Chapter 446

2013 EDITION

Manufactured Dwellings and Structures; Parks; Tourist Facilities; Ownership Records; Dealers and Dealerships

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MOBILE HOME AND MANUFACTURED DWELLING PARKS

446.003 Definitions for ORS 446.003 to 446.200 and 446.225 to 446.285 and ORS chapters 195, 196, 197, 215 and 227. As used in ORS 446.003 to 446.200 and 446.225 to 446.285, and for the purposes of ORS chapters 195, 196, 197, 215 and 227, the following definitions apply, unless the context requires otherwise, or unless administration and enforcement by the State of Oregon under the existing or revised National Manufactured Housing Construction and Safety Standards Act would be adversely affected, and except as provided in ORS 446.265:

(1) "Accessory building or structure" means any portable, demountable or permanent structure established for use of the occupant of the manufactured structure and as further defined by rule by the Director of the Department of Consumer and Business Services.

(2)(a) "Alteration" means any change, addition, repair, conversion, replacement, modification or removal of any equipment or installation that may affect the operation, construction or occupancy of a manufactured structure.

(b) "Alteration" does not include:

(A) Minor repairs with approved component parts;

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

(C) Adjustment and maintenance of equipment; or

(D) Replacement of equipment or accessories in kind.

(3) "Approved" means approved, licensed or certified by the Department of Consumer and Business Services or its designee.

(4) "Board" means the Residential and Manufactured Structures Board.

(5) "Cabana" means a stationary, lightweight structure that may be prefabricated, or demountable, with two or more walls, used adjacent to and in conjunction with a manufactured structure to provide additional living space.

(6) "Certification" means an evaluation process by which the department verifies a manufacturer's ability to produce manufactured structures to the department rules and to the department approved quality control manual.

(7) "Conversion" or "to convert" means the process of changing a manufactured structure in whole or in part from one type of vehicle or structure to another.

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

(9) "Department" means the Department of Consumer and Business Services.

(10) "Director" means the Director of the Department of Consumer and Business Services.

(11) "Distributor" means any person engaged in selling and distributing manufactured structures or equipment for resale.

(12) "Equipment" means materials, appliances, subassembly, devices, fixtures, fittings and apparatuses used in the construction, plumbing, mechanical and electrical systems of a manufactured structure.

(13) "Federal manufactured housing construction and safety standard" means a standard for construction, design and performance of a manufactured dwelling promulgated by the Secretary of Housing and Urban Development pursuant to the federal National Manufactured Housing Construction and Safety Standards Act of 1974 (Public Law 93-383).

(14) "Fire Marshal" means the State Fire Marshal.

(15) "Imminent safety hazard" means an imminent and unreasonable risk of death or severe personal injury.

(16) "Insignia of compliance" means:

(a) For a manufactured dwelling built to HUD standards for such dwellings, the HUD label; or

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

(17) "Inspecting authority" or "inspector" means the Director of the Department of Consumer and Business Services or representatives as appointed or authorized to administer and enforce provisions of ORS 446.111, 446.160, 446.176, 446.225 to 446.285, 446.310 to 446.350, 446.990 and this section.

(18) "Installation" in relation to:

(a) Construction means the arrangements and methods of construction, fire and life safety, electrical, plumbing and mechanical equipment and systems within a manufactured structure.

(b) Siting means the manufactured structure and cabana foundation support and tiedown, the structural, fire and life safety, electrical, plumbing and mechanical equip-

ment and material connections and the installation of skirting and temporary steps.

(19) "Installer" means any individual licensed by the director to install, set up, connect, hook up, block, tie down, secure, support, install temporary steps for, install skirting for or make electrical, plumbing or mechanical connections to manufactured dwellings or cabanas or who provides consultation or supervision for any of these activities, except architects registered under ORS 671.010 to 671.220 or engineers registered under ORS 672.002 to 672.325.

(20) "Listed" means equipment or materials included in a list, published by an organization concerned with product evaluation acceptable to the department that maintains periodic inspection of production of listed equipment or materials, and whose listing states either that the equipment or materials meets appropriate standards or has been tested and found suitable in a specified manner.

(21) "Lot" means any space, area or tract of land, or portion of a manufactured dwelling park, mobile home park or recreation park that is designated or used for occupancy by one manufactured structure.

(22)(a) "Manufactured dwelling" means a residential trailer, mobile home or manufactured home.

(b) "Manufactured dwelling" does not include any building or structure constructed to conform to the State of Oregon Structural Specialty Code or the Low-Rise Residential Dwelling Code adopted pursuant to ORS 455.100 to 455.450 and 455.610 to 455.630 or any unit identified as a recreational vehicle by the manufacturer.

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

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

(b) For purposes of implementing any contract pertaining to manufactured homes between the department and the federal government, "manufactured home" has the meaning given the term in the contract.

(25)(a) "Manufactured structure" means a recreational vehicle, manufactured dwelling or recreational structure.

(b) "Manufactured structure" does not include any building or structure regulated under the State of Oregon Structural Specialty Code or the Low-Rise Residential Dwelling Code.

