

SB 410-A3
(LC 910)
5/10/19 (CDT/ps)

Requested by HOUSE COMMITTEE ON BUSINESS AND LABOR (at the request of Representative
Jeff Barker)

**PROPOSED AMENDMENTS TO RESOLVE CONFLICTS TO
A-ENGROSSED SENATE BILL 410**

1 On page 4 of the printed A-engrossed bill, after line 42, insert:

2 **“SECTION 1a. If House Bill 2423 becomes law, section 1 of this 2019**
3 **Act (amending ORS 446.003) is repealed and ORS 446.003, as amended**
4 **by section 8, chapter __, Oregon Laws 2019 (Enrolled House Bill 2423),**
5 **is amended to read:**

6 “446.003. As used in ORS 446.003 to 446.200 and 446.225 to 446.285, and for
7 the purposes of ORS chapters 195, 196, 197, 215 and 227, the following defi-
8 nitions apply, unless the context requires otherwise, or unless administration
9 and enforcement by the State of Oregon under the existing or revised Na-
10 tional Manufactured Housing Construction and Safety Standards Act would
11 be adversely affected, and except as provided in ORS 446.265 **or section 26**
12 **of this 2019 Act:**

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

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

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

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

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

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

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

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

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

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

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

17 “[*(7) ‘Conversion’ or ‘to convert’ means the process of changing a manufac-*
18 *tured structure in whole or in part from one type of vehicle or structure to*
19 *another.*]

20 “[*(8)*] (7) ‘Dealer’ means any person engaged in the business of selling,
21 leasing or distributing manufactured [*structures*] **dwelling**s or equipment, or
22 both, primarily to persons who in good faith purchase or lease manufactured
23 [*structures*] **dwelling**s or equipment, or both, for purposes other than resale.

24 “[*(9)*] (8) ‘Department’ means the Department of Consumer and Business
25 Services.

26 “[*(10)*] (9) ‘Director’ means the Director of the Department of Consumer
27 and Business Services.

28 “[*(11)*] (10) ‘Distributor’ means any person engaged in selling and dis-
29 tributing manufactured [*structures*] **dwelling**s or equipment for resale.

30 “[*(12)*] (11) ‘Equipment’ means materials, appliances, subassembly, devices,

1 fixtures, fittings and apparatuses used in the construction, plumbing, me-
2 chanical and electrical systems of a manufactured [*structure*] **dwelling**.

3 “[~~(13)~~] **(12)** ‘Federal manufactured housing construction and safety stand-
4 ard’ means a standard for construction, design and performance of a manu-
5 factured dwelling promulgated by the Secretary of Housing and Urban
6 Development pursuant to the federal National Manufactured Housing Con-
7 struction and Safety Standards Act of 1974 (Public Law 93-383).

8 “[~~(14)~~] **(13)** ‘Fire Marshal’ means the State Fire Marshal.

9 “[~~(15)~~] **(14)** ‘Imminent safety hazard’ means an imminent and unreasonable
10 risk of death or severe personal injury.

11 “[~~(16)~~ ‘*Insignia of compliance*’ means:]

12 “[~~(a)~~ *For a manufactured dwelling built to HUD standards for such*
13 *dwellings, the HUD label; or]*

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

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

18 “[~~(17)~~] **(16)** ‘Inspecting authority’ or ‘inspector’ means the Director of the
19 Department of Consumer and Business Services or representatives as ap-
20 pointed or authorized to administer and enforce provisions of ORS 446.111,
21 446.160, 446.176, 446.225 to 446.285, 446.310 to 446.350, 446.990 and this section.

22 “[~~(18)~~] **(17)** ‘Installation’ in relation to:

23 “(a) Construction means the arrangements and methods of construction,
24 fire and life safety, electrical, plumbing and mechanical equipment and sys-
25 tems within a manufactured [*structure*] **dwelling**.

