Chapter 479

1999 EDITION

Protection of Buildings from Fire; Electrical Safety Law

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**Note:** The name of the Department of Human Resources has been changed to the Department of Human Services and the title of the Director of Human Resources to the Director of Human Services. The name and title changes become operative on July 1, 2000. See sections 10 and 11, chapter 421, Oregon Laws 1999. References to the

department and the director in this chapter use the name and the title that become operative on July 1, 2000.

PROTECTION OF BUILDINGS FROM FIRE

**479.010 Definitions for ORS 479.170 to 479.190 and 479.990 (4).** (1) For the purpose of ORS 479.170 to 479.190 and 479.990 (4):

(a) "Alter" in its various modes and tenses and its participial forms refers to an alteration as defined herein.

(b) "Alterations," as applied to a building or structure, means any change, addition or modification in construction or occupancy.

(c) "Construction" means the making, building, alteration, erection, reconstruction, rebuilding or production of a building or addition or extension thereto, or enlargement thereof, in any manner not included in the term "repair" as defined in this section.

(d) "Family" means an individual or two or more persons related by blood or marriage or a group of not more than five persons, excluding servants, who need not be related by blood or marriage, living together in a dwelling unit.

(e) "Hospital" means a building of any sort in which sick or injured persons are received or kept for medical, surgical or nursing purposes.

(f) "Occupancy" means the purpose for which a building or structure is used or intended to be used. Change of occupancy is not intended to include change of tenants or proprietors.

(g) "Owner" includes a duly authorized agent or attorney, a purchaser, devisee, fiduciary and a person having a vested or contingent interest in the property in question.

(h) "Private residence" means that part of a single, double or multiple dwelling house or building occupied as living or sleeping quarters by one or more family units, exclusive of any portion of such house or building devoted to commercial, processing or manufacturing use.

(i) "Public building" means a building in which persons congregate for civic, political, educational, religious, social or recreational purposes, including among others, state buildings, courthouses, schools, colleges, libraries, museums, exhibit buildings, lecture halls, churches, assembly halls, lodge rooms, dance halls, theatres, skating rinks, bath houses, armories, recreation piers, grandstands and bleachers in exhibition parks or fields, and jails.

(j) "Repair" means restoration of an existing thing to its former state, to refit, to mend, to make good. It does not include construction, reconstruction, alteration or rebuilding of a building or any part thereof.

(2) For the purposes of ORS 479.020, 479.030, 479.060 and 479.080, "story" is that portion of a building included between the upper surface of any floor and the upper surface of the floor next above, except that the topmost story is that portion of a building included between the upper surface of the topmost floor and the ceiling or roof above. If the finished floor level directly above a basement, cellar or unused under-floor space is more than six feet above the ground surrounding the building for more than 50 percent of the total perimeter or is more than 12 feet above the ground surrounding the building at any point the basement, cellar or unused under-floor space shall be considered a story. [Subsection (4) enacted as 1953 c.569 s.1; 1963 c.120 s.1; 1979 c.359 s.1; 1979 c.764 s.1a; 1987 c.158 s.105; 1997 c.24 s.2]

**479.015 Smoking in public elevator prohibited; penalty.** (1) It shall be unlawful for any person to smoke cigars, cigarettes or tobacco in any form or to ignite any substance in an elevator used by the public.

(2) A "No Smoking" sign shall be posted and maintained in a conspicuous place on or within any elevator operated in accordance with subsection (1) of this section, pursuant to rules of the State Fire Marshal.

(3) Any person who violates subsection (1) of this section shall incur a penalty of $10 for each such violation.

(4) Any person who violates subsection (2) of this section commits a Class D violation. [1975 c.474 s.2; 1999 c.1051 s.189]

**479.020 Buildings requiring fire escapes; exceptions.** (1) Subject to subsection (2) of this section, all buildings, except private residences, erected after May 28, 1925, or any building then erected, having three stories or more where the stories above the second story are actually used, shall be equipped with not less than one standard fire escape or one exterior stairway for each 10,000 square feet of lot or ground space, or fraction thereof, occupied by the building.

(2) If the approval of the State Fire Marshal is secured with respect to a particular building, the requirements of subsection (1) of this section do not apply to such building if it:

(a) Is constructed with two-hour fire-resistive structural elements of steel, iron, concrete or masonry; and

(b) Has incombustible fire-resistive walls and permanent partitions; and

(c) Is provided with not less than two enclosed smokeproof stairwells with firefighter's access to each floor and to the roof, or is provided with other fire protection and escape which the State Fire Marshal finds adequate for the use of the building. [Amended by 1959 c.651 s.2; 1965 c.602 s.15]

**479.030 Hospital escape exits.** Every building erected, maintained or occupied after May 28, 1925, for hospital purposes and not of fireproof construction or provided with adequate means of egress from the floors above the first floor, shall have sufficient means of exit other than interior stairway or elevator, whereby the inmates or other occupants of the building shall have adequate means of escape from the floors above the first floor. Such arrangement of exterior exit shall have the approval of the State Fire Marshal.

**479.040 Specifications for construction of fire escapes.** Fire escapes installed after May 28, 1925, on the outside of buildings shall be constructed in accordance with the specifications prescribed in this section, any deviation from which shall only be made by permission of the State Fire Marshal. Each fire escape shall consist of balconies, stairs and firefighter's ladder, as follows:

(1) Each balcony shall not be less than 12 feet long and 3 feet 8 inches wide, and have a well hole of not more than 6 feet long nor more than 2 feet 3 inches wide. The outside of the floor shall be made of 2 inch by 2 inch by 1/4 inch angle iron and the corners bent on a radius of not less than 6 inches. Slats for the floor shall be 1-1/2 inch by 1/4 inch mild steel and spaced 1 inch between slats, and reinforced by 1/4 inch by 2 inch mild steel not over 3 feet apart, securely riveted to the slats. Railing for the balcony shall be not less than 30 inches high and be extended on each end and front of balcony, and shall have one top and one center rail 1/4 inch by 2 inch bent to conform to platform and securely bolted to the building, and connected to floor of balcony by not less than five upright irons, 1/4 inch by 1/2 inch, twisted to conform to each rail and angle iron, and securely riveted thereto. Screws or lagscrews shall not be used in the construction of fire escapes.

(2) The stairs shall be made of 1/4 inch by 4 inch flat mild steel bars, and the steps shall be 20 inches long and not over 10 inch rise. Stairs shall have a railing made of 1 inch pipe and be 20 inches from stairs, and securely fastened by means of 1 inch pipe supports not over 7 feet apart.

(3) The firefighter's ladder shall consist of 5/16 inch by 2 inch mild steel bars for sides, and have 3/4 inch round mild steel rungs, spaced not over 14 inches apart, tenoned on each end and riveted to each side of ladder. Ladders shall extend from within 14 feet of the ground to not less than 5 feet above the roof of the building. Each balcony shall be securely bolted to building and supported by means of 1-1/2 inch square braces, four in number, securely anchored into the wall, as may be directed by the building inspector or fire chief. Fire escapes, when finished, shall be painted with at least one coat of red lead.

**479.050 Certain fire escapes to extend to ground or have approved counterbalanced stairways.** The fire escape shall extend clear to the ground or have an approved counterbalanced stairway, when the State Fire Marshal deems such to be necessary, as in the case of schools, factories, hotels, hospitals, detention homes and buildings of public assembly.

**479.060 Location of fire escapes; accessibility; freedom from obstructions; buildings of three or more stories.** (1) Fire escapes installed after May 28, 1925, shall be located on buildings so as to be as remote from stairways as possible.

(2) In all buildings erected after May 28, 1925, which are occupied at night for sleeping purposes and which require fire escapes, the public corridors shall extend to all fire escapes.

(3) In all buildings existing on May 28, 1925, and in all buildings erected after that date, except those covered by the regulations of subsection (2) of this section, not more than one room shall intervene between a corridor and any fire escape. When a room intervenes between a corridor and the fire escape, the corridor door shall have a glass panel extending from the top rail to the doorknob and the glass shall be of a kind that is easily broken. Any lock on the corridor door shall be of the night latch type which can be opened from the inside without a key. Close to the door, on the corridor side, shall be kept at all times an adequate instrument for breaking the glass, with explanatory label, subject to approval of the State Fire Marshal.

(4) All fire escapes, ladders, stairs, hallways and platforms shall be kept free from encumbrances or obstructions at all times.

(5) In all buildings consisting of three or more stories, except private residences, and which are occupied for sleeping purposes, all unprotected openings such as open stairways, open elevator shafts, dumbwaiters, chutes, light

wells or any other unprotected opening shall be effectively enclosed in a manner subject to approval of the State Fire Marshal to prevent the dangerous spread of fire, smoke, gas or heat to corridors leading to fire escapes.

**479.070** [Repealed by 1965 c.602 s.30]

**479.080 Red or green lights to show location of fire escapes; fire warning system.** (1) An electric red or green exit light of a type approved by the State Fire Marshal shall be placed in full view of hallways showing location of fire escapes. Each light must be kept burning from sundown to sunrise when such building is occupied. The light must not at any time be permitted to be out of order and when out of order must be immediately repaired.

(2) All hotels, factories, workshops, schools and any other building shall be equipped with a fire warning system in accordance with rules and regulations of the State Fire Marshal. [Amended by 1955 c.453 s.1; 1965 c.602 s.17]

**479.090 Stationary ladders; standpipe specifications; hospital requirements.** (1) All buildings requiring fire escapes shall have stationary iron ladders to scuttle holes. A standpipe shall be erected with all fire escapes, with hose attachments at each story, with Siamese connection not less than 18 inches nor more than four feet above sidewalk grade, on all buildings more than three stories in height as follows:

STANDPIPE TABLE

| | 4-story | 5-story | 6- or 7-story |
|---|---|---|---|
| Size of standpipe..... | 4-inch | 4-inch | 5-inch |
| Size of valves..... | 2-1/2-inch | 2-1/2-inch | 2-1/2-inch |
| Siamese inlet..... | 2-way | 3-way | 4-way |
| Size of inlet..... | 2-1/2-inch | 2-1/2-inch | 2-1/2-inch |
| Roof outlet..... | 2-way | 2-way | 3-way |
| Size of outlet..... | 2-1/2-inch | 2-1/2-inch | 2-1/2-inch |

(2) Whenever a water supply is available of sufficient pressure, interior standpipes of not less than 1-1/2 inches in size shall be installed in such building described in ORS 479.030, with valve and hose attached to standpipe on each floor, the hose to be of sufficient length to reach any part of the floor. One 2-1/2 gallon fire extinguisher shall be installed and maintained on each floor. The extinguisher shall be kept in good working order at all times. [Amended by 1965 c.602 s.17a]

**479.100 Public garage regulation.** (1) In all public garages:

(a) All wiring shall be installed in accordance with minimum safety standards as defined in ORS 479.530.

(b) There shall be at all times maintained fire extinguishing equipment in accordance with State Fire Marshal rules.

(c) No gasoline or other volatile flammable liquid or gas shall be put into or taken out of any automobile in the presence of an open flame or while an engine is running.

(d) No lights of any kind other than electricity shall be used for illuminating purposes when electricity is available.

(e) All electric equipment and any flame or spark-producing devices not actually a part of an automobile shall be installed, located and used in accordance with rules of the State Fire Marshal, unless of an approved explosion-proof type that meets or exceeds such rules.

(f) All repair shops shall be kept clean and the floor free from oily waste or rags. All such rags and waste and combustible rubbish shall be kept in metal cans or receptacles covered with tight-fitting covers.

(2) As used in this section, “public garage” means any garage to which the public is invited where there are housed for rent, care, repair, demonstration, storage or sale, four or more motor vehicles or self-propelled vehicles that use gasoline or other volatile flammable liquid or gas for fuel or power. [Amended by 1959 c.651 s.1; 1965 c.602 s.18; 1983 c.740 s.191; 1997 c.24 s.1]

**479.110** [Amended by 1963 c.317 s.1; repealed by 1965 c.602 s.30]

**479.120** [Repealed by 1963 c.120 s.2 (479.121 enacted in lieu of 479.120)]

**479.121** [1963 c.120 s.3 (enacted in lieu of 479.120); 1969 c.314 s.52; repealed by 1979 c.764 s.2]

**479.130 Tents or canvas-covered structures for public assembly to be flame resistant.** No person shall erect, maintain or use within Oregon any tent or canvas-covered structure with the intent that such a tent or structure be used for a place of public assembly unless the tent and canvas-covered parts of the structure and all combustible decorative materials have been rendered flame resistant.

**479.140 School fire regulation.** (1) The State Fire Marshal and deputies and assistants shall require teachers of public and private schools and educational institutions to have one fire drill each month and to keep all doors and exits unlocked during school hours.

(2) After July 1, 1965, all painting or finish applied to interior combustible surfaces, except floors and trim, of public and private school buildings and educational institutions shall be of a fire-retardant material meeting flame spread regulations for interior finish established by the State Fire Marshal pursuant to ORS 476.030. [Amended by 1965 c.602 s.19]

**479.150 Outward-swinging doors required in public buildings.** (1) The outside doors, doors serving as exits from hazardous areas and all doors located in the path of exit leading thereto, in every theater, church, school building, public hall, and every other building used for public purposes where people congregate, shall be so swung and hinged that they will open outward as determined in accordance with rules adopted by the State Fire Marshal pursuant to ORS 476.030. Revolving, sliding and overhead doors shall not constitute any part of the door width required for exit facilities as determined in accordance with rules adopted by the State Fire Marshal pursuant to ORS 476.030.

(2) No owner, lessee, tenant or person having control of any building enumerated in subsection (1) of this section shall fail to provide doors opening outward as required therein. [Amended by 1979 c.660 s.1]

**479.155 Plan of proposed construction or alteration; declaration of value; fee; approval of plan; effect of approval.** (1) As used in this section, “director” means the Director of the Department of Consumer and Business Services.

(2) Prior to construction or alteration of a hospital, public building as defined in ORS 479.010 (1), public garage, dry cleaning establishment, apartment house, hotel, bulk oil storage plant, school, institution as defined in ORS 479.210, or any other building or structure regulated by the State Fire Marshal for use and occupancy or requiring approval by the State Fire Marshal pursuant to statute, the owner shall submit to the director two copies of a plan or sketch showing the location of the building or structure with relation to the premises, distances, lengths and details of construction as the director shall require. Such filing shall not be required with respect to any such building or structure in any area exempted by order of the State Fire Marshal pursuant to ORS 476.030. Approval of such plans by the director shall be considered approval by the State Fire Marshal and shall satisfy any statutory provision requiring approval by the State Fire Marshal.