(26) "Manufacturer" means any person engaged in manufacturing, building, rebuilding, altering, converting or assembling manufactured structures or equipment.

(27) "Manufacturing" means the building, rebuilding, altering or converting of manufactured structures that bear or are required to bear an Oregon insignia of compliance.

(28) "Minimum safety standards" means the plumbing, mechanical, electrical, thermal, fire and life safety, structural and transportation standards prescribed by rules adopted by the director.

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

(30) "Mobile home park" means any place where four or more manufactured structures are located within 500 feet of one another on a lot, tract or parcel of land under the same ownership, the primary purpose of which is to rent space or keep space for rent to any person for a charge or fee paid or to be paid for the rental or use of facilities or to offer space free in connection with securing the trade or patronage of such person. "Mobile home park" does not include a lot or lots located within a subdivision being rented or leased for occupancy by no more than one manufactured dwelling per lot if the subdivision was approved by the municipality unit having jurisdiction under an ordinance adopted pursuant to ORS 92.010 to 92.192.

(31) "Municipality" means a city, county or other unit of local government otherwise authorized by law to enact codes.

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

(33) "Recreational vehicle" means a vehicle with or without motive power, that is designed for human occupancy and to be used temporarily for recreational, seasonal or emergency purposes and as further defined, by rule, by the director.

(34) "Residential trailer" means a structure constructed for movement on the public highways that has sleeping, cooking and plumbing facilities, that is intended for human occupancy, that is being used for residential purposes and that was constructed before January 1, 1962.

(35) "Sale" means rent, lease, sale or exchange.

(36) "Skirting" means a weather resistant material used to enclose the space below the manufactured structure.

(37) "Tiedown" means any device designed to anchor a manufactured structure securely to the ground.

(38) "Transitional housing accommodations" means accommodations described under ORS 446.265.

(39) "Utilities" means the water, sewer, gas or electric services provided on a lot for a manufactured structure. [1975 c.546 §10 (enacted in lieu of 446.002 and 446.004); 1979 c.884 §1; 1983 c.707 §1; 1987 c.274 §1; 1987 c.414 §21; 1989 c.527 §1; 1989 c.648 §§1,1a; 1989 c.683 §1; 1989 c.919 §6b; 1991 c.226 §1; 1991 c.844 §21; 1993 c.744 §47; 1995 c.251 §1; 1997 c.205 §1; 1999 c.758 §7; 2003 c.675 §6; 2005 c.22 §313; 2009 c.259 §25; 2009 c.567 §28; 2013 c.161 §2; 2013 c.196 §21]

446.004 [1969 c.295 §2; 1971 c.753 §42; repealed by 1975 c.546 §9 and by 1975 c.793 §1a (446.003 and 446.005 enacted in lieu of 446.004)]

446.005 "Issuing authority" defined. As used in ORS 446.003 to 446.200, 446.225 to 446.285 and 446.425, unless the context requires otherwise, or unless administration and enforcement by Oregon under the existing or revised National Manufactured Housing Construction and Safety Standards Act would be adversely affected, "issuing authority" means with respect to mobile home or manufactured dwelling park plans review and construction, the Department of Consumer and Business Services. [1975 c.793 §1b (enacted in lieu of 446.004); 1981 c.190 §7; 1983 c.707 §2; 1989 c.648 §2]

446.006 [1953 c.490 §3; 1967 c.247 §2; 1969 c.533 §12; 1973 c.560 §2; 1975 c.793 §2; 1979 c.789 §1; 1981 c.190 §3; repealed by 1983 c.707 §29]

446.010 [Repealed by 1953 c.490 §21]

446.012 [1953 c.490 §4; 1971 c.650 §22; 1975 c.793 §3; repealed by 1983 c.707 §29]

446.015 [1971 c.588 §1; repealed by 1983 c.707 §29]

446.016 [1953 c.490 §5; 1973 c.560 §3; 1975 c.793 §4; 1979 c.342 §1; 1979 c.696 §3a; 1981 c.190 §4; repealed by 1983 c.707 §29]

446.020 [Repealed by 1953 c.490 §21]

446.022 [1953 c.490 §6; 1969 c.533 §13; repealed by 1973 c.560 §22]

446.026 [1953 c.490 §7; repealed by 1983 c.707 §29]

446.030 [Repealed by 1953 c.490 §21]

446.032 [1953 c.490 §16; repealed by 1959 c.562 §16]

446.036 [1953 c.490 §8; 1969 c.533 §14; 1981 c.190 §5; repealed by 1983 c.707 §29]

446.040 [Repealed by 1953 c.490 §21]

446.042 [1953 c.490 §9; repealed by 1983 c.707 §29]

446.046 [1953 c.490 §10; 1973 c.560 §4; 1975 c.793 §5; repealed by 1983 c.707 §29]

446.050 [Repealed by 1953 c.490 §21]

446.052 [1953 c.490 §11; 1967 c.247 §3; 1971 c.734 §63; 1973 c.560 §5; 1975 c.793 §6; repealed by 1983 c.707 §29]

