

Requested by Senator BEYER

**PROPOSED AMENDMENTS TO  
SENATE BILL 410**

1 On page 1 of the printed bill, delete lines 3 through 5 and insert “ORS  
2 86A.203, 90.100, 197.295, 197.492, 319.550, 446.003, 446.155, 446.160, 446.170,  
3 446.180, 446.185, 446.200, 446.245, 446.250, 446.252, 446.253, 446.260, 446.265,  
4 446.285, 446.561, 455.010, 455.117, 455.148, 455.150, 455.312, 455.705, 455.895,  
5 456.594, 469.155, 469.631, 469.649, 469.710, 479.540, 480.432, 480.450, 693.020,  
6 701.545 and 801.409.”.

7 Delete lines 7 through 29 and delete pages 2 through 63 and insert:  
8

9 **“LIMITATION ON REGULATION**

10

11 **“SECTION 1. ORS 446.003 is amended to read:**

12 “446.003. As used in ORS 446.003 to 446.200 and 446.225 to 446.285, and for  
13 the purposes of ORS chapters 195, 196, 197, 215 and 227, the following defi-  
14 nitions apply, unless the context requires otherwise, or unless administration  
15 and enforcement by the State of Oregon under the existing or revised Na-  
16 tional Manufactured Housing Construction and Safety Standards Act would  
17 be adversely affected, and except as provided in ORS 446.265 **or section 26**  
18 **of this 2019 Act:**

19 “(1) ‘Accessory building or structure’ means any portable, demountable  
20 or permanent structure established for use of the occupant of the manufac-  
21 tured [*structure*] **dwelling** and as further defined by rule by the Director of

1 the Department of Consumer and Business Services.

2 “(2)(a) ‘Alteration’ means any change, addition, repair, conversion, re-  
3 placement, modification or removal of any equipment or installation that  
4 may affect the operation, construction or occupancy of a manufactured  
5 [structure] **dwelling**.

6 “(b) ‘Alteration’ does not include:

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

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

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

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

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

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

15 “(5) ‘Cabana’ means a stationary, lightweight structure that may be pre-  
16 fabricated, or demountable, with two or more walls, used adjacent to and in  
17 conjunction with a manufactured [structure] **dwelling** to provide additional  
18 living space.

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

23 “[7] ‘Conversion’ or ‘to convert’ means the process of changing a manufac-  
24 tured structure in whole or in part from one type of vehicle or structure to  
25 another.]

26 “[8] (7) ‘Dealer’ means any person engaged in the business of selling,  
27 leasing or distributing manufactured [structures] **dwelling**s or equipment, or  
28 both, primarily to persons who in good faith purchase or lease manufactured  
29 [structures] **dwelling**s or equipment, or both, for purposes other than resale.

30 “[9] (8) ‘Department’ means the Department of Consumer and Business

1 Services.

2 “[10] (9) ‘Director’ means the Director of the Department of Consumer  
3 and Business Services.

4 “[11] (10) ‘Distributor’ means any person engaged in selling and dis-  
5 tributing manufactured [*structures*] **dwelling**s or equipment for resale.

6 “[12] (11) ‘Equipment’ means materials, appliances, subassembly, devices,  
7 fixtures, fittings and apparatuses used in the construction, plumbing, me-  
8 chanical and electrical systems of a manufactured [*structure*] **dwelling**.

9 “[13] (12) ‘Federal manufactured housing construction and safety stand-  
10 ard’ means a standard for construction, design and performance of a manu-  
11 factured dwelling promulgated by the Secretary of Housing and Urban  
12 Development pursuant to the federal National Manufactured Housing Con-  
13 struction and Safety Standards Act of 1974 (Public Law 93-383).

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

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

17 “[16] *‘Insignia of compliance’ means:*]

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

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

22 “(15) **‘Insignia of compliance’ means the HUD label for a manufac-**  
23 **ture**d dwelling.

24 “[17] (16) ‘Inspecting authority’ or ‘inspector’ means the Director of the  
25 Department of Consumer and Business Services or representatives as ap-  
26 pointed or authorized to administer and enforce provisions of ORS 446.111,  
27 446.160, 446.176, 446.225 to 446.285, 446.310 to 446.350, 446.990 and this section.

28 “[18] (17) ‘Installation’ in relation to:

29 “(a) Construction means the arrangements and methods of construction,  
30 fire and life safety, electrical, plumbing and mechanical equipment and sys-

1 tems within a manufactured [*structure*] **dwelling**.

2 “(b) Siting means the manufactured [*structure*] **dwelling** and cabana  
3 foundation support and tiedown, the structural, fire and life safety, elec-  
4 trical, plumbing and mechanical equipment and material connections and the  
5 installation of skirting and temporary steps.

6 “[*19*] **(18)** ‘Installer’ means any individual licensed by the director to  
7 install, set up, connect, hook up, block, tie down, secure, support, install  
8 temporary steps for, install skirting for or make electrical, plumbing or me-  
9 chanical connections to manufactured dwellings or cabanas or who provides  
10 consultation or supervision for any of these activities, except architects  
11 registered under ORS 671.010 to 671.220 or engineers registered under ORS  
12 672.002 to 672.325.

13 “[*20*] **(19)** ‘Listed’ means equipment or materials included in a list, pub-  
14 lished by an organization concerned with product evaluation acceptable to  
15 the department that maintains periodic inspection of production of listed  
16 equipment or materials, and whose listing states either that the equipment  
17 or materials meets appropriate standards or has been tested and found suit-  
18 able in a specified manner.

19 “[*21*] **(20)** ‘Lot’ means any space, area or tract of land, or portion of a  
20 manufactured dwelling park, mobile home park or recreation park that is  
21 designated or used for occupancy by one manufactured [*structure*] **dwelling**.

22 “[*22*](a) **(21)(a)** ‘Manufactured dwelling’ means a residential trailer, mo-  
23 bile home or manufactured home.

24 “(b) ‘Manufactured dwelling’ does not include any building or structure  
25 constructed to conform to the State of Oregon Structural Specialty Code or  
26 the Low-Rise Residential Dwelling Code adopted pursuant to ORS 455.100 to  
27 455.450 and 455.610 to 455.630 [*or any unit identified as a recreational vehicle*  
28 *by the manufacturer*].

29 “[*23*] **(22)** ‘Manufactured dwelling park’ means any place where four or  
30 more manufactured dwellings are located within 500 feet of one another on

1 a lot, tract or parcel of land under the same ownership, the primary purpose  
2 of which is to rent or lease space or keep space for rent or lease to any  
3 person for a charge or fee paid or to be paid for the rental or lease or use  
4 of facilities or to offer space free in connection with securing the trade or  
5 patronage of such person. ‘Manufactured dwelling park’ does not include a  
6 lot or lots located within a subdivision being rented or leased for occupancy  
7 by no more than one manufactured dwelling per lot if the subdivision was  
8 approved by the local government unit having jurisdiction under an ordi-  
9 nance adopted pursuant to ORS 92.010 to 92.192.

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

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

20 “[~~(25)~~(a) ‘*Manufactured structure*’ means a recreational vehicle, manufac-  
21 tured dwelling or recreational structure.]

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

25 “[~~(26)~~] **(24)** ‘Manufacturer’ means any person engaged in manufacturing,  
26 building, rebuilding, altering, converting or assembling manufactured [*struc-*  
27 tures] **dwelling**s or equipment.

28 “[~~(27)~~] **(25)** ‘Manufacturing’ means the building, rebuilding, altering or  
29 converting of manufactured [*structures*] **dwelling**s that bear or are required  
30 to bear an Oregon insignia of compliance.

1 “[28] (26) ‘Minimum safety standards’ means the plumbing, mechanical,  
2 electrical, thermal, fire and life safety, structural and transportation stan-  
3 dards prescribed by rules adopted by the director.

4 “[29] (27) ‘Mobile home’ means a structure constructed for movement  
5 on the public highways that has sleeping, cooking and plumbing facilities,  
6 that is intended for human occupancy, that is being used for residential  
7 purposes and that was constructed between January 1, 1962, and June 15,  
8 1976, and met the construction requirements of Oregon mobile home law in  
9 effect at the time of construction.

10 “[30] (28) ‘Mobile home park’:

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

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

22 “[31] (29) ‘Municipality’ means a city, county or other unit of local  
23 government otherwise authorized by law to enact codes.

24 “[32] ‘*Recreational structure*’ means a campground structure with or  
25 without plumbing, heating or cooking facilities intended to be used by any  
26 particular occupant on a limited-time basis for recreational, seasonal, emer-  
27 gency or transitional housing purposes and may include yurts, cabins, fabric  
28 structures or similar structures as further defined, by rule, by the director.]

29 “[33] ‘*Recreational vehicle*’ means a vehicle with or without motive power,  
30 that is designed for human occupancy and to be used temporarily for recre-

1 *ational, seasonal or emergency purposes and as further defined, by rule, by the*  
2 *director.*]

3 “[~~34~~] (30) ‘Residential trailer’ means a structure constructed for move-  
4 ment on the public highways that has sleeping, cooking and plumbing facil-  
5 ities, that is intended for human occupancy, that is being used for residential  
6 purposes and that was constructed before January 1, 1962.

