

Senate Bill 753

Sponsored by Senators GELSER, OLSEN, Representative OLSON; Senator ROBLAN

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**.

Exempts work performed on recreational vehicles from plumbing and electrical licensing requirements.

A BILL FOR AN ACT

1
2 Relating to recreational vehicles; amending ORS 446.003, 446.423, 447.060, 455.117, 455.129, 455.230,
3 479.540, 479.840, 693.020 and 705.145; and repealing ORS 446.210.

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

5 **SECTION 1.** ORS 446.003 is amended to read:

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

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

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

17 (b) "Alteration" does not include:

18 (A) Minor repairs with approved component parts;

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

20 (C) Adjustment and maintenance of equipment; or

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

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

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

25 (5) "Cabana" means a stationary, lightweight structure that may be prefabricated, or demount-
26 able, with two or more walls, used adjacent to and in conjunction with a manufactured structure to
27 provide additional living space.

28 (6) "Certification" means an evaluation process by which the department verifies a
29 manufacturer's ability to produce manufactured structures to the department rules and to the de-
30 partment approved quality control manual.

31 (7) "Conversion" or "to convert" means the process of changing a manufactured structure in

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 whole or in part from one type of vehicle or structure to another.

2 (8) "Dealer" means any person engaged in the business of selling, leasing or distributing manu-
3 factured structures or equipment, or both, primarily to persons who in good faith purchase or lease
4 manufactured structures or equipment, or both, for purposes other than resale.

5 (9) "Department" means the Department of Consumer and Business Services.

6 (10) "Director" means the Director of the Department of Consumer and Business Services.

7 (11) "Distributor" means any person engaged in selling and distributing manufactured structures
8 or equipment for resale.

9 (12) "Equipment" means materials, appliances, subassembly, devices, fixtures, fittings and
10 apparatuses used in the construction, plumbing, mechanical and electrical systems of a manufactured
11 structure.

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

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

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

19 (16) "Insignia of compliance" means:

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

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

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

27 (18) "Installation" in relation to:

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

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

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

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

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

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

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

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

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

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

23 (25)(a) "Manufactured structure" means a recreational vehicle, manufactured dwelling or recre-
24 ational structure.

25 (b) "Manufactured structure" does not include any building or structure regulated under the
26 State of Oregon Structural Specialty Code or the Low-Rise Residential Dwelling Code.

27 (26) "Manufacturer" means any person engaged in manufacturing, building, rebuilding, altering,
28 converting or assembling manufactured structures or equipment.

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

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

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

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

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

3 **(32) "Park model recreational vehicle" is a recreational vehicle that:**

4 **(a) Is designed and marketed as temporary living quarters for recreation, camping, travel**
5 **or seasonal use;**

6 **(b) Is not permanently affixed to land;**

7 **(c) Is not used for residential purposes;**

8 **(d) Is built on a single chassis mounted on wheels;**

9 **(e) Has a maximum gross trailer area of 400 square feet; and**

10 **(f) Complies with American National Standards Institute manufacturing standards for**
11 **recreational park trailers.**

12 [(32)] **(33)** "Recreational structure" means a campground structure with or without plumbing,
13 heating or cooking facilities intended to be used by any particular occupant on a limited-time basis
14 for recreational, seasonal, emergency or transitional housing purposes and may include yurts, cab-
15 ins, fabric structures or similar structures as further defined, by rule, by the director.

16 [(33)] **(34)** "Recreational vehicle" means a vehicle with or without motive power, that is designed
17 for human occupancy and to be used temporarily for recreational, seasonal or emergency purposes
18 and as further defined, by rule, by the director. **"Recreational vehicle" includes, but is not lim-**
19 **ited to, park model recreational vehicles.**

20 [(34)] **(35)** "Residential trailer" means a structure constructed for movement on the public high-
21 ways that has sleeping, cooking and plumbing facilities, that is intended for human occupancy, that
22 is being used for residential purposes and that was constructed before January 1, 1962.

23 [(35)] **(36)** "Sale" means rent, lease, sale or exchange.

24 [(36)] **(37)** "Skirting" means a weather resistant material used to enclose the space below the
25 manufactured structure.

