

Requested by Representative HOLVEY

**PROPOSED AMENDMENTS TO
A-ENGROSSED HOUSE BILL 2333**

1 On page 1 of the printed A-engrossed bill, line 2, delete “and”.

2 In line 3, after “215.010,” insert “305.288, 307.190, 307.651.”.

3 In line 4, delete “480.432,” and after “801.409” insert “; and repealing ORS
4 306.006”.

5 Delete lines 6 through 20 and delete pages 2 through 32 and insert:

6

7

“PARK MODEL OPTIONAL TITLES

8

9 **“SECTION 1. Section 2 of this 2019 Act is added to and made a part
10 of ORS chapter 803.**

11 **“SECTION 2. (1) As used in this section:**

12 **“(a) ‘Mobile home park’ has the meaning given that term in ORS
13 446.003.**

14 **“(b) ‘Park model recreational vehicle’ means a recreational vehicle,
15 as defined in section 6 of this 2019 Act, that:**

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

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

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

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

20 **“(E) Complies with any manufacturing standards that the Director
21 of Transportation recognizes as being in widespread use and applicable**

1 to park model recreational vehicles; and

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

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

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

8 “(a) Provide a manufacturer certificate or other information the
9 department deems adequate for ensuring that the vehicle was con-
10 structed in compliance with manufacturing standards described in
11 subsection (1)(b)(E) of this section; and

12 “(b) Attest that the vehicle:

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

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

16

17 “RECREATIONAL VEHICLE CONVERSION

18

19 “SECTION 3. Section 4 of this 2019 Act is added to and made a part
20 of ORS chapter 455.

21 “SECTION 4. (1) A recreational vehicle that has a title issued by the
22 Department of Transportation does not qualify as a structure. If a
23 recreational vehicle is being converted to use as a structure, at the
24 time of commencing the conversion the owner shall surrender the title
25 and any registration issued for the recreational vehicle to the depart-
26 ment for cancellation. A recreational vehicle that is converted to use
27 as a structure is subject to the state building code.

28 “(2) There is a rebuttable presumption that a recreational vehicle
29 has been converted to use as a structure if the recreational vehicle is
30 located outside of a mobile home park as defined in ORS 446.003 and:

1 “(a) Has been rendered structurally immobile; or

2 “(b) Has direct attachment to utilities.

3
4 **“WARRANTY STATEMENT**

5
6 **“SECTION 5. (1) As used in this section:**

7 “(a) ‘Living area components’ means flooring, roofing, building en-
8 velope, plumbing systems, electrical systems and heating and air con-
9 ditioning systems.

10 “(b) ‘Recreational vehicle’ has the meaning given that term in sec-
11 tion 6 of this 2019 Act.

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

17
18 **“NEW DEFINITION OF RECREATIONAL VEHICLE**

19
20 **“SECTION 6. As used in the statutes of this state:**

21 “(1) ‘Recreational vehicle’ has the meaning given that term in this
22 section only if the statute using ‘recreational vehicle’ makes specific
23 reference to this section and indicates that the term has the meaning
24 given in this section.

25 “(2) ‘Recreational vehicle,’ subject to subsection (1) of this section,
26 means a vehicle with or without motive power, that is designed for
27 use as temporary living quarters and as further defined by rule by the
28 Director of Transportation.

29
30 **“REMOVAL OF RECREATIONAL VEHICLES**

1 **FROM DEPARTMENT OF CONSUMER AND BUSINESS**
2 **SERVICES REGULATION**

3
4 **“SECTION 7.** ORS 446.003 is amended to read:

5 “446.003. As used in ORS 446.003 to 446.200 and 446.225 to 446.285, and for
6 the purposes of ORS chapters 195, 196, 197, 215 and 227, the following defi-
7 nitions apply, unless the context requires otherwise, or unless administration
8 and enforcement by the State of Oregon under the existing or revised Na-
9 tional Manufactured Housing Construction and Safety Standards Act would
10 be adversely affected, and except as provided in ORS 446.265:

11 “(1) ‘Accessory building or structure’ means any portable, demountable
12 or permanent structure established for use of the occupant of the manufac-
13 tured structure and as further defined by rule by the Director of the De-
14 partment of Consumer and Business Services.

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

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

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

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

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

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

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

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

28 “(5) ‘Cabana’ means a stationary, lightweight structure that may be pre-
29 fabricated, or demountable, with two or more walls, used adjacent to and in
30 conjunction with a manufactured structure to provide additional living

1 space.

2 “(6) ‘Certification’ means an evaluation process by which the department
3 verifies a manufacturer’s ability to produce manufactured structures to the
4 department rules and to the department approved quality control manual.

5 “(7) ‘Conversion’ or ‘to convert’ means the process of changing a manu-
6 factured structure in whole or in part from one type of vehicle or structure
7 to another.

8 “(8) ‘Dealer’ means any person engaged in the business of selling, leasing
9 or distributing manufactured structures or equipment, or both, primarily to
10 persons who in good faith purchase or lease manufactured structures or
11 equipment, or both, for purposes other than resale.

12 “(9) ‘Department’ means the Department of Consumer and Business Ser-
13 vices.

14 “(10) ‘Director’ means the Director of the Department of Consumer and
15 Business Services.

16 “(11) ‘Distributor’ means any person engaged in selling and distributing
17 manufactured structures or equipment for resale.

18 “(12) ‘Equipment’ means materials, appliances, subassembly, devices, fix-
19 tures, fittings and apparatuses used in the construction, plumbing, mechan-
20 ical and electrical systems of a manufactured structure.

21 “(13) ‘Federal manufactured housing construction and safety standard’
22 means a standard for construction, design and performance of a manufac-
23 tured dwelling promulgated by the Secretary of Housing and Urban Devel-
24 opment pursuant to the federal National Manufactured Housing
25 Construction and Safety Standards Act of 1974 (Public Law 93-383).

26 “(14) ‘Fire Marshal’ means the State Fire Marshal.

27 “(15) ‘Imminent safety hazard’ means an imminent and unreasonable risk
28 of death or severe personal injury.

29 “(16) ‘Insignia of compliance’ means:

30 “(a) For a manufactured dwelling built to HUD standards for such

1 dwellings, the HUD label; or

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

4 “(17) ‘Inspecting authority’ or ‘inspector’ means the Director of the De-
5 partment of Consumer and Business Services or representatives as appointed
6 or authorized to administer and enforce provisions of ORS 446.111, 446.160,
7 446.176, 446.225 to 446.285, 446.310 to 446.350, 446.990 and this section.

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

9 “(a) Construction means the arrangements and methods of construction,
10 fire and life safety, electrical, plumbing and mechanical equipment and sys-
11 tems within a manufactured structure.

12 “(b) Siting means the manufactured structure and cabana foundation
13 support and tiedown, the structural, fire and life safety, electrical, plumbing
14 and mechanical equipment and material connections and the installation of
15 skirting and temporary steps.

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

23 “(20) ‘Listed’ means equipment or materials included in a list, published
24 by an organization concerned with product evaluation acceptable to the de-
25 partment that maintains periodic inspection of production of listed equip-
26 ment or materials, and whose listing states either that the equipment or
27 materials meets appropriate standards or has been tested and found suitable
28 in a specified manner.

29 “(21) ‘Lot’ means any space, area or tract of land, or portion of a manu-
30 factured dwelling park, mobile home park or recreation park that is desig-

1 nated or used for occupancy by one manufactured structure.

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

4 “(b) ‘Manufactured dwelling’ does not include any building or structure
5 constructed to conform to the State of Oregon Structural Specialty Code or
6 the Low-Rise Residential Dwelling Code adopted pursuant to ORS 455.100 to
7 455.450 and 455.610 to 455.630 [*or any unit identified as a recreational vehicle*
8 *by the manufacturer*].

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

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

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

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

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

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

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

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

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

19 “(30) ‘Mobile home park’ means any place where four or more manufac-
20 tured structures, **recreational vehicles as defined in section 6 of this 2019**
21 **Act, or a combination thereof**, are located within 500 feet of one another
22 on a lot, tract or parcel of land under the same ownership, the primary
23 purpose of which is to rent space or keep space for rent to any person for
24 a charge or fee paid or to be paid for the rental or use of facilities or to offer
25 space free in connection with securing the trade or patronage of such person.
26 ‘Mobile home park’ does not include a lot or lots located within a subdivi-
27 sion being rented or leased for occupancy by no more than one manufactured
28 dwelling per lot if the subdivision was approved by the municipality unit
29 having jurisdiction under an ordinance adopted pursuant to ORS 92.010 to
30 92.192.