(3) A declaration of the value of the proposed construction or alteration and the appropriate fee required under ORS 455.210 shall accompany the plan or sketch. However, the determination of value or valuation shall be made by the director.

(4) The director shall be furnished with not fewer than two accurate copies of the plan or sketch and details for the purpose of ascertaining compliance with applicable fire prevention and protection statutes and regulations. The plan examiner shall indicate on the plan or sketch and in writing approval or disapproval and conditions for approval of the construction or alteration. One copy of the plan or sketch shall be retained by the director and one copy shall be returned to the applicant. No building or structure referred to in subsection (2) of this section shall be erected or constructed without approval by the director if the building or structure requires approval by the State Fire Marshal. After such approval or issuance of the required permit, construction or alteration shall comply with the plan or sketch in all respects unless modified by subsequent permit or order of the director.

(5) The approval of a plan or sketch shall not be construed to be a permit for, or an approval of, any violation of any statute or regulation or the applicable ordinances and regulations of any governmental subdivision of the state. The approval of a plan or sketch shall not be construed as an approval for noncompliance with fire marshal regulations. Any condition upon approval or disapproval shall be deemed an order subject to appeal as other orders are appealable.

(6) Notwithstanding the requirements of subsections (2) and (4) of this section, the State Fire Marshal may, by rule,

require an additional copy of a plan or sketch for local government use and may specify that plans or sketches submitted for review be drawn clearly and to scale. [1965 c.602 s.14; 1967 c.417 s.20; 1973 c.834 s.33; 1977 c.821 s.4; 1987 c.414 s.158; 1993 c.744 s.116; 1999 c.1082 s.13]

**479.160 Existing nonconforming buildings; permit for use and occupancy.** The owner, lessee or agent of any building established, occupied and defined, as of May 28, 1925, as coming within the provisions of ORS 479.020 to 479.100, which does not conform to the requirements of these provisions, but which, after an inspection by the State Fire Marshal, is found to be reasonably safe, or which can be made reasonably safe, shall be granted a permit by the State Fire Marshal for the continued use and occupancy of the building after the changes, if any, have been made.

**479.165 Certification of fire officials; rules.** (1) In accordance with any applicable provisions of ORS 183.310 to 183.550, the State Fire Marshal, by rule, shall establish a certification system for fire officials who review plans, new construction, alterations and specifications from a uniform fire code.

(2) Fire officials who review plans, new construction, alterations and specifications from a uniform fire code shall be certified under subsection (1) of this section.

(3) Nothing in this section shall be construed to expand the duties of the State Fire Marshal with respect to regulating additional types of structures. [1993 c.463 s.3]

**479.170 Ordering repair of, or removal of material from, buildings.** (1) If the State Fire Marshal, or deputies, upon an examination or inspection finds a building or other structure which for want of proper repairs, by reason of age and dilapidated conditions, or poorly installed electric wiring and equipment, defective chimneys, defective gas connection, defective heating apparatus or for any other cause or reason, is especially liable to fire, and which is so situated or occupied as to endanger other buildings or property or human life, the officer shall order the building to be repaired and all dangerous conditions remedied.

(2) If the officer finds in any building or upon any premises any combustible or explosive material, rubbish, rags, waste, oils, gasoline or inflammable condition of any kind, dangerous to the safety of the buildings or premises or human life, the officer shall order such materials removed or remedied.

(3) The order shall be made against and served personally or by registered letter upon the owner, lessee or occupant of the building or premises. Thereupon it shall be complied with by the owner, lessee, agent or occupant within the time fixed in the order. Upon failure to comply, the State Fire Marshal may close the building or premises for use or occupancy until compliance has been made.

**479.180 Appeal from order to comply with fire prevention statutes.** (1) If the owner, lessee, agent or occupant is aggrieved by the order of an officer under the provisions of ORS 476.030, 479.020 to 479.130, 479.170, 479.210 to 479.220, 480.122 to 480.160, 480.330, 480.340, 480.420 to 480.434 or 480.450 and desires a hearing, the person may complain or appeal in writing to the State Fire Marshal within 10 days from the service of the order. The complaint or appeal shall set forth the specific grounds of the complaint or appeal and no other ground shall be considered thereafter. The complaint or appeal shall be accompanied by a fee of $40 payable to the State Fire Marshal, and the State Fire Marshal may refer the complaint or appeal to the regional appeal advisory board established for that region by notifying the chairperson of that board and sending a copy of the notice to the complainant or appellant. The board shall fix a time for hearing and notify the complainant or appellant of the time and place thereof, which shall be within 10 days after such referral by the State Fire Marshal. If the State Fire Marshal does not refer the matter to a regional appeal advisory board, the State Fire Marshal shall fix a time and place, not less than five and not more than 10 days thereafter, when and where the complaint or appeal will be heard by the State Fire Marshal. Within 10 days after receiving a recommendation from the regional appeal advisory board, or if no referral was made to such board, within 10 days after the hearing before the State Fire Marshal, the State Fire Marshal may affirm, modify, revoke or vacate the order complained of or appealed from. Unless the order is modified, revoked or vacated by the State Fire Marshal, it shall remain in force and be complied with by the owner, lessee, agent or occupant, and within the time fixed in the order or fixed by the State Fire Marshal. If the State Fire Marshal vacates or revokes the order complained of or appealed from, or modified it in any particular other than extending time for compliance, the fee paid with the complaint or appeal shall be refunded. Otherwise, it shall be credited to appropriate state funds, and the State Fire Marshal shall so notify the State Treasurer.

(2) If the complainant or appellant under subsection (1) of this section is aggrieved by the final order of the State Fire Marshal, and if such order necessitates the expenditure of money or involves statutory interpretation, the

complainant or appellant may, within 10 days thereafter, appeal to the circuit court of the county in which the property is situated, notifying the State Fire Marshal of the appeal within 10 days thereafter, which notice shall be in writing and delivered personally or by registered letter to the marshal, or left at the principal office of the State Fire Marshal at the state capital. The party so appealing shall, within two days after filing the appeal, file with the circuit court in which appeal is made a bond in an amount to be fixed by the court or judge, but in no case less than $100, with two sufficient sureties possessing the qualification of bail on arrest, the bond to be approved by the court and conditioned to pay all the costs on the appeal in case the appellant fails to sustain it or it is dismissed for any cause. In the case of an appeal involving an order under ORS 479.170, the circuit court shall hear and determine the appeal within 10 days after the date of filing the same.

(3) The State Fire Marshal shall make or have made a certified summary of the proceedings at the hearing before the regional appeal advisory board or before the State Fire Marshal, and together with all the evidentiary matter filed in the office of the State Fire Marshal or presented to the regional appeal advisory board, transmit them to the circuit court at least three days prior to the date fixed by the court for hearing when it shall be tried de novo. [Amended by 1965 c.602 s.20; 1973 c.832 s.9]

**479.190 Liability in damages for failure to comply with order under ORS 479.170.** Anyone whose person or property is injured by reason of the failure of the owner or occupant to comply with any order under ORS 479.170 not appealed from, or with any such order of the State Fire Marshal upon appeal to the State Fire Marshal, or by any fire originating in the building or premises while the order is in effect and not complied with, may recover from the owner or occupant the actual damage suffered.

**479.195 Certain public places to post notice of maximum allowable number of persons; closure of buildings; judicial review.** (1) After January 1, 1968, all dance halls, clubs, amusement halls, auditoriums and every place of public assembly not having fixed seats and having a capacity of more than 100 persons shall post and keep posted a notice of the maximum number of persons allowed at any one time as established by regulations of the State Fire Marshal or by the approved authority when such public assemblies are located within the jurisdiction of a governmental subdivision granted the exemption provided by ORS 476.030 (3). All such capacity notices shall be on a form approved or provided by the State Fire Marshal and shall be securely fixed and posted in a conspicuous place so as to be readily visible to the occupants of such place of assembly.

(2) If the State Fire Marshal, or deputies, assistants as defined in ORS 476.060, or the approved authority, as provided by ORS 476.030 (3), upon examination or inspection finds a building or other structure described in subsection (1) of this section, to be occupied by a number of persons in excess of the maximum number of persons allowed at any one time as set forth in the capacity notice, the State Fire Marshal, or deputies, assistants as defined in ORS 476.060, or the approved authority, as provided in ORS 476.030 (3), may close the building or other structure for use or occupancy until compliance has been made.

(3) The owner of any building or other structure closed under subsection (2) of this section shall have immediate access to the circuit court for the county in which the building or other structure is located for review of the order of exclusion or removal. Such access may be in the form of any appropriate judicial proceeding and shall be given priority over all other cases on the docket of the circuit court.

(4) The closure provided for in subsection (2) of this section shall not exclude any other remedies available to the State Fire Marshal, deputies, or approved authority, as provided by ORS 476.030 (3). [1967 c.417 s.18; 1971 c.689 s.1; 1979 c.772 s.25; 1993 c.185 s.31]

**479.200 Water supply required for certain public buildings.** (1) Any public building, as defined in ORS 479.010 (1)(i), erected after July 1, 1967, that exceeds 5,000 square feet in usable or occupied floor area or is more than two stories in height and exceeds 2,000 square feet in usable or occupied ground floor area shall have a readily available water supply within 500 feet of such building of sufficient capacity to allow fire-fighting apparatus to pump 500 gallons per minute for a period of 10 minutes for each 5,000 square feet of occupied or usable floor area or fraction thereof, up to 500 gallons per minute for 30 minutes.

(2) Required water supplies may be provided by underground cisterns or surface ponds, lakes or streams when approved and readily accessible standpipes of not less than four inches inside diameter with not less than two two-and-one-half-inch outlets or equivalent are provided. [1967 c.417 s.19]

INSPECTION OF INSTITUTIONS

**479.210 "Institution" defined for ORS 479.215 to 479.220.** As used in ORS 479.215 to 479.220, unless the context requires otherwise, "institution" means:

(1) A child-caring facility which provides residential care and which receives state aid under ORS 418.005 to 418.025, 418.035 to 418.185, 418.205 to 418.315 and 418.625 to 418.685;

(2) An inpatient care facility required to be licensed under ORS 441.015 to 441.087, 441.525 to 441.595, 441.815, 441.820, 441.990, 442.342, 442.344 and 442.400 to 442.463; or

(3) A residential facility subject to licensure under ORS 443.400 to 443.455 and 443.991 (2). [1961 c.316 s.1; 1963 c.202 s.1; 1969 c.641 s.18; 1973 c.832 s.10; 1977 c.717 s.18]

**479.215 Institution not to be licensed or certificated unless in compliance with fire safety requirements; inspection; list of licensed or approved institutions.** (1) Except as provided in subsection (3) of this section or in ORS 479.217, the Health Division shall not issue an initial license or an initial certificate of approval to any institution when the State Fire Marshal, or an approved representative as provided in subsection (3) of this section, notifies in writing that the institution is not in substantial compliance with all applicable laws and rules relating to safety from fire established pursuant to ORS 476.030.

(2) On January 1st of each year or as soon thereafter as practicable the Health Division shall furnish the State Fire Marshal with a complete list of all institutions licensed or approved by it within the State of Oregon.

(3) The State Fire Marshal, deputy or the approved authority shall make or have made at least once each year an inspection of any such licensed or approved institution to determine its substantial compliance with the laws and rules as provided in subsection (1) of this section. If any required corrective measures are not completed within the reasonable time fixed or an extension thereof made by order of the inspecting authority, the Health Division shall be notified of the fact of noncompliance and appropriate action shall be initiated in accordance with provisions of ORS 476.030 and 479.170. Except as provided in ORS 479.217, if, at any time, the State Fire Marshal, or deputy, or the approved authority notifies the Health Division in writing that an institution is not in substantial compliance with all applicable laws and rules as provided in subsection (1) of this section, the Health Division shall deny, withhold, suspend or revoke the license or certificate of approval of the institution.

(4) When an area has been exempted by the State Fire Marshal under ORS 476.030, certification, annual inspection and notification of noncompliance when appropriate, shall be made and performed by the approved authority of the governmental subdivision having jurisdiction in such area. [1961 c.316 s.2; 1963 c.202 s.2; 1965 c.602 s.21; 1973 c.832 s.11]

**479.217 Temporary permit in lieu of inspection approval under ORS 479.215; cancellation; extension or renewal.** (1) In lieu of an inspection approval by the State Fire Marshal or the approved authority of a governmental subdivision having jurisdiction in an area exempted by the State Fire Marshal, under ORS 479.215 for institutions licensed under ORS 418.005 to 418.025, 418.035 to 418.185, 418.205 to 418.315, 418.625 to 418.685, 441.015 to 441.087, 441.525 to 441.595, 441.815, 441.820, 441.990 and 442.400 to 442.463 or licensed by the Department of Human Services in accordance with ORS 443.400 to 443.455, the State Fire Marshal or the approved authority may issue a temporary permit which meets the requirements of ORS 479.215 for licensing of such institutions. The temporary permit may be issued only when it appears that:

(a) The facilities for protection from fire in an institution are adequate so that the institution can operate without jeopardizing the health or safety of its residents or patients; and

(b) The institution can comply with all applicable laws and rules relating to safety from fire within a period of two years from the date of issuance of the temporary permit.

(2) In issuing the temporary permit, the State Fire Marshal or approved authority of the governmental subdivision having jurisdiction in an exempt area may require that during the two-year period in which the temporary permit is in effect:

(a) Plans for compliance with all applicable laws and rules relating to safety from fire be submitted with the application for a temporary permit;

(b) Periodic reports be submitted on the progress of the plans for compliance; and

(c) Special temporary provisions specified by the State Fire Marshal or the approved authority be maintained for the protection from fire of the residents or patients of the institution.

(3) If at any time, the State Fire Marshal or the approved authority determines that the facilities for protection from fire at the institution are no longer adequate to protect the residents or patients or that the requirements imposed under

subsection (2) of this section are not being maintained, the State Fire Marshal or the approved authority shall cancel the temporary permit and shall notify the Health Division of such cancellation.