446.055 Four to six manufactured dwellings exempt from ORS 446.003 to 446.140. Four to six manufactured dwellings may be sited on a lot or parcel or aggregation of lots or parcels without meeting the requirements of ORS 446.003 to 446.140. However, four to six manufactured dwellings shall be sited in conformance with the comprehensive plan and land use regulations for other dwellings of similar capacity within the zone in which the manufactured dwellings are sited. [1993 c.437 §2]

446.056 [1953 c.490 §12; 1973 c.560 §6; 1975 c.793 §7; repealed by 1983 c.707 §29]

446.060 [Repealed by 1953 c.490 §21]

446.062 Rules regulating parks; state building code requirements; approval for new construction or additional lots. (1)(a) The Director of the Department of Consumer and Business Services shall issue rules under ORS chapter 183 to regulate mobile home or manufactured dwelling parks. These rules shall conform to ORS 446.090 to 446.140.

(b) Any water system serving a mobile home or manufactured dwelling park is subject to ORS 448.115 to 448.285 and the rules adopted pursuant thereto.

(2) Mobile home or manufactured dwelling parks are subject to ORS 446.003, 446.055, 446.072 to 446.100, 446.140 and 446.271 and the state building code, as defined in ORS 455.010, and the rules adopted thereunder by the director under ORS chapter 183.

(3) The Department of Consumer and Business Services shall review plans and inspect construction of mobile home or manufactured dwelling parks to ensure compliance with subsection (2) of this section. The director shall adopt rules under ORS chapter

183 to provide a schedule for plan review fees and construction inspection fees.

(4) A person shall not construct a new mobile home or manufactured dwelling park or add lots to an existing mobile home or manufactured dwelling park without approval by the department.

(5) Installation of a submeter as provided in ORS 90.537 to measure water consumption at a space in an existing manufactured dwelling park is a minor plumbing installation under ORS 447.076 and may be performed under a statewide permit and inspection system for minor construction work established under ORS 455.155. [1953 c.490 §13; 1959 c.562 §13; 1969 c.533 §15; 1975 c.793 §8; 1981 c.190 §6; 1983 c.707 §3; 1987 c.414 §21a; 1987 c.604 §11; 1989 c.648 §3; 1993 c.744 §48; 1995 c.318 §1; 2001 c.411 §13; 2011 c.503 §11]

446.066 Inspection of parks. The Department of Consumer and Business Services may inspect every mobile home or manufactured dwelling park in order to determine whether it conforms with the provisions of ORS 446.003 to 446.200 and 446.225 to 446.285 and the rules adopted pursuant thereto. Any person operating such facilities shall at all reasonable times, upon request of the department, permit access to all parts of the facilities. [1953 c.490 §14; 1969 c.533 §16; 1973 c.560 §7; 1975 c.793 §9; 1983 c.707 §4; 1989 c.648 §4]

446.070 [Repealed by 1953 c.490 §21]

446.072 Uniform enforcement throughout state. The Department of Consumer and Business Services shall make surveys necessary to assure uniform enforcement throughout the state with respect to mobile home or manufactured dwelling parks. [1953 c.490 §17; 1959 c.562 §14; 1975 c.793 §10; 1983 c.707 §5; 1989 c.648 §5]

446.076 Consumer and Business Services Fund; sources; uses. All moneys received by the Department of Consumer and Business Services under ORS 446.003 to 446.200 and 446.225 to 446.285 shall be paid into the Consumer and Business Services Fund created by ORS 705.145. The moneys received under this section are continuously appropriated to the department for use as provided in ORS 446.423. [1953 c.490 §15; 1973 c.560 §8; 1975 c.793 §11; 1983 c.707 §6; 1987 c.414 §21b; 1989 c.648 §6; 1993 c.744 §49; 2001 c.710 §4]

446.080 [Repealed by 1953 c.490 §21]

446.082 [1953 c.490 §19; 1969 c.533 §17; repealed by 1973 c.560 §22]

446.090 Application of ORS 446.095 to 446.105. ORS 446.095 (3), 446.100 (1)(c) and 446.105 do not apply to a mobile home park that was constructed before August 5, 1959. However, any changes or additions made in any mobile home or manufactured dwelling park after August 5, 1959, shall conform to ORS 446.095 to 446.105 and the rules issued thereunder. [1959 c.562 §3; 1967 c.247 §4; 1969 c.533 §18; 1975 c.793 §12; 1985 c.565 §72; 1989 c.648 §7; 1995 c.318 §4]

446.095 Park construction and facilities. The owner or operator of a mobile home or manufactured dwelling park shall:

(1) Construct well-drained and hard-surfaced park streets at least 20 feet in width, unobstructed and open to traffic within the mobile home or manufactured dwelling park. If the owner or operator permits parking of motor vehicles on the park streets, the owner or operator shall construct the park streets at least 30 feet in width.

(2) Provide to each tenant an adequate supply of healthful water and adequate electric power and sewerage facilities. All plumbing shall be installed in compliance with ORS 447.010 to 447.156 and 447.992 and the rules of the Department of Consumer and Business Services adopted thereunder.