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

30 “[~~(19)~~] **(18)** ‘Installer’ means any individual licensed by the director to

1 install, set up, connect, hook up, block, tie down, secure, support, install
2 temporary steps for, install skirting for or make electrical, plumbing or me-
3 chanical connections to manufactured dwellings or cabanas or who provides
4 consultation or supervision for any of these activities, except architects
5 registered under ORS 671.010 to 671.220 or engineers registered under ORS
6 672.002 to 672.325.

7 “[20] (19) ‘Listed’ means equipment or materials included in a list, pub-
8 lished by an organization concerned with product evaluation acceptable to
9 the department that maintains periodic inspection of production of listed
10 equipment or materials, and whose listing states either that the equipment
11 or materials meets appropriate standards or has been tested and found suit-
12 able in a specified manner.

13 “[21] (20) ‘Lot’ means any space, area or tract of land, or portion of a
14 manufactured dwelling park, mobile home park or recreation park that is
15 designated or used for occupancy by one manufactured *[structure]* **dwelling**.

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

18 “(b) ‘Manufactured dwelling’ does not include any building or structure
19 constructed to conform to the State of Oregon Structural Specialty Code, the
20 Low-Rise Residential Dwelling Code adopted pursuant to ORS 455.100 to
21 455.450 and 455.610 to 455.630 or the Small Home Specialty Code adopted
22 under section 2, *[of this 2019 Act]* **chapter __, Oregon Laws 2019 (Enrolled**
23 **House Bill 2423)** *[or any unit identified as a recreational vehicle by the*
24 *manufacturer]*.

25 “[23] (22) ‘Manufactured dwelling park’ means any place where four or
26 more manufactured dwellings are located within 500 feet of one another on
27 a lot, tract or parcel of land under the same ownership, the primary purpose
28 of which is to rent or lease space or keep space for rent or lease to any
29 person for a charge or fee paid or to be paid for the rental or lease or use
30 of facilities or to offer space free in connection with securing the trade or

1 patronage of such person. ‘Manufactured dwelling park’ does not include a
2 lot or lots located within a subdivision being rented or leased for occupancy
3 by no more than one manufactured dwelling per lot if the subdivision was
4 approved by the local government unit having jurisdiction under an ordi-
5 nance adopted pursuant to ORS 92.010 to 92.192.

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

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

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

18 “[~~(b)~~ ‘*Manufactured structure*’ does not include any building or structure
19 regulated under the State of Oregon Structural Specialty Code, the Low-Rise
20 Residential Dwelling Code or the Small Home Specialty Code.]

21 “[~~(26)~~] **(24)** ‘Manufacturer’ means any person engaged in manufacturing,
22 building, rebuilding, altering, converting or assembling manufactured [*struc-*
23 *tures*] **dwelling**s or equipment.

24 “[~~(27)~~] **(25)** ‘Manufacturing’ means the building, rebuilding, altering or
25 converting of manufactured [*structures*] **dwelling**s that bear or are required
26 to bear an Oregon insignia of compliance.

27 “[~~(28)~~] **(26)** ‘Minimum safety standards’ means the plumbing, mechanical,
28 electrical, thermal, fire and life safety, structural and transportation stan-
29 dards prescribed by rules adopted by the director.

30 “[~~(29)~~] **(27)** ‘Mobile home’ means a structure constructed for movement

1 on the public highways that has sleeping, cooking and plumbing facilities,
2 that is intended for human occupancy, that is being used for residential
3 purposes and that was constructed between January 1, 1962, and June 15,
4 1976, and met the construction requirements of Oregon mobile home law in
5 effect at the time of construction.

6 “[~~(30)~~] **(28)** ‘Mobile home park’:

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

13 “**(b)** [*‘Mobile home park’*] Does not include a lot or lots located within a
14 subdivision being rented or leased for occupancy by no more than one man-
15 ufactured dwelling per lot if the subdivision was approved by the munici-
16 pality unit having jurisdiction under an ordinance adopted pursuant to ORS
17 92.010 to 92.192.

18 “[~~(31)~~] **(29)** ‘Municipality’ means a city, county or other unit of local
19 government otherwise authorized by law to enact codes.