(4) Extensions and renewals may be granted on the temporary permit. [1963 c.202 s.5; 1965 c.602 s.22; 1973 c.832 s.12; 1977 c.717 s.21]

**479.220 Institution inspection by State Fire Marshal; notification to Health Division of noncompliance.** When application is made for the initial issuance or reinstatement of a license or certificate of approval to operate and maintain an institution, or for an enlargement or addition to a licensed or approved institution, the Health Division shall notify in writing the State Fire Marshal, and the State Fire Marshal or deputy, or the approved authority in the case of an institution located in an area exempted under ORS 476.030, shall within 30 days inspect the institution as authorized by ORS 476.150 and within that time shall notify the Health Division in writing when the institution is not substantially in compliance with all applicable laws and rules. [1961 c.316 s.3; 1963 c.202 s.3; 1965 c.602 s.23; 1967 c.89 s.9; 1973 c.832 s.13]

SMOKE DETECTION

**479.250 Definitions for ORS 479.250 to 479.300.** As used in ORS 479.250 to 479.300, unless the context requires otherwise:

(1) “Smoke alarm” means a self-contained single or multiple station detection device for products of combustion other than heat that conforms to the state building code, rules of the State Fire Marshal and that is listed by Underwriters Laboratories or any other nationally recognized testing laboratory. “Smoke alarm” includes but is not limited to devices listed under UL 217 (1998). “Smoke alarm” may include two or more single station units wired to operate in conjunction with each other.

(2) “Smoke detector” means a device that is not self-contained, that detects products of combustion other than heat, that is intended for use in conjunction with a central control panel, that conforms to the state building code and rules of the State Fire Marshal and that is listed by Underwriters Laboratories or any other nationally recognized testing laboratory. “Smoke detector” includes but is not limited to devices listed under UL 268 (1998).

(3) “Door knock alerting device” or “door knock device” means an approved electronic unit that alerts a hearing impaired occupant of a knock on the door of the sleeping room that the hearing impaired person is occupying.

(4) “Dwelling unit” means a structure or part of a structure providing complete, independent living facilities for one or more persons including permanent provisions for sleeping, eating, cooking and sanitation.

(5) “Hotel” means any building containing six or more guest rooms that are rented, hired out or made available on a regular basis for sleeping purposes but are not used as a primary residence.

(6) “Landlord” means the owner, lessor or sublessor of the rental dwelling unit or guest room in the building of which it is a part.

(7) “Lodging house” is any building or portion thereof containing not more than five guest rooms that are made available for sleeping purposes in exchange for compensation paid in money, goods, labor or other tender but are not used as a primary residence.

(8) “Smoke alarm for hearing impaired persons” means an approved smoke alarm that, when activated by smoke or products of combustion, produces an audible and a visual warning. The visual warning shall produce a light signal sufficient to warn a hearing impaired person of the presence of fire or smoke.

(9) “State building code” shall have the meaning for that term provided under ORS 455.010.

(10) “Tenant” means a person entitled to occupy a dwelling unit on a rental or lease basis. [1979 c.642 s.1; 1989 c.247 s.1; 1999 c.307 s.1]

**479.255 Smoke alarm or smoke detector required in certain structures; hearing impaired persons.** (1) Every dwelling unit regulated under ORS chapter 90, every lodging house and every hotel guest room shall contain an approved and properly functioning smoke alarm or smoke detector, installed in accordance with the state building code and rules of the State Fire Marshal.

(2) A hotel shall provide no fewer than one smoke alarm for hearing impaired persons and one door knock device for each 75, or fraction thereof, rooms of the hotel that are regularly used for sleeping.

(3) If a person renting a room in a hotel requests a room with a smoke detector or a smoke alarm for hearing impaired persons and a door knock device, the landlord shall:

(a) Install a portable smoke alarm for hearing impaired persons and a door knock device; or

(b) Provide the person with a room in which a smoke detector or smoke alarm for hearing impaired persons and a door knock device have been permanently installed.

(4) The landlord may require a guest to pay a refundable deposit if the landlord provides the smoke alarm for hearing impaired persons under subsection (3)(a) of this section.

(5) A hotel shall provide a printed notice of the requirements of subsection (3) of this section, posted conspicuously at the place of registration or in each guest room. [1979 c.642 s.2; 1989 c.247 s.2; 1999 c.307 s.2]

**479.257 Design features required for certain smoke alarms.** (1) Not later than January 1, 2002, every smoke alarm installed in a dwelling unit regulated under ORS chapter 90, a lodging house or a hotel guest room, as required under ORS 479.255, shall contain the features described in ORS 479.297 (1) and (2).

(2) The State Fire Marshal by rule may exempt hotels with sprinkler fire suppression systems from the requirements of this section. [1999 c.307 s.2a]

**Note:** 479.257 was enacted into law by the Legislative Assembly but was not added to or made a part of ORS chapter 479 or any series therein by legislative action. See Preface to Oregon Revised Statutes for further explanation.

**479.258 Landlord to provide notice of smoke alarm or smoke detector requirements for hearing impaired.** A landlord shall provide notice of the requirements of ORS 479.250 to 479.258, 479.280 and 479.295 in a form and manner as specified by rule by the State Fire Marshal. [1989 c.247 s.4]

**479.260 Transfer of dwelling unit or lodging house without smoke alarm or smoke detector prohibited.** No person shall convey fee title to any real property which includes a dwelling unit, or transfer possession of any dwelling unit pursuant to a land sale contract, unless there is installed in the dwelling unit an approved smoke detector or smoke alarm installed in accordance with the rules of the State Fire Marshal adopted under ORS 479.295. [1979 c.642 s.3; 1999 c.307 s.3]

**Note:** The amendments to 479.260 by section 5, chapter 647, Oregon Laws 1997, and section 4, chapter 307, Oregon Laws 1999, become operative January 1, 2002. See section 8, chapter 647, Oregon Laws 1997. The text that is operative on and after January 1, 2002, is set forth for the user's convenience.

**479.260.** (1) No person shall convey fee title to any real property that includes a dwelling unit or lodging house, or transfer possession of any dwelling unit or lodging house pursuant to a land sale contract, unless there is installed in the dwelling unit or lodging house a smoke detector or the required number of approved smoke alarms, installed in accordance with the state building code and rules of the State Fire Marshal adopted under ORS 479.295. The smoke alarms required by this subsection shall meet the requirements of ORS 479.297.

(2)(a) No person shall convey title or transfer possession of any manufactured dwelling, as defined in ORS 446.003, unless there is installed in the manufactured dwelling the required number of approved smoke alarms or smoke detectors, installed in accordance with the state building code or with the federal manufactured dwelling construction and safety standards adopted under ORS 446.155.

(b) A smoke alarm installed in a manufactured dwelling that is resold by a person other than the manufacturer or authorized dealer shall meet the requirements of ORS 479.297.

**479.265 Action for unlawful transfer of dwelling unit; damages; attorney fees.** Any purchaser or transferee of a dwelling unit who is aggrieved by a violation of ORS 479.260 may bring an individual action in an appropriate court to recover actual damages or $50, whichever is greater. In any action brought by a person under this section, the court may award to the prevailing party, in addition to the relief provided in this section, reasonable attorney fees at trial and on appeal and costs. Actions brought under this section shall be commenced within one year of the date of sale or transfer. Notwithstanding the provisions of this section, violation of ORS 479.260 shall not affect the transfer of the title or possession of the dwelling unit. [1979 c.642 s.4; 1981 c.897 s.56; 1995 c.618 s.77]

**479.270 Owner of rental dwelling unit to supply, install and maintain smoke alarm or smoke detector; instructions for testing to be provided.** (1) The owner of any rental dwelling unit or the owner's authorized agent shall be responsible for supplying, installing and maintaining the required smoke alarms or smoke detectors and shall provide a written notice containing instructions for testing of the devices. The notice shall be given to the tenant at the time the tenant first takes possession of the premises.

(2) The duty of the owner or authorized agent of the owner to maintain the required smoke alarms or smoke detectors, including providing working batteries, arises only:

(a) Prior to the beginning of every new tenancy when the tenant first takes possession of the premises; and

(b) During the tenancy upon written notice from the tenant of any deficiency, not including replacing dead batteries, as provided in ORS 479.275.

(3) Supplying and maintaining a smoke alarm or smoke detector under ORS 479.250 to 479.300 shall be considered a habitable condition under ORS 90.320. [1979 c.642 s.5; 1993 c.369 s.19; 1999 c.307 s.6]

**479.275 Tenant of rental dwelling unit to test smoke alarm or smoke detector and replace dead batteries.** It shall be the responsibility of the tenant of any rental dwelling unit to perform such tests on the smoke alarms or smoke detectors located in a part of the dwelling unit that the tenant is entitled to occupy to the exclusion of others as are recommended by the manufacturer's instructions and immediately notify, in writing, the owner or authorized agent of any deficiencies. Testing intervals shall not exceed six months. It shall also be the responsibility of the tenant during the tenancy to replace any dead batteries, as needed. [1979 c.642 s.6; 1981 c.309 s.2; 1993 c.369 s.20; 1999 c.307 s.7]

**479.280 Lack of properly operating smoke alarm or smoke detector; complaint; investigation; citation.** (1) If a rental dwelling unit is not equipped with the required smoke alarm or smoke detector, or if the smoke alarm or smoke detector is not operating properly and the owner or the owner's authorized agent has not installed a properly operating smoke alarm or smoke detector within 10 days after receiving written notice from the tenant of the deficiency, the tenant may file a complaint with the State Fire Marshal or the appropriate official charged with the duty of providing fire protection services within the local jurisdiction.

(2) Upon receipt of a complaint filed under subsection (1) of this section, the State Fire Marshal or the appropriate local fire official shall investigate the alleged violation of ORS 479.250 to 479.300. If the State Fire Marshal or appropriate local fire official finds that the landlord has failed to install a properly operating smoke alarm or smoke detector in the unit under investigation, the State Fire Marshal or local fire official may issue a citation which shall substantially conform to the requirements for a citation under ORS chapter 153.

(3) In the absence of a complaint from the tenant, the State Fire Marshal or an appropriate local fire official may initiate the citation process by presenting the owner with a written notice of the deficiency and specifying a period of not less than 10 days for compliance.

(4) If the State Fire Marshal or appropriate local fire official finds that the landlord of a hotel or lodging house has failed to comply with the requirements of ORS 479.255 (2) or (3), the State Fire Marshal or local fire official may issue a citation which shall substantially conform to the requirements for a citation under ORS chapter 153. [1979 c.642 s.7; 1981 c.309 s.1; 1989 c.247 s.6; 1999 c.307 s.8; 1999 c.1051 s.135]

**479.285 Owner to maintain and test certain smoke alarms and smoke detectors.** Where the smoke alarm or smoke detector is located in a common area of a lodging house, the owner or the owner's authorized agent shall be responsible for maintenance of the required smoke alarm or smoke detector and for performing such tests as are recommended by the manufacturer and is not required to provide notice of instructions under ORS 479.270. Testing intervals shall not exceed six months. [1979 c.642 s.8; 1993 c.369 s.21; 1999 c.307 s.9]

**479.290 Certain persons not liable for damages resulting from mechanical failure of smoke alarm or smoke detector.** The owner, owner's authorized agent, tenant, contract seller or contract purchaser of a dwelling unit shall not be held liable in any civil action for damages for death or injury to persons or property resulting from the mechanical failure of a smoke alarm or smoke detector required under ORS 479.250 to 479.300. [1979 c.642 s.9; 1999 c.307 s.10]

**479.295 State Fire Marshal to adopt standards for installation of smoke alarms and smoke detectors.** Notwithstanding the provisions of ORS 476.030, the State Fire Marshal shall adopt, by rule:

(1) Standards for the installation and maintenance of smoke alarms and smoke detectors as the State Fire Marshal considers necessary to carry out the purposes of ORS 479.250 to 479.300; and

(2) Standards for the implementation of ORS 479.250 to 479.300 and 479.990 (6). [1979 c.642 s.10; 1989 c.247 s.5; 1999 c.307 s.11]

**479.297 Smoke alarms; required equipment; exemptions.** (1) All ionization smoke alarms sold in this state that are solely battery-operated shall be packaged with a 10-year battery.

(2) All ionization smoke alarms sold in this state shall include a “hush” mechanism that allows a person to temporarily disengage the alarm for a period of not more than 15 minutes.

(3) The provisions of this section do not apply to:

(a) Smoke alarms specifically designed for hearing impaired persons;

(b) Smoke alarms sold in this state for shipment out of state; or

(c) Smoke alarms sold for installation in recreational vehicles, commercial vehicles, railroad equipment, aircraft, marine vessels or manufactured dwellings.

(4) The sale of a recreational vehicle, commercial vehicle, railroad equipment, aircraft, marine vessel or new manufactured dwelling containing a smoke alarm does not constitute sale of a smoke alarm. [1997 c.647 s.2,3; 1999 c.307 s.12]

**479.300 Removing or tampering with smoke alarm or smoke detector prohibited.** No person shall remove or tamper with a properly functioning smoke alarm or smoke detector installed in conformance with ORS 479.250 to 479.300. This prohibition includes removal of working batteries. [1979 c.642 s.11; 1993 c.369 s.22; 1999 c.307 s.13]

**479.410** [Repealed by 1959 c.406 s.34]

**479.420** [Repealed by 1959 c.406 s.34]

**479.430** [Repealed by 1959 c.406 s.34]

**479.440** [Amended by 1955 c.689 s.1; 1957 c.429 s.1; repealed by 1959 c.406 s.34]

**479.450** [Repealed by 1959 c.406 s.34]

ELECTRICAL SAFETY LAW

**479.510 Short title.** ORS 479.510 to 479.945 may be cited as the Electrical Safety Law. [1959 c.406 s.1; 1981 c.815 s.2]

**479.520 Purpose.** The purpose of the Electrical Safety Law is to protect the health and safety of the people of Oregon from the danger of electrically caused shocks, fires and explosions and to protect property situated in Oregon from the hazard of electrically caused fires and explosions. To accomplish this purpose the Legislative Assembly intends to provide a procedure:

(1) For determining where and by whom electrical installations are being made and where electrical products are sold in this state.

(2) To assure the public that persons making electrical installations in this state are qualified by experience and training.

(3) To assure the public that electrical installations made and electrical products sold in this state meet minimum safety standards.

(4) For the administration and enforcement of the Electrical Safety Law by the Department of Consumer and Business Services and the Electrical and Elevator Board.