7 “[~~35~~] (31) ‘Sale’ means rent, lease, sale or exchange.

8 “[~~36~~] (32) ‘Skirting’ means a weather resistant material used to enclose  
9 the space below *[the]* a manufactured *[structure]* **dwelling**.

10 “[~~37~~] (33) ‘Tiedown’ means any device designed to anchor a manufac-  
11 tured *[structure]* **dwelling** securely to the ground.

12 “[~~38~~] (34) ‘Transitional housing accommodations’ means accommodations  
13 described under ORS 446.265.

14 “[~~39~~] (35) ‘Utilities’ means the water, sewer, gas or electric services  
15 provided on a lot for a manufactured *[structure]* **dwelling**.

16 **“SECTION 2.** ORS 446.155 is amended to read:

17 “446.155. (1) A person may not sell or offer for sale within this state a  
18 manufactured dwelling manufactured after January 1, 1962, that contains:

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

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

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

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

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

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

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

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

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

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

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

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

14       “[(4)] (3) Persons manufacturing, remanufacturing, converting, altering  
15 or repairing manufactured [*structures*] **dwelling**s or equipment within the  
16 state or for use within the state shall comply with all applicable con-  
17 struction and safety rules of the department and the following:

18       “(a) Alterations performed on a manufactured dwelling by the manufac-  
19 turer or dealer before or at the time of sale to the first consumer shall be  
20 performed in conformance with the National Manufactured Housing Con-  
21 struction and Safety Standards Act.

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

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

30       “(d) Notwithstanding subsections (1) and (2) of this section, a previously



1 owned manufactured dwelling may be sold ‘as is’ provided that the seller  
2 discloses in the bill of sale that the manufactured dwelling is being sold on  
3 an ‘as is’ or ‘with all faults’ basis, and that the entire risk as to the quality  
4 and performance of the manufactured dwelling is with the buyer. If the  
5 manufactured dwelling is found to be defective after purchase, the buyer  
6 shall assume the entire cost of all servicing and repair. The seller, man-  
7 ufacturer, distributor or retailer is not responsible for any cost for servicing  
8 and repair.

9 “[5] (4) Installations of manufactured [*structures shall*] **dwelling**s must  
10 be in conformance with the standards adopted by the department for site  
11 preparation, foundation support, anchoring, structural and utility con-  
12 nections, electrical and plumbing tests, underfloor enclosures, ventilation,  
13 vapor barriers and steps used for access and egress.

14 **“SECTION 3.** ORS 446.160 is amended to read:

15 “446.160. (1) The Department of Consumer and Business Services may  
16 cause such inspections to be made, approve plans and specifications, provide  
17 technical services, issue insignia of compliance, collect fees provided by ORS  
18 446.176 and, in compliance with ORS chapter 183, promulgate and enforce  
19 such rules and regulations as are reasonably necessary to carry out its duties  
20 and insure compliance with those parts of ORS 446.003 to 446.200, 446.225 to  
21 446.285, 446.310 to 446.350 and 446.395 to 446.440 within the jurisdiction of the  
22 department.

23 “(2) The Director of the Department of Consumer and Business Services  
24 shall adopt rules pursuant to ORS chapter 183 to insure that manufacturers,  
25 distributors and dealers comply with the reporting requirements of the De-  
26 partment of Consumer and Business Services of this state and the Secretary  
27 of Housing and Urban Development as required by the National Manufac-  
28 tured Housing Construction and Safety Standards Act of 1974 (Public Law  
29 93-383).

30 “(3) The director is authorized to conduct such inspections and investi-

1 gations as may be necessary to administer and enforce any federal manufac-  
2 tured dwelling construction and safety standards adopted under ORS 446.155  
3 or the National Manufactured Housing Construction and Safety Standards  
4 Act of 1974 (Public Law 93-383). The director shall furnish to the Secretary  
5 of Housing and Urban Development or a designee any information obtained  
6 indicating noncompliance with such standards for appropriate action.

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

17 **“SECTION 4.** ORS 446.170 is amended to read:

18 “446.170. (1) **An insignia of compliance shall be affixed to** manufac-  
19 tured [*structures*] **dwelling**s **that are** subject to the provisions of ORS  
20 446.155 to 446.200[,] and **to** manufactured [*structures*] **dwelling**s upon which  
21 additions, conversions or alterations of installations of equipment or mate-  
22 rial are made [*shall have affixed to the manufactured structures insignia of*  
23 *compliance*].

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

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

30 “(4) Insignia of compliance are not transferable, and the department may

1 not make a refund representing any unused insignia.

2 “[5] Subsection (1) of this section does not apply to a recreational vehicle  
3 described in ORS 446.155 (3)(b) to (d).]”

4 “**SECTION 5.** ORS 446.180 is amended to read:

5 “446.180. (1) If the Director of the Department of Consumer and Business  
6 Services determines that standards for construction, equipment and material  
7 installed in manufactured [*structures*] **dwelling**s provided by the statutes or  
8 rules and regulations of other states are at least equal to the minimum safety  
9 standards prescribed under ORS 446.155 to 446.200, and that such statutes,  
10 rules and regulations are being enforced, the director may provide by rule  
11 that manufactured [*structures*] **dwelling**s approved by such other state shall  
12 be considered approved by the director.

13 “(2) Mobile homes built between September 1, 1969, and June 15, 1976, to  
14 the American National Standards Institute Mobile Home Standards A119.1  
15 and which also bear an insignia of compliance from the State of California,  
16 Idaho, Nevada or Washington shall be considered to comply with ORS  
17 446.155 (2) provided no alterations have been made to the original structure.

18 “**SECTION 6.** ORS 446.185 is amended to read:

19 “446.185. (1) In compliance with ORS chapter 183, rules establishing min-  
20 imum safety standards and requirements shall be adopted and enforced by the  
21 Director of the Department of Consumer and Business Services for manu-  
22 factured [*structures*] **dwelling**s and [*manufactured structure*] installations as  
23 prescribed in ORS 446.155.

24 “(2) Minimum safety standards prescribed in ORS 446.155 to 446.200 shall  
25 be reasonably consistent with nationally recognized standards for con-  
26 struction of manufactured [*structures, and the*] **dwelling**s. Manufactured  
27 [*structures shall*] **dwelling**s **must** be designed to protect the health and  
28 safety of the people of this state from dangers inherent in the use of sub-  
29 standard and unsafe equipment, material and installations.

30 “**SECTION 7.** ORS 446.200 is amended to read:

1       “446.200. [(1) Any manufactured structure that meets the requirements pre-  
2 scribed under ORS 446.003, 446.155 to 446.200 and 446.225 to 446.285:]

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

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

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

16       “**SECTION 8.** ORS 446.245 is amended to read:

17       “446.245. (1) Manufactured dwellings shall be used as single-family  
18 dwellings.

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

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

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

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

30       “(A) No alterations to the design, construction, transportation, fire and

1 life safety, plumbing, mechanical or electrical systems are made to accom-  
2 modate the office use; and

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

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

11 “**SECTION 9.** ORS 446.250 is amended to read:

12 “446.250. The Director of the Department of Consumer and Business Ser-  
13 vices shall cause inspections to be made, approve plans and specifications,  
14 provide technical services and issue permits for alteration of manufactured  
15 dwellings [*and*], **for** installation of manufactured dwellings [*and manufac-*  
16 *tured structure*] **or** accessory buildings [*and*] **or** structures on a lot **and for**  
17 **alterations of plumbing, heating, illuminating, cooking or electrical**  
18 **equipment installations.** The director shall appoint or contract with  
19 municipalities that request such appointment or contract for inspection and  
20 issuance of permits for [*alteration of manufactured dwellings and installation*  
21 *of manufactured dwellings and manufactured structure accessory buildings*  
22 *and structures*] **manufactured dwelling alterations, for installations of**  
23 **manufactured dwellings or accessory buildings or structures** and **for**  
24 alterations of [*installations of*] plumbing, heating, illuminating, cooking or  
25 electrical equipment **installations**, [*provided*] **if** the municipality employs as  
26 local inspectors qualified persons who have been certified by the director for  
27 inspection and issuance of permits for [*alteration of manufactured dwellings*  
28 *and installation of manufactured dwellings and manufactured structure ac-*  
29 *cessory buildings and structures, pursuant to*] **manufactured dwelling al-**  
30 **terations, for installations of manufactured dwellings or accessory**

1 **buildings or structures and for alterations of plumbing, heating, illu-**  
2 **minating, cooking or electrical equipment installations under ORS**  
3 446.003, 446.111, 446.155, 446.160, 446.176, 446.225 to 446.285 and 446.990.  
4 [*However, the*] Certification standards under this section shall relate to the  
5 inspections to be performed and shall not be more stringent for municipal  
6 inspectors than those applying to state inspectors.

7 **“SECTION 10.** ORS 446.252 is amended to read:

8 “446.252. A person may not install a manufactured dwelling or [*manufac-*  
9 *tured structure*] **an** accessory building or structure without first obtaining  
10 from the Department of Consumer and Business Services or a municipality  
11 as provided under ORS 446.250 all permits necessary for installing the man-  
12 ufactured dwelling or [*manufactured structure*] **the** accessory building or  
13 structure on a lot.