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

3 “(32) ‘Recreational structure’ means a campground structure with or
4 without plumbing, heating or cooking facilities intended to be used by any
5 particular occupant on a limited-time basis for recreational, seasonal, emer-
6 gency or transitional housing purposes and may include yurts, cabins, fabric
7 structures or similar structures as further defined, by rule, by the director.

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

12 “[~~(34)~~ **(33)** ‘Residential trailer’ means a structure constructed for move-
13 ment on the public highways that has sleeping, cooking and plumbing facil-
14 ities, that is intended for human occupancy, that is being used for residential
15 purposes and that was constructed before January 1, 1962.

16 “[~~(35)~~ **(34)** ‘Sale’ means rent, lease, sale or exchange.

17 “[~~(36)~~ **(35)** ‘Skirting’ means a weather resistant material used to enclose
18 the space below the manufactured structure.

19 “[~~(37)~~ **(36)** ‘Tiedown’ means any device designed to anchor a manufac-
20 tured structure securely to the ground.

21 “[~~(38)~~ **(37)** ‘Transitional housing accommodations’ means accommodations
22 described under ORS 446.265.

23 “[~~(39)~~ **(38)** ‘Utilities’ means the water, sewer, gas or electric services
24 provided on a lot for a manufactured structure.

25 **“SECTION 8.** ORS 446.155 is amended to read:

26 “446.155. (1) A person may not sell or offer for sale within this state a
27 manufactured dwelling manufactured after January 1, 1962, that contains:

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

30 “(b) Heating equipment, unless such equipment meets the requirements

1 of the State Fire Marshal; or

2 “(c) Electrical equipment, unless such equipment meets the requirements
3 of the department.

4 “(2) A person may not rent, lease, sell or offer for rent, lease or sale
5 within this state a manufactured structure manufactured after September 1,
6 1969, unless the manufactured structure bears an insignia of compliance and
7 contains:

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

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

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

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

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

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

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

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

23 “[*(4)*] **(3)** Persons manufacturing, remanufacturing, converting, altering
24 or repairing manufactured structures or equipment within the state or for
25 use within the state shall comply with all applicable construction and safety
26 rules of the department and the following:

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

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

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

9 “(d) Notwithstanding subsections (1) and (2) of this section, a previously
10 owned manufactured dwelling may be sold ‘as is’ provided that the seller
11 discloses in the bill of sale that the manufactured dwelling is being sold on
12 an ‘as is’ or ‘with all faults’ basis, and that the entire risk as to the quality
13 and performance of the manufactured dwelling is with the buyer. If the
14 manufactured dwelling is found to be defective after purchase, the buyer
15 shall assume the entire cost of all servicing and repair. The seller, man-
16 ufacturer, distributor or retailer is not responsible for any cost for servicing
17 and repair.

18 “[5] (4) Installations of manufactured structures shall be in conformance
19 with the standards adopted by the department for site preparation, founda-
20 tion support, anchoring, structural and utility connections, electrical and
21 plumbing tests, underfloor enclosures, ventilation, vapor barriers and steps
22 used for access and egress.

23 **“SECTION 9.** ORS 446.170 is amended to read:

24 “446.170. (1) Manufactured structures subject to the provisions of ORS
25 446.155 to 446.200, and manufactured structures upon which additions, con-
26 versions or alterations of installations of equipment or material are made
27 shall have affixed to the manufactured structures insignia of compliance.

28 “(2) A person may not place an insignia of compliance on a manufactured
29 structure except as provided by ORS 446.155 to 446.200 and the rules adopted
30 under ORS 446.155 to 446.200.

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

4 “(4) Insignia of compliance are not transferable, and the department may
5 not make a refund representing any unused insignia.

6 “[5] *Subsection (1) of this section does not apply to a recreational vehicle*
7 *described in ORS 446.155 (3)(b) to (d).*]

8 **“SECTION 10.** ORS 446.561 is amended to read:

9 “446.561. As used in ORS 446.566 to 446.646:

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

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

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

18 “[c] *A recreational vehicle, as defined in ORS 446.003, that is more than*
19 *eight and one-half feet wide.*]

20 “(2) ‘Manufactured structure’ does not include a mobile modular unit as
21 defined in ORS 308.866 or an implement of husbandry as defined in ORS
22 801.310.

23 **“SECTION 11.** ORS 446.661 is amended to read:

24 “446.661. As used in ORS 446.661 to 446.756:

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

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

27 “(3) ‘Manufactured dwelling’ has the meaning given that term in ORS
28 446.003.

29 “(4) ‘Manufactured structure’ [*has the meaning given that term in ORS*
30 *446.561.*] **means:**

- 1 **“(a) A manufactured structure, as defined in ORS 446.561; or**
2 **“(b) A recreational vehicle, as defined in section 6 of this 2019 Act,**
3 **that is more than eight and one-half feet wide.**

4 **“SECTION 12.** ORS 455.010 is amended to read:

5 “455.010. As used in this chapter, unless the context requires otherwise:

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

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

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

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

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

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

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

16 “(G) The Construction Industry Energy Board established under ORS
17 455.492.

18 “(b) ‘Appropriate advisory board’ means the advisory board that has ju-
19 risdiction over a particular code, standard, license, certification or matter.

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

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

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

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

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

7 “(7) ‘Specialty code’ means a code of regulations adopted under ORS
8 446.062, 446.185, 447.020 (2), 455.020 (2), 455.496, 455.610, 455.680, 460.085,
9 460.360, 479.730 (1) or 480.545, but does not include regulations adopted by
10 the State Fire Marshal pursuant to ORS chapter 476 or ORS 479.015 to
11 479.200 and 479.210 to 479.220.

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

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

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

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

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

26 **“SECTION 13.** ORS 455.117 is amended to read:

27 “455.117. (1) Except as provided in subsection (3) of this section, a regu-
28 latory body listed in subsection (2) of this section may adopt rules to ad-
29 minister the licensing, certification or registration of persons regulated by
30 the body. The rules adopted under this section may include, but need not be

1 limited to:

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

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

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

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

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

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

14 “(a) Subject to ORS 446.003 to 446.200, 446.225 to 446.285 and 446.395 to
15 446.420, with the approval of the Residential and Manufactured Structures
16 Board, the Department of Consumer and Business Services for purposes of
17 licenses, certificates and registrations issued under ORS 446.003 to 446.200,
18 446.225 to 446.285 and 446.395 to 446.420.

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

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

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

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

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

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

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

4 “(c) Master builders certified under ORS 455.800 to 455.820.
5

6 **“ASSESSMENT DEFINITION OF MANUFACTURED STRUCTURE**

7

8 **“SECTION 14. Section 15 of this 2019 Act is added to and made a**
9 **part of ORS chapter 307.**

10 **“SECTION 15. As used in this chapter and ORS chapters 305, 308,**
11 **310 and 311, ‘manufactured structure’ means:**

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

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

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

18 **“(4) A recreational vehicle, as defined in section 6 of this 2019 Act,**
19 **that is more than eight and one-half feet wide.**

20

21 **“MISCELLANEOUS REFERENCE CHANGES IN**
22 **OREGON REVISED STATUTES**

23

24 **“SECTION 16. ORS 90.100 is amended to read:**

25 **“90.100. As used in this chapter, unless the context otherwise requires:**

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

30 **“(a) Owned and used solely by a tenant of a manufactured dwelling or**

1 floating home; or

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

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

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

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

16 “(5) ‘Carbon monoxide alarm’ has the meaning given that term in ORS
17 105.836.

18 “(6) ‘Carbon monoxide source’ has the meaning given that term in ORS
19 105.836.

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

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

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

28 “(10) ‘Domestic violence’ means:

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

1 “(b) Abuse, as defined in ORS 107.705, between partners in a dating re-
2 lationship.

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

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

13 “(13) ‘Essential service’ means:

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

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

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

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

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

30 “(B) Any other service or habitability obligation imposed by the rental

1 agreement or ORS 90.730, the lack or violation of which creates a serious
2 threat to the tenant’s health, safety or property or makes the rented space
3 unfit for occupancy.

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

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

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

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

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

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

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

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

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

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

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

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

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

1 “(24) ‘Landlord’s agent’ means a person who has oral or written authority,
2 either express or implied, to act for or on behalf of a landlord.

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

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

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

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

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

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

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

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

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

1 “(b) All or part of the beneficial ownership and a right to present use and
2 enjoyment of the premises.

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

4 “(34) ‘Premises’ means:

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

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

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

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

13 “(36) ‘Recreational vehicle’ has the meaning given that term in [ORS
14 446.003] **section 6 of this 2019 Act.**

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

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

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

30 “(40) ‘Screening or admission criteria’ means a written statement of any

1 factors a landlord considers in deciding whether to accept or reject an ap-
2 plicant and any qualifications required for acceptance. ‘Screening or admis-
3 sion criteria’ includes, but is not limited to, the rental history, character
4 references, public records, criminal records, credit reports, credit references
5 and incomes or resources of the applicant.