(5) By which the cost of administering and enforcing the Electrical Safety Law is defrayed by the collection of fees in connection with the issuing of permits and electrical licenses and the collection of fines and civil penalties. [1959 c.406 s.2; 1981 c.815 s.3; 1987 c.414 s.33; 1993 c.744 s.117]

**479.525 Application of Electrical Safety Law; uniformity.** Except as provided in ORS 479.854, the Electrical Safety Law shall be applicable and uniform throughout this state and in all municipalities, and no municipality shall enact or enforce any ordinance, rule or regulation relating to the same matters encompassed by the Electrical Safety Law. [1983 c.580 s.3]

**479.527** [1985 c.826 s.2; repealed by 1987 c.874 s.1]

**479.530 Definitions for ORS 479.510 to 479.945.** As used in ORS 479.510 to 479.945, unless the context requires

otherwise:

(1) “Approved testing laboratory” means a testing laboratory that meets criteria for electrical product evaluation established by the Director of the Department of Consumer and Business Services with the approval of the board under ORS 479.730.

(2) “Board” means the Electrical and Elevator Board established under ORS 455.138.

(3) “Certified electrical product” means an electrical product that is certified under ORS 479.760 and that is not decertified.

(4) “Competent inspection service” means an electrical inspection service of a city or county administered under ORS 455.150 that employs electrical inspectors who are certified to meet standards under ORS 479.810.

(5) “Commercial electrical air conditioning equipment” means heating, cooling, refrigeration, dehumidifying, humidifying and filtering equipment used for climatizing or moving of air if used in commerce, industry or government and if installed in a place not accessible to the general public other than the switches regulating the operation of the equipment.

(6) “Department” means the Department of Consumer and Business Services.

(7) “Director” means the Director of the Department of Consumer and Business Services.

(8) “Dwelling unit” means one or more rooms for the use of one or more persons as a housekeeping unit with space for eating, living and sleeping and permanent provisions for cooking and sanitation.

(9) “Electrical installations” means the construction or installation of electrical wiring and the permanent attachment or installation of electrical products in or on any structure that is not itself an electrical product. “Electrical installation” also means the maintenance or repair of installed electrical wiring and permanently attached electrical products. “Electrical installation” does not include an oil module.

(10) “Electrical product” means any electrical equipment, appliance, material, device or apparatus to convey or be operated by electrical current.

(11) “Equipment” means any material, fittings, devices, appliances, fixtures, apparatus or the like that are used as part of or in connection with an electrical installation.

(12) “Field evaluation firm” means an independent organization that provides:

(a) Evaluations or testing, or both; and

(b) Documentation regarding compliance with electrical product safety standards and with the electrical installation safety code.

(13) “Industrial electrical equipment” means electrical products used in industry or government that utilizes electric energy for mechanical, chemical, heating, lighting or similar purposes, that is designed to service or produce a product and that is used directly in the production of the service or product. “Industrial electrical equipment” does not include:

(a) Wiring to be connected to industrial electrical products.

(b) Any other electrical product that is not an original part of industrial electrical equipment.

(14) “Installation label” means an adhesive tag issued by governmental agencies that administer the Electrical Safety Law to licensed electrical contractors for application to those minor electrical installations for which the board by rule determines to be appropriate for random inspections.

(15) “License” means an annual permit issued by the department under ORS 479.630 authorizing the person whose name appears as licensee thereon to act as an electrical contractor, supervising electrician, journeyman electrician, apprentice electrician or limited elevator journeyman as indicated thereon.

(16) “Minimum safety standards” means safety standards prescribed by the department under ORS 479.730.

(17) “Multifamily dwelling” means a building containing more than one dwelling unit.

(18) “Oil module” means a prefabricated structure manufactured to the specifications of the purchaser and used outside this state in the exploration for or processing or extraction of petroleum products.

(19) “Permit” means an official document or card issued by the enforcing agency to authorize performance of a specified electrical installation.

(20) “Single family dwelling” means a building consisting solely of one dwelling unit.

(21) “Uncertified product” means any electrical product that is not an electrical product certified under ORS 479.760. [1959 c.406 s.3; 1971 c.753 s.55; 1973 c.834 s.35; 1981 c.815 s.4; 1983 c.733 s.1; 1985 c.826 s.3; 1987 c.414 s.34; 1987 c.575 s.4; 1987 c.874 s.2; 1993 c.744 s.118; 1995 c.706 s.1; 1999 c.59 s.159; 1999 c.1031 s.1]

**479.540 Exemptions.** (1) Except as otherwise provided in this subsection, no person is required to obtain a license to make an electrical installation on property that is owned by the person or a member of the person's immediate family if the property is not intended for sale, exchange, lease or rent. The following apply to the exemption

established in this subsection:

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

(b) If the property is a building used as a residence and is for rent, lease, sale or exchange, this subsection establishes an exemption for work on, alterations to or replacement of parts of electrical installations as necessary for maintenance of the existing electrical installations on that property, but does not exempt new electrical installations or substantial alterations to existing electrical installations on that property. As used in this paragraph, “new electrical installations or substantial alterations” does not include the replacement of an existing garbage disposal, dishwasher or electric hot water heater with a similar appliance of 30 amps or less, single phase, by a landlord, landlord's agent or the employee of the landlord or landlord's agent.

(2) No electrical contractor license is required in connection with an electrical installation:

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

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

(c) To be made by a person on the person's property in connection with the person's business.

(d) To be made by a public utility, telecommunications carrier as defined in ORS 133.721 or municipality for generation, transmission or distribution of electricity on property which it owns or manages.

(3) No person whose sole business is generating or selling electricity in connection with the construction or maintenance of electrical lines, wires or equipment, is required to obtain a license to transform, transmit or distribute electricity from its source to the service head of the premises to be supplied thereby.

(4)(a) No person is required to obtain a license for the repair or replacement of light fixtures, light switches, lighting ballast, electrical outlets or smoke alarms in a building used for housing purposes that is owned, leased, managed or operated by a housing authority and the person doing the repair or replacement is a member of the housing authority's regular maintenance staff.

(b) No license is required for:

(A) Temporary demonstrations;

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

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

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

(5) The provisions of ORS 479.510 to 479.945 do not apply:

(a) To electrical products owned by, supplied to or to be supplied to a public utility as defined in ORS 757.005 or telecommunications carrier as defined in ORS 133.721;

(b) To electrical installations made by or for such a public utility or telecommunications carrier where the electrical installations are an integral part of the equipment or electrical products of such utility; or

(c) To any electrical generation plant owned or operated by a municipality to the same extent as a public utility or telecommunications carrier under paragraphs (a) and (b) of this subsection.

(6) No permit is required:

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

(b) For the repair, alteration or replacement of existing electrical products or electrical installations authorized by ORS 479.560 (3) at an industrial plant, a commercial office building, a building that is owned, leased, managed or operated by the state or a local government entity or other facilities designated by the Electrical and Elevator Board when the owner, operating manager or electrical contractor of the facility meets the provisions of ORS 479.630 (1) and (2) and:

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

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

(7) In cases of emergency in industrial plants no permit is required in advance for electrical installation made by a person licensed as a general supervising electrician, a general journeyman electrician or an electrical apprentice under ORS 479.630 if an application accompanied by appropriate fee for a permit is submitted to the Department of Consumer and Business Services within five days after the commencement of such electrical work.

(8) No person is required to obtain a license or permit to set in place and connect a certified electrical product as long as the work performed is not an electrical installation as defined in ORS 479.530.

(9) The provisions of ORS 479.510 to 479.945 do not apply to electrical installations involving:

(a) Communication and signal systems of railroad companies.

(b) Telephone terminal equipment and communications systems including all grandfathered or registered telephone terminal equipment and communications systems identified in the Federal Communications Commission rules and regulations, Volume X, part 68, and all terminal equipment and communications systems that are utilized in conjunction with private line communications services.

(c) Remote and permanent broadcast systems of radio and television stations licensed by the Federal Communications Commission if the systems are not part of the building's permanent wiring.

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

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

(11) ORS 479.760 does not apply to products described in this subsection that comply with the minimum electrical installation safety code. This subsection does not exempt any products used in locations determined to be hazardous in the electrical code of this state. The following apply to this subsection:

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

(A) Industrial electrical equipment that is factory wired using separately certified components and is custom-made, limited produced or outside the scope, as determined by the Director of the Department of Consumer and Business Services, of the standards and requirements of Underwriters Laboratories, Canadian Standards Association or American National Standards Institute as in effect on October 23, 1999.

(B) The rotating equipment portion of power generation equipment.

(C) Testing equipment used in a laboratory or hospital.

(D) Commercial electrical air conditioning equipment.

(E) Prefabricated work performed by an electrical contractor with licensed electrical personnel in the contractor's place of business for assembly on the job site if the work is composed of parts that are certified electrical products.

(b) Notwithstanding paragraph (a) of this subsection, the board may require any of the products described in paragraph (a) of this subsection to be subject to the certification requirements under ORS 479.760 if the board determines that the product or class of products has presented a fire or life safety hazard in use. A determination under this paragraph shall be effective as to any such product or class of products sold or offered for sale after the date of the determination becomes final. The board may reinstate any exemption removed under this paragraph if the board determines that the reasons for the removal of the exemption have been corrected.

(12) ORS 479.760 does not apply to electrical equipment that has been in use for one year or more and that is offered for sale.

(13) A person who holds a limited maintenance specialty contractor license or a limited pump installation specialty contractor license issued under ORS 479.510 to 479.945 or a person who is the employee of such license holder and who is listed with the board as an employee is not required to have a journeyman license or supervising electrician's license to perform work authorized under the person's license.

(14) No person is required to obtain a permit for work on, alterations to or replacement of parts of electrical installations as necessary for maintenance of existing electrical installations on residential property owned by the person or by a member of the person's immediate family. This subsection does not establish an exemption for new electrical installations or substantial alterations to existing electrical installations.

(15) No permit is required for those minor electrical installations for which the board has authorized an installation label.

(16) A residential home, as defined in ORS 443.580, and an adult foster home, as defined in ORS 443.705, shall not be considered to be a multifamily dwelling and only electrical installation standards and safety requirements applicable to single family dwellings apply to such homes.

(17) The permit requirements of ORS 479.550 and the license requirements of ORS 479.620 do not apply to cable television installations.

(18) The provisions of any electrical products code or rule adopted pursuant to ORS 479.510 to 479.945 apply to cable and such products installed as part of a cable television installation.

(19) As used in this section, “smoke alarm” shall have the meaning given that term under ORS 479.250. [1959 c.406 s.4; 1973 c.834 s.36; 1977 c.633 s.1; 1981 c.815 s.5; 1987 c.575 s.5; 1987 c.447 s.107; 1989 c.481 s.1; 1991 c.251 s.1; 1991 c.334 s.1; 1993 c.451 s.1; 1993 c.497 s.1; 1993 c.744 s.119; 1995 c.553 s.3; 1995 c.797 s.1; 1997 c.611 ss.1,2; 1999 c.307 s.23; 1999 c.794 s.3; 1999 c.1093 s.17]

**479.545 License required of state employee; letter of authority.** (1) Except as provided in subsection (2) of this section, no person is exempted by ORS 479.540 from the requirements under ORS 479.510 to 479.945 to have a license to make electrical installations solely on the basis the person is employed by an agency of this state.

(2) Any person issued a letter of authority under ORS 479.545 (1985 Replacement Part) may continue to make electrical installations under ORS 479.510 to 479.945 on property owned or controlled by an agency of the state. [1981 c.815 s.7; 1985 c.568 s.1; 1987 c.414 s.34a]

**479.550 No work on new electrical installation until permit issued; temporary permit.** (1) Except as provided in ORS 479.540, no person shall work on any new electrical installation for which a permit has not been issued.

(2) The Electrical and Elevator Board shall adopt by rule provisions to require a city or a county to issue a temporary permit to be used for emergency or unanticipated work which will be valid for seven days to a licensed electrical contractor prior to the start of an electrical installation to allow contractor response prior to purchase of the actual electrical permit.

(3) The board shall require a city or a county to revoke the temporary permit of the licensed electrical contractor who fails to comply with the Electrical Safety Law. [1959 c.406 s.5; 1981 c.815 s.9; subsections (2) and (3) enacted as 1991 c.368 s.2; 1993 c.744 s.120]

**479.560 Issuance of permit; when permit becomes void; master electrical inspection permit.** (1) The Department of Consumer and Business Services or a designated agent shall issue a permit to:

(a) Any applicant who has complied with ORS 479.510 to 479.945 and the rules issued thereunder, covering an electrical installation to be made on the applicant's own property as allowed under ORS 479.540 (1).

(b) A licensed electrical contractor or an agent the contractor has designated to the department or the department's designated agent in a record signed by the electrical contractor. The department or department's designated agent shall only issue a permit under this subsection if the application for the permit is accompanied by a signed statement that the electrical contractor's general supervising electrician of record will sign the permit before an inspection of the electrical work is requested. A contractor or the contractor's general supervisor will promptly request an inspection of electrical work performed under a permit issued under this subsection. A permit issued under this subsection shall state the name of the electrical contractor.

(2) A permit issued to an electrical contractor upon the request of the contractor's supervising electrician is void upon the end of the employment of such supervising electrician before completion of the electrical installation.

(3) Except for the installation or alteration of an electrical service, the owner, operating manager or electrical contractor of an industrial plant who meets the provisions of ORS 479.630 (1) and (2), a commercial office building, a building that is owned, leased, managed or operated by the state or a local government entity or other facilities designated by the Electrical and Elevator Board, in lieu of the required inspection permit, may apply to the department or municipality providing inspection service for a master electrical inspection permit. Under the permit the authority having jurisdiction shall cause a periodic inspection to be made of the electrical installations. The authority may also cause a cover inspection, which shall be made before electrical installations are covered. The periodic inspection under the permit shall be done at least once a year or more frequently based on the needs of the particular plant, building or facility. The department shall adopt rules in accordance with ORS 183.310 to 183.550 for:

(a) The annual issuance of the master electrical inspection permit;

(b) The conduct of the inspections on the electrical installations and electrical products;

(c) The granting of a waiver of payment of permit fees other than for the master electrical inspection permit; and

(d) The fixing and collecting of inspection fees at the cost of making the inspection according to the time required of the inspector. [1959 c.406 ss.6,7; 1961 c.693 s.1; 1971 c.753 s.56; 1981 c.815 s.10; 1993 c.451 s.2]

**479.565 Master electrical inspection permits; fee.** Notwithstanding ORS 479.560 (3), if a municipality does not elect to provide master electrical inspection permits, the municipality shall, upon request of the owner or operating manager or electrical contractor of the facility otherwise entitled to master permit services under ORS 479.560 (3), issue a master individual inspection permit and provide electrical inspection before any installation is covered or placed into service and charge for the inspection at the municipality's hourly inspection rate. [1995 c.553 s.2]

**Note:** 479.565 was enacted into law by the Legislative Assembly but was not added to or made a part of ORS chapter 479 or any series therein by legislative action. See Preface to Oregon Revised Statutes for further explanation.

