

**SENATE AMENDMENTS TO
B-ENGROSSED HOUSE BILL 2333
(INCLUDING AMENDMENTS TO RESOLVE CONFLICTS)**

By JOINT COMMITTEE ON WAYS AND MEANS

June 21

1 On page 1 of the printed B-engrossed bill, line 4, after “801.409” insert “and section 25, chapter
2 422, Oregon Laws 2019 (Enrolled Senate Bill 410)”.

3 On page 2, after line 9, insert:

4 “**SECTION 2a.** If Senate Bill 410 becomes law, section 2 of this 2019 Act is amended to read:

5 “**Sec. 2.** (1) As used in this section:

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

7 “(b) ‘Park model recreational vehicle’ means a recreational vehicle, as defined in section [6 of
8 *this 2019 Act*] **25, chapter 422, Oregon Laws 2019 (Enrolled Senate Bill 410)**, that:

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

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

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

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

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

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

16 “(2) The Department of Transportation, by rule, may provide for optional titling under ORS
17 803.035. The department may not issue a registration for a park model recreational vehicle.

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

19 “(a) Provide a manufacturer certificate or other information the department deems adequate for
20 ensuring that the vehicle was constructed in compliance with manufacturing standards described in
21 subsection (1)(b)(E) of this section; and

22 “(b) Attest that the vehicle:

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

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

25 After line 35, insert:

26 “**SECTION 5a.** If Senate Bill 410 becomes law, section 5 of this 2019 Act is amended to read:

27 “**Sec. 5.** (1) As used in this section:

28 “(a) ‘Living area components’ means flooring, roofing, building envelope, plumbing systems,
29 electrical systems and heating and air conditioning systems.

30 “(b) ‘Recreational vehicle’ has the meaning given that term in section [6 of *this 2019 Act*] **25,**
31 **chapter 422, Oregon Laws 2019 (Enrolled Senate Bill 410).**

32 “(2) The seller of a new recreational vehicle shall provide the buyer with written information
33 listing each living area component item or system mentioned in subsection (1)(a) of this section,
34 stating whether the component item or system is covered by a warranty and, if so, the extent and

1 length of the warranty.”.

2 After line 45, insert:

3 **“SECTION 6a. If Senate Bill 410 becomes law, section 6 of this 2019 Act is repealed and**
4 **section 25, chapter 422, Oregon Laws 2019 (Enrolled Senate Bill 410), is amended to read:**

5 **“Sec. 25.** (1) As used in the statutes of this state, ‘manufactured structure’ has the meaning
6 given that term in this section only if the statute using ‘manufactured structure’ makes specific
7 reference to this section and indicates that the term used has the meaning given in this section.
8 As used in the statutes of this state, ‘recreational vehicle’ has the meaning given that term in this
9 section only if the statute using ‘recreational vehicle’ makes specific reference to this section or
10 section 26 [*of this 2019 Act*], **chapter 422, Oregon Laws 2019 (Enrolled Senate Bill 410)**, and
11 thereby indicates that the term used has the meaning given in this section.

12 “(2) ‘Manufactured structure’ means a manufactured dwelling, as defined in ORS 446.003, or a
13 recreational vehicle, as defined in this section.

14 “(3) ‘Recreational vehicle’ means a vehicle with or without motive power[,] that is designed for
15 [*human occupancy and to be used temporarily for recreational, seasonal or emergency purposes*] **use**
16 **as temporary living quarters** and as further defined by rule by the Director of Transportation.”.

17 On page 6, after line 8, insert:

18 **“SECTION 7a. If Senate Bill 410 becomes law, section 7 of this 2019 Act (amending ORS**
19 **446.003) is repealed and ORS 446.003 is amended to read:**

20 “446.003. As used in ORS 446.003 to 446.200 and 446.225 to 446.285, and for the purposes of ORS
21 chapters 195, 196, 197, 215 and 227, the following definitions apply, unless the context requires oth-
22 erwise, or unless administration and enforcement by the State of Oregon under the existing or re-
23 vised National Manufactured Housing Construction and Safety Standards Act would be adversely
24 affected, and except as provided in ORS 446.265:

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

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

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

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

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

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

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

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

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

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

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

45 “(7) ‘Conversion’ or ‘to convert’ means the process of changing a manufactured structure in

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 compli-
22 ance with state law.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

37 “(30) ‘Mobile home park’ means any place where four or more manufactured structures, **recre-**
38 **ational vehicles as defined in section 25, chapter 422, Oregon Laws 2019 (Enrolled Senate Bill**
39 **410), or a combination thereof,** are located within 500 feet of one another on a lot, tract or parcel
40 of land under the same ownership, the primary purpose of which is to rent space or keep space for
41 rent to any person for a charge or fee paid or to be paid for the rental or use of facilities or to offer
42 space free in connection with securing the trade or patronage of such person. ‘Mobile home park’
43 does not include a lot or lots located within a subdivision being rented or leased for occupancy by
44 no more than one manufactured dwelling per lot if the subdivision was approved by the municipality
45 unit having jurisdiction under 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) ‘Recreational structure’ means a campground structure with or without plumbing, heating
4 or cooking facilities intended to be used by any particular occupant on a limited-time basis for rec-
5 reational, seasonal, emergency or transitional housing purposes and may include yurts, cabins, fabric
6 structures or similar structures as further defined, by rule, by the director.

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

10 “[~~(34)~~] (33) ‘Residential trailer’ means a structure constructed for movement on the public
11 highways that has sleeping, cooking and plumbing facilities, that is intended for human occupancy,
12 that is being used for residential purposes and that was constructed before January 1, 1962.