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

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

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

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

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

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

22 “(47) ‘Tenant’:

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

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

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

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

1 agreement.

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

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

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

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

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

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

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

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

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

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

18 “(51) ‘Victim’ means:

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

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

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

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

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

30 “(c) There are no fees or security deposits, although the landlord may

1 require the payment of an applicant screening charge, as provided in ORS
2 90.295.

3 **“SECTION 17.** ORS 90.425 is amended to read:

4 “90.425. (1) As used in this section:

5 “(a) ‘Current market value’ means the amount in cash, as determined by
6 the county assessor, that could reasonably be expected to be paid for a
7 manufactured dwelling or floating home by an informed buyer to an informed
8 seller, each acting without compulsion in an arm’s-length transaction occur-
9 ring on the assessment date for the tax year or on the date of a subsequent
10 reappraisal by the county assessor.

11 “(b) ‘Dispose of the personal property’ means that, if reasonably appro-
12 priate, the landlord may throw away the property or may give it without
13 consideration to a nonprofit organization or to a person unrelated to the
14 landlord. The landlord may not retain the property for personal use or ben-
15 efit.

16 “(c) ‘Goods’ includes those goods left inside a recreational vehicle, man-
17 ufactured dwelling or floating home or left upon the rental space outside a
18 recreational vehicle, manufactured dwelling or floating home, whether the
19 recreational vehicle, dwelling or home is located inside or outside of a fa-
20 cility.

21 “(d) ‘Lienholder’ means any lienholder of an abandoned recreational ve-
22 hicle, manufactured dwelling or floating home, if the lien is of record or the
23 lienholder is actually known to the landlord.

24 “(e) ‘Of record’ means:

25 “(A) For a recreational vehicle that is not [*a manufactured structure as*
26 *defined in ORS 446.561*] **more than eight and one-half feet wide**, that a
27 security interest has been properly recorded with the Department of Trans-
28 portation pursuant to ORS 802.200 (1)(a)(A) and 803.097.

29 “(B) For a manufactured dwelling or recreational vehicle that is [*a man-*
30 *ufactured structure as defined in ORS 446.561*] **more than eight and one-**

1 **half feet wide**, that a security interest has been properly recorded for the
2 manufactured dwelling or recreational vehicle in the records of the Depart-
3 ment of Consumer and Business Services pursuant to ORS 446.611 or on a
4 certificate of title issued by the Department of Transportation [*prior to May*
5 *1, 2005*].

6 “(C) For a floating home, that a security interest has been properly re-
7 corded with the State Marine Board pursuant to ORS 830.740 to 830.755 for
8 a home registered and titled with the board pursuant to ORS 830.715.

9 “(f) ‘Owner’ means any owner of an abandoned recreational vehicle,
10 manufactured dwelling or floating home, if different from the tenant and ei-
11 ther of record or actually known to the landlord.

12 “(g) ‘Personal property’ means goods, vehicles and recreational vehicles
13 and includes manufactured dwellings and floating homes not located in a
14 facility. ‘Personal property’ does not include manufactured dwellings and
15 floating homes located in a facility and therefore subject to being stored,
16 sold or disposed of as provided under ORS 90.675.

17 “(2) A landlord is responsible for abandoned personal property and shall
18 store, sell or dispose of abandoned personal property as provided by this
19 section. This section governs the rights and obligations of landlords, tenants
20 and any lienholders or owners in any personal property abandoned or left
21 upon the premises by the tenant or any lienholder or owner in the following
22 circumstances:

23 “(a) The tenancy has ended by termination or expiration of a rental
24 agreement or by relinquishment or abandonment of the premises and the
25 landlord reasonably believes under all the circumstances that the tenant has
26 left the personal property upon the premises with no intention of asserting
27 any further claim to the premises or to the personal property;

28 “(b) The tenant has been absent from the premises continuously for seven
29 days after termination of a tenancy by a court order that has not been exe-
30 cuted; or

1 “(c) The landlord receives possession of the premises from the sheriff
2 following restitution pursuant to ORS 105.161.

3 “(3) Prior to storing, selling or disposing of the tenant’s personal property
4 under this section, the landlord must give a written notice to the tenant that
5 must be:

6 “(a) Personally delivered to the tenant; or

7 “(b) Sent by first class mail addressed and mailed to the tenant at:

8 “(A) The premises;

9 “(B) Any post-office box held by the tenant and actually known to the
10 landlord; and

11 “(C) The most recent forwarding address if provided by the tenant or ac-
12 tually known to the landlord.

13 “(4)(a) In addition to the notice required by subsection (3) of this section,
14 in the case of an abandoned recreational vehicle, manufactured dwelling or
15 floating home, a landlord shall also give a copy of the notice described in
16 subsection (3) of this section to:

17 “(A) Any lienholder of the recreational vehicle, manufactured dwelling
18 or floating home;

19 “(B) Any owner of the recreational vehicle, manufactured dwelling or
20 floating home;

21 “(C) The tax collector of the county where the manufactured dwelling or
22 floating home is located; and

23 “(D) The assessor of the county where the manufactured dwelling or
24 floating home is located.

25 “(b) The landlord shall give the notice copy required by this subsection
26 by personal delivery or first class mail, except that for any lienholder, mail
27 service must be both by first class mail and by certified mail with return
28 receipt requested.

29 “(c) A notice to lienholders under paragraph (a)(A) of this subsection
30 must be sent to each lienholder at each address:

1 “(A) Actually known to the landlord;

2 “(B) Of record; and

3 “(C) Provided to the landlord by the lienholder in a written notice that
4 identifies the personal property subject to the lien and that was sent to the
5 landlord by certified mail with return receipt requested within the preceding
6 five years. The notice must identify the personal property by describing the
7 physical address of the property.

8 “(5) The notice required under subsection (3) of this section must state
9 that:

10 “(a) The personal property left upon the premises is considered aban-
11 doned;

12 “(b) The tenant or any lienholder or owner must contact the landlord by
13 a specified date, as provided in subsection (6) of this section, to arrange for
14 the removal of the abandoned personal property;

15 “(c) The personal property is stored at a place of safekeeping, except that
16 if the property includes a manufactured dwelling or floating home, the
17 dwelling or home must be stored on the rented space;

18 “(d) The tenant or any lienholder or owner, except as provided by sub-
19 section (18) of this section, may arrange for removal of the personal property
20 by contacting the landlord at a described telephone number or address on
21 or before the specified date;

22 “(e) The landlord shall make the personal property available for removal
23 by the tenant or any lienholder or owner, except as provided by subsection
24 (18) of this section, by appointment at reasonable times;

25 “(f) If the personal property is considered to be abandoned pursuant to
26 subsection (2)(a) or (b) of this section, the landlord may require payment of
27 removal and storage charges, as provided by subsection (7)(d) of this section,
28 prior to releasing the personal property to the tenant or any lienholder or
29 owner;

30 “(g) If the personal property is considered to be abandoned pursuant to

1 subsection (2)(c) of this section, the landlord may not require payment of
2 storage charges prior to releasing the personal property;

3 “(h) If the tenant or any lienholder or owner fails to contact the landlord
4 by the specified date, or after that contact, fails to remove the personal
5 property within 30 days for recreational vehicles, manufactured dwellings
6 and floating homes or 15 days for all other personal property, the landlord
7 may sell or dispose of the personal property. If the landlord reasonably be-
8 lieves that the personal property will be eligible for disposal pursuant to
9 subsection (10)(b) of this section and the landlord intends to dispose of the
10 property if the property is not claimed, the notice shall state that belief and
11 intent; and

12 “(i) If the personal property includes a recreational vehicle, manufactured
13 dwelling or floating home and if applicable, there is a lienholder or owner
14 that has a right to claim the recreational vehicle, dwelling or home, except
15 as provided by subsection (18) of this section.

16 “(6) For purposes of subsection (5) of this section, the specified date by
17 which a tenant, lienholder or owner must contact a landlord to arrange for
18 the disposition of abandoned personal property is:

19 “(a) For abandoned recreational vehicles, manufactured dwellings or
20 floating homes, not less than 45 days after personal delivery or mailing of
21 the notice; or

22 “(b) For all other abandoned personal property, not less than five days
23 after personal delivery or eight days after mailing of the notice.