**479.570 Installation approved by inspector; exceptions.** (1) Except as provided in subsection (2) of this section, a person who sells electricity shall not energize an electrical installation unless the installation is first approved by an inspector authorized to perform inspections under ORS 479.510 to 479.945.

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

(a) An installation for which a written request to energize has been made by a licensed supervising electrician qualified pursuant to ORS 479.630 (2) and to which the appropriate electrical permit has been attached;

(b) A temporary installation of less than 480 volts made to provide service to a construction site or irrigation pump if the installation is properly grounded and the appropriate electrical permit is attached thereto;

(c) An installation within a plant or system of a person who sells electricity. As used in this paragraph, “person who sells electricity” does not include small power production facilities as defined in ORS 758.500 (1981 Replacement Part); or

(d) A minor electrical installation for which a valid installation label has been issued.

(3) Electrical installations energized without inspection pursuant to subsection (2)(a) and (b) of this section must receive final inspection as required by ORS 479.510 to 479.945. [1959 c.406 s.8; 1981 c.815 s.11; 1983 c.580 s.1; 1987 c.575 s.6]

**479.610 Sale or disposal of uncertified or unevaluated electrical product prohibited.** Except as provided under ORS 479.540, no person shall sell or dispose of by gift or otherwise in connection with the person's business an electrical product that is not certified or evaluated under the requirements of ORS 479.510 to 479.945. [1959 c.406 s.9; 1981 c.815 s.12; 1995 c.706 s.2]

**479.620 Certain electrical license required; electrical installations by unlicensed persons prohibited.** Subject to ORS 479.540, no person shall:

(1) Engage in the business of making electrical installations without an electrical contractor's license.

(2) Except as provided in ORS 479.630 (10)(c) and (11)(f), direct, supervise or control the making of an electrical installation without a supervising electrician's license.

(3) Except as provided in subsection (5) of this section, make any electrical installation without a supervising or journeyman electrician's license.

(4) Perform work on an electrical installation as an apprentice electrician without an electrical apprentice's license.

(5) Make any electrical installation on a single or multifamily dwelling unit not exceeding three floors above grade, as provided in ORS 479.630 (14), without a limited residential electrician's license.

(6) Permit or suffer any electrical installation on property which the person owns, controls, manages or supervises to be made by a person not licensed to make such an installation.

(7) Install, maintain, replace or repair electrical wiring or electrical products on an oil module without a Class I oil module electrician's license.

(8) Perform electrical work on an oil module in the capacity of helper or trainee without a Class II oil module electrician's license. [1959 c.406 s.10; 1983 c.733 s.2; 1987 c.874 s.3; 1995 c.715 s.3]

**479.630 Requirements for obtaining licenses.** Upon payment of applicable examination and license fees required under ORS 479.840, the Department of Consumer and Business Services shall issue:

(1) An electrical contractor's license to a person engaging in or carrying on a business of making electrical installations who has complied with ORS 479.510 to 479.945 and the rules issued thereunder.

(2) A general supervising electrician's license to a person who:

(a) Has complied with ORS 479.510 to 479.945 and the rules issued thereunder;

(b) Passes a written examination prepared by the Electrical and Elevator Board and administered by the

department; and

(c) Submits proof satisfactory to the Electrical and Elevator Board that the person has had at least four years of experience as a general journeyman electrician or its equivalent, as determined by the board by rule, in installing, maintaining and repairing electrical wires and equipment.

(3) A limited supervising electrician's license to a person who qualifies under this subsection. A person licensed under this subsection is authorized to supervise the class of electrical work included in the branch of the electrical trade and for which the person has passed the examination administered by the department. A person qualifies under this subsection if the person:

(a) Has complied with ORS 479.510 to 479.945 and the rules issued thereunder;

(b) Passes a written examination prepared by the Electrical and Elevator Board and administered by the department; and

(c) Submits proof satisfactory to the board that the person has had at least four years of specialized experience in a recognized branch of the electrical trade on the journeyman level.

(4) A general journeyman electrician's license to a person who:

(a) Has complied with ORS 479.510 to 479.945 and the rules issued thereunder;

(b) Passes a written examination prepared by the Electrical and Elevator Board and administered by the department; and

(c) Submits proof satisfactory to the board that:

(A) The person has had at least four years of general experience as an apprentice or its equivalent, as determined by the board by rule, in installing, maintaining and repairing electrical wires and equipment, including not fewer than 1,000 hours in wiring on single or multifamily dwelling units; or

(B) If the person is licensed as a limited residential electrician under subsection (14) of this section, subsequent to receiving that license, the person has worked for at least two years as a limited residential electrician and subsequent to those two years has completed an additional two years' experience as an apprentice or its equivalent, as determined by the board by rule, for that period of apprenticeship time worked exclusively in installing, maintaining and repairing electrical wires and equipment in the commercial and industrial branches of the electrical trade under the supervision of a licensed electrical contractor.

(5) A limited journeyman electrician's license to a person who qualifies under this subsection. A person licensed under this subsection is authorized to perform the class of electrical work included in the branch of the electrical trade for which the person has passed the examination administered by the department. A person qualifies under this subsection if the person:

(a) Has complied with ORS 479.510 to 479.945 and the rules issued thereunder;

(b) Passes a written examination prepared by the Electrical and Elevator Board and administered by the department; and

(c) Submits proof satisfactory to the board that the person has had at least four years of specialized experience as an apprentice or its equivalent, as determined by the board by rule, in a recognized branch of the electrical trade.

(6) A limited elevator journeyman license to a person who qualifies under this subsection. A person licensed under this subsection is authorized to install, maintain and repair elevators, including all electrical and mechanical systems. A person qualifies under this subsection if the person has completed an elevator apprenticeship program, including both electrical and mechanical training components, approved by the Electrical and Elevator Board by rule and the person submits an application for licensure to the board in writing. A license issued under this subsection is exempt from continuing education requirements established under ORS 479.650 and 479.680.

(7) An electrical apprentice's license to a person who:

(a) Has complied with ORS chapter 660 as an electrical apprentice; and

(b) Has complied with ORS 479.510 to 479.945 and the rules issued thereunder.

(8) An electrical apprentice's license to a trainee toward a limited residential electrician's license who:

(a) Has complied with ORS chapter 660 as an electrical apprentice; and

(b) Has complied with ORS 479.510 to 479.945 and the rules issued thereunder.

(9) An electrical apprentice's license to a trainee toward a limited journeyman's license in a recognized branch of the electrical trade who is employed by an employer who also:

(a) Employs a holder of either a general journeyman electrician's license or a limited journeyman electrician's license; and

(b) Conducts an electrical training program in such a recognized branch of the electrical trade approved by the Electrical and Elevator Board as being a training program which will adequately prepare the trainee for such limited

journeyman's license providing that such trainee has complied with ORS 479.510 to 479.860 and the rules issued thereunder.

(10) A limited maintenance electrician's license to a person who qualifies under this subsection. A person licensed under this subsection is authorized to maintain, repair and replace electrical installations, including electrical components, required on the premises of industrial plants, commercial office buildings, buildings occupied by the state or a local government entity or facilities designated by the Electrical and Elevator Board. The following apply to this subsection:

(a) A person qualifies under this subsection if the person:

(A) Has complied with ORS 479.510 to 479.945 and the rules issued thereunder;

(B) Passes a written examination prepared by the Electrical and Elevator Board and administered by the department on repair, replacement and maintenance of equipment of the type and nature normally used in an industrial plant, commercial office building or government building and on the use of testing equipment; and

(C)(i) Completes a two-year training program approved by the board that provides for training and supervision of the trainee or apprentice; or

(ii) Submits proof satisfactory to the board that the person has had sufficient experience and related educational training in the repair, replacement and maintenance of electrical wiring and equipment of the type and nature used in an industrial plant, commercial office building or government building, as determined by the board or by an appropriate local apprenticeship committee recognized by the State Apprenticeship and Training Council.

(b) No worker or applicant for license under this subsection shall be deemed in violation of this chapter by reason of electrical maintenance, replacement and repair work performed during the period of required experience whenever required prior to August 9, 1961. An annual inspection of the premises upon which electrical work is performed by persons licensed under this subsection shall be made by the electrical inspector for an annual fee determined by the board by rule, based upon the time required for the inspection, payable to the department.

(c) A person licensed under this subsection may be employed directly by the owner, or owner's agent, of any government building or commercial office building. A building owner or owner's agent need not be licensed under this section to supervise a limited maintenance electrician.

(d) The Department of Consumer and Business Services, in consultation with the appropriate board, shall adopt rules defining government buildings and commercial office buildings subject to this subsection.

(11) A limited building maintenance electrician's license to a person who qualifies under this subsection. The following apply to this subsection:

(a) A person licensed under this subsection is authorized to maintain, repair and replace the following electrical installations required on the premises of commercial office buildings, buildings occupied by the state or a local government entity or facilities designated by the board in electrical systems not exceeding 300 volts to ground:

(A) Electrical appliances;

(B) Light switches;

(C) Light fixtures;

(D) Fans;

(E) Receptacles; and

(F) Fluorescent ballasts.

(b) A person qualifies under this subsection if the person:

(A) Has complied with ORS 479.510 to 479.945 and the rules issued thereunder;

(B) Passes a written examination prepared by the Electrical and Elevator Board and administered by the department on maintenance, repair and replacement of equipment of the type and nature normally used in a commercial office building or government building and on the use of testing equipment; and

(C) Submits proof satisfactory to the board that the person has:

(i) Had sufficient experience in the maintenance, repair and replacement of electrical wiring and equipment of the type and nature normally used in a commercial office building or government building; or

(ii) Completed a one-year training course, with classroom and on-the-job training components approved by the board, on the maintenance, repair and replacement of electrical wiring and equipment of the type and nature normally used in a commercial office building or government building.

(c) An annual inspection of the premises upon which electrical work is performed by persons licensed under this subsection shall be made by the electrical inspector for an annual fee determined by the board by rule, based upon the time required for the inspection, payable to the department, or the inspection shall be performed under an electrical master permit program.

(d) Building owners may perform work regulated by this subsection and for which a license is required under this subsection without obtaining a license.

(e) A person who owns more than 50 percent of a corporation that controls a building is a building owner.

(f) A person licensed under this subsection may be employed by the owner of a commercial office building or the owner's agent. A building owner or owner's agent need not be licensed under this section to supervise a limited building maintenance electrician.

(12) A limited maintenance specialty contractor license to a person who qualifies under this subsection. A person licensed under this subsection is authorized to engage in the electrical work related to the repair, service, maintenance, installation or replacement of existing, built-in or permanently connected appliances, fluorescent ballasts or similar equipment and to employ individuals to engage in such work. Nothing in this subsection allows the installation of appliances, ballasts or other equipment if there is no existing installation of similar equipment. A person qualifies under this subsection if the person submits:

(a) Proof satisfactory to the board that the person has had sufficient experience in the type of work permitted under the license issued under this subsection; and

(b) Maintains with the board a current list of all individuals employed by the person to engage in work permitted under this subsection.

(13) A limited pump installation specialty contractor license to a person who qualifies under this subsection. A person licensed under this subsection is authorized to engage in electrical work related to the testing, repair, service, maintenance, installation or replacement of new or existing pump equipment for potable or irrigation water systems, sump pumps, effluent pumps and ground water pumps on residential and agricultural property, to employ individuals to engage in such work. A person qualifies under this subsection if the person submits:

(a) Proof satisfactory to the board that the person has had sufficient experience in the type of work permitted under the license issued under this subsection; and

(b) Maintains with the board a current list of all individuals employed by the person to engage in work permitted under this subsection.

(14) A limited residential electrician's license to a person who qualifies under this subsection. A person licensed under this subsection is authorized to perform the class of electrical work included in the branch of the electrical trade for which the person has passed the examination administered by the department and approved by the board. However, a person licensed under this subsection shall perform the electrical work allowed by the license only on single and multifamily dwelling units not exceeding three floors above grade. For purposes of this subsection, the first floor of a building shall be that floor which is designed for human habitation and which has 50 percent or more of its perimeter level with or above finished grade of the exterior wall line. A person qualifies under this subsection if the person:

(a) Has complied with ORS 479.510 to 479.945 and rules issued under those sections;

(b) Has received the same number of hours of electrical safety training as required by rule for an electrical apprentice or its equivalent and who has received training in electrical theory;

(c) Submits documented proof to the board of at least two years of apprenticeship or trainee experience in residential wiring of single and multifamily dwelling units or its equivalent, as determined by the board by rule; and

(d) Passes a written examination prepared by the Electrical and Elevator Board and administered by the department.

(15) A Class I or Class II oil module electrician's license to a person who:

(a) Has complied with ORS 479.510 to 479.945 and the rules adopted pursuant thereto; and

(b) Passes a written examination prepared by the Electrical and Elevator Board and administered by the department.

(16) Notwithstanding any other provision of this chapter, the board shall not administer an examination nor shall the department issue any license to a person whose practical experience qualification for the license is based upon training or experience in another state if the board determines that such training or experience is not equivalent to the standards for electrical training programs prescribed in this state. [1959 c.406 s.11; 1961 c.693 s.2; 1963 c.151 s.1; 1971 c.753 s.19; 1981 c.815 s.15; 1983 c.733 s.3; 1987 c.874 s.4; 1993 c.744 s.121; 1995 c.715 s.1; 1997 c.139 s.1; 1997 c.209 s.1; 1999 c.609 s.1; 1999 c.1031 s.2]

**Note:** Section 9, chapter 1031, Oregon Laws 1999, provides:

**Sec. 9.** (1) Nothing in the amendments to ORS 479.630 by section 2 of this 1999 Act is intended to limit the scope of licensed professional activities of a person lawfully licensed under ORS 479.630 (6) prior to the effective date of

this 1999 Act [October 23, 1999].

(2) The Department of Consumer and Business Services shall issue a license under ORS 479.630 (6), as amended by section 2 of this 1999 Act, to a person licensed under ORS 479.630 (6) (1997 Edition) on the effective date of this 1999 Act, upon renewal of the license or upon application and payment of applicable fees. [1999 c.1031 s.9]

**479.633 Limited maintenance electricians; application; prior experience.** With respect to a licensing application filed on or before December 31, 2000, a local apprenticeship committee making a determination under ORS 479.630 (10)(a)(C)(ii) shall consider the applicant's experience regardless of whether the person was licensed pursuant to ORS 479.630 at the time the experience was obtained. [1997 c.209 s.3; 1999 c.721 s.1]

**Note:** 479.633 was added to and made a part of 479.510 to 479.945 by legislative action but was not added to any smaller series therein. See Preface to Oregon Revised Statutes for further explanation.