(3) Provide, except as specified in subsection (4) of this section, a separate general play area restricted to that use, if the mobile home or manufactured dwelling park accommodates children who are under 14 years of age. No separate play area shall be less than 2,500 square feet in area. At least 100 square feet of play area shall be provided for each manufactured dwelling occupied by children.

(4) Not be required to provide a separate play area if the mobile home or manufactured dwelling park was in existence before March 13, 1989, and rented spaces as an all adult park. [1959 c.562 §4; 1967 c.247 §5; 1969 c.491 §1; 1969 c.533 §19; 1973 c.560 §9; 1989 c.648 §8; 1991 c.226 §2; 1995 c.318 §2]

446.100 Prohibited acts in connection with construction and use of parks; rules for spacing of units. (1) A person may not:

(a) Construct a mobile home or manufactured dwelling park at a place that is unsuitable due to swampy terrain, lack of adequate drainage or proximity to the breeding places of insects or rodents.

(b) Install a manufactured dwelling closer than five feet from a property boundary line.

(c) Construct in a mobile home or manufactured dwelling park a manufactured dwelling space less than 30 feet in width or less than 40 feet in length.

(2) The Director of the Department of Consumer and Business Services shall adopt rules pursuant to the rulemaking provisions of ORS chapter 183 specifying minimum distances between adjacent manufactured dwellings and between manufactured dwellings and other structures. In adopting these rules, the director shall take into consideration the standards established by the National Fire Protection Association and

standards recommended by the State Fire Marshal.

(3) Except as provided in this subsection, the rules adopted by the director under subsection (2) of this section must provide for at least 10 feet of space between manufactured dwellings. The director may adopt a rule allowing less than 10 feet of space between manufactured dwellings that are separated by a one-hour fire-resistive wall. A standard established by the director for a one-hour fire-resistive wall separating manufactured dwellings must be at least as stringent as the equivalent standard, if any, for a fire-resistive wall in a two family dwelling under the Low-Rise Residential Dwelling Code. [1959 c.562 §5; 1969 c.533 §20; 1981 c.506 §1; 1989 c.648 §9; 1991 c.226 §3; 2003 c.134 §1; 2005 c.22 §314]

446.105 Temporary parks. (1) The Director of the Department of Consumer and Business Services may issue a permit for the establishment of a temporary mobile home or manufactured dwelling park to a construction company, timber company, government entity or farm if:

(a) There is no available space in a mobile home or manufactured dwelling park within a reasonable distance; and

(b) A mobile home or manufactured dwelling park is necessary for the proper housing of employees until the project is finished.

(2) Upon approval by the Department of Consumer and Business Services and the county or city planning commission, a permit may be issued to a person to establish a temporary mobile home or manufactured dwelling park on the person's own premises in areas having a critical housing shortage due to large construction projects. The permit shall expire upon completion of the project. [1959 c.562 §6; 1967 c.247 §6; 1969 c.533 §21; 1973 c.560 §10; 1975 c.793 §13; 1989 c.648 §10; 1991 c.226 §4; 1993 c.744 §50; 1995 c.318 §3]

446.110 [Repealed by 1959 c.562 §16]

446.111 Regulation of structures in parks. No stationary structure may be erected within a mobile home or manufactured dwelling park without the consent of the owner or operator; and when giving consent, it shall be the duty of the mobile home or manufactured dwelling park manager to advise the tenant or builder of the standards required by ORS 446.003 to 446.200 and 446.225 to 446.285 and the rules issued thereunder. [1961 c.665 §3; 1967 c.247 §7; 1969 c.533 §22; 1973 c.560 §11; 1975 c.546 §11; 1989 c.648 §11]

446.115 Sanitation of parks; pets to be controlled. (1) The owner or operator of a mobile home or manufactured dwelling park is responsible for the sanitary condition of the park grounds and buildings.

(2) No person shall allow a pet animal of the person to run at large or to create any health hazard within a mobile home or manufactured dwelling park. [1959 c.562 §§8,9; 1967 c.247 §8; 1969 c.533 §23; 1973 c.560 §12; 1989 c.648 §12]

446.120 [Repealed by 1959 c.562 §16]

446.125 Occupancy on private land. A person may occupy a manufactured dwelling or a camping vehicle on private land with the consent of the owner of the land if:

(1) The lot, tract or parcel of land upon which the manufactured dwelling or camping vehicle is situated has an area adequate to provide safe, approved water supply and sewage disposal facilities and is not in conflict with ORS 446.310 (9).