26 [(37)] **(38)** "Tiedown" means any device designed to anchor a manufactured structure securely
27 to the ground.

28 [(38)] **(39)** "Transitional housing accommodations" means accommodations described under ORS
29 446.265.

30 [(39)] **(40)** "Utilities" means the water, sewer, gas or electric services provided on a lot for a
31 manufactured structure.

32 **SECTION 2. ORS 446.210 is repealed.**

33 **SECTION 3.** ORS 447.060 is amended to read:

34 447.060. (1) ORS 447.010 to 447.156 do not apply to a person:

35 (a) Engaging in plumbing work when not so engaged for hire.

36 (b) Using the services of regular employees in performing plumbing work for the benefit of
37 property owned, leased or operated by the person. For purposes of this paragraph, "regular
38 employee" means a person who is subject to the provisions of ORS 316.162 to 316.221 and who has
39 completed a withholding exemptions certificate required by ORS 316.162 to 316.221.

40 (c) Using the services of an employee or contractor of a utility company, energy service provider
41 or water supplier to install an approved low-flow showerhead or faucet aerator in existing plumbing
42 fixtures. The devices installed under this paragraph are exempt from the certification, permit and
43 inspection requirements of ORS 447.010 to 447.156 and ORS chapter 693.

44 **(d) Engaging in plumbing work on a recreational vehicle, as defined in ORS 446.003.**

45 (2) A landscape contracting business licensed under ORS 671.560 is not required to be licensed

1 under ORS 447.010 to 447.156 to install, repair or maintain backflow assemblies for irrigation sys-
 2 tems and ornamental water features if the work is performed by an individual who is licensed as
 3 required by ORS 671.615 and is an owner or employee of the landscape contracting business. The
 4 repair and maintenance of the backflow assembly must be performed by a tester certified under ORS
 5 448.279. The licensing exemption established under this subsection does not exempt the landscape
 6 contracting business from the inspection and permit requirements of ORS 447.010 to 447.156.

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

10 **SECTION 4.** ORS 479.540 is amended to read:

11 479.540. (1) Except as otherwise provided in this subsection, a person is not required to obtain
 12 a license to make an electrical installation on residential or farm property that is owned by the
 13 person or a member of the person's immediate family if the property is not intended for sale, ex-
 14 change, lease or rent. The following apply to the exemption established in this subsection:

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

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

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

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

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

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

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

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

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

44 (b) A license is not required for:

45 (A) Temporary demonstrations;

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

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

9 (c) For the purposes of this subsection, "qualified employee" means an employee who has regis-
10 tered with or graduated from a State of Oregon or federally approved apprenticeship course de-
11 signed for the work being performed. The supervising electrician signature required under ORS
12 479.560 (1)(b) does not apply to contractors working under this subsection.

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

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

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

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

23 (6) A permit is not required:

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

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

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

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

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

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

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

44 (c) As used in this subsection:

45 (A) "Duly authorized agents" means individuals trained by the factory or a vendor or by expe-

1 rience and who are knowledgeable in the operation, maintenance, repair and installation of indus-
2 trial electrical equipment.

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

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

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

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

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

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

19 (e) Installations, by a telecommunications service provider or an appropriately licensed elec-
20 trical contractor, of telecommunications systems on the customer side of the demarcation point ex-
21 cept:

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

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

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

27 (A) One and two family dwellings; and

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

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

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

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

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

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

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

1 applies to:

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

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

4 (C) Commercial electrical air conditioning equipment.

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

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

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

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

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

21 (B) Equipment minimum safety standards established by concurrence of the board and the di-
22 rector;

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

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

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

26 (F) Any other method approved by the board.

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

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

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

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

41 (17) A residential home, as defined in ORS [443.580] **197.660**[,] and an adult foster home, as de-
42 fined in ORS 443.705, is not a multifamily dwelling and only electrical installation standards and
43 safety requirements applicable to single family dwellings apply to such homes.

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

1 (19) The provisions of any electrical products code or rule adopted pursuant to ORS 479.510 to
 2 479.945 and 479.995 apply to cable and such products installed as part of a cable television instal-
 3 lation.