**479.635 Examination requirements; right to review examination.** (1) The Electrical and Elevator Board shall prepare examinations for purposes of ORS 479.630 that meet the following requirements:

(a) The examinations shall be prepared by persons expert in examination preparation and validation.

(b) The examinations shall be standardized. In standardizing examinations under this paragraph, the board may adopt standardized examinations prepared by nationally recognized testing bodies.

(2) The board and the Department of Consumer and Business Services shall allow any person who takes an examination under ORS 479.630 to review the examination of that person and to review any grade sheets used in connection with the examination. [1981 c.815 s.17]

**479.640 Issue and expiration dates of licenses.** (1) All licenses issued under ORS 479.510 to 479.945 shall bear the date of issuance.

(2) All electrical contractor, limited energy contractor, limited sign contractor, pump specialty contractor, elevator contractor and limited maintenance specialty contractor licenses issued under ORS 479.510 to 479.945 shall expire on October 1 of each year.

(3) All other licenses issued under ORS 479.510 to 479.945 shall expire on October 1 no later than three years after the date of issuance. [1959 c.406 s.12; 1975 c.429 s.4; 1977 c.873 s.1; 1981 c.815 s.18; 1985 c.646 s.1]

**479.650 Renewal of licenses.** (1) The holder of a license is entitled to renewal of the license upon its expiration if the person:

(a) Pays the fee required by ORS 479.840;

(b) Complies with ORS 479.510 to 479.945 and the rules issued thereunder; and

(c) Complies with any requirement for continuing education established by the Electrical and Elevator Board by rule.

(2) The Department of Consumer and Business Services shall issue a renewal notice by regular mail, no later than August 15, to each person whose license expires on October 1 of that year.

(3) After October 1, but not later than October 15, the department shall issue a second notice of renewal by registered or certified mail to each person whose license expired on October 1 of that year and has not been renewed.

(4) On or about December 1, the department shall issue a third notice of renewal by regular mail to each person whose license expired on October 1 of that year and has not been renewed.

(5) The renewal notices required by subsections (2) to (4) of this section shall advise the licensee of the provisions of subsections (6) and (7) of this section.

(6) A person who renews an electrical license after October 1 and on or before December 31 of the year in which the license expires shall pay twice the amount of the regular license fee required by ORS 479.840.

(7) If a person fails to renew a license by December 31 of the year in which the license expires or otherwise fails to qualify for renewal of a license under this section, the person may only receive a license if the person makes application for, qualifies for and is issued a license in the same manner as a person who has not been previously licensed. [1959 c.406 s.13; 1963 c.151 s.2; 1981 c.815 s.19; 1985 c.646 s.2; 1993 c.744 s.122]

**479.655** [1985 c.646 s.7; repealed by 1987 c.414 s.172]

**479.660 Revocation, cancellation or suspension of license.** The Electrical and Elevator Board shall revoke the

license of any licensee who does not meet the minimum qualifications prescribed by ORS 479.510 to 479.945 for that license. Subject to ORS 183.430, the board may summarily suspend or cancel any license issued under ORS 479.510 to 479.945 if the person in whose name it was issued:

(1) Deliberately falsifies the application for the license.

(2) Allows the person to be held out falsely as the person directing, supervising or making an electrical installation.

(3) Establishes a pattern of conduct that willfully or negligently violates any provision of ORS 479.510 to 479.945 or any rule issued thereunder.

(4) Serves as a supervising electrician for more than one employer.

(5) Persistently fails promptly to notify the Department of Consumer and Business Services of the location of installations for which permits were issued on the person's representation that such notice would be promptly given upon completion of the installations.

(6) As an electrical contractor, employs or causes to be employed under the person's license, any person to make electrical installations for which the person does not have such licenses for the installations as are required by ORS 479.510 to 479.945.

(7) As an electrical contractor, fails to obtain permits or arrange for inspections required by ORS 479.510 to 479.945. [1959 c.406 s.14; 1971 c.753 s.20; 1977 c.322 s.1; 1981 c.815 s.20; 1993 c.744 s.123]

**479.670 Maintenance of action or suit by unlicensed person prohibited.** Except to appeal from an act or determination of the Electrical and Elevator Board, no person carrying on, conducting or transacting business regulated by ORS 479.510 to 479.945 is entitled to maintain a suit or action in the courts of this state involving such business or work in connection therewith, without alleging and proving that the person was licensed to perform such work or transact such business. [1959 c.406 s.15; 1971 c.753 s.21; 1981 c.815 s.21; 1993 c.744 s.124]

**479.680 Continuing education program; rules; exemptions.** The Electrical and Elevator Board:

(1) Shall establish, by rule, a program of continuing education necessary for renewal of licenses under ORS 479.650. The board may approve programs for continuing education that meet standards for continuing education established by the board under this subsection.

(2) Shall adopt any rules necessary to carry out the duties of the board under ORS 479.510 to 479.945.

(3) Shall establish rules setting forth equivalent experience necessary to qualify for a journeyman license under ORS 479.630.

(4) Shall establish, by rule, procedures and standards necessary to approve testing laboratories under ORS 479.730 and 479.760.

(5) May establish exemptions by rule according to authority granted under ORS 479.540. [1981 c.815 s.24; 1993 c.744 s.125]

**479.710 Electrical installations must meet minimum safety standards.** (1) Except as provided in ORS 479.540, no person shall make, supervise or direct the making of an electrical installation which does not meet minimum safety standards.

(2) Except for a person authorized by the jurisdiction having authority, no person shall remove, transfer, alter or otherwise tamper with an inspection permit, label, tag or other indicia of inspection placed on or at an electrical job site, electrical installation or electrical product. A property owner may remove the construction inspection permit, label or tag if, after all required inspections are completed, the installation is found to be in compliance with the electrical code and has been approved by the inspector having jurisdiction. [1959 c.406 s.16(1); 1981 c.815 s.22; 1991 c.18 s.1]

**479.720** [1959 c.406 s.17; repealed by 1981 c.815 s.40]

**479.730 Matters to be covered by rules.** In compliance with ORS 183.310 to 183.550 the Director of the Department of Consumer and Business Services, with the approval of the Electrical and Elevator Board, shall adopt reasonable rules:

(1) Establishing, altering or revoking minimum safety standards for workmanship and materials in various classifications of electrical installations.

(2) Establishing, altering or revoking minimum safety standards for design and construction of electrical products to be sold or disposed of in this state. Standards established under this subsection may include the certification of electrical products that a testing laboratory approved by the board under ORS 479.760 has tested and found to be safe

within the minimum safety standards established under this section.

(3) Relating to the procedure for certifying and decertifying electrical products to be sold or disposed of in this state. The Department of Consumer and Business Services, with the approval of the board, may limit the type of electrical products it accepts for certification under ORS 479.760 (2)(a).

(4) Prescribing times, places and circumstances that permits shall be exhibited for inspection.

(5) Governing the internal organization and procedure for administering and enforcing ORS 479.510 to 479.945 and 479.990 (5).

(6) Establishing, altering, approving or revoking minimum standards for electrical training programs.

(7)(a) Establishing which electrical products may be field evaluated by a field evaluation firm rather than certified;

(b) Establishing cost-based fees, requirements and procedures for approving, maintaining and suspending or revoking approvals of field evaluation firms;

(c) Establishing:

(A) Requirements and procedures for the field evaluation of electrical products;

(B) Requirements and procedures for issuing field evaluation labels for the electrical products evaluated by field evaluation firms, testing laboratories and special deputies; and

(C) Cost-based fees for special deputy evaluations;

(d) Establishing requirements and procedures for preparation of reports regarding installation safety issued by field evaluation firms;

(e) Establishing when an inspecting jurisdiction may require a report from a field evaluation firm; and

(f) Establishing other requirements necessary to carry out this subsection and subsection (8) of this section.

(8) Establishing a program to authorize special deputies to conduct field inspections provided for under subsection (7) of this section.

(9) Establishing a program for cities and counties that administer and enforce the electrical specialty code to conduct field inspections of industrial electrical equipment identified under ORS 479.760 (3). [1959 c.406 s.19; 1963 c.151 s.7; 1971 c.753 s.24; 1981 c.815 s.25; 1993 c.398 s.1; 1993 c.744 s.126; 1995 c.706 s.3; 1999 c.794 s.2]

**479.740 Factors to be considered in adopting rules; incorporation of standards by reference.** (1) In adopting rules under ORS 479.730 the Department of Consumer and Business Services shall consider:

(a) Technological advances in the electrical industry.

(b) The practicability of following the standards under consideration, if adopted.

(c) The probability, extent and gravity of the injury to the public or property which would result from failure to follow the standards under consideration.

(d) Safety standards followed, proposed or approved by responsible members of the electrical industry.

(2) After considering the factors in subsection (1) of this section, the department may incorporate by reference proposed safety standards of the electrical industry or independent organizations. The department may formulate and adopt independent safety standards if standards proposed by the industry and independent organizations are not acceptable to it. [1959 c.406 ss.20,21]

**479.760 Certification of electrical products; safety indicators.** (1) No electrical product shall be certified unless it meets minimum safety standards.

(2) Any person may apply to have the Department of Consumer and Business Services certify an electrical product. The department shall certify an electrical product if it is shown to meet minimum safety standards by one of the following methods:

(a) To have an electrical product certified, a person may submit a specimen, sample or prototype to the department within a reasonable time before the date on which certification will be required, together with a fee set by the department sufficient to defray the cost of shipment and evaluation. The department shall evaluate the electrical product to determine whether it meets minimum safety standards. Not later than six months after receipt of a specimen, prototype or sample the department shall complete the required evaluation and give a decision certifying or rejecting the product. The department may appoint a special deputy or enter into an appropriate contract with a testing laboratory approved by the Electrical and Elevator Board under this section for the evaluation required under this paragraph.

(b) To have an electrical product certified, a person may submit satisfactory proof to the department that a specimen, sample or prototype of the product requested to be certified has been inspected by a testing laboratory approved by the Electrical and Elevator Board under this section and the tests of the laboratory show that the electrical product is safe within minimum safety standards.

(3) A city or county that administers and enforces the electrical specialty code under ORS 455.150 shall provide for field inspections of industrial electrical equipment identified by rule by the Director of the Department of Consumer and Business Services. Inspections shall be performed by an electrical specialty code inspector certified by the director, an evaluation firm approved by the director or an electrical specialty code inspector under contract to the state, city or county. Subject to ORS 479.845, a city or county that administers a program for field inspections under this subsection may recover the costs associated with the inspection and any inspection report.

(4) The director shall consider the following as positive indicators of a product's safety:

(a) Components listed by the Canadian Standards Association.

(b) Electrical raceways not used for grounding purposes when not subject to physical damage.

(c) Pilot duty devices such as push buttons, limit switches, relays or cord connectors that are used on control circuits supplied by:

(A) A Class 2 circuit;

(B) An isolating source such that the maximum open circuit voltage potential available to the circuit is not more than 30 volts AC or 42.5 volts DC; or

(C) An isolating source such that the power available to the circuit does not exceed 15 watts.

(d) Unlisted conductors provided the owner, lessee, vendor, manufacturer, installer or approved evaluation firm submits a satisfactory high voltage potential test of the conductor insulation.

(e) Fuses and fuse holders manufactured according to the National Electrical Manufacturers Association standard design and listed by an approved electrical testing laboratory.

(5) The Director of the Department of Consumer and Business Services with the approval of the board shall establish standards and procedures for the approval of testing laboratories to test electrical products in the certification process under this section. Those procedures shall provide for the approval of any testing laboratory that meets those standards established for conducting scientific safety tests of electrical products and equipment. [1959 c.406 ss.16 (2) and (3),22,23; 1981 c.815 s.26; 1999 c.794 s.1]

**479.770 Approved electric ignition pilot required on certain appliances.** No person shall sell or offer for sale in this state any new gas-fired, forced-air central space heating equipment, clothes dryer, domestic range or new gas-fired swimming pool heaters, unless such equipment, heater, dryer or range is equipped with an electric ignition pilot that complies with the rules of the Department of Consumer and Business Services adopted pursuant to ORS 479.740. [1977 c.630 s.2; 1979 c.197 s.1; 1981 c.815 s.27]

**479.800** [1971 c.753 s.23; 1977 c.748 s.3; 1981 c.815 s.28; 1983 c.740 s.192; 1987 c.383 s.1; repealed by 1993 c.744 s.101]

**479.810 Administration and enforcement; Chief Electrical Inspector; inspector qualifications.** (1) The Electrical and Elevator Board shall administer and enforce ORS 479.510 to 479.945 and 479.990 (5). The Director of the Department of Consumer and Business Services shall appoint an adequate staff of competent persons experienced and trained to serve as electrical inspectors. The board shall assist the director in reviewing determinations made by the staff involving electrical installations or products and to assist in formulating rules under ORS 479.730.

(2) The director, in consultation with the board, shall appoint a representative of the department's staff of electrical inspectors who shall serve ex officio as secretary of the board. This person shall be known as the Chief Electrical Inspector.

(3) The director shall certify a person as an electrical inspector if:

(a) The person:

(A) Completes a general journeyman electrical apprenticeship program in Oregon;

(B) Has two years' experience as a licensed electrician in Oregon; and

(C) Passes the examination required for certification as a supervising electrician; or

(b) For a person with experience outside the State of Oregon, the person:

(A)(i) Has five years' experience in commercial or industrial electrical inspection; and

(ii) Passes the examination required for certification as a general supervising electrician; or

(B) Has six years of out-of-state experience as an electrician and passes the examination required for certification as a general supervising electrician.

(4) The board may, by rule, allow certification of persons as electrical inspectors with experience or training that does not meet the requirements specified in subsection (3) of this section.

(5) Rules adopted under this section shall provide for the recognition of equivalent experience acquired by a person outside the State of Oregon.