(2) The person complies with all applicable standards of sanitation, water, plumbing and electrical and sewerage installations prescribed by the laws of this state and the rules issued thereunder, or by local authorities. [1959 c.562 §10; 1967 c.247 §9; 1969 c.533 §24; 1983 c.707 §7; 1989 c.648 §13; 2001 c.900 §256; 2005 c.22 §315]

446.130 [Repealed by 1959 c.562 §16]

446.135 [1959 c.562 §11; 1967 c.247 §10; repealed by 1969 c.533 §27]

446.140 Notice of removal from park. No person, firm or corporation shall remove a manufactured dwelling from a mobile home or manufactured dwelling park without first giving the owner or operator of the park 72 hours' notice. [1959 c.562 §12; 1967 c.247 §11; 1969 c.533 §25; 1985 c.473 §16; 1989 c.648 §14]

446.145 [1959 c.562 §7; 1967 c.247 §12; 1969 c.533 §26; 1989 c.648 §15; repealed by 1995 c.318 §5]

446.150 [1959 c.683 §32; 1969 c.605 §54; repealed by 1969 c.533 §27 and by 1969 c.605 §61]

MANUFACTURED STRUCTURE CONSTRUCTION AND SAFETY STANDARDS

446.155 Sanitation and safety requirements; exceptions. (1) A person may not sell or offer for sale within this state a manufactured dwelling manufactured after January 1, 1962, that contains:

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

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

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

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

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

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

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

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

(a) Bears an insignia of compliance;

(b) Has previously been lawfully registered and titled within the United States;

(c) Has previously been issued an ownership document under ORS 446.571 or recorded under ORS 446.626; or

(d) Is exempt from registration, title or ownership document requirements because of United States government ownership.

(4) Persons manufacturing, remanufacturing, converting, altering or repairing manufactured structures or equipment within the state or for use within the state shall comply with all applicable construction and safety rules of the department and the following:

(a) Alterations performed on a manufactured dwelling by the manufacturer or dealer before or at the time of sale to the first consumer shall be performed in conformance with the National Manufactured Housing Construction and Safety Standards Act.

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

(c) Solid fuel burning appliances shall be in conformance with the National Manufactured Housing Construction and Safety Standards Act and standards adopted by the department.

(d) Notwithstanding subsections (1) and (2) of this section, a previously owned manufactured dwelling may be sold "as is" provided that the seller discloses in the bill of sale that the manufactured dwelling is being sold on an "as is" or "with all faults" basis, and that the entire risk as to the quality and performance of the manufactured dwelling is with the buyer. If the manufactured dwelling is found to be defective after purchase, the buyer shall assume the entire cost of all servicing and repair. The seller, manufacturer, distributor or retailer is not responsible for any cost for servicing and repair.

(5) Installations of manufactured structures shall be in conformance with the standards adopted by the department for site preparation, foundation support, anchoring, structural and utility connections, electrical and plumbing tests, underfloor enclosures, ventilation, vapor barriers and steps used for access and egress. [1961 c.567 §2; 1969 c.295 §3; 1971 c.753 §43; 1989 c.527 §2; 1989 c.648 §16a; 1991 c.409 §1; 1995 c.251 §2; 2001 c.104 §184; 2005 c.89 §1]

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

(2) The Director of the Department of Consumer and Business Services shall adopt rules pursuant to ORS chapter 183 to insure that manufacturers, distributors and dealers comply with the reporting requirements of the Department of Consumer and Business Services of this state and the Secretary of Housing and Urban Development as required by the National Manufactured Housing Construction and Safety Standards Act of 1974 (Public Law 93-383).

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

(4) The director or a designee is authorized to enter, at reasonable times and without advance notice, any factory, warehouse or establishment in which a manufactured structure or equipment is manufactured, stored or held for sale; and to inspect at reasonable times within reasonable limits in a reasonable manner, any such factory, warehouse or establishment, and to inspect such products, books, papers, records and documents which are relevant to the manufacture of a manufactured structure or equipment and the manufacturer's,

distributor's or dealer's compliance with ORS 446.155 and the National Manufactured Housing Construction and Safety Standards Act of 1974 (Public Law 93-383). [1961 c.567 §§3,4; 1969 c.295 §4; 1971 c.753 §44; 1975 c.546 §12; 1989 c.527 §3; 1989 c.648 §17; 1991 c.409 §2]

446.165 [1961 c.567 §5; 1969 c.295 §5; renumbered 446.200]

446.170 Insignia of compliance required; when displayed. (1) Manufactured structures subject to the provisions of ORS 446.155 to 446.200, and manufactured structures upon which additions, conversions or alterations of installations of equipment or material are made shall have affixed to the manufactured structures insignia of compliance.

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

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

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

(5) Subsection (1) of this section does not apply to a recreational vehicle described in ORS 446.155 (3)(b) to (d). [1969 c.295 §§7,11; 1989 c.527 §4; 1991 c.409 §3; 2005 c.89 §2]

446.175 [1969 c.295 §6; 1971 c.753 §45; repealed by 1975 c.546 §13 (446.176 enacted in lieu of 446.175)]

446.176 Fees; rules. (1) The Director of the Department of Consumer and Business Services, with the approval of the Residential and Manufactured Structures Board, shall adopt regulations under the provisions of ORS chapter 183 to provide a schedule for plan review fees, insignia fees, inspection fees and other necessary fees based on the estimated cost of administering ORS 446.003 to 446.200 and 446.225 to 446.285.