4 (20) A person is not required to obtain a license to make an electrical installation in:

5 (a) A prefabricated structure, as defined in ORS 455.010, that is designed for residential use and
 6 intended for delivery in another state.

7 (b) **A recreational vehicle, as defined in ORS 446.003.**

8 (21) As used in this section, “smoke alarm” has the meaning given that term under ORS 479.250.

9 **SECTION 5.** ORS 479.840 is amended to read:

10 479.840. (1) Upon receiving payment of the applicable application fee, the Department of Con-
 11 sumer and Business Services may issue or renew a license or permit applied for under ORS 479.510
 12 to 479.945. The fee to apply for or renew a license is:

13 (a) \$125 per year for an electrical contractor license for each place of business operated by the
 14 applicant.

15 (b) \$125 per year for a limited energy contractor, restricted energy contractor or limited sign
 16 contractor license.

17 (c) \$25 per year for a pump specialty contractor or limited maintenance specialty contractor li-
 18 cense.

19 (d) \$150 per year for an elevator contractor license.

20 (e) \$100 for a three-year license for a:

21 (A) General journeyman electrician;

22 (B) General supervising electrician;

23 (C) Limited supervising industrial electrician;

24 (D) Limited supervising manufacturing plant electrician;

25 (E) Limited maintenance industrial electrician; **or**

26 *[(F) Limited maintenance manufactured dwelling or recreational vehicle electrician; or]*

27 *[(G)]* (F) Limited journeyman manufacturing plant electrician.

28 (f) \$50 for a three-year license for a:

29 (A) Limited elevator journeyman;

30 (B) Class A or Class B limited energy technician;

31 (C) Limited journeyman sign electrician;

32 (D) Limited journeyman stage electrician; or

33 (E) Limited building maintenance electrician.

34 (2) The Electrical and Elevator Board shall set uniform permit fees, by rule, not to exceed the
 35 cost of administration.

36 (3) The fees provided for in this section do not apply to persons paying inspection fees under the
 37 terms of ORS 479.560 (3) or 479.630 (10).

38 (4) Each electrical contractor may furnish to the department a corporate surety bond to be ap-
 39 proved by the department, an irrevocable letter of credit issued by an insured institution as defined
 40 in ORS 706.008 or a cash bond under procedures approved by the department, in the sum of \$2,000
 41 guaranteeing the payment of all fees provided for under ORS 479.510 to 479.945. Before commencing
 42 any electrical job an electrical contractor who has a current bond or letter of credit under this
 43 subsection may apply to the department for a working permit which shall cost an amount established
 44 by the department by rule. The working permit shall authorize the electrical contractor to com-
 45 mence work. The total of all fees due for permits for each job, and the time such fees are payable,

1 shall be determined by the department by administrative rule under ORS 479.730. The contractor
 2 shall keep the bond or letter of credit in force at all times. Any cancellation or revocation of the
 3 bond or letter of credit shall revoke and suspend the license issued to the principal until such time
 4 as a new bond or letter of credit shall be filed and approved. The department may bring an action
 5 against the surety named in the bond or the letter of credit issuer with or without joining in such
 6 action the principal named in the bond or letter of credit.

7 **SECTION 6.** ORS 693.020 is amended to read:

8 693.020. (1) Except as provided in subsection (2) of this section, this chapter does not apply to:

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

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

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

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

22 (e) A person who owns, leases or operates residential property and who repairs, or uses regular
 23 employees to repair, existing plumbing on property owned, leased or operated by the person, re-
 24 gardless of whether the person or employee holds a license under this chapter. As used in this
 25 paragraph:

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

28 (B) "Regular employee" means a person who is subject to the provisions of ORS 316.162 to
 29 316.221 and who has completed a withholding exemptions certificate required by the provisions of
 30 ORS 316.162 to 316.221.

31 (f) A person installing plumbing in a prefabricated structure, as defined in ORS 455.010, that is
 32 designed for residential use and intended for delivery in another state.