24 “(7) After notifying the tenant as required by subsection (3) of this sec-
25 tion, the landlord:

26 “(a) Shall store any abandoned manufactured dwelling or floating home
27 on the rented space and shall exercise reasonable care for the dwelling or
28 home;

29 “(b) Shall store all other abandoned personal property of the tenant, in-
30 cluding goods left inside a recreational vehicle, manufactured dwelling or

1 floating home or left upon the rented space outside a recreational vehicle,
2 dwelling or home, in a place of safekeeping and shall exercise reasonable
3 care for the personal property, except that the landlord may:

4 “(A) Promptly dispose of rotting food; and

5 “(B) Allow an animal control agency to remove any abandoned pets or
6 livestock. If an animal control agency will not remove the abandoned pets
7 or livestock, the landlord shall exercise reasonable care for the animals
8 given all the circumstances, including the type and condition of the animals,
9 and may give the animals to an agency that is willing and able to care for
10 the animals, such as a humane society or similar organization;

11 “(c) Except for manufactured dwellings and floating homes, may store the
12 abandoned personal property at the dwelling unit, move and store it else-
13 where on the premises or move and store it at a commercial storage company
14 or other place of safekeeping; and

15 “(d) Is entitled to reasonable or actual storage charges and costs inci-
16 dental to storage or disposal, including any cost of removal to a place of
17 storage. In the case of an abandoned manufactured dwelling or floating
18 home, the storage charge may be no greater than the monthly space rent last
19 payable by the tenant.

20 “(8) If a tenant, lienholder or owner, upon the receipt of the notice pro-
21 vided by subsection (3) or (4) of this section or otherwise, responds by actual
22 notice to the landlord on or before the specified date in the landlord’s notice
23 that the tenant, lienholder or owner intends to remove the personal property
24 from the premises or from the place of safekeeping, the landlord must make
25 that personal property available for removal by the tenant, lienholder or
26 owner by appointment at reasonable times during the 15 days or, in the case
27 of a recreational vehicle, manufactured dwelling or floating home, 30 days
28 following the date of the response, subject to subsection (18) of this section.
29 If the personal property is considered to be abandoned pursuant to subsection
30 (2)(a) or (b) of this section, but not pursuant to subsection (2)(c) of this sec-

1 tion, the landlord may require payment of removal and storage charges, as
2 provided in subsection (7)(d) of this section, prior to allowing the tenant,
3 lienholder or owner to remove the personal property. Acceptance by a land-
4 lord of such payment does not operate to create or reinstate a tenancy or
5 create a waiver pursuant to ORS 90.412 or 90.417.

6 “(9) Except as provided in subsections (18) to (20) of this section, if the
7 tenant, lienholder or owner of a recreational vehicle, manufactured dwelling
8 or floating home does not respond within the time provided by the landlord’s
9 notice, or the tenant, lienholder or owner does not remove the personal
10 property within the time required by subsection (8) of this section or by any
11 date agreed to with the landlord, whichever is later, the tenant’s, lienholder’s
12 or owner’s personal property is conclusively presumed to be abandoned. The
13 tenant and any lienholder or owner that have been given notice pursuant to
14 subsection (3) or (4) of this section shall, except with regard to the distrib-
15 ution of sale proceeds pursuant to subsection (13) of this section, have no
16 further right, title or interest to the personal property and may not claim
17 or sell the property.

18 “(10) If the personal property is presumed to be abandoned under sub-
19 section (9) of this section, the landlord then may:

20 “(a) Sell the personal property at a public or private sale, provided that
21 prior to the sale of a recreational vehicle, manufactured dwelling or floating
22 home:

23 “(A) The landlord may seek to transfer ownership of record of the per-
24 sonal property by complying with the requirements of the appropriate state
25 agency; and

26 “(B) The landlord shall:

27 “(i) Place a notice in a newspaper of general circulation in the county in
28 which the recreational vehicle, manufactured dwelling or floating home is
29 located. The notice shall state:

30 “(I) That the recreational vehicle, manufactured dwelling or floating

1 home is abandoned;

2 “(II) The tenant’s and owner’s name, if of record or actually known to the
3 landlord;

4 “(III) The address and any space number where the recreational vehicle,
5 manufactured dwelling or floating home is located, and any plate, registra-
6 tion or other identification number for a recreational vehicle or floating
7 home noted on the certificate of title, if actually known to the landlord;

8 “(IV) Whether the sale is by private bidding or public auction;

9 “(V) Whether the landlord is accepting sealed bids and, if so, the last date
10 on which bids will be accepted; and

11 “(VI) The name and telephone number of the person to contact to inspect
12 the recreational vehicle, manufactured dwelling or floating home;

13 “(ii) At a reasonable time prior to the sale, give a copy of the notice re-
14 quired by sub-subparagraph (i) of this subparagraph to the tenant and to any
15 lienholder and owner, by personal delivery or first class mail, except that for
16 any lienholder, mail service must be by first class mail with certificate of
17 mailing;

18 “(iii) Obtain an affidavit of publication from the newspaper to show that
19 the notice required under sub-subparagraph (i) of this subparagraph ran in
20 the newspaper at least one day in each of two consecutive weeks prior to the
21 date scheduled for the sale or the last date bids will be accepted; and

22 “(iv) Obtain written proof from the county that all property taxes and
23 assessments on the manufactured dwelling or floating home have been paid
24 or, if not paid, that the county has authorized the sale, with the sale pro-
25 ceeds to be distributed pursuant to subsection (13) of this section;

26 “(b) Destroy or otherwise dispose of the personal property if the landlord
27 determines that:

28 “(A) For a manufactured dwelling or floating home, the current market
29 value of the property is \$8,000 or less as determined by the county assessor;

30 or

1 “(B) For all other personal property, the reasonable current fair market
2 value is \$1,000 or less or so low that the cost of storage and conducting a
3 public sale probably exceeds the amount that would be realized from the sale;
4 or

5 “(c) Consistent with paragraphs (a) and (b) of this subsection, sell certain
6 items and destroy or otherwise dispose of the remaining personal property.

7 “(11)(a) A public or private sale authorized by this section must:

8 “(A) For a recreational vehicle, manufactured dwelling or floating home,
9 be conducted consistent with the terms listed in subsection (10)(a)(B)(i) of
10 this section. Every aspect of the sale including the method, manner, time,
11 place and terms must be commercially reasonable; or

12 “(B) For all other personal property, be conducted under the provisions
13 of ORS 79.0610.

14 “(b) If there is no buyer at a sale of a manufactured dwelling or floating
15 home, the personal property is considered to be worth \$8,000 or less, re-
16 gardless of current market value, and the landlord shall destroy or otherwise
17 dispose of the personal property.

18 “(12) Notwithstanding ORS 446.155 (1) and (2), unless a landlord inten-
19 tionally misrepresents the condition of a manufactured dwelling or floating
20 home, the landlord is not liable for the condition of the dwelling or home
21 to:

22 “(a) A buyer of the dwelling or home at a sale pursuant to subsection
23 (10)(a) of this section, with or without consideration; or

24 “(b) A person or nonprofit organization to whom the landlord gives the
25 dwelling or home pursuant to subsection (1)(b), (10)(b) or (11)(b) of this sec-
26 tion.

27 “(13)(a) The landlord may deduct from the proceeds of the sale:

28 “(A) The reasonable or actual cost of notice, storage and sale; and

29 “(B) Unpaid rent.

30 “(b) If the sale was of a manufactured dwelling or floating home, after

1 deducting the amounts listed in paragraph (a) of this subsection, the landlord
2 shall remit the remaining proceeds, if any, to the county tax collector to the
3 extent of any unpaid property taxes and assessments owed on the dwelling
4 or home.

5 “(c) If the sale was of a recreational vehicle, manufactured dwelling or
6 floating home, after deducting the amounts listed in paragraphs (a) and (b)
7 of this subsection, if applicable, the landlord shall remit the remaining pro-
8 ceeds, if any, to any lienholder to the extent of any unpaid balance owed on
9 the lien on the recreational vehicle, dwelling or home.

10 “(d) After deducting the amounts listed in paragraphs (a), (b) and (c) of
11 this subsection, if applicable, the landlord shall remit to the tenant or owner
12 the remaining proceeds, if any, together with an itemized accounting.

13 “(e) If the tenant or owner cannot after due diligence be found, the
14 landlord shall deposit the remaining proceeds with the county treasurer of
15 the county in which the sale occurred. If not claimed within three years, the
16 deposited proceeds revert to the general fund of the county and are available
17 for general purposes.

18 “(14) The county tax collector shall cancel all unpaid property taxes and
19 assessments owed on a manufactured dwelling or floating home, as provided
20 under ORS 311.790, only under one of the following circumstances:

21 “(a) The landlord disposes of the manufactured dwelling or floating home
22 after a determination described in subsection (10)(b) of this section.

