

Chapter 693

2013 EDITION

Plumbers

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OCCUPATIONS AND PROFESSIONS

GENERAL PROVISIONS

693.010 Definitions. As used in this chapter, unless the context requires otherwise:

(1) "Apprentice plumber" means any person who is an apprentice under ORS 660.002 to 660.210 and who is employed by a licensed plumbing contractor for the purpose of assisting the journeyman plumber and learning the plumbing trade.

(2) "Board" means the State Plumbing Board.

(3) "Journeyman plumber" means any person holding a valid journeyman plumber license issued under this chapter.

(4) "Licensed plumbing contractor" means a person licensed as required under ORS 447.010 to 447.156 to engage in the business of furnishing labor and material, or labor only, to install, alter and repair plumbing.

(5) "Plumbing" has the meaning given that term in ORS 447.010. [Amended by 1971 c.753 §33; 1981 c.438 §10; 1993 c.744 §151; 2005 c.758 §41; 2007 c.271 §11]

693.020 Persons and activities not regulated under chapter. (1) Except as provided in subsection (2) of this section, this chapter does not apply to:

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

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

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

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

(e) A person who owns, leases or operates residential property and who repairs, or uses regular employees to repair, existing plumbing on property owned, leased or operated by the person, regardless of whether the

person or employee holds a license under this chapter. As used in this paragraph:

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

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

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

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

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

(4) Except as provided in subsection (1)(d) of this section, nothing in this section exempts a person from the plumbing inspection requirements of ORS 447.010 to 447.156. [Amended by 1981 c.438 §11; 1985 c.590 §5; 1987 c.604 §16; 1993 c.293 §3; 2003 c.14 §437; 2005 c.310 §5; 2005 c.758 §42a]

693.025 Insurance required of certain providers of low-flow showerheads or faucet aerators; limitation on services; penalty. (1) A utility company, energy service provider or water supplier whose employees install low-flow showerheads or faucet aerators shall furnish evidence to the Department of Consumer and Business Services, in the form of a public liability policy issued by an insurance company qualified to do business in Oregon, that the company, provider or water supplier and its employees are protected against liability for injury or death to persons and loss of or damage to property resulting from the installation.

(2) A person who contracts with a utility company, energy service provider or water supplier to perform the functions described in subsection (1) of this section shall furnish evidence to the Department of Consumer and Business Services, in the form of a public li-

ability policy issued by an insurance company qualified to do business in Oregon, that the contractor and its employees are protected against liability for injury or death to persons and loss of or damage to property resulting from the installation.

(3) The amount of the liability insurance required under subsections (1) and (2) of this section shall be in the amount of not less than \$25,000 for bodily injury to one or more persons and not less than \$25,000 for property damage.

(4) A person who performs, or who contracts to have performed, a service described in subsection (1) of this section may not perform any additional service for which a license is required under ORS chapter 693 unless the person is licensed under ORS chapter 693 to perform the additional service. A person not licensed under ORS chapter 693 who performs services that are not described in subsection (1) of this section for which a license is required under ORS chapter 693 is subject to civil penalty under ORS 693.992.

(5) Every utility company, energy service provider or water supplier shall include in any contract for the performance of a service described in subsection (1) of this section a statement that, under penalty of ORS 693.992, the contractor may not perform any service for which a license is required under ORS chapter 693, except installation of low-flow showerheads or faucet aerators, unless the contractor is licensed under ORS chapter 693 to perform that service. [1993 c.293 §1; 2001 c.411 §29; 2003 c.14 §438; 2005 c.758 §43]

Note: 693.025 was enacted into law by the Legislative Assembly but was not added to or made a part of ORS chapter 693 or any series therein by legislative action. See Preface to Oregon Revised Statutes for further explanation.

LICENSES

693.030 Journeyman plumber license requirement; prohibited acts by plumbing contractor. (1) A person may not engage in the trade of journeyman plumber without a journeyman plumber license issued under this chapter.

(2) A licensed plumbing contractor or a person required under ORS 447.010 to 447.156 to be licensed as a plumbing contractor may not:

(a) Permit or suffer any person to work as a journeyman plumber who does not hold a valid journeyman plumber license.

(b) Permit or suffer any person to work as an apprentice plumber who does not meet the requirements of ORS 660.002 to 660.210.

(c) Employ an apprentice plumber on any plumbing work, representing the apprentice plumber to be a journeyman plumber.