(6) An examination taken for purposes of applying for certification as an electrical inspector under this section shall not be valid for use in an application to become licensed as a supervising electrician. [1959 c.406 s.18; 1961 c.693 s.3; 1969 c.314 s.53; 1971 c.753 s.22; 1977 c.748 s.4; 1981 c.815 s.30; 1987 c.383 s.2; 1993 c.574 s.1; 1993 c.744 s.127; 1997 c.677 s.3]

**479.820 Duties and powers in enforcing law.** (1) The Department of Consumer and Business Services shall:

(a) Check the authenticity, appropriateness and expiration dates of licenses issued under ORS 479.510 to 479.945.

(b) Inspect electrical installations and products for which a permit or license is required by ORS 479.510 to 479.945.

(c) Inspect permits attached to electrical installations or products for which a permit is required by ORS 479.510 to 479.945.

(2) If the department finds that the electrical installation or product fails to comply with minimum safety standards, it may disconnect or order the disconnection of service thereto.

(3) If the department finds that the condition of an electrical installation or product constitutes an immediate hazard to life or property, it may cut or disconnect any wire necessary to remove such hazard.

(4) Upon written request of appropriate municipal personnel, the department may make inspections of electrical installations and products within cities and counties. Such inspections shall be made at cost, in accordance with local municipal ordinances, payable on a monthly basis.

(5) For the purpose of discharging any duty imposed by ORS 479.510 to 479.945 or exercising authority conferred hereby the department may enter, during reasonable hours, any building, enclosure, or upon any premises where electrical work is in progress, where an electrical installation has been made or where electrical equipment or products may be located.

(6) No person shall obstruct or interfere with the department in performance of any of its duties or the exercise of any authority conferred under this section. [1959 c.406 ss.24,25; 1973 c.834 s.37; 1981 c.815 s.31]

**479.830 Enjoining violations; civil penalties.** (1) When it appears to the Department of Consumer and Business Services that any person is engaged or about to engage in an act or practice which constitutes a violation of ORS 479.510 to 479.945 or the rules issued thereunder, the department may, without bond, obtain an order from an appropriate circuit court enjoining such act or practice.

(2) The Electrical and Elevator Board may impose a civil penalty against any person who violates any provision of ORS 479.510 to 479.945 or any rule adopted thereunder. A civil penalty imposed under this section shall be in an amount determined by the board of not more than $5,000 for each offense. The maximum penalty under this section may be imposed only upon a finding of a pattern of violations. The department shall adopt by rule a definition of what constitutes a pattern of violations. Moneys received from any civil penalty under this section shall be disposed of according to ORS 479.850. Civil penalties under this section shall be imposed as provided in ORS 183.090.

(3) Notwithstanding ORS 183.090, a person upon whom the board imposes a civil penalty under this section, in lieu of other appeals, may appeal imposition of the penalty to the circuit court for the county in which the person resides by filing a petition for review with that court within 20 days after the person receives notice of imposition of the penalty. The court, upon receipt of the petition, shall set the matter for trial upon 10 days' notice to the board and to the appellant. The trial in the circuit court shall be de novo. The court shall award reasonable attorney fees and costs to the prevailing party in an appeal under this subsection. [1959 c.406 s.26; 1981 c.815 s.32; 1991 c.734 s.46; 1993 c.744 s.128; 1999 c.846 s.2]

**479.835 Recovery of purchase price of product in violation of ORS 479.610; complaint; investigation.** (1) Any person who purchases an electrical product sold or disposed of in violation of ORS 479.610 may recover from a person violating ORS 479.610 an amount equal to the purchase price of the electrical product if the purchaser returns the electrical product within 90 days from the date of purchase.

(2) Any person may complain to the Electrical and Elevator Board in writing of any violation of ORS 479.610. The board shall consider the complaint at the next regular meeting of the board and may make a determination under ORS 479.830. The board may authorize an investigation necessary to complete its duties under this subsection. [1981 c.815 s.14]

**479.840 Fees.** Upon receipt of the following fee, the Department of Consumer and Business Services shall issue or renew a license or permit applied for under ORS 479.510 to 479.945:

(1) $125 for an electrical contractor license for each place of business operated by the applicant.

(2) $125 for a limited energy contractor or limited sign contractor license.

(3) $25 for a pump specialty contractor or limited maintenance specialty contractor license.

(4) $150 for an elevator contractor license.

(5) $100 for a license for a:

(a) General journeyman electrician;

(b) General supervising electrician;

(c) Limited supervising industrial electrician;

(d) Limited supervising manufacturing plant electrician;

(e) Limited journeyman industrial electrician;

(f) Limited maintenance industrial electrician;

(g) Limited maintenance manufactured dwelling or recreational vehicle electrician;

(h) Limited journeyman manufacturing plant electrician; or

(i) Limited journeyman railroad electrician.

(6) $50 for a license for a:

(a) Limited elevator journeyman;

(b) Limited journeyman limited energy electrician;

(c) Limited journeyman sign electrician;

(d) Limited journeyman sign service electrician;

(e) Limited journeyman stage electrician; and

(f) Limited building maintenance electrician.

(7) The Electrical and Elevator Board shall set uniform permit fees, by rule, not to exceed the cost of administration.

(8) $10 for the right to take the written qualifying examination.

(9) The fees provided for in this section shall not apply to persons paying inspection fees under the terms of ORS 479.560 (3) or 479.630 (10).

(10) Each electrical contractor may furnish to the department a corporate surety bond to be approved by the department, an irrevocable letter of credit issued by an insured institution as defined in ORS 706.008 or a cash bond under procedures approved by the department, in the sum of $2,000 guaranteeing the payment of all fees provided for under ORS 479.510 to 479.945. Before commencing any electrical job an electrical contractor who has a current bond or letter of credit under this subsection may apply to the department for a working permit which shall cost an amount established by the department by rule. The working permit shall authorize the electrical contractor to commence work. The total of all fees due for permits for each job, and the time such fees are payable, shall be determined by the department by administrative rule under ORS 479.730. The contractor shall keep the bond or letter of credit in force at all times. Any cancellation or revocation of the bond or letter of credit shall revoke and suspend the license issued to the principal until such time as a new bond or letter of credit shall be filed and approved. The department may bring an action against the surety named in the bond or the letter of credit issuer with or without joining in such action the principal named in the bond or letter of credit. [1959 c.406 s.27; 1967 c.418 s.1; 1969 c.436 s.1; 1975 c.199 s.1; 1977 c.874 s.3; 1981 c.815 s.33; 1983 c.733 s.4; 1985 c.646 s.3; 1987 c.602 s.3; 1989 c.591 s.3; 1991 c.331 s.71; 1995 c.715 s.4; 1997 c.631 s.482; 1999 c.1031 s.3]

**479.845 Local government fees; limitation; appeal of increase to Director of the Department of Consumer and Business Services.** (1) A city or county administering and enforcing the electrical specialty code under provisions of ORS 455.150 shall not enact or enforce any ordinance or rule fixing any permit fee for electrical installations that is higher than is necessary to pay for the costs of the city or county in administering and enforcing the electrical specialty code.

(2) Any persons, within 30 days of city or county adoption of a fee increase, may appeal that increase to the Director of the Department of Consumer and Business Services. Within 60 days of the receipt of the appeal, the director shall, after notice to affected parties and hearing, review the city or county costs of administering and enforcing the electrical specialty code and approve the increase if the director feels it is reasonable and necessary. If the director does not approve the increase upon appeal, the fee increase shall not be effective.

(3) Fees collected by a city or county for the enforcement or administration of the electrical specialty code and

rules under ORS 479.730 (1) shall be used only for the enforcement and administration of those laws. [1977 c.874 s.5; 1981 c.815 s.34]

**479.850 Disposition of receipts.** All receipts from fees, charges, costs and expenses provided for in ORS 479.510 to 479.945 and 479.990 when collected shall be:

(1) Paid into the Consumer and Business Services Fund created by ORS 705.145; and

(2) Used only for the enforcement and administration of ORS 479.510 to 479.945. [1959 c.406 s.28; 1971 c.753 s.57; 1973 c.528 s.18; 1973 c.834 s.48; 1981 c.815 s.35; 1987 c.905 s.33; 1993 c.744 s.131]

**479.853 Appeal procedure; distribution of major code interpretation decisions.** If any person is aggrieved by a decision made upon inspection under authority of ORS 455.150 or 479.510 to 479.945 of an electrical product or electrical inspection, the person may appeal the decision. The following apply to an appeal under this section:

(1) An appeal under this section shall be subject to ORS 183.310 to 183.550.

(2) An appeal under this section shall be made first to the chief electrical inspector of the Department of Consumer and Business Services. The decision of the department chief inspector may be appealed to the Electrical and Elevator Board. The decision of the Electrical and Elevator Board may only be appealed to the Director of the Department of Consumer and Business Services if codes in addition to the electrical code are at issue.

(3) If the Electrical and Elevator Board determines that a decision by the chief electrical inspector is a major code interpretation, then the inspector shall distribute the decision in writing to all public and private electrical inspection authorities in the state. The decision shall be distributed within 60 days after the board's determination, and there shall be no charge for the distribution of the decision. As used in this subsection, a “major code interpretation” means a code interpretation decision that affects or may affect more than one job site or more than one inspection jurisdiction.

(4) If an appeal is made under this section, an inspection authority shall extend the electrical plan review deadline by the number of days it takes for a final decision to be issued for the appeal.

(5) Unless the department determines that the electrical product or electrical installation presents an immediate fire or life safety hazard, a person may operate an electrical product or electrical installation that is the subject of an appeal under this section until the appeal process is complete. If the department determines that an immediate fire or life safety hazard exists and the product or installation may not be operated during appeal, the department shall provide the person with a written report detailing the problems found by the department. If a determination is made under this subsection that products described in ORS 479.540 (11) may not be operated during appeal, that determination may be appealed immediately under the procedure established in subsection (2) of this section without first completing any appeal procedure established by a city or county. [1981 c.815 s.38; 1993 c.573 s.1]

**479.854 Authority of municipality to require license; approval of ordinance.** (1) A municipality may enact and enforce an ordinance requiring a municipal general supervising electrician's license upon the approval of the Electrical and Elevator Board and the Director of the Department of Consumer and Business Services.

(2) The Electrical and Elevator Board and director may approve an ordinance under subsection (1) of this section only if electrical installations within the municipality's jurisdiction are of a unique character beyond the education or experience of a general supervising electrician licensed under ORS 479.630 (2), and the ordinance applies only to such installations.

(3) The director, after obtaining the opinion of the board, shall revoke approval of an ordinance upon a finding that in issuing its general supervising electrician's license, a municipality has engaged in a pattern or practice of discrimination against electricians from outside the municipality. [1983 c.580 s.4]

**479.855 City and county inspection and enforcement programs.** (1) In addition to the provisions of ORS 455.010 to 455.310 and 455.410 to 455.740, any inspection and enforcement program established by a city or county under ORS 455.150 is subject to the provisions of this section. Where the provisions of this section conflict with provisions under ORS 455.010 to 455.310 and 455.410 to 455.740, the provisions of this section shall control.

(2)(a) Except as otherwise provided in this section, any city or county that wishes to establish a program under ORS 456.800 to enforce and administer ORS 479.510 to 479.945, including a program for inspection under a master permit pursuant to ORS 479.560 (3), must first make application to the Department of Consumer and Business Services. The program for inspection under a master permit shall be delegated separately from the general electrical program authorization. The department may authorize the city or county to administer and enforce the provisions of this section and ORS 479.540 and 479.560 if it finds that the city or county can comply with the minimum standards

and meet the qualifications for inspections, permit applications and other matters to assure adequate administration and enforcement of electrical inspection programs. The department may authorize the city or county to administer and enforce ORS 479.510 to 479.945 if the department finds that the city or county:

(A) Can comply with minimum standards adopted by the Electrical and Elevator Board by rule for inspections, permit applications and other matters to assure adequate administration and enforcement of ORS 479.510 to 479.945.

(B) Can conduct the electrical plan review, if required by the city or county, in a timely manner and by qualified personnel who meet the standards adopted by rule by the board.

(b) The city or county must assume full responsibility allowed under ORS 455.010 to 455.310 and 455.410 to 455.740 for the enforcement, inspection and administration of the electrical safety laws under that specialty code and ORS 479.510 to 479.945. This subsection does not require a city or county to assume full responsibility for enforcement, inspection and administration of the electrical safety laws if the only enforcement performed by the city or county involves manufactured dwelling electrical utility connections.

(3) The department, subject to ORS 183.310 to 183.550, shall revoke any authority of a city or county to carry on inspections, enforcement or administration of electrical installations and electrical products under ORS 455.150 if the department determines that the city or county fails to comply with standards adopted by the board or otherwise is not effectively carrying out duties assumed by the city or county under this section.

(4)(a) Except as provided in paragraph (b) of this subsection, a city or county shall not contract with competing electrical contractors to provide permit inspection of electrical installations.

(b) A city or county may contract with competing electrical contractors to provide permit inspection of electrical installations on a temporary basis by a supervising electrician if:

(A) Emergency circumstances exist; and

(B) The city or county has requested that the department perform permit inspections and the department is unable to respond in a timely manner.

(c) Nothing in this subsection prohibits a city or county from contracting with another city or county to perform permit inspections of electrical installations by a supervising electrician.

(5) A city or county that performs electrical installation inspections shall perform license enforcement inspections as a part of routine installation inspections. [1981 c.815 s.37; 1987 c.575 s.1; 1991 c.368 s.3; 1991 c.373 s.1; 1991 c.439 s.1; 1993 c.451 s.3]

**479.860 Supervising electrician authority.** Notwithstanding any other provision of law, a person who is the holder of a supervising electrician's license:

(1) Who is employed by the holder of an electrical contractor's license may design, plan and lay out electrical installations for customers of the electrical contractor without obtaining any other license, permit or certificate; or

(2) Who is employed by an industrial plant may design, plan and lay out electrical installations for that industrial plant. [1987 c.384 s.2]

**479.870 Electrical and Elevator Board to prescribe uniform fee calculation and permit format.** (1) The Electrical and Elevator Board shall provide by rule for a statewide uniform method of calculating permit fees and a standardized permit application format.

(2) Notwithstanding the provisions of subsection (1) of this section, the board shall provide by rule for a separate restricted energy electrical permit and the conditions that apply to the permit.

(3) The board shall adopt rules setting standards for timely review, personnel to conduct review and other plan review requirements. [1989 c.591 s.2; 1991 c.529 s.9; subsection (3) enacted as 1991 c.439 s.2]

**479.905 Definitions for ORS 479.870 (1) and (2) and 479.905 to 479.945.** For the purposes of ORS 479.870 (1) and (2) and 479.905 to 479.945, except where the context requires otherwise:

(1) “HVAC” means thermostat and associated control wiring of heating, ventilation, air conditioning and refrigeration systems. “HVAC” does not include boiler controls.