13 “[~~(35)~~] (34) ‘Sale’ means rent, lease, sale or exchange.

14 “[~~(36)~~] (35) ‘Skirting’ means a weather resistant material used to enclose the space below the
15 manufactured structure.

16 “[~~(37)~~] (36) ‘Tiedown’ means any device designed to anchor a manufactured structure securely
17 to the ground.

18 “[~~(38)~~] (37) ‘Transitional housing accommodations’ means accommodations described under ORS
19 446.265.

20 “[~~(39)~~] (38) ‘Utilities’ means the water, sewer, gas or electric services provided on a lot for a
21 manufactured structure.”.

22 On page 7, after line 35, insert:

23 “**SECTION 10a. If Senate Bill 410 becomes law, section 10 of this 2019 Act (amending ORS**
24 **446.561) is repealed and ORS 446.561, as amended by section 15, chapter 422, Oregon Laws 2019**
25 **(Enrolled Senate Bill 410), is amended to read:**

26 “446.561. As used in ORS 446.566 to 446.646:

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

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

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

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

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

37 After line 44, insert:

38 “**SECTION 11a. If Senate Bill 410 becomes law, section 11 of this 2019 Act (amending ORS**
39 **446.661) is repealed and ORS 446.661 is amended to read:**

40 “446.661. As used in ORS 446.661 to 446.756:

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

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

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

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

45 “(a) **A manufactured structure, as defined in ORS 446.561; or**

1 “(b) A recreational vehicle, as defined in section 25, chapter 422, Oregon Laws 2019 (En-
2 rolled Senate Bill 410), that is more than eight and one-half feet wide.”.

3 On page 9, after line 41, insert:

4 “**SECTION 15a.** If Senate Bill 410 becomes law, section 15 of this 2019 Act is amended to read:

5 “**Sec. 15.** As used in this chapter and ORS chapters 305, 308, 310 and 311, ‘manufactured
6 structure’ means:

7 “(1) A manufactured dwelling as defined in ORS 446.003;

8 “(2) A structure that would meet the definition of ‘manufactured dwelling’ in ORS 446.003 except
9 that the structure is being used for other than residential purposes;

10 “(3) A prefabricated structure, as defined in ORS 455.010, that is relocatable and more than
11 eight and one-half feet wide; and

12 “(4) A recreational vehicle, as defined in section [6 of this 2019 Act] **25, chapter 422, Oregon
13 Laws 2019 (Enrolled Senate Bill 410)**, that is more than eight and one-half feet wide.”.

14 On page 25, after line 26, insert:

15 “**SECTION 19a.** If Senate Bill 410 becomes law, section 19 of this 2019 Act (amending ORS
16 **215.010**) is repealed and ORS 215.010 is amended to read:

17 “215.010. As used in this chapter:

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

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

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

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

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

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

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

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

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

30 “(5) ‘**Recreational vehicle**’ has the meaning given that term in section 25, chapter 422,
31 **Oregon Laws 2019 (Enrolled Senate Bill 410)**.

32 “[(5)] (6) ‘The Willamette Valley’ is Clackamas, Linn, Marion, Multnomah, Polk, Washington and
33 Yamhill Counties and the portion of Benton and Lane Counties lying east of the summit of the Coast
34 Range.”.

35 On page 33, after line 15, insert:

36 “**SECTION 30a.** If Senate Bill 410 becomes law, sections 12 (amending ORS 455.010), 16
37 (amending ORS 90.100), 18 (amending ORS 197.492), 23 (amending ORS 319.550), 24 (amending
38 ORS 456.594), 25 (amending ORS 469.155), 26 (amending ORS 469.631), 27 (amending ORS
39 469.649), 28 (amending ORS 469.710), 29 (amending ORS 480.450) and 30 (amending ORS
40 **801.409**) of this 2019 Act are repealed.”.

41 After line 28, insert:

42 “**SECTION 32a.** If Senate Bill 410 becomes law, section 32 of this 2019 Act is amended to read:

43 “**Sec. 32.** Notwithstanding section [6 of this 2019 Act] **25, chapter 422, Oregon Laws 2019
44 (Enrolled Senate Bill 410)**, and the amendments to ORS 446.003 by section [7] **7a** of this 2019 Act,
45 a rule adopted by the Director of the Department of Consumer and Business Services under ORS

1 446.003 prior to the effective date of this 2019 Act defining a recreational vehicle shall continue in
2 effect and be treated as a rule adopted by the Director of Transportation under section [6 of this
3 2019 Act] **25, chapter 422, Oregon Laws 2019 (Enrolled Senate Bill 410)**, until repealed or
4 amended by the Director of Transportation.”.

5 After line 33, insert:

6 “**SECTION 33a.** If Senate Bill 410 becomes law, section 33 of this 2019 Act is amended to read:

7 “**Sec. 33.** Section [6 of this 2019 Act] **25, chapter 422, Oregon Laws 2019 (Enrolled Senate**
8 **Bill 410)**, and the amendments to ORS 446.003, 446.155, 446.170, 446.561[, 455.010,] **and** 455.117 [*and*
9 *480.450*] by sections [7 to 10, 12, 13 and 29] **7a to 10a and 13** of this 2019 Act do not divest the
10 Department of Consumer and Business Services or a municipality of the authority over a violation
11 of [*ORS 480.420 to 480.460 or*] ORS chapter 446 or 455 committed prior to the effective date of this
12 2019 Act.”.

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