(d) Charge a journeyman plumber's wage for services performed by an apprentice plumber. [Amended by 1981 c.438 §12; 1999 c.733 §1; 2005 c.758 §44; 2007 c.271 §12]

693.040 Apprentices; authority to work. An apprentice plumber may work at the trade of plumbing if the apprentice works under the supervision of a licensed journeyman plumber. [Amended by 1981 c.438 §13; 1993 c.397 §2; 2005 c.758 §45]

693.050 [Amended by 1969 c.540 §3; 1975 c.429 §14; 1977 c.873 §13; 1981 c.438 §14; 1987 c.414 §50a; 1993 c.744 §152; repealed by 2005 c.758 §56]

693.060 Issuance of journeyman's license. The State Plumbing Board shall issue a license to a person who:

(1) By the examination provided for by this chapter is shown to be fit, competent and qualified to engage in the trade of journeyman plumber;

(2) Complies with board rules adopted under ORS 455.117; and

(3) Pays the applicable application fee established by the board under ORS 693.135. [Amended by 1973 c.734 §5; 1981 c.438 §15; 2005 c.758 §46; 2007 c.271 §13]

693.070 License number; issue and expiration dates. All licenses shall bear:

(1) The date of issue and date of expiration; and

(2) An identification number assigned by the State Plumbing Board. [Amended by 1975 c.429 §15; 1981 c.438 §16; 2005 c.758 §47]

693.075 [1981 c.438 §23; repealed by 2005 c.758 §56]

693.080 [Repealed by 1981 c.438 §46]

693.090 [Amended by 1971 c.734 §152; 1981 c.438 §17; 1999 c.597 §2; repealed by 2005 c.758 §56]

693.095 Supervising plumber license; rules. The State Plumbing Board may adopt rules that provide for the issuance of supervising plumber licenses to journeyman plumbers who:

(1) Demonstrate to the satisfaction of the board competency in the supervision of plumbing work and in the laws, rules, ordinances and practices relating to plumbing;

(2) Comply with board rules adopted under ORS 455.117; and

(3) Pay the applicable application fee established by the board under ORS 693.135. [1981 c.438 §22; 2005 c.758 §48; 2007 c.271 §14]

693.100 [Amended by 1981 c.438 §18; repealed by 2005 c.758 §56]

693.103 Limited specialty plumbers; rules; scope of license; water heater specialty. (1) The State Plumbing Board, by rule, may license limited specialty plumbers who:

(a) Demonstrate to the satisfaction of the board competency in the laws, rules, ordi-

nances and practices relating to a plumbing specialty; and

(b) Pay the journeyman plumber application fee established by the board under ORS 693.135.

(2) A limited specialty plumber license authorizes a person to perform work in the specific branch of the plumbing trade for which the license is issued.

(3)(a) The board shall establish a limited specialty plumber license for persons licensed under ORS 479.630 (12) to install and replace residential water heaters in existing plumbing designed for that purpose if the installation or replacement does not require an alteration of the existing plumbing.

(b) Qualification for a limited specialty plumber license under this subsection shall include testing and a requirement for training.

(c) This subsection does not otherwise affect the ability of persons licensed under subsection (1) of this section to make connections to water systems. [1985 c.590 §4; 1993 c.477 §1; 1995 c.715 §6; 2005 c.758 §49; 2007 c.271 §15]

693.105 Procedure for refusal, revocation or suspension of license; procedures for hearings, rules, orders and review. (1) Where the State Plumbing Board proposes to refuse to issue or renew any license under this chapter, or proposes to revoke or suspend any license, opportunity for hearing shall be accorded as provided in ORS chapter 183.

(2) Promulgation of rules, conduct of hearings, issuance of orders and judicial review of rules and orders shall be in accordance with ORS chapter 183.

(3) Hearings under this section must be conducted by an administrative law judge assigned from the Office of Administrative Hearings established by ORS 183.605. [1971 c.734 §154; 1999 c.849 §§169,170; 2003 c.75 §60; 2005 c.758 §50]

693.108 [1991 c.555 §2; repealed by 2005 c.758 §56]

693.110 [Amended by 1971 c.753 §34; repealed by 1981 c.438 §46]

693.111 Solar heating and cooling system installers; rules; fees. The State Plumbing Board, by rule, shall establish a solar heating and cooling system installer license. The board may impose appropriate fees for applications, examinations and issuance or renewal of an installer license. [2001 c.683 §23; 2005 c.758 §51]

Note: 693.111 was enacted into law by the Legislative Assembly but was not added to or made a part of ORS chapter 693 or any series therein by legislative action. See Preface to Oregon Revised Statutes for further explanation.

STATE BOARD

693.115 State Plumbing Board; membership; term; compensation and expenses. (1) The State Plumbing Board is established in the Department of Consumer and Business Services, consisting of seven members appointed by the Governor. The appointment of a member of the board is subject to confirmation by the Senate pursuant to section 4, Article III of the Oregon Constitution.