23 “(b) There is no buyer of the manufactured dwelling or floating home at
24 a sale described under subsection (11) of this section.

25 “(c)(A) There is a buyer of the manufactured dwelling or floating home
26 at a sale described under subsection (11) of this section;

27 “(B) The current market value of the manufactured dwelling or floating
28 home is \$8,000 or less; and

29 “(C) The proceeds of the sale are insufficient to satisfy the unpaid prop-
30 erty taxes and assessments owed on the dwelling or home after distribution

1 of the proceeds pursuant to subsection (13) of this section.

2 “(d)(A) The landlord buys the manufactured dwelling or floating home at
3 a sale described under subsection (11) of this section;

4 “(B) The current market value of the manufactured dwelling or floating
5 home is more than \$8,000;

6 “(C) The proceeds of the sale are insufficient to satisfy the unpaid prop-
7 erty taxes and assessments owed on the manufactured dwelling or floating
8 home after distribution of the proceeds pursuant to subsection (13) of this
9 section; and

10 “(D) The landlord disposes of the manufactured dwelling or floating home.

11 “(15) The landlord is not responsible for any loss to the tenant, lienholder
12 or owner resulting from storage of personal property in compliance with this
13 section unless the loss was caused by the landlord’s deliberate or negligent
14 act. In the event of a deliberate and malicious violation, the landlord is lia-
15 ble for twice the actual damages sustained by the tenant, lienholder or
16 owner.

17 “(16) Complete compliance in good faith with this section shall constitute
18 a complete defense in any action brought by a tenant, lienholder or owner
19 against a landlord for loss or damage to such personal property disposed of
20 pursuant to this section.

21 “(17) If a landlord does not comply with this section:

22 “(a) The tenant is relieved of any liability for damage to the premises
23 caused by conduct that was not deliberate, intentional or grossly negligent
24 and for unpaid rent and may recover from the landlord up to twice the actual
25 damages sustained by the tenant;

26 “(b) A lienholder or owner aggrieved by the noncompliance may recover
27 from the landlord the actual damages sustained by the lienholder or owner.
28 ORS 90.255 does not authorize an award of attorney fees to the prevailing
29 party in any action arising under this paragraph; and

30 “(c) A county tax collector aggrieved by the noncompliance may recover

1 from the landlord the actual damages sustained by the tax collector, if the
2 noncompliance is part of an effort by the landlord to defraud the tax col-
3 lector. ORS 90.255 does not authorize an award of attorney fees to the pre-
4 vailing party in any action arising under this paragraph.

5 “(18) In the case of an abandoned recreational vehicle, manufactured
6 dwelling or floating home, the provisions of this section regarding the rights
7 and responsibilities of a tenant to the abandoned vehicle, dwelling or home
8 also apply to any lienholder except that the lienholder may not sell or re-
9 move the vehicle, dwelling or home unless:

10 “(a) The lienholder has foreclosed its lien on the recreational vehicle,
11 manufactured dwelling or floating home;

12 “(b) The tenant or a personal representative or designated person de-
13 scribed in subsection (20) of this section has waived all rights under this
14 section pursuant to subsection (26) of this section; or

15 “(c) The notice and response periods provided by subsections (6) and (8)
16 of this section have expired.

17 “(19)(a) In the case of an abandoned manufactured dwelling or floating
18 home but not including a dwelling or home abandoned following a termi-
19 nation pursuant to ORS 90.429 and except as provided by subsection (20)(d)
20 and (e) of this section, if a lienholder makes a timely response to a notice
21 of abandoned personal property pursuant to subsections (6) and (8) of this
22 section and so requests, a landlord shall enter into a written storage agree-
23 ment with the lienholder providing that the dwelling or home may not be
24 sold or disposed of by the landlord for up to 12 months. A storage agreement
25 entitles the lienholder to store the personal property on the previously
26 rented space during the term of the agreement, but does not entitle anyone
27 to occupy the personal property.

28 “(b) The lienholder’s right to a storage agreement arises upon the failure
29 of the tenant, owner or, in the case of a deceased tenant, the personal rep-
30 resentative, designated person, heir or devisee to remove or sell the dwelling

1 or home within the allotted time.

2 “(c) To exercise the right to a storage agreement under this subsection,
3 in addition to contacting the landlord with a timely response as described
4 in paragraph (a) of this subsection, the lienholder must enter into the pro-
5 posed storage agreement within 60 days after the landlord gives a copy of the
6 agreement to the lienholder. The landlord shall give a copy of the proposed
7 storage agreement to the lienholder in the same manner as provided by sub-
8 section (4)(b) of this section. The landlord may include a copy of the pro-
9 posed storage agreement with the notice of abandoned property required by
10 subsection (4) of this section. A lienholder enters into a storage agreement
11 by signing a copy of the agreement provided by the landlord and personally
12 delivering or mailing the signed copy to the landlord within the 60-day pe-
13 riod.

14 “(d) The storage agreement may require, in addition to other provisions
15 agreed to by the landlord and the lienholder, that:

16 “(A) The lienholder make timely periodic payment of all storage charges,
17 as described in subsection (7)(d) of this section, accruing from the com-
18 mencement of the 45-day period described in subsection (6) of this section.
19 A storage charge may include a utility or service charge, as described in
20 ORS 90.532, if limited to charges for electricity, water, sewer service and
21 natural gas and if incidental to the storage of personal property. A storage
22 charge may not be due more frequently than monthly;

23 “(B) The lienholder pay a late charge or fee for failure to pay a storage
24 charge by the date required in the agreement, if the amount of the late
25 charge is no greater than for late charges described in the rental agreement
26 between the landlord and the tenant; and

27 “(C) The lienholder maintain the personal property and the space on
28 which the personal property is stored in a manner consistent with the rights
29 and obligations described in the rental agreement between the landlord and
30 the tenant.

1 “(e) During the term of an agreement described under this subsection, the
2 lienholder has the right to remove or sell the property, subject to the pro-
3 visions of the lien. Selling the property includes a sale to a purchaser who
4 wishes to leave the dwelling or home on the rented space and become a
5 tenant, subject to any conditions previously agreed to by the landlord and
6 tenant regarding the landlord’s approval of a purchaser or, if there was no
7 such agreement, any reasonable conditions by the landlord regarding ap-
8 proval of any purchaser who wishes to leave the dwelling or home on the
9 rented space and become a tenant. The landlord also may condition approval
10 for occupancy of any purchaser of the property upon payment of all unpaid
11 storage charges and maintenance costs.

12 “(f)(A) If the lienholder violates the storage agreement, the landlord may
13 terminate the agreement by giving at least 90 days’ written notice to the
14 lienholder stating facts sufficient to notify the lienholder of the reason for
15 the termination. Unless the lienholder corrects the violation within the no-
16 tice period, the agreement terminates as provided and the landlord may sell
17 or dispose of the dwelling or home without further notice to the lienholder.

18 “(B) After a landlord gives a termination notice pursuant to subparagraph
19 (A) of this paragraph for failure of the lienholder to pay a storage charge
20 and the lienholder corrects the violation, if the lienholder again violates the
21 storage agreement by failing to pay a subsequent storage charge, the land-
22 lord may terminate the agreement by giving at least 30 days’ written notice
23 to the lienholder stating facts sufficient to notify the lienholder of the reason
24 for termination. Unless the lienholder corrects the violation within the no-
25 tice period, the agreement terminates as provided and the landlord may sell
26 or dispose of the property without further notice to the lienholder.

27 “(C) A lienholder may terminate a storage agreement at any time upon
28 at least 14 days’ written notice to the landlord and may remove the property
29 from the rented space if the lienholder has paid all storage charges and other
30 charges as provided in the agreement.

1 “(g) Upon the failure of a lienholder to enter into a storage agreement
2 as provided by this subsection or upon termination of an agreement, unless
3 the parties otherwise agree or the lienholder has sold or removed the man-
4 ufactured dwelling or floating home, the landlord may sell or dispose of the
5 property pursuant to this section without further notice to the lienholder.

6 “(20) If the personal property is a manufactured dwelling or floating home
7 and is considered abandoned as a result of the death of a tenant who was
8 the only tenant and who owned the dwelling or home, this section applies,
9 except as follows:

10 “(a) The following persons have the same rights and responsibilities re-
11 garding the abandoned dwelling or home as a tenant:

12 “(A) Any personal representative named in a will or appointed by a court
13 to act for the deceased tenant.

14 “(B) Any person designated in writing by the tenant to be contacted by
15 the landlord in the event of the tenant’s death.