(2) “In the trade” means business activity in the sale, installation, alteration, replacement, maintenance or repair of electrical products for which an indorsement is created, provided however, the mere offer and sale of an electrical product does not constitute being in the trade.

(3) “Restricted energy electric activity” means installation, alteration, maintenance, replacement or repair of electrical wiring and electrical products that do not exceed 100 volt-amperes in Class 2 and Class 3 installations, or that do not exceed 300 volt-amperes for landscape low voltage lighting systems that are cord connected to a ground

fault circuit interrupter receptacle, under the electrical specialty code and the One and Two Family Dwelling Code.

(4) “Instrumentation indorsement” means restricted energy electrical activity and the connection and disconnection of existing power supply to and from an instrument if the activity takes place in an industrial plant under the supervision of a limited supervising electrician or person of higher qualification under ORS 479.510 to 479.945.

(5) “Protective signaling” includes security, access control and closed circuit television. [1991 c.529 s.3; 1999 c.519 s.1]

**479.910 Restricted energy electrician's license; compliance with other laws; fees; continuing education.** (1) Upon payment of an examination and license or renewal fee, the Department of Consumer and Business Services shall issue a restricted energy electrician's license to a person who qualifies under ORS 479.915. A person licensed under ORS 479.915 may perform restricted energy electrical activity in the area for which the licensee has obtained an indorsement as provided in ORS 479.920.

(2) A person licensed under ORS 479.915 shall comply with the permit and code compliance requirements under ORS 479.510 to 479.945.

(3) The examination and license fee, and the renewal fee, for a restricted energy electrician's license are the same as those set forth in ORS 479.840 (6)(b) for a limited energy electrician's license.

(4) The continuing education requirement shall not exceed eight hours of classes every three years on changes to the electrical code. [1991 c.529 s.2; 1999 c.1031 s.10]

**479.915 License requirements.** (1) An applicant shall:

(a) Submit proof satisfactory to the Electrical and Elevator Board that the person has completed at least two years of experience as an apprentice or the equivalent in restricted energy electrical activity; and

(b) Pass a written examination approved by the board and administered by the Department of Consumer and Business Services.

(2) Notwithstanding the provisions of subsection (1) of this section, a special restricted energy electrician's license with an indorsement for special installation shall be issued for a particular activity or series of identified activities if a person demonstrates to the satisfaction of the board that such issuance is necessary because of:

(a) The extremely specialized nature of the activity;

(b) The specialized training of the person regarding the product and its activity; and

(c) The unavailability of a person licensed under ORS 479.910 to work on the product.

(3) The board shall determine the adequacy of any training program for qualification under the requirements of ORS 479.910, 479.930 and this section. [1991 c.529 s.4]

**479.920 Restricted energy electrician's license indorsements; types of indorsement.** (1) A person licensed under ORS 479.910 shall perform only that type of work for which the person receives an indorsement.

(2) A person shall receive an indorsement if the person demonstrates completion of approved training in restricted energy electrical activity required by the Electrical and Elevator Board by rule. Areas subject to an indorsement include fire alarm installation, HVAC, medical, protective signaling, boiler controls, nurse calls, intercom and paging systems, clock systems, data telecommunication installations and instrumentation.

(3) An indorsement for activity on boiler controls or elevator controls does not authorize activity regulated under the Boiler and Pressure Vessel Law, ORS 480.510 to 480.665 and the Elevator Safety Law, ORS 460.005 to 460.175. [1991 c.529 s.5]

**479.930 Requirements for exemption from ORS 479.915.** (1) Notwithstanding the provision of ORS 479.915, a person shall be granted a restricted energy electrician's license with appropriate indorsement if, prior to June 30, 1995, the person:

(a) Submits proof satisfactory to the board that prior to January 1, 1994, the person received training as required by the board in restricted energy electrical activity, including areas described in ORS 479.945 (1); and

(b) Had completed at least two years' experience in the trade.

(2) A person who qualifies for licensure and indorsement under subsection (1) of this section shall meet the following requirements prior to December 31, 1996:

(a) Attendance in at least eight hours of restricted energy electrical training as required by the board; and

(b) Passage of the examination under ORS 479.915 (1)(b). [1991 c.529 s.6; 1993 c.497 s.2]

**Note:** 479.930 was enacted into law by the Legislative Assembly but was not added to or made a part of ORS chapter 479 or any series therein by legislative action. See Preface to Oregon Revised Statutes for further explanation.

**479.940 Activities not subject to licensure under ORS 479.510 to 479.945.** (1) The licensure provisions of ORS 479.510 to 479.945 do not apply to the following activity on Class II and III systems in one and two family dwellings:

(a) Prewiring of cable television and telephone systems owned by the owner of the residence;

(b) Garage door openers;

(c) Vacuum systems;

(d) Audio and stereo systems; and

(e) HVAC.

(2) The provisions of subsection (1) of this section apply only to persons or businesses licensed and in good standing with the Construction Contractors Board.

(3)(a) The licensure provisions of ORS 479.510 to 479.945 do not apply to restricted energy electric activity involving landscape irrigation control wiring and outdoor landscape lighting installed by a business licensed under ORS 671.510 to 671.710.

(b) A business exempt from licensing under this section shall issue an identification card to its landscape irrigation control wiring or outdoor landscape lighting installer. The form for the identification card shall be provided by the State Landscape Contractors Board. The identification card shall include the name of the installer, the name and State Landscape Contractors Board identification number of the landscaping business and the date of issue of the identification card. The card shall be carried by the installer at the job site when performing the allowed electric installations.

(4) All nonlicensure requirements of ORS 479.510 to 479.945, including permits for and compliance with the electrical specialty code apply to activities conducted under subsections (1) to (3) of this section. If any person or business repeatedly violates the permit or code compliance requirements, in addition to any other remedy, the board may suspend, condition or revoke a person's or business's right to use this provision. [1991 c.529 s.7; 1999 c.402 s.4]

**Note:** The amendments to 479.940 by section 4, chapter 402, Oregon Laws 1999, become operative July 1, 2000. See section 43, chapter 402, Oregon Laws 1999. The text that is operative until July 1, 2000, is set forth for the user's convenience.

**479.940.** (1) The licensure provisions of ORS 479.510 to 479.945 do not apply to the following activity on Class II and III systems in one and two family dwellings:

(a) Prewiring of cable television and telephone systems owned by the owner of the residence;

(b) Garage door openers;

(c) Vacuum systems;

(d) Audio and stereo systems; and

(e) HVAC.

(2) The provisions of subsection (1) of this section apply only to persons or businesses registered and in good standing with the Construction Contractors Board.

(3)(a) The licensure provisions of ORS 479.510 to 479.945 do not apply to restricted energy electric activity involving landscape irrigation control wiring and outdoor landscape lighting installed by a business licensed under ORS 671.510 to 671.710.

(b) A business exempt from licensing under this section shall issue an identification card to its landscape irrigation control wiring or outdoor landscape lighting installer. The form for the identification card shall be provided by the State Landscape Contractors Board. The identification card shall include the name of the installer, the name and State Landscape Contractors Board identification number of the landscaping business and the date of issue of the identification card. The card shall be carried by the installer at the job site when performing the allowed electric installations.

(4) All nonlicensure requirements of ORS 479.510 to 479.945, including permits for and compliance with the electrical specialty code apply to activities conducted under subsections (1) to (3) of this section. If any person or business repeatedly violates the permit or code compliance requirements, in addition to any other remedy, the board may suspend, condition or revoke a person's or business's right to use this provision.

**479.943 Activities not subject to licensure under ORS 479.905 to 479.945.** The licensure provisions of ORS 479.905 to 479.945 do not apply to the employees of a telecommunications utility as defined in ORS 759.005,

cooperative corporation organized under ORS chapter 62 or unincorporated association providing intrastate telecommunications service in Oregon engaged in the course of employment in providing, installing or maintaining:

(1) Voice transmission products;

(2) Data transmission products; or

(3) Intercom and paging systems. [1997 c.544 s.2]

**479.945 Restricted energy contractor's license; scope; employees; sanctions.** A restricted energy contractor's license is created for persons engaged in HVAC and such other categories as established by the Electrical and Elevator Board by rule:

(1) A person licensed as a restricted energy contractor under this section and the person's employees may install, alter, maintain, replace or repair electrical wiring and electrical products that are within the scope of the contractor's license issued under this section. A person covered by this subsection does not have to obtain a license under ORS 479.910.

(2) The license issued under this section shall limit the scope of activities that the licensee and licensee's employees may engage in and in no instance shall the scope of the license exceed that of a restricted energy electrical licensee.

(3) An applicant for licensing under this section shall provide proof satisfactory to the board that the person has experience of the type of work covered by the license indorsement and shall pay the fees required by ORS 479.840 (2) for a limited energy contractor.

(4) A restricted energy contractor licensee under this section shall:

(a) Maintain with the board a current list of all individuals employed by the licensee to engage in work permitted by this section;

(b) Issue an identification card to each employee working under the provisions of this section and identify the contractor, date of issue, contractor's identification number with the board and the Construction Contractors Board; and

(c) Maintain with the board a current form of identification card used by the contractor.

(5) A person holding a limited maintenance specialty contractor's license under ORS 479.630 (12) who also registers under this section shall comply with the identification card requirements of subsection (4) of this section, but need not file a separate list of employees unless the work under the contractor's license is done by different employees.

(6) If any restricted energy contractor repeatedly violates the requirements of this section, the board may, in addition to any other remedies, suspend, revoke or condition the contractor's license. [1991 c.529 s.8; 1995 c.715 s.5]

RAIL FIXED GUIDEWAY SYSTEMS

**479.950 Minimum safety standards; rulemaking; criteria.** (1) Notwithstanding ORS 479.510 to 479.945 and 824.045, the Director of the Department of Consumer and Business Services shall adopt rules establishing, amending or repealing minimum safety standards for workmanship and materials for, and the design and construction of electrical products used in, traction electrification and electrical communications and electrical signaling installations for rail fixed guideway systems operated by a mass transit district established under ORS 267.010 to 267.390. The rules adopted by the director under this subsection shall be the exclusive rules adopted for this state that establish minimum safety standards for workmanship and materials for, and the design and construction of electrical products used in, traction electrification and electrical communications and electrical signaling installations for rail fixed guideway systems operated by a mass transit district.

(2) Before adopting rules under subsection (1) of this section, the Director of the Department of Consumer and Business Services shall consider:

(a) Technological advances in the rail fixed guideway industry.

(b) The practicability of following the standards under consideration, if adopted.

(c) The probability, extent and gravity of the injury to the public or to property that will result from failure to follow the standards under consideration.

(d) Safety standards followed, proposed or approved by responsible members of the rail fixed guideway industry.

(3) Notwithstanding ORS 479.510 to 479.945 and 824.045, the Department of Consumer and Business Services is designated as the state agency to administer and enforce the standards established by the Director of the Department of Consumer and Business Services under this section. The department shall adopt rules establishing procedures for the administration and enforcement of such standards. [1997 c.275 s.42]

**Note:** 479.950 was enacted into law by the Legislative Assembly but was not added to or made a part of ORS

chapter 479 or any series therein by legislative action. See Preface to Oregon Revised Statutes for further explanation.

PENALTIES

**479.990 Penalties.** (1) Violation of any provision of ORS 479.020 to 479.130 or 479.160, or failure, neglect or refusal to comply with any requirements in these sections or rules adopted thereunder, is punishable by a civil penalty of not more than $50. Each day's violation of or failure to comply with these provisions shall be deemed a separate violation.

(2) Violation of any provision of ORS 479.130 or rules adopted thereunder is punishable by a civil penalty of not more than $50. Each day's violation shall be deemed a separate violation.

(3) Violation of ORS 479.150 or rules adopted thereunder is punishable by a civil penalty of not less than $10 nor more than $100. Each day of failure to comply with the provisions of ORS 479.150 or rules adopted thereunder shall be deemed a separate violation.

(4) Any owner or occupant of any building or premises who fails to comply with any order provided for in ORS 479.170 and not appealed from, or with any such order of the State Fire Marshal upon appeal to the State Fire Marshal, shall be punished by a civil penalty of not more than $500 for each violation. All penalties, fees or forfeitures collected under the provisions of this subsection shall be paid into the State Treasury.

(5) Violation of any provision of ORS 479.510 to 479.945 or rules adopted thereunder is punishable by a civil penalty of not less than $100 nor more than $5,000.

(6) Violation of ORS 479.255, 479.260, 479.270, 479.280, 479.297 or 479.300 or rules adopted thereunder is punishable by a civil penalty imposed by the State Fire Marshal in an amount not to exceed $250.

(7) Civil penalties under this section shall be imposed as provided in ORS 183.090. [Amended by 1959 c.406 s.30; subsection (5) enacted as 1959 c.406 s.29; 1977 c.619 s.1; subsection (6) enacted as 1979 c.642 s.12; 1991 c.863 s.58; 1997 c.647 s.6; 1999 c.307 s.14]

**Note:** The amendments to 479.990 by section 7, chapter 647, Oregon Laws 1997, and section 15, chapter 307, Oregon Laws 1999, become operative January 1, 2002. See section 8, chapter 647, Oregon Laws 1997. The text that is operative on and after January 1, 2002, is set forth for the user's convenience.

**479.990.** (1) Violation of any provision of ORS 479.020 to 479.130 or 479.160 or rules adopted thereunder, or failure, neglect or refusal to comply with any requirements in these sections, is punishable by a civil penalty of not more than $50. Each day's violation of or failure to comply with these provisions shall be deemed a separate violation.

(2) Violation of any provision of ORS 479.130 or rules adopted thereunder is punishable by a civil penalty of not more than $50. Each day's violation shall be deemed a separate violation.

(3) Violation of ORS 479.150 or rules adopted thereunder is punishable by a civil penalty of not less than $10 nor more than $100. Each day of failure to comply with the provisions of ORS 479.150 or rules adopted thereunder shall be deemed a separate violation.

(4) Any owner or occupant of any building or premises who fails to comply with any order provided for in ORS 479.170 and not appealed from, or with any such order of the State Fire Marshal upon appeal to the State Fire Marshal, shall be punished by a civil penalty of not more than $500 for each violation. All penalties, fees or forfeitures collected under the provisions of this subsection shall be paid into the State Treasury.

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(7) Civil penalties under this section shall be imposed as provided in ORS 183.090.

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