14 **“SECTION 11.** ORS 446.253 is amended to read:

15 “446.253. (1) The authority of the Director of the Department of Consumer  
16 and Business Services under ORS 446.250 [*shall be*] **is** in addition to the  
17 provisions of ORS chapter 455. Where the provisions of ORS 446.252 and this  
18 section conflict with the provisions under ORS chapter 455, the provisions  
19 of ORS 446.252 and this section shall control.

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

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

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

6       “(4) The Department of Consumer and Business Services, subject to ORS  
7 chapter 183, may revoke any authority of a local government **under ORS**  
8 **455.148 or 455.150** to conduct inspections, administration or enforcement of  
9 manufactured dwelling [*installations and manufactured structure accessory*  
10 *building installations and manufactured dwelling alterations under ORS*  
11 *455.150*] **alterations or installations of manufactured dwellings or ac-**  
12 **cessory buildings or structures**, if the director determines that the  
13 municipality is not effectively carrying out duties assumed by the munici-  
14 pality.

15       “**SECTION 12.** ORS 446.260 is amended to read:

16       “446.260. (1) Every manufacturer of manufactured homes offered for sale  
17 or lease in this state shall furnish notification of any defect in any manu-  
18 factured home produced by the manufacturer that the manufacturer deter-  
19 mines, in good faith, relates to a federal manufactured housing construction  
20 or safety standard or constitutes an imminent safety hazard to the purchaser  
21 of the manufactured home, within a reasonable time after such manufacturer  
22 has discovered the defect.

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

29       “(3)(a) In addition to the notification required under subsection (1) of this  
30 section, the director may adopt rules to identify the disclosures required of

1 a dealer or distributor prior to the sale of new manufactured [*structures*]  
2 **dwelling**s more than eight feet six inches wide in travel mode. Disclosure  
3 required under this subsection shall be limited to information regarding  
4 permissible uses, roof snow loads and anchoring of manufactured  
5 [*structures*] **dwelling**s.

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

16 **“SECTION 13.** ORS 446.265 is amended to read:

17 “446.265. (1) A municipality may approve the establishment of a  
18 campground inside an urban growth boundary to be used for providing  
19 transitional housing accommodations. The accommodations may consist of  
20 separate facilities, in the form of yurts, for use as living units by one or more  
21 individuals or by families. The person establishing the accommodations may  
22 provide access to water, toilet, shower, laundry, cooking, telephone or other  
23 services either through separate or shared facilities. The accommodations  
24 shall provide parking facilities and walkways.

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

30 “(3) Campgrounds providing transitional housing accommodations de-



1 scribed under this section may be operated by private persons or nonprofit  
2 organizations. The shared facilities of the campgrounds are subject to regu-  
3 lation under the recreation park specialty code described under ORS 446.310  
4 to 446.350. The transitional housing accommodations are not subject to ORS  
5 chapter 90.

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

12 “[5] (4) Campgrounds established for providing transitional housing ac-  
13 commodated shall not be allowed on more than two parcels in a munici-  
14 pality. In approving the use of parcels for a campground, the municipality  
15 shall give preference to locations that have access to grocery stores and  
16 public transit services.

17 “[6] (5) As used in this section, ‘yurt’ means a round, domed tent of  
18 canvas or other weather resistant material, having a rigid framework,  
19 wooden floor, one or more windows or skylights and that may have plumbing,  
20 electrical service or heat.

21 **“SECTION 14.** ORS 446.285 is amended to read:

22 “446.285. To assist the Director of the Department of Consumer and  
23 Business Services in administration and enforcement of the National Manu-  
24 factured Housing Construction and Safety Standards Act of 1974, and safety  
25 standards pursuant to ORS 446.003 to 446.200, 446.225 to 446.285, 446.310 to  
26 446.350 and 446.395 to 446.420, the Residential and Manufactured Structures  
27 Board may approve or conduct programs of training and education that  
28 maintain and advance the professional skills and abilities of persons engaged  
29 in manufacturing, delivery, installation, sale or service of manufactured  
30 [structures] **dwelling**s.

1       **“SECTION 15.** ORS 446.561 is amended to read:

2       “446.561. As used in ORS 446.566 to 446.646:

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

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

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

11       “(c) A recreational vehicle, as defined in [*ORS 446.003*] **section 25 of this**  
12 **2019 Act**, that is more than eight and one-half feet wide.

13       “(2) ‘Manufactured structure’ does not include a mobile modular unit as  
14 defined in ORS 308.866 or an implement of husbandry as defined in ORS  
15 801.310.

16       **“SECTION 16.** ORS 455.010 is amended to read:

17       “455.010. As used in this chapter, unless the context requires otherwise:

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

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

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

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

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

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

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

28       “(G) The Construction Industry Energy Board established under ORS  
29 455.492.

30       “(b) ‘Appropriate advisory board’ means the advisory board that has ju-

1 jurisdiction over a particular code, standard, license, certification or matter.

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

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

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

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

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

19 “(7) ‘Specialty code’ means a code of regulations adopted under ORS  
20 446.062, 446.185, 447.020 (2), 455.020 (2), 455.496, 455.610, 455.680, 460.085,  
21 460.360, 479.730 (1) or 480.545, but does not include regulations adopted by  
22 the State Fire Marshal pursuant to ORS chapter 476 or ORS 479.015 to  
23 479.200 and 479.210 to 479.220.

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

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

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

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

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

8 **“SECTION 17.** ORS 455.117 is amended to read:

9 “455.117. (1) Except as provided in subsection (3) of this section, a regu-  
10 latory body listed in subsection (2) of this section may adopt rules to ad-  
11 minister the licensing, certification or registration of persons regulated by  
12 the body. The rules adopted under this section may include, but need not be  
13 limited to:

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

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

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

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

21 “(e) The creation of a system for combining two or more licenses, certif-  
22 icates or registrations issued to an individual by an advisory board or the  
23 Department of Consumer and Business Services into a single license, certif-  
24 icate, registration or other authorization.

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

26 “(a) Subject to ORS 446.003 to 446.200, 446.225 to 446.285 and 446.395 to  
27 446.420, with the approval of the Residential and Manufactured Structures  
28 Board, the Department of Consumer and Business Services for purposes of  
29 licenses, certificates and registrations issued under ORS 446.003 to 446.200,  
30 446.225 to 446.285 and 446.395 to 446.420.

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

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

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

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

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

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

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

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

17 “**SECTION 18.** ORS 455.148 is amended to read:

18 “455.148. (1)(a) A municipality that assumes the administration and  
19 enforcement of a building inspection program shall administer and enforce  
20 the program for all of the following:

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

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

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

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

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

29 “(F) Manufactured dwelling alterations regulated under ORS 446.155.

30 “(G) [*Manufactured structure*] Accessory buildings [*and*] **or** structures

1 under ORS 446.253.

2 “(H) Boilers and pressure vessels described in rules adopted under ORS  
3 480.525 (5).

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

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

7 “(B) Elevator programs under ORS 460.005 to 460.175;

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

9 “(D) Prefabricated structure regulation under ORS chapter 455;

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

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

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

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

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

1 communities.

2 “(4)(a) By January 1 of the year preceding the expiration of the four-year  
3 period described in subsection (2) of this section, the governing body of the  
4 municipality shall notify the Director of the Department of Consumer and  
5 Business Services and, if the municipality is not a county, notify the county  
6 whether the municipality will continue to administer and enforce the build-  
7 ing inspection program after expiration of the four-year period.

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

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

17 “(6) If a county does not notify the director, or notifies the director that  
18 it will not administer and enforce a building inspection program, the director  
19 shall contract with a municipality or other person or use such state em-  
20 ployees or state agencies as are necessary to administer and enforce a  
21 building inspection program, and permit or other fees arising therefrom shall  
22 be paid into the Consumer and Business Services Fund created by ORS  
23 705.145 and credited to the account responsible for paying the expenses  
24 thereof. A state employee may not be displaced as a result of using contract  
25 personnel.

26 “(7) The governing body of a municipality may commence responsibility  
27 for the administration and enforcement of a building inspection program be-  
28 ginning July 1 of any year by notifying the director no later than January  
29 1 of the same year and obtaining the director’s approval of an assumption  
30 plan as described in subsection (11)(c) of this section.

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

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

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

19 “(11) In addition to the requirements of ORS 455.100 and 455.110, the di-  
20 rector shall regulate building inspection programs that municipalities as-  
21 sume on or after January 1, 2002. Regulation under this subsection shall  
22 include but not be limited to:

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

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

27 “(c) Requiring a municipality assuming a building inspection program to  
28 submit with the notice given under subsection (7) of this section an as-  
29 sumption plan that includes, at a minimum:

30 “(A) A description of the intended availability of program services, in-



1 cluding proposed service agreements for carrying out the program during at  
2 least the first two years;

3 “(B) Demonstration of the ability and intent to provide building in-  
4 spection program services for at least two years;

5 “(C) An estimate of proposed permit revenue and program operating ex-  
6 penses;

7 “(D) Proposed staffing levels; and

8 “(E) Proposed service levels;

9 “(d) Reviewing procedures and program operations of municipalities;

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

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

14 “(g) Creating standards for determining whether a county or department  
15 building inspection program is economically impaired in its ability to rea-  
16 sonably continue providing the program throughout a county, if another  
17 municipality is allowed to provide a building inspection program within the  
18 same county; and

19 “(h) Enforcing the requirements of this section.