16 “(b) The notice required by subsection (3) of this section must be:

17 “(A) Sent by first class mail to the deceased tenant at the premises; and

18 “(B) Personally delivered or sent by first class mail to any personal rep-
19 resentative or designated person, if actually known to the landlord.

20 “(c) The notice described in subsection (5) of this section must refer to
21 any personal representative or designated person, instead of the deceased
22 tenant, and must incorporate the provisions of this subsection.

23 “(d) If a personal representative, designated person or other person enti-
24 tled to possession of the property, such as an heir or devisee, responds by
25 actual notice to a landlord within the 45-day period provided by subsection
26 (6) of this section and so requests, the landlord shall enter into a written
27 storage agreement with the representative or person providing that the
28 dwelling or home may not be sold or disposed of by the landlord for up to
29 90 days or until conclusion of any probate proceedings, whichever is later.
30 A storage agreement entitles the representative or person to store the per-

1 sonal property on the previously rented space during the term of the agree-
2 ment, but does not entitle anyone to occupy the personal property. If such
3 an agreement is entered, the landlord may not enter a similar agreement
4 with a lienholder pursuant to subsection (19) of this section until the
5 agreement with the personal representative or designated person ends.

6 “(e) If a personal representative or other person requests that a landlord
7 enter into a storage agreement, subsection (19)(c), (d) and (f)(C) of this sec-
8 tion applies, with the representative or person having the rights and re-
9 sponsibilities of a lienholder with regard to the storage agreement.

10 “(f) During the term of an agreement described under paragraph (d) of
11 this subsection, the representative or person has the right to remove or sell
12 the dwelling or home, including a sale to a purchaser or a transfer to an heir
13 or devisee where the purchaser, heir or devisee wishes to leave the dwelling
14 or home on the rented space and become a tenant, subject to any conditions
15 previously agreed to by the landlord and tenant regarding the landlord’s
16 approval for occupancy of a purchaser, heir or devisee or, if there was no
17 such agreement, any reasonable conditions by the landlord regarding ap-
18 proval for occupancy of any purchaser, heir or devisee who wishes to leave
19 the dwelling or home on the rented space and become a tenant. The landlord
20 also may condition approval for occupancy of any purchaser, heir or devisee
21 of the dwelling or home upon payment of all unpaid storage charges and
22 maintenance costs.

23 “(g) If the representative or person violates the storage agreement, the
24 landlord may terminate the agreement by giving at least 30 days’ written
25 notice to the representative or person stating facts sufficient to notify the
26 representative or person of the reason for the termination. Unless the rep-
27 resentative or person corrects the violation within the notice period, the
28 agreement terminates as provided and the landlord may sell or dispose of the
29 dwelling or home without further notice to the representative or person.

30 “(h) Upon the failure of a representative or person to enter into a storage

1 agreement as provided by this subsection or upon termination of an agree-
2 ment, unless the parties otherwise agree or the representative or person has
3 sold or removed the manufactured dwelling or floating home, the landlord
4 may sell or dispose of the property pursuant to this section without further
5 notice to the representative or person.

6 “(21) If the personal property is other than a manufactured dwelling or
7 floating home and is considered abandoned as a result of the death of a
8 tenant who was the only tenant and who owned the personal property, this
9 section applies except as follows:

10 “(a) The following persons have the same rights and responsibilities re-
11 garding the abandoned personal property as a tenant:

12 “(A) An heir or devisee.

13 “(B) Any personal representative named in a will or appointed by a court
14 to act for the deceased tenant.

15 “(C) Any person designated in writing by the tenant to be contacted by
16 the landlord in the event of the tenant’s death.

17 “(b) The notice required by subsection (3) of this section must be:

18 “(A) Sent by first class mail to the deceased tenant at the premises;

19 “(B) Personally delivered or sent by first class mail to any heir, devisee,
20 personal representative or designated person, if actually known to the land-
21 lord; and

22 “(C) Sent by first class mail to the attention of an estate administrator
23 of the Department of State Lands.

24 “(c) The notice described in subsection (5) of this section must refer to
25 the heir, devisee, personal representative, designated person or estate ad-
26 ministrator of the department, instead of the deceased tenant, and must in-
27 corporate the provisions of this subsection.

28 “(d) The landlord shall allow a person that is an heir, devisee or personal
29 representative of the tenant, or an estate administrator of the department,
30 to remove the personal property if the person contacts the landlord within

1 the period provided by subsection (6) of this section, complies with the re-
2 quirements of this section and provides the landlord with reasonable evi-
3 dence that the person is an heir, devisee or personal representative, or an
4 estate administrator of the department.

5 “(e) If neither an heir, devisee nor personal representative of the tenant,
6 nor an estate administrator of the department, contacts the landlord within
7 the time period provided by subsection (6) of this section, the landlord shall
8 allow removal of the personal property by the designated person of the ten-
9 ant, if the designated person contacts the landlord within that period and
10 complies with the requirements of this section and provides the landlord with
11 reasonable evidence that the person is the designated person.

12 “(f) A landlord who allows removal of personal property under this sub-
13 section is not liable to another person that has a claim or interest in the
14 personal property.

15 “(22) If a governmental agency determines that the condition of a manu-
16 factured dwelling, floating home or recreational vehicle abandoned under
17 this section constitutes an extreme health or safety hazard under state or
18 local law and the agency determines that the hazard endangers others in the
19 immediate vicinity and requires quick removal of the property, the landlord
20 may sell or dispose of the property pursuant to this subsection. The landlord
21 shall comply with all provisions of this section, except as follows:

22 “(a) The date provided in subsection (6) of this section by which a tenant,
23 lienholder, owner, personal representative or designated person must contact
24 a landlord to arrange for the disposition of the property must be not less
25 than 15 days after personal delivery or mailing of the notice required by
26 subsection (3) of this section.

27 “(b) The date provided in subsections (8) and (9) of this section by which
28 a tenant, lienholder, owner, personal representative or designated person
29 must remove the property must be not less than seven days after the tenant,
30 lienholder, owner, personal representative or designated person contacts the

1 landlord.

2 “(c) The notice required by subsection (3) of this section must be as pro-
3 vided in subsection (5) of this section, except that:

4 “(A) The dates and deadlines in the notice for contacting the landlord and
5 removing the property must be consistent with this subsection;

6 “(B) The notice must state that a governmental agency has determined
7 that the property constitutes an extreme health or safety hazard and must
8 be removed quickly; and

9 “(C) The landlord shall attach a copy of the agency’s determination to the
10 notice.

11 “(d) If the tenant, a lienholder, owner, personal representative or desig-
12 nated person does not remove the property within the time allowed, the
13 landlord or a buyer at a sale by the landlord under subsection (11) of this
14 section shall promptly remove the property from the facility.

15 “(e) A landlord is not required to enter into a storage agreement with a
16 lienholder, owner, personal representative or designated person pursuant to
17 subsection (19) of this section.

18 “(23)(a) If an official or agency referred to in ORS 453.876 notifies the
19 landlord that the official or agency has determined that all or part of the
20 premises is unfit for use as a result of the presence of an illegal drug man-
21 ufacturing site involving methamphetamine, and the landlord complies with
22 this subsection, the landlord is not required to comply with subsections (1)
23 to (22) and (24) to (27) of this section with regard to personal property left
24 on the portion of the premises that the official or agency has determined to
25 be unfit for use.

26 “(b) Upon receiving notice from an official or agency determining the
27 premises to be unfit for use, the landlord shall promptly give written notice
28 to the tenant as provided in subsection (3) of this section. The landlord shall
29 also attach a copy of the notice in a secure manner to the main entrance of
30 the dwelling unit. The notice to the tenant shall include a copy of the

1 official's or agency's notice and state:

2 “(A) That the premises, or a portion of the premises, has been determined
3 by an official or agency to be unfit for use due to contamination from the
4 manufacture of methamphetamine and that as a result subsections (1) to (22)
5 and (24) to (27) of this section do not apply to personal property left on any
6 portion of the premises determined to be unfit for use;

7 “(B) That the landlord has hired, or will hire, a contractor to assess the
8 level of contamination of the site and to decontaminate the site;

9 “(C) That upon hiring the contractor, the landlord will provide to the
10 tenant the name, address and telephone number of the contractor; and

11 “(D) That the tenant may contact the contractor to determine whether
12 any of the tenant's personal property may be removed from the premises or
13 may be decontaminated at the tenant's expense and then removed.

14 “(c) To the extent consistent with rules of the Department of Human
15 Services, the contractor may release personal property to the tenant.

16 “(d) If the contractor and the department determine that the premises or
17 the tenant's personal property is not unfit for use, upon notification by the
18 department of the determination, the landlord shall comply with subsections
19 (1) to (22) and (24) to (27) of this section for any personal property left on
20 the premises.