33 **(g) A person performing work on a recreational vehicle, as defined in ORS 446.003.**

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

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

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

45 **SECTION 7.** ORS 446.423 is amended to read:

1 446.423. Except as otherwise provided in ORS 455.220 (1), all moneys deposited to the Consumer
 2 and Business Services Fund that are derived pursuant to ORS 446.003 to 446.200, [446.210,] 446.225
 3 to 446.285, 446.395 to 446.420, 446.566 to 446.646, 446.661 to 446.756 and 455.220 (1) are continuously
 4 appropriated to the Department of Consumer and Business Services for carrying out any of the du-
 5 ties, functions and powers of the department under ORS 446.003 to 446.200, [446.210,] 446.225 to
 6 446.285, 446.395 to 446.420, 446.566 to 446.646 and 446.661 to 446.756, and rules adopted thereunder.

7 **SECTION 8.** ORS 455.117 is amended to read:

8 455.117. (1) Except as provided in subsection (3) of this section, a regulatory body listed in
 9 subsection (2) of this section may adopt rules to administer the licensing, certification or registra-
 10 tion of persons regulated by the body. The rules adopted under this section may include, but need
 11 not be limited to:

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

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

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

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

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

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

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

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

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

31 (d) Subject to ORS 479.510 to 479.945, the Electrical and Elevator Board for purposes of licenses
 32 issued under ORS [446.210 or] 479.510 to 479.945.

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

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

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

37 (b) Persons engaged in the manufacture, conversion or repair of prefabricated structures, pre-
 38 fabricated components or recreational vehicles; or

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

40 **SECTION 9.** ORS 455.129 is amended to read:

41 455.129. (1) As used in this section, "relative" means an individual related within the third de-
 42 gree as determined by the common law, a spouse, an individual related to a spouse within the third
 43 degree as determined by the common law or an individual in an adoptive relationship within the
 44 third degree as determined by the common law.

45 (2) Subject to ORS chapter 183, a regulatory body listed in subsection (3) of this section may

1 deny a license, certificate, registration or application or may suspend, revoke, condition or refuse
2 to renew a license, certificate or registration if the regulatory body finds that the licensee, certifi-
3 cate holder, registrant or applicant:

4 (a) Has failed to comply with the laws administered by the regulatory body or with the rules
5 adopted by the regulatory body.

6 (b) Has failed to comply with an order of the regulatory body or the Director of the Department
7 of Consumer and Business Services, including but not limited to the failure to pay a civil penalty.

8 (c) Has filed an application for a license, certificate or registration that, as of the date the li-
9 cense, certificate or registration was issued or the date of an order denying the application, was
10 incomplete in any material respect or contained a statement that, in light of the circumstances un-
11 der which it was made, was incorrect or misleading in any respect.

12 (d) Has performed work without appropriate licensing, certification or registration or has em-
13 ployed individuals to perform work without appropriate licensing, certification or registration.

14 (e) Has advertised or otherwise held out as being a licensed, certified or registered specialty
15 code contractor without holding the appropriate specialty code contractor license, certificate or
16 registration.

17 (f) As a partner, officer, member or employee of a business, has advertised or held out that the
18 business is a licensed, certified or registered specialty code contractor if the business does not
19 possess the appropriate specialty code contractor license, certificate or registration.

20 (g) Has engaged in business as a specialty code contractor without holding a valid specialty
21 code contractor license, certificate or registration required for the business.

22 (h) Has failed to meet any condition or requirement to obtain or maintain a license, certificate
23 or registration.

24 (i) Has acted in a manner creating a serious danger to the public health or safety.

25 (j) Has performed work or operated equipment within the scope of a specialty code license,
26 certificate or registration in a manner that violates an applicable minimum safety standard or a
27 statute or rule regarding safety.

28 (k) Has been subject to a revocation, cancellation or suspension order or to other disciplinary
29 action by the Construction Contractors Board or has failed to pay a civil penalty imposed by the
30 board.

31 (L) Has been subject to a revocation, cancellation or suspension order or to other disciplinary
32 action by another state in regard to construction standards, permit requirements or construction-
33 related licensing violations or has failed to pay a civil penalty imposed by the other state in regard
34 to construction standards, permit requirements or construction-related licensing violations.