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

25 “[~~(33)~~] *‘Recreational vehicle’ means a vehicle with or without motive power,*
26 *that is designed for human occupancy and to be used temporarily for recre-*
27 *ational, seasonal or emergency purposes and as further defined, by rule, by the*
28 *director.]*

29 “[~~(34)~~] **(30)** ‘Residential trailer’ means a structure constructed for move-
30 ment on the public highways that has sleeping, cooking and plumbing facil-

1 ities, that is intended for human occupancy, that is being used for residential
2 purposes and that was constructed before January 1, 1962.

3 “[35] (31) ‘Sale’ means rent, lease, sale or exchange.

4 “[36] (32) ‘Skirting’ means a weather resistant material used to enclose
5 the space below *[the]* a manufactured *[structure]* **dwelling**.

6 “[37] (33) ‘Tiedown’ means any device designed to anchor a manufac-
7 tured *[structure]* **dwelling** securely to the ground.

8 “[38] (34) ‘Transitional housing accommodations’ means accommodations
9 described under ORS 446.265.

10 “[39] (35) ‘Utilities’ means the water, sewer, gas or electric services
11 provided on a lot for a manufactured *[structure]* **dwelling**.

12 **“SECTION 1b. If House Bill 2423 becomes law, section 15, chapter**
13 **___, Oregon Laws 2019 (Enrolled House Bill 2423) (amending ORS**
14 **446.003), is repealed and ORS 446.003, as amended by section 8, chapter**
15 **___, Oregon Laws 2019 (Enrolled House Bill 2423), and section 1a of this**
16 **2019 Act, is amended to read:**

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

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

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

1 dwelling.

2 “(b) ‘Alteration’ does not include:

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

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

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

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

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

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

11 “(5) ‘Cabana’ means a stationary, lightweight structure that may be pre-
12 fabricated, or demountable, with two or more walls, used adjacent to and in
13 conjunction with a manufactured dwelling to provide additional living space.

14 “(6) ‘Certification’ means an evaluation process by which the department
15 verifies a manufacturer’s ability to produce manufactured dwellings to the
16 department rules and to the department approved quality control manual.

17 “(7) ‘Dealer’ means any person engaged in the business of selling, leasing
18 or distributing manufactured dwellings or equipment, or both, primarily to
19 persons who in good faith purchase or lease manufactured dwellings or
20 equipment, or both, for purposes other than resale.

21 “(8) ‘Department’ means the Department of Consumer and Business Ser-
22 vices.

23 “(9) ‘Director’ means the Director of the Department of Consumer and
24 Business Services.

25 “(10) ‘Distributor’ means any person engaged in selling and distributing
26 manufactured dwellings or equipment for resale.

27 “(11) ‘Equipment’ means materials, appliances, subassembly, devices, fix-
28 tures, fittings and apparatuses used in the construction, plumbing, mechan-
29 ical and electrical systems of a manufactured dwelling.

30 “(12) ‘Federal manufactured housing construction and safety standard’

1 means a standard for construction, design and performance of a manufac-
2 tured dwelling promulgated by the Secretary of Housing and Urban Devel-
3 opment pursuant to the federal National Manufactured Housing
4 Construction and Safety Standards Act of 1974 (Public Law 93-383).

5 “(13) ‘Fire Marshal’ means the State Fire Marshal.

6 “(14) ‘Imminent safety hazard’ means an imminent and unreasonable risk
7 of death or severe personal injury.

8 “(15) ‘Insignia of compliance’ means the HUD label for a manufactured
9 dwelling.

10 “(16) ‘Inspecting authority’ or ‘inspector’ means the Director of the De-
11 partment of Consumer and Business Services or representatives as appointed
12 or authorized to administer and enforce provisions of ORS 446.111, 446.160,
13 446.176, 446.225 to 446.285, 446.310 to 446.350, 446.990 and this section.

14 “(17) ‘Installation’ in relation to:

15 “(a) Construction means the arrangements and methods of construction,
16 fire and life safety, electrical, plumbing and mechanical equipment and sys-
17 tems within a manufactured dwelling.