21 “(e) Except as provided in paragraph (d) of this subsection, the landlord
22 is not responsible for storing or returning any personal property left on the
23 portion of the premises that is unfit for use.

24 “(24) In the case of an abandoned recreational vehicle, manufactured
25 dwelling or floating home that is owned by someone other than the tenant,
26 the provisions of this section regarding the rights and responsibilities of a
27 tenant to the abandoned vehicle, dwelling or home also apply to that owner,
28 with regard only to the vehicle, dwelling or home, and not to any goods left
29 inside or outside the vehicle, dwelling or home.

30 “(25) In the case of an abandoned motor vehicle, the procedure authorized

1 by ORS 98.830 for removal of abandoned motor vehicles from private property
2 may be used by a landlord as an alternative to the procedures required in
3 this section.

4 “(26)(a) A landlord may sell or dispose of a tenant’s abandoned personal
5 property without complying with subsections (1) to (25) and (27) of this sec-
6 tion if, after termination of the tenancy or no more than seven days prior
7 to the termination of the tenancy, the following parties so agree in a writing
8 entered into in good faith:

9 “(A) The landlord;

10 “(B) The tenant, or for an abandonment as the result of the death of a
11 tenant who was the only tenant, the personal representative, designated
12 person or other person entitled to possession of the personal property, such
13 as an heir or devisee, as described in subsection (20) or (21) of this section;
14 and

15 “(C) In the case of a manufactured dwelling, floating home or recreational
16 vehicle, any owner and any lienholder.

17 “(b) A landlord may not, as part of a rental agreement, require a tenant,
18 a personal representative, a designated person or any lienholder or owner to
19 waive any right provided by this section.

20 “(27) Until personal property is conclusively presumed to be abandoned
21 under subsection (9) of this section, a landlord does not have a lien pursuant
22 to ORS 87.152 for storing the personal property.

23 **“SECTION 18.** ORS 197.492 is amended to read:

24 “197.492. As used in this section and ORS 197.493:

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

27 “(2) **‘Recreational vehicle’ has the meaning given that term in sec-**
28 **tion 6 of this 2019 Act.**

29 “[2)] (3) ‘Recreational vehicle park’:

30 “(a) Means a place where two or more recreational vehicles are located

1 within 500 feet of one another on a lot, tract or parcel of land under common
2 ownership and having as its primary purpose:

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

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

6 “(b) Does not mean:

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

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

9 **“SECTION 19. ORS 215.010 is amended to read:**

10 “215.010. As used in this chapter:

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

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

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

15 “(B) In compliance with all applicable planning, zoning and partitioning
16 ordinances and regulations; or

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

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

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

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

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

26 **“(5) ‘Recreational vehicle’ has the meaning given that term in sec-**
27 **tion 6 of this 2019 Act.**

28 “[5] (6) ‘The Willamette Valley’ is Clackamas, Linn, Marion,
29 Multnomah, Polk, Washington and Yamhill Counties and the portion of
30 Benton and Lane Counties lying east of the summit of the Coast Range.

1 **“SECTION 20.** ORS 305.288 is amended to read:

2 “305.288. (1) The tax court shall order a change or correction applicable
3 to a separate assessment of property to the assessment and tax roll for the
4 current tax year or for either of the two tax years immediately preceding the
5 current tax year, or for any or all of those tax years, if all of the following
6 conditions exist:

7 “(a) For the tax year to which the change or correction is applicable, the
8 property was or is used primarily as a dwelling (or is vacant) and was and
9 is a single-family dwelling, a multifamily dwelling of not more than four
10 units, a condominium unit, a manufactured structure or a floating home.

11 “(b) The change or correction requested is a change in value for the
12 property for the tax year and it is asserted in the request and determined
13 by the tax court that the difference between the real market value of the
14 property for the tax year and the real market value on the assessment and
15 tax roll for the tax year is equal to or greater than 20 percent.

16 “(2) If the tax court finds that the conditions needed to order a change
17 or correction under subsection (1) of this section exist, the court may order
18 a change or correction in the maximum assessed value of the property in
19 addition to the change or correction in the real market value of the property.

20 “(3) The tax court may order a change or correction applicable to a sep-
21 arate assessment of property to the assessment or tax roll for the current tax
22 year and for either of the two tax years immediately preceding the current
23 tax year if, for the year to which the change or correction is applicable, the
24 assessor or taxpayer has no statutory right of appeal remaining and the tax
25 court determines that good and sufficient cause exists for the failure by the
26 assessor or taxpayer to pursue the statutory right of appeal.

27 “(4) Before ordering a change or correction to the assessment or tax roll
28 under subsection (3) of this section, the tax court may determine whether
29 any of the conditions exist in a particular case. If the tax court determines
30 that one of the conditions specified does exist, the tax court shall hold a

1 hearing to determine whether to order a change or correction to the roll.

2 “(5) For purposes of this section:

3 “(a) ‘Current tax year’ has the meaning given the term under ORS 306.115.

4 “(b) ‘Good and sufficient cause’:

5 “(A) Means an extraordinary circumstance that is beyond the control of
6 the taxpayer, or the taxpayer’s agent or representative, and that causes the
7 taxpayer, agent or representative to fail to pursue the statutory right of ap-
8 peal; and

9 “(B) Does not include inadvertence, oversight, lack of knowledge, hard-
10 ship or reliance on misleading information provided by any person except an
11 authorized tax official providing the relevant misleading information.

12 “[*(c) ‘Manufactured structure’ has the meaning given that term in ORS*
13 *446.561.*]

14 “(6) The remedy provided under this section is in addition to all other
15 remedies provided by law.

16 **“SECTION 21.** ORS 307.190 is amended to read:

17 “307.190. (1) All items of tangible personal property held by the owner,
18 or for delivery by a vendor to the owner, for personal use, benefit or enjoy-
19 ment, are exempt from taxation.

20 “(2) The exemption provided in subsection (1) of this section does not
21 apply to:

22 “(a) Any tangible personal property held by the owner, wholly or partially
23 for use or sale in the ordinary course of a trade or business, for the pro-
24 duction of income, or solely for investment.

25 “(b) Any tangible personal property required to be licensed or registered
26 under the laws of this state.

27 “(c) Floating homes or boathouses, as defined in ORS 830.700.

28 “(d) Manufactured structures [*as defined in ORS 446.561*].

29 **“SECTION 22.** ORS 307.651 is amended to read:

30 “307.651. As used in ORS 307.651 to 307.687, unless the context requires

1 otherwise:

2 “(1) ‘Governing body’ means the city legislative body having jurisdiction
3 over the property for which an exemption may be applied for under ORS
4 307.651 to 307.687.

5 “(2) ‘Qualified dwelling unit’ means a dwelling unit that, at the time an
6 application is filed pursuant to ORS 307.667, has a market value for the land
7 and improvements of no more than 120 percent, or a lesser percentage as
8 adopted by the governing body by resolution, of the median sales price of
9 dwelling units located within the city.

10 “(3) ‘Single-unit housing’ means a structure having one or more dwelling
11 units that:

12 “(a) Is, or will be, upon purchase, rehabilitation or completion of con-
13 struction, in conformance with all local plans and planning regulations, in-
14 cluding special or district-wide plans developed and adopted pursuant to ORS
15 chapters 195, 196, 197 and 227.

16 “(b) If newly constructed, is completed within two years after application
17 for exemption is approved under ORS 307.674 or before January 1, 2025,
18 whichever is earlier.

19 “(c) Is designed for each dwelling unit within the structure to be pur-
20 chased by and lived in by one person or one family.

21 “(d) Has one or more qualified dwelling units within the single-unit
22 housing.

23 “(e) Is not a floating home, as defined in ORS 830.700, or a manufactured
24 structure[, *as defined in ORS 446.561*], other than a manufactured home de-
25 scribed in ORS 197.307 (8)(a) to (f).

26 “(4) ‘Structure’ does not include the land or any site development made
27 to the land, as those terms are defined in ORS 307.010.

28 “**SECTION 23.** ORS 319.550 is amended to read:

29 “319.550. (1) Except as provided in this section, a person may not use fuel
30 in a motor vehicle in this state unless the person holds a valid user’s license.

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

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

10 “(4)(a) A user’s license is not required for a person who uses fuel as de-
11 scribed in ORS 319.520 (7) in the vehicles specified in this subsection if the
12 person pays to a seller, at the time of the sale, the tax provided in ORS
13 319.530.