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

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

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

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

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

30 “(a) Enter into agreements with local governments under ORS 455.185

1 regarding the administration and enforcement of the assumed building in-  
2 spection program;

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

6 “(c) Charge fees described in ORS 455.195 for department services pro-  
7 vided in administering and enforcing the assumed building inspection pro-  
8 gram.

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

17 **“SECTION 19.** ORS 455.150 is amended to read:

18 “455.150. (1) Except as provided in subsection (15) of this section, a  
19 municipality that assumes the administration and enforcement of a building  
20 inspection program prior to January 1, 2002, may administer and enforce all  
21 or part of a building inspection program. A building inspection program:

22 “(a) Is a program that includes the following:

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

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

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

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

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

1 “(F) Manufactured dwelling alterations regulated under ORS 446.155.

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

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

6 “(b) Is not a program that includes:

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

9 “(B) Elevator programs under ORS 460.005 to 460.175;

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

11 “(D) Prefabricated structure regulation under ORS chapter 455;

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

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

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

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

25 “(3) When a municipality administers a building inspection program, the  
26 governing body of the municipality shall, unless other means are already  
27 provided, appoint a person to administer and enforce the building inspection  
28 program or parts thereof, who shall be known as the building official. A  
29 building official shall, in the municipality for which appointed, attend to all  
30 aspects of code enforcement, including the issuance of all building permits.

1 Two or more municipalities may combine in the appointment of a single  
2 building official for the purpose of administering a building inspection pro-  
3 gram within their communities.

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

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

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

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

1 as a result of using contract personnel.

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

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

15 “(9) A municipality that administers a code for which persons or busi-  
16 nesses are authorized under ORS 455.457 to perform activities shall recognize  
17 and accept those activities as if performed by the municipality. A munici-  
18 pality is not required to accept an inspection, a plan or a plan review that  
19 does not meet the requirements of the state building code.

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

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

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

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

1       “(c) Reviewing procedures and program operations of municipalities;

2       “(d) Creating standards for efficient, effective, timely and acceptable

3 building inspection programs;

4       “(e) Creating standards for justifying increases in building inspection

5 program fees adopted by a municipality;

6       “(f) Creating standards for determining whether a county or department

7 building inspection program is economically impaired in its ability to rea-

8 sonably continue providing the program or part of the program throughout

9 a county, if another municipality is allowed to provide a building inspection

10 program or part of a program within the same county; and

11       “(g) Enforcing the requirements of this section.

12       “(12) The department may assume administration and enforcement of a

13 building inspection program:

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

15       “(b) If a municipality abandons any part of the building inspection pro-

16 gram or is no longer able to administer the building inspection program; and

17       “(c) If a municipality fails to substantially comply with any provision of

18 this section or of ORS 455.465, 455.467 and 455.469.

19       “(13) If the department assumes the administration and enforcement of a

20 building inspection program under this section, in addition to any other

21 power granted to the director, the director may:

22       “(a) Enter into agreements with local governments under ORS 455.185

23 regarding the administration and enforcement of the assumed building in-

24 spection program;

25       “(b) Take action as described in ORS 455.192 to ensure that sufficient staff

26 and other resources are available for the administration and enforcement of

27 the assumed building inspection program; and

28       “(c) Charge fees described in ORS 455.195 for department services pro-

29 vided in administering and enforcing the assumed building inspection pro-

30 gram.

1 “(14) If a municipality abandons or otherwise ceases to administer all or  
2 part of a building inspection program described in this section, the munici-  
3 pality may not resume the administration and enforcement of the abandoned  
4 program or part of a program for at least two years. The municipality may  
5 resume the administration and enforcement of the abandoned program or  
6 part of a program only on July 1 of an odd-numbered year. To resume the  
7 administration and enforcement of the abandoned program or part of a pro-  
8 gram, the municipality must comply with ORS 455.148, including the re-  
9 quirement that the municipality administer and enforce all aspects of the  
10 building inspection program. Thereafter, the municipality is subject to ORS  
11 455.148 and ceases to be subject to this section.

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

15 **“SECTION 20.** ORS 455.312 is amended to read:

16 “455.312. (1) *[For a residential prefabricated]* **Except as provided in**  
17 **subsection (2) of this section, if the manufacturer intends a** structure  
18 manufactured in this state *[and intended]* **to be** for delivery in another state,  
19 the Director of the Department of Consumer and Business Services may not  
20 require that:

21 “(a) The *[prefabricated]* structure conform to the state building code.

22 “(b) An inspector provide plan approvals and inspections pursuant to ORS  
23 455.715 to 455.740.

24 “(c) A person licensed under ORS 479.630, 693.060 or 693.103 perform  
25 electrical or plumbing installations in the *[prefabricated]* structure.

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

1 *state.]*

2 “(2) If a structure described in subsection (1) of this section is de-  
3 livered in or relocated to this state, the structure shall cease to qualify  
4 for the exemption described in subsection (1) of this section. A person  
5 renting, leasing, selling, exchanging or installing the structure, or of-  
6 fering the structure for rent, lease, sale, exchange or installation,  
7 shall:

8 “(a) Ensure that the structure is in conformance with the state  
9 building code;

10 “(b) Ensure compliance with plan review and inspection require-  
11 ments for the structure as determined by the building official; and

12 “(c) Ensure that the structure is in compliance with applicable li-  
13 censing laws.

14 “(3) Subsection (1) of this section does not apply to a manufactured  
15 dwelling that is subject to ORS 446.155 to 446.200, or upon which addi-  
16 tions, conversions or alterations of installations of equipment or ma-  
17 terial are made.

18 “**SECTION 21.** ORS 455.705 is amended to read:

19 “455.705. (1) A manufacturer of prefabricated structures or manufacturer  
20 of prefabricated structure components may not contract with a municipality  
21 or a person to perform prefabricated structure plan approvals or inspections  
22 unless the person providing the plan approvals or inspections is certified or  
23 approved under subsection (2) of this section or is providing plan approvals  
24 or inspections for a [*residential*] prefabricated structure that is [*intended for*  
25 *delivery in another state*] **exempt under ORS 455.312 (1).**

26 “(2)(a) A person may not engage in [*prefabricated structure*] plan ap-  
27 provals or inspections **for a structure** without being certified under ORS  
28 455.715 to 455.740 or 479.810 unless the person is providing plan approvals  
29 or inspections for a [*residential prefabricated structure that is intended for*  
30 *delivery in another state*] **structure that is exempt under ORS 455.312**



1 (1).

2 “(b) **Except as provided in this paragraph**, a person may not engage in  
3 the business of providing [*prefabricated structure*] plan approvals or in-  
4 spections **for a structure** without an approval issued by the Department of  
5 Consumer and Business Services. **This paragraph does not apply to plan**  
6 **approval or inspection of a structure that is exempt under ORS 455.312**  
7 **(1).**

8 “(3) In accordance with any applicable provisions of ORS chapter 183, the  
9 Director of the Department of Consumer and Business Services shall estab-  
10 lish by rule a system for approval and regulation of businesses and persons  
11 who perform prefabricated structure plan approvals or inspections. **This**  
12 **subsection does not authorize the director to require or regulate plan**  
13 **approval or inspection of a prefabricated structure that is exempt un-**  
14 **der ORS 455.312 (1).** The system shall include but not be limited to the  
15 following provisions:

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

18 “(b) Prescribing the term of the approval and the fee for the original issue  
19 and renewal in an amount that does not exceed the cost of administering the  
20 approval system. The charge for review and approval of a third party in-  
21 spection service shall not exceed, for the original issue, \$400 and for the re-  
22 newal, \$200.

23 “(c) Prescribing the conditions for initial issuance, renewal and mainte-  
24 nance of the approval for a person certified under ORS 455.715 to 455.740 or  
25 479.810, including but not limited to the following provisions:

26 “(A) Procedures and reports for plan approvals and inspections;

27 “(B) Ethical practices and prohibitions of conflicts of interests with  
28 manufacturers of prefabricated structures and manufacturers and suppliers  
29 of parts and services;

30 “(C) Insurance compliance requirements;

1 “(D) Procedures for use and application of insignia of compliance; and  
2 “(E) Fees for and procedures for use and application of certification  
3 stamps.

4 “(d) Prescribing other actions or circumstances that constitute failure to  
5 achieve or maintain approval competency or that otherwise constitute a  
6 danger to the public health or safety and for which the director may refuse  
7 to issue or renew or may suspend or revoke a certification, permit or certifi-  
8 cate.

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

11 “(A) Right of entry and access to third party records and information;

12 “(B) Frequency, type and extent of the oversight monitoring and in-  
13 spection of third party agencies and manufacturing facilities; and

14 “(C) Frequency and description of information to be submitted as part of  
15 the monitoring process.