18 “(b) Siting means the manufactured dwelling and cabana foundation sup-
19 port and tiedown, the structural, fire and life safety, electrical, plumbing and
20 mechanical equipment and material connections and the installation of
21 skirting and temporary steps.

22 “(18) ‘Installer’ means any individual licensed by the director to install,
23 set up, connect, hook up, block, tie down, secure, support, install temporary
24 steps for, install skirting for or make electrical, plumbing or mechanical
25 connections to manufactured dwellings or cabanas or who provides consul-
26 tation or supervision for any of these activities, except architects registered
27 under ORS 671.010 to 671.220 or engineers registered under ORS 672.002 to
28 672.325.

29 “(19) ‘Listed’ means equipment or materials included in a list, published
30 by an organization concerned with product evaluation acceptable to the de-

1 partment that maintains periodic inspection of production of listed equip-
2 ment or materials, and whose listing states either that the equipment or
3 materials meets appropriate standards or has been tested and found suitable
4 in a specified manner.

5 “(20) ‘Lot’ means any space, area or tract of land, or portion of a manu-
6 factured dwelling park, mobile home park or recreation park that is desig-
7 nated or used for occupancy by one manufactured dwelling.

8 “(21)(a) ‘Manufactured dwelling’ means a residential trailer, mobile home
9 or manufactured home.

10 “(b) ‘Manufactured dwelling’ does not include any building or structure
11 constructed to conform to the State of Oregon Structural Specialty Code[,]
12 **or** the Low-Rise Residential Dwelling Code adopted pursuant to ORS 455.100
13 to 455.450 and 455.610 to 455.630 [*or the Small Home Specialty Code adopted*
14 *under section 2, chapter ___, Oregon Laws 2019 (Enrolled House Bill 2423)*].

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

26 “(23)(a) ‘Manufactured home,’ except as provided in paragraph (b) of this
27 subsection, means a structure constructed for movement on the public high-
28 ways that has sleeping, cooking and plumbing facilities, that is intended for
29 human occupancy, that is being used for residential purposes and that was
30 constructed in accordance with federal manufactured housing construction

1 and safety standards and regulations in effect at the time of construction.

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

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

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

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

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

20 “(28) ‘Mobile home park’:

21 “(a) Means any place where four or more manufactured dwellings are lo-
22 cated within 500 feet of one another on a lot, tract or parcel of land under
23 the same ownership, the primary purpose of which is to rent space or keep
24 space for rent to any person for a charge or fee paid or to be paid for the
25 rental or use of facilities or to offer space free in connection with securing
26 the trade or patronage of such person.

27 “(b) Does not include a lot or lots located within a subdivision being
28 rented or leased for occupancy by no more than one manufactured dwelling
29 per lot if the subdivision was approved by the municipality unit having ju-
30 risdiction under an ordinance adopted pursuant to ORS 92.010 to 92.192.

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

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

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

8 “(32) ‘Skirting’ means a weather resistant material used to enclose the
9 space below a manufactured dwelling.

10 “(33) ‘Tiedown’ means any device designed to anchor a manufactured
11 dwelling securely to the ground.

12 “(34) ‘Transitional housing accommodations’ means accommodations de-
13 scribed under ORS 446.265.

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

16 **“SECTION 1c. If House Bill 2423 becomes law, section 18, chapter
17 ___, Oregon Laws 2019 (Enrolled House Bill 2423), is amended to read:**

18 **“Sec. 18. Section 9, chapter ___, Oregon Laws 2019 (Enrolled House
19 Bill 2423) [of this 2019 Act], the amendments to ORS 197.307, 446.003, 455.010,
20 455.135, 455.156 and 455.610 by sections 10 to [15 of this 2019 Act] 14, chapter
21 ___, Oregon Laws 2019 (Enrolled House Bill 2423), and section 1b of this
22 2019 Act and the repeal of section 2, chapter ___, Oregon Laws 2019 (En-
23 rolled House Bill 2423), [of this 2019 Act] by section 17, chapter ___,
24 Oregon Laws 2019 (Enrolled House Bill 2423), [of this 2019 Act] become
25 operative on January 2, 2026.”.**

26