(2) The members of the board shall be as follows:

(a) One journeyman plumber with 10 or more years' experience in the trade or calling of journeyman plumber;

(b) One licensed plumbing contractor;

(c) One local plumbing inspector who is a journeyman plumber;

(d) One registered professional mechanical engineer;

(e) One officer or employee of the Oregon Health Authority;

(f) One plumbing equipment supplier who otherwise qualifies by experience in the industry or one building official; and

(g) One member of the general public.

(3) The term of office of each member is four years, but a member serves at the pleasure of the Governor. Before the expiration of the term of a member, the Governor shall appoint a successor. A member is not eligible for appointment to more than two full terms of office. If there is a vacancy for any cause, the Governor shall make an appointment to become immediately effective for the unexpired term.

(4) A member of the board shall receive compensation and expenses as provided in ORS 292.495. [1981 c.438 §§4,5,9; 1987 c.414 §51; 1993 c.744 §153; 2003 c.14 §439; 2005 c.758 §52; 2009 c.595 §1111]

693.120 Duties of board to examine applicants for journeyman plumber licenses. The State Plumbing Board shall examine all persons applying for journeyman plumber licenses for qualifications. The examination shall be in written form. [Amended by 1971 c.753 §35; 1981 c.438 §19; 2005 c.758 §53; 2007 c.271 §16]

693.125 Officers; quorum. (1) The State Plumbing Board shall select one of its members as chairperson and another as vice chairperson, for terms and with duties and powers necessary for the performance of the functions of such offices as the board determines.

(2) A majority of the members of the board constitutes a quorum for the transaction of business. [1981 c.438 §§7,8; 2011 c.272 §24]

693.130 [Amended by 1971 c.753 §36; repealed by 1981 c.438 §46]

693.135 Fees; rules. The State Plumbing Board shall adopt rules establishing fees to be charged by and paid to the board. The following shall be the maximum fees established under this section:

(1) For an application for a journeyman plumber license, \$100.

(2) For a journeyman plumber license renewal, \$50 per year.

(3) For an application for a plumbing contractor license, \$150.

(4) For a plumbing contractor license renewal, \$150 per year.

(5) For an application for a supervising plumber license, \$50.

(6) For a supervising plumber license renewal, \$50 per year.

(7) For continuing education for renewing a license, \$25 per year. [1981 c.438 §24; 1991 c.555 §3; 1993 c.397 §3; 2005 c.758 §54; 2007 c.271 §17]

693.140 [Amended by 1969 c.314 §94; repealed by 1971 c.753 §74]

693.150 [Repealed by 1971 c.753 §74]

693.160 [1973 c.834 §44; repealed by 1981 c.438 §46]

693.165 Disposition of receipts. All moneys received by the Department of Consumer and Business Services or the State Plumbing Board under ORS 447.010 to 447.156, 447.992 and 455.895 (1)(a) and this chapter shall be paid into the Consumer and Business Services Fund created by ORS 705.145. Such moneys shall be used only for the administration and enforcement of ORS 447.010 to 447.156 and 447.992 and this chapter. [1981 c.438 §26; 1993 c.744 §161; 2001 c.411 §30]

RECOVERY FOR SERVICES

693.180 Denial of right to court action for unlicensed plumber or unqualified apprentice. A person who provides services connected with plumbing, as defined in ORS 447.010, may not bring or maintain an action in the courts of this state to recover for those services unless the person alleges and proves that, at the time the services were performed, the person performing the services either:

(1) Held a valid journeyman plumber license; or

(2) Was an apprentice plumber. [1981 c.438 §25; 1993 c.397 §4; 2005 c.758 §55]

693.190 [1981 c.438 §27; 1991 c.734 §83; 1999 c.846 §4; repealed by 2001 c.411 §31]

693.990 [Repealed by 1981 c.438 §46]

CIVIL PENALTIES

693.992 Civil penalty for violations of chapter. The State Plumbing Board may impose a civil penalty for a violation of this chapter or rules adopted for the administration and enforcement of this chapter. The board shall impose a civil penalty authorized by this section as provided in ORS 455.895. [2001 c.411 §12]

693.994 Civil penalty for violations of ORS 447.065 or 693.111. The State Plumbing Board may impose a civil penalty on a person who violates ORS 447.065 or 693.111 or a board rule adopted thereunder. A civil penalty may not exceed \$5,000. The imposition of civil penalties under this section is subject to ORS chapter 183. [2001 c.683 §24]

Note: 693.994 was enacted into law by the Legislative Assembly but was not added to or made a part of ORS chapter 693 or any series therein by legislative action. See Preface to Oregon Revised Statutes for further explanation.