 656.268, 656.612, 656.726, 656.732, 658.440, 658.705,  
 3 658.717, 658.750, 658.755, 658.780, 658.785, 658.790, 658.805, 658.825, 672.107, 693.025, 693.115,  
 4 693.165, 701.550 and 701.995 by sections 9 to 353 and 355 to 381 of this 2021 Act and the repeal  
 5 of ORS 658.827 by section 382 of this 2021 Act become operative on January 1, 2022.

6 (2) The Bureau of Labor and Industries and the Department of Consumer and Business  
 7 Services may take any action before the operative date specified in subsection (1) of this  
 8 section that is necessary for the bureau and the department to exercise, on and after the  
 9 operative date specified in subsection (1) of this section, all of the duties, functions and  
 10 powers conferred on the bureau and the department by sections 1 to 8 of this 2021 Act, the  
 11 amendments to ORS 183.530, 215.236, 279C.527, 283.421, 308.310, 315.164, 315.169, 320.192,  
 12 401.256, 401.915, 401.922, 421.645, 431A.363, 433.521, 443.760, 446.003, 446.005, 446.007, 446.062,  
 13 446.066, 446.072, 446.076, 446.095, 446.100, 446.105, 446.155, 446.160, 446.170, 446.176, 446.180,  
 14 446.185, 446.225, 446.230, 446.240, 446.245, 446.250, 446.252, 446.253, 446.255, 446.260, 446.271,  
 15 446.280, 446.285, 446.322, 446.395, 446.400, 446.405, 446.410, 446.416, 446.423, 446.430, 446.566,  
 16 446.568, 446.571, 446.581, 446.586, 446.591, 446.596, 446.601, 446.606, 446.611, 446.616, 446.621,  
 17 446.626, 446.631, 446.636, 446.641, 446.646, 446.666, 446.681, 446.686, 446.691, 446.696, 446.701,  
 18 446.706, 446.711, 446.716, 446.721, 446.726, 446.736, 446.741, 446.746, 446.748, 446.751, 446.995,  
 19 447.010, 447.020, 447.026, 447.072, 447.076, 447.080, 447.091, 447.095, 447.097, 447.100, 447.118,  
 20 447.124, 447.140, 447.145, 447.152, 447.210, 447.220, 447.230, 447.231, 447.233, 447.247, 447.250,  
 21 447.260, 447.270, 447.275, 448.330, 450.837, 453.307, 455.010, 455.015, 455.020, 455.022, 455.028,  
 22 455.030, 455.040, 455.042, 455.044, 455.046, 455.048, 455.055, 455.058, 455.060, 455.062, 455.065,  
 23 455.068, 455.070, 455.083, 455.085, 455.090, 455.095, 455.097, 455.100, 455.110, 455.112, 455.117,  
 24 455.122, 455.125, 455.127, 455.129, 455.132, 455.135, 455.138, 455.140, 455.144, 455.146, 455.148,  
 25 455.150, 455.152, 455.153, 455.154, 455.155, 455.156, 455.160, 455.165, 455.170, 455.185, 455.188,  
 26 455.192, 455.195, 455.198, 455.200, 455.210, 455.220, 455.230, 455.240, 455.310, 455.312, 455.355,  
 27 455.365, 455.380, 455.412, 455.415, 455.420, 455.425, 455.430, 455.445, 455.447, 455.448, 455.449,  
 28 455.450, 455.457, 455.461, 455.463, 455.465, 455.466, 455.467, 455.471, 455.473, 455.475, 455.479,  
 29 455.483, 455.485, 455.490, 455.492, 455.496, 455.500, 455.505, 455.511, 455.525, 455.560, 455.570,  
 30 455.575, 455.580, 455.610, 455.616, 455.622, 455.625, 455.626, 455.627, 455.628, 455.630, 455.680,  
 31 455.685, 455.690, 455.705, 455.715, 455.720, 455.723, 455.725, 455.732, 455.735, 455.737, 455.740,  
 32 455.770, 455.775, 455.800, 455.805, 455.810, 455.815, 455.820, 455.895, 460.005, 460.024, 460.035,  
 33 460.045, 460.055, 460.057, 460.059, 460.061, 460.065, 460.075, 460.085, 460.125, 460.135, 460.145,  
 34 460.155, 460.165, 460.175, 460.310, 460.320, 460.330, 460.350, 460.352, 460.355, 460.360, 460.370,  
 35 469.700, 469.735, 469.740, 469.745, 469B.103, 469B.279, 470.560, 479.155, 479.520, 479.530, 479.540,  
 36 479.560, 479.570, 479.630, 479.632, 479.730, 479.740, 479.760, 479.770, 479.810, 479.815, 479.820,  
 37 479.840, 479.850, 479.853, 479.854, 479.855, 479.860, 479.910, 479.915, 479.950, 480.432, 480.450,  
 38 480.515, 480.520, 480.525, 480.530, 480.535, 480.545, 480.565, 480.570, 480.585, 480.595, 480.600,  
 39 480.605, 480.610, 480.630, 480.647, 480.670, 634.063, 654.003, 654.005, 654.022, 654.025, 654.031,  
 40 654.035, 654.056, 654.062, 654.067, 654.071, 654.078, 654.082, 654.086, 654.090, 654.097, 654.120,  
 41 654.130, 654.150, 654.160, 654.172, 654.174, 654.182, 654.189, 654.191, 654.196, 654.200, 654.202,  
 42 654.251, 654.285, 654.290, 654.310, 654.416, 654.760, 654.770, 654.780, 654.991, 656.268, 656.612,  
 43 656.726, 656.732, 658.440, 658.705, 658.717, 658.750, 658.755, 658.780, 658.785, 658.790, 658.805,  
 44 658.825, 672.107, 693.025, 693.115, 693.165, 701.550 and 701.995 by sections 9 to 353 and 355 to 381  
 45 of this 2021 Act and the repeal of ORS 658.827 by section 382 of this 2021 Act.

1        **SECTION 385. This 2021 Act being necessary for the immediate preservation of the public**  
2        **peace, health and safety, an emergency is declared to exist, and this 2021 Act takes effect**  
3        **on its passage.**

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