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

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

16 “(B) Recreational vehicles as defined in [ORS 446.003] **section 6 of this**
17 **2019 Act.**

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

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

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

23 “(6) A user’s license is not required for a person who uses fuel in a motor
24 vehicle on which an emblem issued for the motor vehicle pursuant to ORS
25 319.535 is displayed.

26 “**SECTION 24.** ORS 456.594 is amended to read:

27 “456.594. As used in ORS 456.594 to 456.599:

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

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

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

5 “(b) ‘Dwelling’ includes a manufactured dwelling as defined in ORS
6 446.003, a floating home as defined in ORS 830.700 and a single unit in
7 multiple-unit residential housing.

8 “(c) ‘Dwelling’ does not include a recreational vehicle as defined in [ORS
9 446.003] **section 6 of this 2019 Act.**

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

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

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

17 “(5) ‘Energy conservation items’ includes but is not limited to air sealing,
18 weatherstripping, ceiling and wall insulation, crawl space insulation, vapor
19 barrier materials, programmable thermostats, insulation of heating ducts and
20 water pipes in unheated spaces, and replacement windows.

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

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

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

30 “(8) ‘Person’ means an individual, partnership, joint venture, private or

1 public corporation, association, firm, public service company, political sub-
2 division, municipal corporation, government agency, people’s utility district,
3 or any other entity, public or private, however organized.

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

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

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

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

12 **“SECTION 25.** ORS 469.155 is amended to read:

13 “469.155. (1) As used in this section:

14 “(a) ‘Dwelling’ means real or personal property inhabited as the principal
15 residence of an owner or renter. ‘Dwelling’ includes a manufactured dwelling
16 as defined in ORS 446.003, a floating home as defined in ORS 830.700 and
17 multiple unit residential housing. ‘Dwelling’ does not include a recreational
18 vehicle as defined in [ORS 446.003] **section 6 of this 2019 Act.**

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

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

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

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

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

30 **“SECTION 26.** ORS 469.631 is amended to read:

1 “469.631. As used in ORS 469.631 to 469.645:

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

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

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

10 “(4) ‘Cost-effective’ means that an energy conservation measure that pro-
11 vides or saves a specific amount of energy during its life cycle results in the
12 lowest present value of delivered energy costs of any available alternative.
13 However, the present value of the delivered energy costs of an energy con-
14 servation measure shall not be treated as greater than that of a nonconser-
15 vation energy resource or facility unless that cost is greater than 110 percent
16 of the present value of the delivered energy cost of the nonconservation en-
17 ergy resource or facility.

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

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

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

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

1 “(7) ‘Energy audit’ means:

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

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

6 “(c) An estimate of the cost of the energy conservation measures that
7 includes:

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

10 “(B) The items installed; and

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

13 “(A) Passive solar space heating and solar domestic water heating in the
14 dwelling; and

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

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

25 “(9) ‘Investor-owned utility’ means an electric or gas utility regulated by
26 the commission as a public utility under ORS chapter 757.

27 “(10) ‘Residential customer’ means a dwelling owner or tenant who, either
28 directly or indirectly, pays a share of the cost for service billed by an
29 investor-owned utility for electric or natural gas service received at the
30 dwelling.

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

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

4 **“SECTION 27.** ORS 469.649 is amended to read:

5 “469.649. As used in ORS 469.649 to 469.659:

6 “(1) ‘Cash payment’ means a payment made by the publicly owned utility
7 to the dwelling owner or to the contractor on behalf of the dwelling owner
8 for energy conservation measures.

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

13 “(3) ‘Cost-effective’ means that an energy conservation measure that pro-
14 vides or saves a specific amount of energy during its life cycle results in the
15 lowest present value of delivered energy costs of any available alternative.
16 However, the present value of the delivered energy costs of an energy con-
17 servation measure shall not be treated as greater than that of a nonconser-
18 vation energy resource or facility unless that cost is greater than 110 percent
19 of the present value of the delivered energy cost of the nonconservation en-
20 ergy resource or facility.

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

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

28 “(a) Who has legal title to a dwelling, including the mortgagor under a
29 duly recorded mortgage of real property, the trustor under a duly recorded
30 deed of trust or a purchaser under a duly recorded contract for the purchase

1 of real property; and

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

4 “(6) ‘Energy audit’ means:

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

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

9 “(c) An estimate of the cost of the energy conservation measures that
10 includes:

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

13 “(B) The items installed; and

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

16 “(A) Passive solar space heating and solar domestic water heating in the
17 dwelling; and

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

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

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

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

1 “(b) Distributes electricity.

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

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

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

7 **“SECTION 28.** ORS 469.710 is amended to read:

8 “469.710. As used in ORS 469.710 to 469.720, unless the context requires
9 otherwise:

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

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

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

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

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

5 “(6) ‘Energy audit’ means:

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

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

10 “(c) An estimate of the cost of the energy conservation measures that
11 includes:

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

14 “(B) The items installed; and

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

17 “(A) Passive solar space heating and solar domestic water heating in the
18 dwelling; and

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

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

29 “(8) ‘Finance charge’ means the total of all interest, loan fees and other
30 charges related to the cost of obtaining credit and includes any interest on

1 any loan fees financed by the lending institution.

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

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

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

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

11 **“SECTION 29.** ORS 480.450 is amended to read:

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

30 “(2) In addition to any installation or inspection fee, the State Fire

1 Marshal may charge a plan review fee, not to exceed \$100, for any liquefied
2 petroleum gas container and receptacle plan review required under a uniform
3 fire code prescribed by the State Fire Marshal by rule.

4 “(3) After the initial installation, liquefied petroleum gas containers may
5 be inspected once every 10 years except when changes have been made in the
6 original installation. An installer making changes must notify the State Fire
7 Marshal of the changes in the same manner provided in this section for new
8 installations. The State Fire Marshal shall collect from the owner a fee of
9 \$50 for the inspection of each container. The manner of inspection, require-
10 ment of corrections, satisfaction of requirements and collection of fees due
11 and payable must conform with the provisions of ORS 480.410 to 480.460 for
12 new installations. Upon request of the State Fire Marshal, LP gas installa-
13 tion licensees shall furnish a list of the locations of 10-year old installations
14 that they service.

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

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

1 “(6) If the fees provided for in this section are due and payable and are
2 not paid within 30 days after service of written notice by the State Fire
3 Marshal therefor, or if the installer fails to notify the State Fire Marshal
4 by the last day of the month succeeding the month a new installation is made
5 or a change is made requiring an inspection, the fees are delinquent and a
6 penalty equal to the greater of 10 percent of the fee amount or \$30, is im-
7 posed for the delinquency. The State Fire Marshal shall collect all fees and
8 penalties in the name of the State of Oregon in the same manner that other
9 debts are collected.

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

20 **“SECTION 30.** ORS 801.409 is amended to read:

21 “801.409. ‘Recreational vehicle’ has the meaning given in [*ORS 446.003*]
22 **section 6 of this 2019 Act.**

23

24

“REPEAL

25

26 **“SECTION 31.** ORS 306.006 is repealed.

27

28

“TRANSITIONAL PROVISIONS

29

30 **“SECTION 32.** Notwithstanding section 6 of this 2019 Act and the

1 amendments to ORS 446.003 by section 7 of this 2019 Act, a rule
2 adopted by the Director of the Department of Consumer and Business
3 Services under ORS 446.003 prior to the effective date of this 2019 Act
4 defining a recreational vehicle shall continue in effect and be treated
5 as a rule adopted by the Director of Transportation under section 6
6 of this 2019 Act until repealed or amended by the Director of Trans-
7 portation.

8 **“SECTION 33.** Section 6 of this 2019 Act and the amendments to
9 ORS 446.003, 446.155, 446.170, 446.561, 455.010, 455.117 and 480.450 by
10 sections 7 to 10, 12, 13 and 29 of this 2019 Act do not divest the De-
11 partment of Consumer and Business Services or a municipality of the
12 authority over a violation of ORS 480.420 to 480.460 or ORS chapter 446
13 or 455 committed prior to the effective date of this 2019 Act.

14 **“SECTION 34.** Section 15 of this 2019 Act, the amendments to ORS
15 305.288, 307.190 and 307.651 by sections 20 to 22 of this 2019 Act and the
16 repeal of ORS 306.006 by section 31 of this 2019 Act apply to assess-
17 ments levied on or after the effective date of this 2019 Act and to
18 classifications, determinations, eligibility or other purposes related to
19 the making of assessments that are levied on or after the effective
20 date of this 2019 Act.

21

22

“CAPTIONS

23

24 **“SECTION 35.** The unit captions used in this 2019 Act are provided
25 only for the convenience of the reader and do not become part of the
26 statutory law of this state or express any legislative intent in the
27 enactment of this 2019 Act.”.

28