16 “(f) Prescribing fees for monitoring conducted by the department at the  
17 manufacturing plant site or at third party inspection service locations, which  
18 fees shall not exceed \$60 per hour.

19 “(4)(a) The department shall establish by rule a manufacturer compliance  
20 program to allow for plan approvals or inspections of prefabricated struc-  
21 tures or prefabricated structure components at the facility at which the  
22 prefabrication takes place, including but not limited to the following pro-  
23 visions:

24 “(A) Quality assurance programs;

25 “(B) Procedures for use and application of insignia of compliance; and

26 “(C) Fees for and procedures for use and application of certification  
27 stamps.

28 “(b) A manufacturer of prefabricated structures shall provide the depart-  
29 ment with written notice at least 60 days before a manufacturer may provide  
30 for plan approval or inspection service as allowed under subsection (2) of

1 this section.

2 “(c) The department is not required to provide plan approval for or in-  
3 spection of any prefabricated structure or prefabricated structure compo-  
4 nents unless the department has been notified in writing by the manufacturer  
5 of the prefabricated structure 180 days in advance of the proposed assump-  
6 tion of department inspections.

7 “(5) A person may not rent, lease, sell, exchange, install or offer for rent,  
8 lease, sale, exchange or installation within this state a prefabricated struc-  
9 ture constructed on or after July 1, 1991, unless it bears an insignia of  
10 compliance or certification stamp issued by the department or a third party  
11 indicating compliance with this state’s building regulations and standards  
12 for prefabricated structures. The prohibition in this subsection does not ap-  
13 ply to a [*residential*] prefabricated structure [*intended for delivery in another*  
14 *state unless the residential prefabricated structure is installed or offered for*  
15 *installation in this state*] **described in ORS 455.312 (1) or (2)**. A prefabri-  
16 cated structure with an insignia of compliance or certification stamp shall  
17 be acceptable to municipalities as meeting the state building code regu-  
18 lations. Prefabricated structures constructed prior to July 1, 1991, are subject  
19 to the building code regulations in effect at the time of original construction.

20 “(6) The provisions of this section do not apply to employees of the De-  
21 partment of Consumer and Business Services and testing laboratories ap-  
22 proved under ORS chapters 447 and 479.

23 “(7) For purposes of this section, ‘insignia of compliance’ means the plate  
24 affixed to a structure by the Department of Consumer and Business Services  
25 or a third party to signify compliance with all state building code require-  
26 ments for which the structure was inspected.

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

1 “(9) All plan approvals and inspections of prefabricated structures and  
2 prefabricated components constructed at manufacturing plants outside of  
3 Oregon but intended for delivery into Oregon shall be performed by the de-  
4 partment or conducted under ORS 455.430.

5 **“SECTION 22.** ORS 455.895 is amended to read:

6 “455.895. (1)(a) The State Plumbing Board may impose a civil penalty  
7 against a person as provided under ORS 447.992 and 693.992. Amounts re-  
8 covered under this paragraph are subject to ORS 693.165.

9 “(b) The Electrical and Elevator Board may impose a civil penalty against  
10 a person as provided under ORS 479.995. Amounts recovered under this par-  
11 agraph are subject to ORS 479.850.

12 “(c) The Board of Boiler Rules may impose a civil penalty against a per-  
13 son as provided under ORS 480.670. Amounts recovered under this paragraph  
14 are subject to ORS 480.670.

15 “(2) The Department of Consumer and Business Services, or an appropri-  
16 ate advisory board, if any, may at its discretion impose a civil penalty  
17 against any person who violates the state building code or ORS 446.003 to  
18 446.200, 446.225 to 446.285, 446.395 to 446.420, 446.566 to 446.646, 446.666 to  
19 446.746, 479.510 to 479.945, 479.950 or 480.510 to 480.670, or this chapter or  
20 ORS chapter 447, 460 or 693, or any rule adopted or order issued for the ad-  
21 ministration and enforcement of those statutes. Except as provided in sub-  
22 sections (3), (4) and (9) of this section or ORS 446.995, a civil penalty imposed  
23 under this section must be in an amount determined by the appropriate ad-  
24 visory board or the department of not more than \$5,000 for each offense or,  
25 in the case of a continuing offense, not more than \$1,000 for each day of the  
26 offense.

27 “(3) Each violation of ORS 446.003 to 446.200 or 446.225 to 446.285, or any  
28 rule or order issued under ORS 446.003 to 446.200 or 446.225 to 446.285, con-  
29 stitutes a separate violation with respect to each manufactured [*structure*]  
30 **dwelling** or with respect to each failure or refusal to allow or perform an

1 act required [*thereby*] **under ORS 446.003 to 446.200 or 446.225 to 446.285**,  
2 except that the maximum civil penalty may not exceed \$1 million for any  
3 related series of violations occurring within one year from the date of the  
4 first violation.

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

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

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

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

24 “(8) Any officer, director, shareholder or agent of a corporation, or mem-  
25 ber or agent of a partnership or association, who personally participates in  
26 or is an accessory to any violation by the partnership, association or corpo-  
27 ration of a provision or rule described in subsection (2) of this section is  
28 subject to the penalties prescribed in this section.

29 “(9) In addition to the civil penalty set forth in subsection (1) or (2) of  
30 this section, any person who violates a provision or rule described in sub-

1 section (2) of this section may be required by the department or the appro-  
2 priate advisory board to forfeit and pay to the General Fund of the State  
3 Treasury a civil penalty in an amount determined by the department or ad-  
4 visory board that does not exceed five times the amount by which such per-  
5 son profited in any transaction that violates a provision or rule described in  
6 subsection (2) of this section.

7 “(10) If a civil penalty is imposed for a violation of a provision of ORS  
8 446.566 to 446.646 and the violation relates to a filing or failure to file with  
9 a county assessor functioning as agent of the department, the department,  
10 after deducting an amount equal to the department’s procedural, collection  
11 and other related costs and expenses, shall forward one-half of the remaining  
12 civil penalty amount to the county in which the manufactured structure is  
13 located at the time of the violation.

14 **“SECTION 23.** ORS 479.540 is amended to read:

15 “479.540. (1) Except as otherwise provided in this subsection, a person is  
16 not required to obtain a license to make an electrical installation on resi-  
17 dential or farm property that is owned by the person or a member of the  
18 person’s immediate family if the property is not intended for sale, exchange,  
19 lease or rent. The following apply to the exemption established in this sub-  
20 section:

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

25 “(b) If the property is a building used as a residence and is for rent, lease,  
26 sale or exchange, this subsection establishes an exemption for work on, al-  
27 terations to or replacement of parts of electrical installations as necessary  
28 for maintenance of the existing electrical installations on that property, but  
29 does not exempt new electrical installations or substantial alterations to  
30 existing electrical installations on that property. As used in this paragraph,

1 ‘new electrical installations or substantial alterations’ does not include the  
2 replacement of an existing garbage disposal, dishwasher or electric hot water  
3 heater with a similar appliance of 30 amps or less, single phase, by a land-  
4 lord, landlord’s agent or the employee of the landlord or landlord’s agent.

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

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

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

12 “(c) To be made by a person on the person’s property in connection with  
13 the person’s business.

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

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

24 “(4)(a) A person is not required to obtain a license for the repair or re-  
25 placement of light fixtures, light switches, lighting ballast, electrical outlets  
26 or smoke alarms in a building used for housing purposes that is owned,  
27 leased, managed or operated by a housing authority and the person doing the  
28 repair or replacement is a member of the housing authority’s regular main-  
29 tenance staff.

30 “(b) A license is not required for:

1       “(A) Temporary demonstrations;

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

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

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

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

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

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

26       “(c) To any electrical generation plant owned or operated by a munici-  
27 pality to the same extent that a utility, telecommunications carrier or com-  
28 petitive telecommunications provider is exempted under paragraphs (a) and  
29 (b) of this subsection.

30       “(6) A permit is not required:



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

5 “(b) For the repair, alteration or replacement of existing electrical pro-  
6 ducts or electrical installations authorized by ORS 479.560 (3) at an indus-  
7 trial plant, a commercial office building, a building that is owned, leased,  
8 managed or operated by the state or a local government entity or other fa-  
9 cilities designated by the Electrical and Elevator Board when the owner,  
10 operating manager or electrical contractor of the facility meets the pro-  
11 visions of ORS 479.630 (1) and (2) and:

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

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

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

20 “(8)(a) A license or permit is not required for the installation or assembly  
21 of industrial electrical equipment by the duly authorized agents of the fac-  
22 tory, vendor or owner.

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

27 “(c) As used in this subsection:

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

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

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

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

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

15 “(c) The installing, maintaining, repairing or replacement of telecommu-  
16 nications systems on the provider side of the demarcation point by a tele-  
17 communications service provider.

18 “(d) The maintaining, repairing or replacement of telecommunications  
19 equipment on the customer side of the demarcation point by a telecommuni-  
20 cations service provider.