(2) Fees collected by the department pursuant to this section shall be deposited in the Consumer and Business Services Fund established by ORS 705.145. Moneys deposited into the fund pursuant to this section are continuously appropriated to the department for use as provided in ORS 446.423. [1975 c.546 §14 (enacted in lieu of 446.175); 1993 c.744 §51; 1997 c.205 §2; 1999 c.518 §2; 2001 c.710 §5; 2009 c.567 §29]

446.180 Safety standards of other states or national organization; rules. (1) If the Director of the Department of Consumer and Business Services determines that standards for construction, equipment and material installed in manufactured structures provided by the statutes or rules and regulations of other states are at least equal to the minimum safety standards prescribed under ORS 446.155 to 446.200, and that such statutes, rules and regulations are being enforced, the director may provide by rule that manufactured structures approved by such other state shall be considered approved by the director.

(2) Mobile homes built between September 1, 1969, and June 15, 1976, to the American National Standards Institute Mobile Home Standards A119.1 and which also bear an insignia of compliance from the State of California, Idaho, Nevada or Washington shall be considered to comply with ORS 446.155 (2) provided no alterations have been made to the original structure. [1969 c.295 §9; 1971 c.753 §46; 1987 c.414 §22; 1989 c.527 §5; 1989 c.648 §18; 1991 c.226 §5; 1991 c.912 §1; 1993 c.744 §52]

446.185 Minimum safety standards for equipment, material and installations; rules. (1) In compliance with ORS chapter 183, rules establishing minimum safety standards and requirements shall be adopted and enforced by the Director of the Department of Consumer and Business Services for manufactured structures and manufactured structure installations as prescribed in ORS 446.155.

(2) Minimum safety standards prescribed in ORS 446.155 to 446.200 shall be reasonably consistent with nationally recognized standards for construction of manufactured structures, and the manufactured structures shall be designed to protect the health and safety of the people of this state from dangers inherent in the use of substandard and unsafe equipment, material and installations. [1969 c.295 §8; 1971 c.753 §47; 1989 c.527 §6; 1991 c.409 §4; 1993 c.744 §53; 1995 c.251 §3]

446.190 Power to enjoin violations. When it appears to an inspecting authority that any person is engaged or about to engage in an act or practice which is in violation of ORS 446.155 to 446.200 or the rules and regulations issued thereunder, the inspecting authority may, without bond, obtain an order from an appropriate circuit court enjoining such act or practice. [1969 c.295 §10]

446.200 When noncompliance with city or county regulations authorized. (1) Any manufactured structure that meets the requirements prescribed under ORS 446.003, 446.155 to 446.200 and 446.225 to 446.285:

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

(b) Is required to comply with this chapter and the administrative rules adopted

thereunder regulating plumbing, heating, illuminating, mechanical, structural, transportation, thermal, fire and life safety, cooking and electrical equipment and material installed in manufactured structures.

(2) A manufactured dwelling that is constructed in conformity with the minimum safety standards provided by ORS 446.185 and which bears an insignia of compliance is not required to comply with any additional regulations if it is thereafter placed upon a permanent foundation and affixed to real property. [Formerly 446.165; 1989 c.648 §20; 1991 c.226 §6; 1995 c.251 §4]

446.210 Limited maintenance electrician's license required. (1) The Director of the Department of Consumer and Business Services shall issue a limited maintenance electrician's license to a person who:

(a) Pays the applicable application fee required under ORS 479.840;

(b) Complies with ORS 479.510 to 479.945 and the rules adopted under ORS 455.117 and 479.510 to 479.945;

(c) Passes a written examination administered as provided by department rule on basic electrical principles on repair and maintenance of electrical wiring and equipment used in a manufactured structure; and

(d) Submits proof as provided by department rule that the person has sufficient experience in the repair and maintenance of electrical problems of the type and nature found in a manufactured structure.

(2) A person licensed under this section may repair and maintain electrical wiring and equipment used in a manufactured structure. [1969 c.295 §12; 1989 c.648 §21; 1993 c.744 §54; 2003 c.14 §266; 2005 c.758 §7; 2007 c.271 §1]

446.220 [1975 c.566 §2; repealed by 1983 c.65 §1]

446.225 Administration and enforcement of federal manufactured housing safety and construction standards; rules. (1) The Legislative Assembly intends to provide a procedure to assure that Oregon assumes fullest responsibility for administration and enforcement of federal manufactured housing safety and construction standards in Oregon in accordance with the National Manufactured Housing Construction and Safety Standards Act of 1974 (Public Law 93-383).

(2) The Director of the Department of Consumer and Business Services is authorized to apply for and receive grants from the Secretary of Housing and Urban Development for implementation and development of a plan for enforcement and administration of federal manufactured housing safety and construction standards for manufactured housing offered for sale or lease in this state.

(3) The director is authorized to adopt rules pursuant to ORS chapter 183 to insure acceptance by the Secretary of Housing and Urban Development of Oregon's plan for administration and enforcement of federal manufactured housing safety and construction standards in accordance with the National Manufactured Housing Construction and Safety Standards Act of 1974 (Public Law 93-383). [1975 c.546 §2; 1989 c.648 §22]

446.230 Safety and construction standards for installation, support and tiedown; rules; when installer license not required. (1) The Director of the Department of Consumer and Business Services shall, by administrative rule, adopt and enforce safety and construction standards for installation, support and tiedown of manufactured dwellings on a lot. These safety standards shall be reasonably consistent with nationally recognized standards for placement, support and tiedown of manufactured dwellings, and shall be designed to protect the health and safety of occupants of manufactured dwellings against uplift, sliding, rotation and overturning of manufactured dwellings.