35 (m) Has, while performing work that requires or that is related to work that requires a valid
36 license or certificate under ORS 446.003 to 446.200, 446.225 to 446.285, 446.395 to 446.420, 479.510
37 to 479.945, 479.950 or 480.510 to 480.670 or this chapter or ORS chapter 447, 460 or 693, violated any
38 statute or rule related to the state building code.

39 (n) Has performed a code inspection or plan review on a project to construct, alter, repair or
40 make an installation in a structure if the inspector or reviewer, or an employer or relative of the
41 inspector or reviewer, has a financial interest in or business affiliation with the project or structure.

42 (o) Is a business, the owner or an officer of which has an outstanding obligation to pay a civil
43 penalty assessed under ORS 455.895 or has been the subject of action against the license, certificate
44 or registration by the Department of Consumer and Business Services, the director or an appropri-
45 ate advisory board.

1 (p) Is a business, owner or officer of a reorganized business entity as defined in ORS 657.682, if
 2 an owner, officer, shareholder or partner of the reorganized business entity, or a member if the re-
 3 organized business entity is a member-managed limited liability company, has been subject to a re-
 4 vocation or suspension order or to a condition or civil penalty under ORS 446.003 to 446.200, 446.225
 5 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
 6 ORS chapter 447, 460, 693 or 701, or by another state in regard to construction standards, permit
 7 requirements or construction-related licensing violations.

8 (q) Is ordered to pay damages under a judgment or arbitration award that relates to con-
 9 struction and that has become final by operation of law or on appeal.

10 (r) Is a business, the owner or an officer of which was an owner or officer in another business
 11 at the time:

12 (A) The other business was assessed a civil penalty under ORS 455.895 that remains unpaid; or

13 (B) An act or failure to act by any owner or officer of the other business resulted in action
 14 being taken against the license, certificate or registration of the other business by the department,
 15 the director or any advisory board.

16 (3) Subsection (2) of this section applies to:

17 (a) The State Plumbing Board for purposes of licenses issued under ORS 447.010 to 447.156 or
 18 ORS chapter 693.

19 (b) The Electrical and Elevator Board for purposes of licenses issued under ORS [446.210 or]
 20 479.510 to 479.945.

21 (c) The Board of Boiler Rules for purposes of licenses issued under ORS 480.510 to 480.670.

22 (d) The department for purposes of licenses issued under this chapter.

23 (e) The department, subject to Electrical and Elevator Board approval, for purposes of licenses
 24 issued under ORS 460.005 to 460.175.

25 (f) The department, subject to Residential and Manufactured Structures Board approval, for
 26 purposes of licenses, certificates and registrations issued under ORS 446.003 to 446.200, 446.225 to
 27 446.285 and 446.395 to 446.420.

28 (4) The department may administer and enforce subsection (2) of this section in the same manner
 29 and to the same extent as any advisory board.

30 **SECTION 10.** ORS 455.230 is amended to read:

31 455.230. (1) Except as otherwise provided by law, all moneys appropriated or credited to the
 32 Consumer and Business Services Fund and received under this chapter, ORS 447.010 to 447.156,
 33 447.992, 460.005 to 460.175, 460.310 to 460.370, 479.510 to 479.945, 479.995, 480.510 to 480.670 and ORS
 34 chapter 693 hereby are appropriated continuously for and shall be used by the director for the
 35 purpose of carrying out the duties and responsibilities imposed upon the department under this
 36 chapter, ORS 446.566 to 446.646, 446.661 to 446.756, 447.010 to 447.156, 447.992, 460.005 to 460.175,
 37 460.310 to 460.370, 479.510 to 479.945, 479.995 and 480.510 to 480.670 and ORS chapter 693.

38 (2) Except as otherwise provided by law, all moneys appropriated or credited to the Consumer
 39 and Business Services Fund and received under ORS 446.003 to 446.200, [446.210,] 446.225 to 446.285,
 40 446.395 to 446.420, 446.566 to 446.646, 446.661 to 446.756 and 455.220 (1) hereby are appropriated
 41 continuously for and shall be used by the director for the purpose of carrying out the duties and
 42 responsibilities imposed upon the department under ORS 446.003 to 446.200, [446.210,] 446.225 to
 43 446.285, 446.395 to 446.420, 446.566 to 446.646 and 446.661 to 446.756, and education and training
 44 programs pertaining thereto.