21 “(e) Installations, by a telecommunications service provider or an appro-  
22 priately licensed electrical contractor, of telecommunications systems on the  
23 customer side of the demarcation point except:

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

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

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

30 “(A) One and two family dwellings; and

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

3       “(g) Notwithstanding paragraph (e) of this subsection, installation or re-  
4 placement of cord or plug connected telecommunications equipment on the  
5 customer side of the demarcation point.

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

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

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

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

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

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

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

27       “(C) Commercial electrical air conditioning equipment.

28       “(D) Prefabricated work performed by an electrical contractor with li-  
29 censed electrical personnel in the contractor’s place of business for assembly  
30 on the job site if the work is composed of parts that meet the electrical

1 product safety standards established by concurrence of the board and the  
2 director.

3 “(b) Notwithstanding paragraph (a) of this subsection, the board may re-  
4 quire any of the products described in paragraph (a) of this subsection to be  
5 subject to the certification requirements under ORS 479.760 if the board de-  
6 termines that the product or class of products has presented a fire or life  
7 safety hazard in use. A determination under this paragraph shall be effective  
8 as to any such product or class of products installed after the date of the  
9 determination becomes final. The board may reinstate any exemption re-  
10 moved under this paragraph if the board determines that the reasons for the  
11 removal of the exemption have been corrected.

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

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

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

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

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

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

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

23 “(F) Any other method approved by the board.

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

26 “(14) A person who holds a limited maintenance specialty contractor li-  
27 cense or a limited pump installation specialty contractor license issued under  
28 ORS 479.510 to 479.945 or a person who is the employee of such license holder  
29 and who is listed with the board as an employee is not required to have a  
30 journeyman license or supervising electrician’s license to perform work au-

1 thORIZED under the person’s license.

2 “(15) A person is not required to obtain a permit for work on, alterations  
3 to or replacement of parts of electrical installations as necessary for main-  
4 tenance of existing electrical installations on residential property owned by  
5 the person or by a member of the person’s immediate family. This subsection  
6 does not establish an exemption for new electrical installations or substan-  
7 tial alterations to existing electrical installations.

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

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

14 “(18) The permit requirements of ORS 479.550 and the license require-  
15 ments of ORS 479.620 do not apply to cable television installations.

16 “(19) The provisions of any electrical products code or rule adopted pur-  
17 suant to ORS 479.510 to 479.945 and 479.995 apply to cable and such products  
18 installed as part of a cable television installation.

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

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

26 “(22) As used in this section, ‘smoke alarm’ has the meaning given that  
27 term under ORS 479.250.

28 **“SECTION 24.** ORS 693.020 is amended to read:

29 “693.020. (1) Except as provided in subsection (2) of this section, this  
30 chapter does not apply to:

1 “(a) A person working on a building or premises owned by the person,  
2 regardless of whether the person holds a license under this chapter, if the  
3 person complies with all the rules adopted under this chapter and ORS  
4 447.010 to 447.156 and ORS chapter 455.

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

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

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

17 “(e) A person who owns, leases or operates residential property and who  
18 repairs, or uses regular employees to repair, existing plumbing on property  
19 owned, leased or operated by the person, regardless of whether the person  
20 or employee holds a license under this chapter. As used in this paragraph:

21 “(A) ‘Repair’ means the act of replacing or putting together plumbing  
22 parts that restore the existing plumbing system to a safe and sanitary oper-  
23 ating condition.

24 “(B) ‘Regular employee’ means a person who is subject to the provisions  
25 of ORS 316.162 to 316.221 and who has completed a withholding exemptions  
26 certificate required by the provisions of ORS 316.162 to 316.221.

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

30 “(g) A person making plumbing installations, repairs or replacements in

1 a recreational vehicle as defined [*by the State Plumbing Board by rule*] in  
2 **section 25 of this 2019 Act.**

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

10 “(3) This section applies to any person, including but not limited to indi-  
11 viduals, corporations, associations, firms, partnerships, joint stock compa-  
12 nies, public and municipal corporations, political subdivisions, this state and  
13 any agencies thereof and the federal government and any agencies thereof.

14 “(4) Except as provided in subsection (1)(d) of this section, nothing in this  
15 section exempts a person from the plumbing inspection requirements of ORS  
16 447.010 to 447.156.

17

18 **“DEFINITIONS OF RECREATIONAL VEHICLE AND**  
19 **MANUFACTURED STRUCTURE**

20

21 **“SECTION 25. (1) As used in the statutes of this state, ‘manufac-**  
22 **tured structure’ has the meaning given that term in this section only**  
23 **if the statute using ‘manufactured structure’ makes specific reference**  
24 **to this section and indicates that the term used has the meaning given**  
25 **in this section. As used in the statutes of this state, ‘recreational ve-**  
26 **hicle’ has the meaning given that term in this section only if the**  
27 **statute using ‘recreational vehicle’ makes specific reference to this**  
28 **section or section 26 of this 2019 Act and thereby indicates that the**  
29 **term used has the meaning given in this section.**

30 “(2) ‘Manufactured structure’ means a manufactured dwelling, as

1 defined in ORS 446.003, or a recreational vehicle, as defined in this  
2 section.

3 “(3) ‘Recreational vehicle’ means a vehicle with or without motive  
4 power, that is designed for human occupancy and to be used tempo-  
5 rarily for recreational, seasonal or emergency purposes and as further  
6 defined by rule by the Director of Transportation.

7

8 **“EXCEPTION TO ORS 446.003 AMENDMENTS**

9

10 **“SECTION 26. Notwithstanding ORS 446.003, as used in ORS chap-**  
11 **ters 195, 196, 197, 215 and 227, the following definitions apply, unless the**  
12 **context requires otherwise:**

13 “(1) ‘Accessory building or structure’ means any portable, de-  
14 mountable or permanent structure established for use of the occupant  
15 of a manufactured structure and as further defined by rule by the Di-  
16 rector of the Department of Consumer and Business Services as pro-  
17 vided under ORS 446.003.

18 “(2) ‘Lot’ means any space, area or tract of land, or portion of a  
19 manufactured dwelling park, mobile home park or recreation park  
20 that is designated or used for occupancy by one manufactured struc-  
21 ture.

22 “(3) ‘Manufactured dwelling’:

23 “(a) Means a residential trailer, mobile home or manufactured  
24 home.

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

30 “(4) ‘Manufactured structure’:



1       **“(a) Means a recreational vehicle, manufactured dwelling or recre-**  
2       **ational structure.**

3       **“(b) Does not include any building or structure regulated under the**  
4       **State of Oregon Structural Specialty Code or the Low-Rise Residential**  
5       **Dwelling Code.**

6       **“(5) ‘Manufacturer’ means any person engaged in manufacturing,**  
7       **building, rebuilding, altering, converting or assembling manufactured**  
8       **structures or equipment.**

9       **“(6) ‘Manufacturing’ means the building, rebuilding, altering or**  
10       **converting of manufactured structures that bear or are required to**  
11       **bear an Oregon insignia of compliance.**

12       **“(7) ‘Mobile home park’:**

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

19       **“(b) Does not include a lot or lots located within a subdivision being**  
20       **rented or leased for occupancy by no more than one manufactured**  
21       **dwelling per lot if the subdivision was approved by the municipality**  
22       **unit having jurisdiction under an ordinance adopted pursuant to ORS**  
23       **92.010 to 92.192.**

24       **“(8) ‘Recreational structure’ means a campground structure with**  
25       **or without plumbing, heating or cooking facilities intended to be used**  
26       **by any particular occupant on a limited-time basis for recreational,**  
27       **seasonal, emergency or transitional housing purposes and may include**  
28       **yurts, cabins, fabric structures or similar structures as further de-**  
29       **defined, by rule, by the director.**

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

1 **tion 25 of this 2019 Act.**

2  
3 **“CONFORMING AMENDMENTS TO OREGON REVISED STATUTES**

4  
5 **“SECTION 27.** ORS 86A.203 is amended to read:

6 “86A.203. (1) Except as provided in subsection (2) of this section, an in-  
7 dividual may not engage in business as a mortgage loan originator in this  
8 state without first:

9 “(a) Obtaining and maintaining a mortgage loan originator’s license under  
10 ORS 86A.212 or renewing a mortgage loan originator’s license under ORS  
11 86A.218; and

12 “(b) Obtaining a unique identifier from the Nationwide Mortgage Licens-  
13 ing System and Registry.

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

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

17 “(b) An individual who offers or negotiates terms of a residential mort-  
18 gage loan with or on behalf of the individual’s spouse, child, sibling, parent,  
19 grandparent, grandchild or a relative in a similar relationship with the in-  
20 dividual that is created by law, marriage or adoption;

21 “(c) An individual who offers or negotiates terms of a residential mort-  
22 gage loan that is secured by a dwelling that served as the individual’s resi-  
23 dence;

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

29 “(A) Membership in the limited liability company that owns the dwelling  
30 unit consists only of the individual or of the individual and the individual’s

1 spouse, children, siblings, parents, grandparents, grandchildren or other rel-  
2 atives who are related to the individual by law, marriage or adoption;

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

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

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

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

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

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

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

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

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

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

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

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

24 “(4) An individual who offers or negotiates terms for a residential mort-  
25 gage loan, and who claims an exemption under subsection (2)(g) of this sec-  
26 tion from the requirements set forth in subsection (1) of this section, may  
27 not at any time hold more than 12 residential mortgage loans without meet-  
28 ing the requirements set forth in subsection (1) of this section.