(2) The director shall designate wind pressure zones in which the rules for tiedown of manufactured dwellings shall apply.

(3) Except as provided in ORS 446.395, an installer is not required to be licensed by the director to connect utilities from utility terminations provided on a lot to manufactured dwellings. [1975 c.546 §3; 1989 c.648 §23; 1991 c.226 §7; 1993 c.744 §55]

446.240 Safety standards for accessory structures; rules. The Director of the Department of Consumer and Business Services shall adopt and enforce rules establishing safety standards for construction and installation of accessory buildings and structures. Prefabricated and site-built accessory buildings and structures shall be consistent with the provisions of the state building code adopted pursuant to ORS 455.020 and 455.110 except where application of such standards would conflict with standards adopted under the National Manufactured Housing Construction and Safety Standards Act of 1974 and would prevent the Department of Consumer and Business Services from enforcing the federal Act in Oregon. [1975 c.546 §4; 1989 c.648 §24]

446.245 Permitted uses of manufactured dwellings. (1) Manufactured dwellings shall be used as single-family dwellings.

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

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

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

(b) Manufactured dwellings may be used by dealers or distributors of manufactured structures as temporary sales offices when no alterations to the design, construction, transportation, fire and life safety, plumbing, mechanical or electrical systems are made to accommodate the office use and when the dealer or distributor continues to offer the manufactured dwelling for sale during the office use.

(c) A portion of a manufactured dwelling may be used for an in-house business when the remainder of the structure is used as a single-family dwelling by the same person. The type and location of an in-home business shall be approved by the authority having jurisdiction and the local planning commission prior to the use. [1991 c.478 §2]

Note: 446.245 was added to and made a part of 446.155 to 446.285 by legislative action but was not added to any smaller series therein. See Preface to Oregon Revised Statutes for further explanation.

446.250 Duties of director; agreements with local governments; conditions. The Director of the Department of Consumer and Business Services shall cause inspections to be made, approve plans and specifications, provide technical services and issue permits for alteration of manufactured dwellings and installation of manufactured dwellings and manufactured structure accessory buildings and structures on a lot. The director shall appoint or contract with municipalities that request such appointment or contract for inspection and issuance of permits for alteration of manufactured dwellings and installation of manufactured dwellings and manufactured structure accessory buildings and structures and alterations of installations of plumbing, heating, illuminating, cooking or electrical equipment, provided the municipality employs as local inspectors qualified persons who have been certified by the director for inspection and issuance of permits for alteration of manufactured dwellings and installation of manufactured dwellings and manufactured structure accessory buildings and structures, pursuant to ORS 446.003, 446.111, 446.155, 446.160, 446.176, 446.225 to 446.285 and 446.990. However, the certification standards under this section shall relate to the inspections to be performed and shall not be more stringent for municipal inspectors than those applying to state inspectors. [1975 c.546 §5; 1983 c.250 §2; 1989 c.648 §25; 1989 c.1017 §4; 1991 c.409 §5; 1995 c.251 §5; 1997 c.205 §3]

446.252 Installation permit required. A person may not install a manufactured dwelling or manufactured structure accessory building or structure without first obtaining from the Department of Consumer and Business Services or a municipality as provided under ORS 446.250 all permits necessary for installing the manufactured dwelling or manufactured structure accessory building or structure on a lot. [1989 c.1017 §2; 1995 c.251 §6; 1997 c.205 §4]

446.253 Authority of director; authority of local governments. (1) The authority of the Director of the Department of Consumer and Business Services under ORS 446.250 shall be in addition to the provisions of ORS chapter 455. Where the provisions of ORS 446.252 and this section conflict with the provisions under ORS chapter 455, the provisions of ORS 446.252 and this section shall control.

(2) Except as otherwise provided by this subsection, any municipality that establishes a program under ORS 446.252 and 455.150 and this section to administer and enforce installations of manufactured dwellings and manufactured structure accessory buildings and structures shall assume full responsibility for permit issuance and inspections under that program including related electrical, plumbing, structural and mechanical installations for a manufactured dwelling and manufactured structure accessory buildings and structures as defined in ORS 446.003.

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

(a) Budget limitations of the municipality;

(b) Inadequate staffing of the municipality;

(c) Inability to contract services with another municipality; or

(d) Where the public is inconvenienced by increased cost, travel distance or time loss.