45 **SECTION 11.** ORS 705.145 is amended to read:

1 705.145. (1) There is created in the State Treasury a fund to be known as the Consumer and
2 Business Services Fund, separate and distinct from the General Fund. All moneys collected or re-
3 ceived by the Department of Consumer and Business Services, except moneys required to be paid
4 into the Workers' Benefit Fund, shall be paid into the State Treasury and credited to the Consumer
5 and Business Services Fund. Moneys in the fund may be invested in the same manner as other state
6 moneys and any interest earned shall be credited to the fund.

7 (2) The department shall keep a record of all moneys deposited in the Consumer and Business
8 Services Fund that shall indicate, by separate account, the source from which the moneys are de-
9 rived, the interest earned and the activity or program against which any withdrawal is charged.

10 (3) If moneys credited to any one account are withdrawn, transferred or otherwise used for
11 purposes other than the program or activity for which the account is established, interest shall ac-
12 crue on the amount withdrawn from the date of withdrawal and until such funds are restored.

13 (4) Moneys in the fund are continuously appropriated to the department for its administrative
14 expenses and for its expenses in carrying out its functions and duties under any provision of law.

15 (5) Except as provided in ORS 705.165, it is the intention of the Legislative Assembly that the
16 performance of the various duties and functions of the department in connection with each of its
17 programs shall be financed by the fees, assessments and charges established and collected in con-
18 nection with those programs.

19 (6) There is created by transfer from the Consumer and Business Services Fund a revolving ad-
20 ministrative account in the amount of \$100,000. The revolving account shall be disbursed by checks
21 or orders issued by the director or the Workers' Compensation Board and drawn upon the State
22 Treasury, to carry on the duties and functions of the department and the board. All checks or orders
23 paid from the revolving account shall be reimbursed by a warrant drawn in favor of the department
24 charged against the Consumer and Business Services Fund and recorded in the appropriate subsid-
25 iary record.

26 (7) For the purposes of ORS chapter 656, the revolving account created pursuant to subsection
27 (6) of this section may also be used to:

28 (a) Pay compensation benefits; and

29 (b) Refund to employers amounts paid to the Consumer and Business Services Fund in excess
30 of the amounts required by ORS chapter 656.

31 (8) Notwithstanding subsections (2), (3) and (5) of this section and except as provided in ORS
32 455.220 (1), the moneys derived pursuant to ORS 446.003 to 446.200, [446.210,] 446.225 to 446.285,
33 446.395 to 446.420, 446.566 to 446.646, 446.661 to 446.756 and 455.220 (1) and deposited to the fund,
34 interest earned on those moneys and withdrawals of moneys for activities or programs under ORS
35 446.003 to 446.200, [446.210,] 446.225 to 446.285, 446.395 to 446.420, 446.566 to 446.646 and 446.661 to
36 446.756, or education and training programs pertaining thereto, must be assigned to a single account
37 within the fund.

38 (9) Notwithstanding subsections (2), (3) and (5) of this section, the moneys derived pursuant to
39 ORS 455.240 or 460.370 or from state building code or specialty code program fees for which the
40 amount is established by department rule pursuant to ORS 455.020 (2) and deposited to the fund,
41 interest earned on those moneys and withdrawals of moneys for activities or programs described
42 under ORS 455.240 or 446.566 to 446.646, 446.661 to 446.756 and 460.310 to 460.370, structural or
43 mechanical specialty code programs or activities for which a fee is collected under ORS 455.020 (2),
44 or programs described under subsection (10) of this section that provide training and education for
45 persons employed in producing, selling, installing, delivering or inspecting manufactured structures

1 or manufactured dwelling parks or recreation parks, must be assigned to a single account within the
2 fund.

3 (10) Notwithstanding ORS 279.835 to 279.855 and ORS chapters 279A and 279B, the department
4 may, after consultation with the appropriate specialty code advisory boards established under ORS
5 455.132, 455.135, 455.138, 480.535 and 693.115, contract for public or private parties to develop or
6 provide training and education programs relating to the state building code and associated licensing
7 or certification programs.

8