29 “(5) The Director of the Department of Consumer and Business Services  
30 by rule may exempt an individual from the requirement to obtain a mortgage

1 loan originator’s license under ORS 86A.200 to 86A.239 if the United States  
2 Consumer Financial Protection Bureau requires or permits the exemption  
3 under 12 U.S.C. 5101 et seq.

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

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

13 “(A) Performs only administrative or clerical tasks; and

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

18 “(b) An employee of a dealer is subject to the provisions of ORS 86A.200  
19 to 86A.239 if the United States Consumer Financial Protection Bureau de-  
20 termines, in a guideline, rule, regulation or interpretive letter, that the ex-  
21 emption granted in paragraph (a) of this subsection is inconsistent with  
22 requirements set forth in 12 U.S.C. 5101 et seq.

23 **“SECTION 28.** ORS 90.100 is amended to read:

24 “90.100. As used in this chapter, unless the context otherwise requires:

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

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

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

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

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

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

15       “(5) ‘Carbon monoxide alarm’ has the meaning given that term in ORS  
16 105.836.

17       “(6) ‘Carbon monoxide source’ has the meaning given that term in ORS  
18 105.836.

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

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

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

27       “(10) ‘Domestic violence’ means:

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

30       “(b) Abuse, as defined in ORS 107.705, between partners in a dating re-

1 lationship.

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

4 “(12) ‘Dwelling unit’ means a structure or the part of a structure that is  
5 used as a home, residence or sleeping place by one person who maintains a  
6 household or by two or more persons who maintain a common household.  
7 ‘Dwelling unit’ regarding a person who rents a space for a manufactured  
8 dwelling or recreational vehicle or regarding a person who rents moorage  
9 space for a floating home as defined in ORS 830.700, but does not rent the  
10 home, means the space rented and not the manufactured dwelling, recre-  
11 ational vehicle or floating home itself.

12 “(13) ‘Essential service’ means:

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

16 “(A) Heat, plumbing, hot and cold running water, gas, electricity, light  
17 fixtures, locks for exterior doors, latches for windows and any cooking ap-  
18 pliance or refrigerator supplied or required to be supplied by the landlord;  
19 and

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

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

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

29 “(B) Any other service or habitability obligation imposed by the rental  
30 agreement or ORS 90.730, the lack or violation of which creates a serious

1 threat to the tenant's health, safety or property or makes the rented space  
2 unfit for occupancy.

3 “(14) ‘Facility’ means a manufactured dwelling park or a marina.

4 “(15) ‘Fee’ means a nonrefundable payment of money.

5 “(16) ‘First class mail’ does not include certified or registered mail, or any  
6 other form of mail that may delay or hinder actual delivery of mail to the  
7 recipient.

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

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

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

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

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

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

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

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

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

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

30 “(24) ‘Landlord’s agent’ means a person who has oral or written authority,



1 either express or implied, to act for or on behalf of a landlord.

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

5 “(26) ‘Manufactured dwelling’ means a residential trailer, a mobile home  
6 or a manufactured home as those terms are defined in ORS 446.003. ‘Manu-  
7 factured dwelling’ includes an accessory building or structure. [*Manufac-  
8 tured dwelling’ does not include a recreational vehicle.*]

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

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

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

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

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

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

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

30 “(b) All or part of the beneficial ownership and a right to present use and

1 enjoyment of the premises.

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

3 “(34) ‘Premises’ means:

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

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

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

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

12 “(36) ‘Recreational vehicle’ has the meaning given that term in [*ORS*  
13 *446.003*] **section 25 of this 2019 Act.**

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

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

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

29 “(40) ‘Screening or admission criteria’ means a written statement of any  
30 factors a landlord considers in deciding whether to accept or reject an ap-

1 plicant and any qualifications required for acceptance. ‘Screening or admis-  
2 sion criteria’ includes, but is not limited to, the rental history, character  
3 references, public records, criminal records, credit reports, credit references  
4 and incomes or resources of the applicant.

5 “(41) ‘Security deposit’ means a refundable payment or deposit of money,  
6 however designated, the primary function of which is to secure the perform-  
7 ance of a rental agreement or any part of a rental agreement. ‘Security de-  
8 posit’ does not include a fee.

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

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

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

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

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

21 “(47) ‘Tenant’:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

17 “(51) ‘Victim’ means:

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

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

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

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

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

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

1 90.295.

2 **“SECTION 29.** ORS 197.295 is amended to read:

3 “197.295. As used in ORS 197.295 to 197.314 and 197.475 to 197.490:

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

7 “(2) ‘Manufactured dwelling park’ has the meaning given that term in  
8 ORS 446.003.

9 “(3) ‘Government assisted housing’ means housing that is financed in  
10 whole or part by either a federal or state housing agency or a housing au-  
11 thority as defined in ORS 456.005, or housing that is occupied by a tenant  
12 or tenants who benefit from rent supplements or housing vouchers provided  
13 by either a federal or state housing agency or a local housing authority.

14 “(4) ‘Manufactured homes’ has the meaning given that term in ORS  
15 446.003.

16 “(5) ‘Mobile home park’ has the meaning given that term in [ORS  
17 446.003] **section 26 of this 2019 Act.**

18 “(6) ‘Periodic review’ means the process and procedures as set forth in  
19 ORS 197.628 to 197.651.

20 “(7) ‘Urban growth boundary’ means an urban growth boundary included  
21 or referenced in a comprehensive plan.

22 **“SECTION 30.** ORS 197.492 is amended to read:

23 “197.492. As used in this section and ORS 197.493:

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

26 **“(1) ‘Manufactured dwelling park’ has the meaning given that term**  
27 **in ORS 446.003.**

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

30 “[*(2)*] **(3) ‘Recreational vehicle park’:**

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

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

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

7       “(b) Does not mean:

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

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

10       “**SECTION 31.** ORS 319.550 is amended to read:

11       “319.550. (1) Except as provided in this section, a person may not use fuel  
12 in a motor vehicle in this state unless the person holds a valid user’s license.

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

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

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

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

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

28       “(B) Recreational vehicles as defined in [ORS 446.003] **section 25 of this**  
29 **2019 Act.**

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

1 vehicle:

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

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

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

8 **“SECTION 32.** ORS 456.594 is amended to read:

9 “456.594. As used in ORS 456.594 to 456.599:

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

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

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

17 “(b) ‘Dwelling’ includes a manufactured dwelling as defined in ORS  
18 446.003, a floating home as defined in ORS 830.700 and a single unit in  
19 multiple-unit residential housing.

20 “(c) ‘Dwelling’ does not include a recreational vehicle as defined in [ORS  
21 446.003] **section 25 of this 2019 Act.**

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

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

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

29 “(5) ‘Energy conservation items’ includes but is not limited to air sealing,  
30 weatherstripping, ceiling and wall insulation, crawl space insulation, vapor

1 barrier materials, programmable thermostats, insulation of heating ducts and  
2 water pipes in unheated spaces, and replacement windows.

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

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

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

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

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

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

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

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

24 **“SECTION 33.** ORS 469.155 is amended to read:

25 “469.155. (1) As used in this section:

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



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

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

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

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

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

12       “**SECTION 34.** ORS 469.631 is amended to read:

13       “469.631. As used in ORS 469.631 to 469.645:

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

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

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

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

30       “(5) ‘Dwelling’ means real or personal property within the state inhabited

1 as the principal residence of a dwelling owner or a tenant. ‘Dwelling’ in-  
2 cludes a manufactured dwelling as defined in ORS 446.003, a floating home  
3 as defined in ORS 830.700 and a single unit in multiple-unit residential  
4 housing. ‘Dwelling’ does not include a recreational vehicle as defined in  
5 [ORS 446.003] **section 25 of this 2019 Act.**

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

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

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

13 “(7) ‘Energy audit’ means:

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

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

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

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

22 “(B) The items installed; and

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

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

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

28 “(8) ‘Energy conservation measures’ means measures that include the in-  
29 stallation of items and the items installed to improve the space heating and  
30 energy utilization efficiency of a dwelling. These items include, but are not

1 limited to, caulking, weatherstripping and other infiltration preventative  
2 materials, ceiling and wall insulation, crawl space insulation, vapor barrier  
3 materials, timed thermostats, insulation of heating ducts, hot water pipes  
4 and water heaters in unheated spaces, storm doors and windows, double  
5 glazed windows and dehumidifiers. 'Energy conservation measures' does not  
6 include the dwelling owner's own labor.

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

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

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

14 "(12) 'Tenant' means a tenant as defined in ORS 90.100 or any other ten-  
15 ant.

16 "**SECTION 35.** ORS 469.649 is amended to read:

17 "469.649. As used in ORS 469.649 to 469.659:

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

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

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

1 of the present value of the delivered energy cost of the nonconservation en-  
2 ergy resource or facility.

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

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

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

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

16 “(6) ‘Energy audit’ means:

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

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

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

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

25 “(B) The items installed; and

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

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

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

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

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

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

13 “(b) Distributes electricity.

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

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

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

19 **“SECTION 36.** ORS 469.710 is amended to read:

20 “469.710. As used in ORS 469.710 to 469.720, unless the context requires  
21 otherwise:

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

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

29 “(3) ‘Cost-effective’ means that an energy conservation measure that pro-  
30 vides or saves a specific amount of energy during its life cycle results in the

1 lowest present value of delivered energy costs of any available alternative.  
2 However, the present value of the delivered energy costs of an energy con-  
3 servation measure may not be treated as greater than that of a nonconser-  
4 vation energy resource or facility unless that cost is greater than 110 percent  
5 of the present value of the delivered energy cost of the nonconservation en-  
6 ergy resource or facility.

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

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

17 “(6) ‘Energy audit’ means:

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

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

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

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

26 “(B) The items installed; and

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

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

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

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

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

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

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

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

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

23       **“SECTION 37.** ORS 480.432 is amended to read:

24       “480.432. (1) A person may not engage in or work at the business of in-  
25 stalling, extending, altering or repairing any LP gas appliance or piping,  
26 vent or flue connection pertaining to or in connection with LP gas installa-  
27 tions within the state, either as employer or individual, unless the person  
28 has received an LP gas installation license from the State Fire Marshal in  
29 accordance with ORS 480.410 to 480.460.

30       “(2) A person may not do any LP gas fitting or gas venting work, install,

1 repair or remodel any piping or venting or do any installation, repair service,  
2 connection or disconnection of any LP gas appliance that is subject to in-  
3 spection under ORS 480.410 to 480.460 unless the person has received an LP  
4 gas fitter license from the State Fire Marshal in accordance with ORS  
5 480.410 to 480.460.

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

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

14 “(5) A person who holds a valid journeyman plumber license under ORS  
15 693.060 or who is in an approved journeyman plumber apprenticeship estab-  
16 lished under ORS 660.002 to 660.210 is exempt from the licensing require-  
17 ments of subsections (1) and (2) of this section, except that the apprentice  
18 or journeyman plumber may not install an LP gas tank or make any con-  
19 nection to an LP gas tank unless the apprentice or journeyman plumber is  
20 licensed as required under this section.

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

28 “(7) Subsections (1) to (4) of this section do not apply to LP gas instal-  
29 lations in a manufactured dwelling [*or recreational vehicle*] performed during  
30 the construction of the manufactured dwelling [*or recreational vehicle*], or the



1 alteration or repair of an LP gas installation in a manufactured dwelling  
2 [or recreational vehicle] made pursuant to the manufacturer's warranty. **The**  
3 **provisions of this section do not apply to LP gas work on recreational**  
4 **vehicles as defined in section 25 of this 2019 Act.**

5 **“SECTION 38.** ORS 480.450 is amended to read:

6 “480.450. (1) The installer shall notify the State Fire Marshal, before the  
7 last day of each month, of all new installations made during the preceding  
8 month of containers or receptacles for liquefied petroleum gas, including in-  
9 stallations for private homes and apartments. The installer shall certify on  
10 a form provided by the State Fire Marshal that all of the new installations  
11 are duly and properly reported. The State Fire Marshal may require that the  
12 notification include the location and description of the installation and the  
13 name of the user. All fees due and payable must accompany the notification.  
14 The replacement of empty containers or receptacles with other containers  
15 constructed in accordance with United States Department of Transportation  
16 specifications is not a new installation or change in the original installation  
17 that requires notification to the State Fire Marshal or necessitates further  
18 inspection of the installation. The State Fire Marshal shall collect from the  
19 installer an installation fee of \$50 for each tank installed or for all tanks  
20 at the installation if the total combined capacity is 200 gallons or less. The  
21 State Fire Marshal or deputies of the fire marshal or assistants shall inspect  
22 a reasonable number of the installations and maintain a record of the in-  
23 spections in the office of the State Fire Marshal.

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

28 “(3) After the initial installation, liquefied petroleum gas containers may  
29 be inspected once every 10 years except when changes have been made in the  
30 original installation. An installer making changes must notify the State Fire

1 Marshal of the changes in the same manner provided in this section for new  
2 installations. The State Fire Marshal shall collect from the owner a fee of  
3 \$50 for the inspection of each container. The manner of inspection, require-  
4 ment of corrections, satisfaction of requirements and collection of fees due  
5 and payable must conform with the provisions of ORS 480.410 to 480.460 for  
6 new installations. Upon request of the State Fire Marshal, LP gas installa-  
7 tion licensees shall furnish a list of the locations of 10-year old installations  
8 that they service.

9 “(4) If, upon inspection of any tank, the new installation does not comply  
10 with the requirements of the State Fire Marshal, the State Fire Marshal  
11 shall instruct the installer as to what corrections are necessary for compli-  
12 ance with the State Fire Marshal’s requirements. The installer of the new  
13 installation shall, within the time set by the State Fire Marshal, not to ex-  
14 ceed 60 days after notification, notify the State Fire Marshal that the new  
15 installation complies with the requirements of the fire marshal. If the in-  
16 staller fails to notify the State Fire Marshal, or the State Fire Marshal has  
17 reason to believe that the corrections have not been made, the State Fire  
18 Marshal shall reinspect the new installation and shall collect from the in-  
19 staller an additional fee of \$125. The user, not the installer, shall pay the  
20 additional fee resulting from actions of the user that require correction to  
21 achieve compliance with the requirements of the State Fire Marshal.

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

25 “(6) If the fees provided for in this section are due and payable and are  
26 not paid within 30 days after service of written notice by the State Fire  
27 Marshal therefor, or if the installer fails to notify the State Fire Marshal  
28 by the last day of the month succeeding the month a new installation is made  
29 or a change is made requiring an inspection, the fees are delinquent and a  
30 penalty equal to the greater of 10 percent of the fee amount or \$30, is im-

1 posed for the delinquency. The State Fire Marshal shall collect all fees and  
2 penalties in the name of the State of Oregon in the same manner that other  
3 debts are collected.

4 “(7) The provisions of this section do not apply to liquefied petroleum gas  
5 installations if made entirely within the jurisdiction of a governmental sub-  
6 division granted the exemption provided by ORS 476.030 (3) and written evi-  
7 dence of the licensing of the installation by the approved authority is  
8 submitted to the State Fire Marshal. The provisions of this section do not  
9 apply to LP gas installations made in manufactured dwellings [*or recreational*  
10 *vehicles*] that are constructed or altered in accordance with applicable rules  
11 of the Department of Consumer and Business Services. **The provisions of**  
12 **this section do not apply to LP gas installations in a recreational ve-**  
13 **hicle as defined in section 25 of this 2019 Act.**

14 **“SECTION 39.** ORS 701.545 is amended to read:

15 “701.545. (1) As used in this section and ORS 701.547:

16 “(a) ‘Developer’ means a person who contracts to construct, or arrange  
17 for the construction of, new residential housing on behalf of, or for the  
18 purpose of selling the residential housing to, a specific individual the person  
19 knows is the purchaser of the residential housing.

20 “(b) ‘Residential housing’:

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

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

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

26 “(2) A developer who enters into a contract to construct or arrange for  
27 the construction of new residential housing may, at the time of providing a  
28 purchaser with a written contract, also provide the purchaser with a list of  
29 features that may make residential housing more accessible to a person with  
30 a disability. The list may include the features identified in the model list

1 of features adopted by the Construction Contractors Board by rule under  
2 ORS 701.547.

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

12 “(4) This section, or the inclusion of a feature on the model list developed  
13 under ORS 701.547, does not affect the requirement that installation of a  
14 feature comply with the state building code or be approved under ORS  
15 455.060.

16 **“SECTION 40.** ORS 801.409 is amended to read:

17 “801.409. ‘Recreational vehicle’ has the meaning given [*in ORS 446.003*]  
18 **that term in section 25 of this 2019 Act.**

19

## 20 “TRANSITIONAL PROVISIONS

21

22 **“SECTION 41.** Notwithstanding section 25 of this 2019 Act and the  
23 amendments to ORS 446.003 by section 1 of this 2019 Act, a rule  
24 adopted by the Director of the Department of Consumer and Business  
25 Services under ORS 446.003 prior to the effective date of this 2019 Act  
26 defining a recreational vehicle shall continue in effect and, except as  
27 provided in section 42 of this 2019 Act, be treated as a rule adopted by  
28 the Director of Transportation under section 25 of this 2019 Act until  
29 repealed or amended by the Director of Transportation.

30 **“SECTION 42.** Section 25 of this 2019 Act and the amendments to

1 **ORS 446.003, 446.155, 446.160, 446.170, 446.185, 446.250, 446.253, 446.265,**  
2 **455.010, 455.312, 455.705 and 455.895 by sections 1 to 4, 6, 9, 11, 13, 16 and**  
3 **20 to 22 of this 2019 Act do not divest the Department of Consumer and**  
4 **Business Services or a municipality of the authority over a violation**  
5 **of ORS chapter 446 or 455 committed prior to the effective date of this**  
6 **2019 Act.**

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8

**“CAPTIONS**

9

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

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