(4) The Department of Consumer and Business Services, subject to ORS chapter 183, may revoke any authority of a local government to conduct inspections, administration or enforcement of manufactured dwelling installations and manufactured structure accessory building installations and manufactured dwelling alterations under ORS 455.150 if the director determines that the municipality is not effectively carrying out duties assumed by the municipality. [1989

c.1017 §3; 1991 c.226 §17; 1991 c.409 §6; 1993 c.744 §56; 1995 c.251 §7; 1997 c.205 §5]

446.255 Revocation of agreement with local government. (1) After written notice and hearing as provided in subsection (2) of this section, the Director of the Department of Consumer and Business Services may revoke the certification of a local inspector certified under ORS 446.250, or the authority of a local government to enforce provisions of ORS 446.003, 446.111, 446.160, 446.176, 446.225 to 446.285 and 446.990, when it appears by competent evidence that the inspector or local government has consistently failed to act in the public interest in the enforcement of the provisions of ORS 446.003, 446.111, 446.160, 446.176, 446.225 to 446.285 and 446.990.

(2) Any proceedings under subsection (1) of this section shall be conducted pursuant to the provisions of ORS 183.415 to 183.430, 183.440 to 183.460, 183.470 to 183.485 and 183.490 to 183.540, dealing with contested cases. [1975 c.546 §5a]

446.260 Notification by manufacturer of manufactured home defect; other disclosures; rules. (1) Every manufacturer of manufactured homes offered for sale or lease in this state shall furnish notification of any defect in any manufactured home produced by the manufacturer that the manufacturer determines, in good faith, relates to a federal manufactured housing construction or safety standard or constitutes an imminent safety hazard to the purchaser of the manufactured home, within a reasonable time after such manufacturer has discovered the defect.

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

(3)(a) In addition to the notification required under subsection (1) of this section, the director may adopt rules to identify the disclosures required of a dealer or distributor prior to the sale of new manufactured structures more than eight feet six inches wide in travel mode. Disclosure required under this subsection shall be limited to information regarding permissible uses, roof snow loads and anchoring of manufactured structures.

(b) The Department of Consumer and Business Services shall develop and make available to all dealers and distributors of manufactured structures a standard disclosure. The disclosure shall be completed in writing by the dealer or distributor of any affected manufactured structure prior to sale. A completed disclosure shall be presented to the purchaser for signature at the time of sale and a copy of the signed disclosure provided to the purchaser. The signed disclosure shall be retained by the dealer or distributor for not less than five years following the date of sale. [1975 c.546 §6; 1989 c.648 §26; 1991 c.226 §8; 1997 c.205 §6; 1999 c.59 §124]

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

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

(3) Campgrounds providing transitional housing accommodations described under this section may be operated by private persons or nonprofit organizations. The shared facilities of the campgrounds are subject to regulation under the recreation park specialty code described under ORS 446.310 to 446.350. The transitional housing accommodations are not subject to ORS chapter 90.

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

(5) Campgrounds established for providing transitional housing accommodations shall not be allowed on more than two parcels in a municipality. In approving the use of parcels for a campground, the municipality shall give preference to locations that have access to grocery stores and public transit services.

(6) As used in this section, "yurt" means a round, domed tent of canvas or other weather resistant material, having a rigid

framework, wooden floor, one or more windows or skylights and that may have plumbing, electrical service or heat. [1999 c.758 §6]

446.270 [1975 c.546 §7; 1977 c.161 §4; 1979 c.342 §2; 1979 c.593 §32a; 1981 c.897 §51; 1989 c.648 §27; 1991 c.226 §9; repealed by 2001 c.411 §31]

446.271 Civil penalty for violation of ORS 446.003 to 446.200 or 446.225 to 446.285 or related rules. The Department of Consumer and Business Services may impose a civil penalty for a violation of ORS 446.003 to 446.200 or 446.225 to 446.285 or rules adopted or orders issued for the administration or enforcement of those sections. The department shall impose a civil penalty authorized by this section as provided in ORS 455.895. [2001 c.411 §2]

446.280 Duties of Residential and Manufactured Structures Board regarding manufactured structures and facilities. The Residential and Manufactured Structures Board shall serve in an advisory capacity to the Director of the Department of Consumer and Business Services in promulgating, administering and enforcing the plan for the administration and enforcement of the National Manufactured Housing Construction and Safety Standards Act of 1974 (Public Law 93-383) and safety standards pursuant to ORS 446.003 to 446.200, 446.225 to 446.285, 446.310 to 446.350 and 446.395 to 446.420. [1975 c.546 §8; 1981 c.371 §1; 1987 c.414 §22a; 1989 c.527 §7; 1989 c.648 §28; 1991 c.226 §10; 1993 c.744 §56a; 1995 c.251 §8; 2005 c.621 §1; 2009 c.567 §30]

446.285 Advisory board training and education programs. To assist the Director of the Department of Consumer and Business Services in administration and enforcement of the National Manufactured Housing Construction and Safety Standards Act of 1974, and safety standards pursuant to ORS 446.003 to 446.200, 446.225 to 446.285, 446.310 to 446.350 and 446.395 to 446.420, the Residential and Manufactured Structures Board may approve or conduct programs of training and education that maintain and advance the professional skills and abilities of persons engaged in manufacturing, delivery, installation, sale or service of manufactured structures. [1987 c.604 §14; 1989 c.648 §29; 1991 c.67 §119; 1991 c.226 §11; 1993 c.744 §57; 2009 c.567 §31]

TOURIST FACILITIES

446.310 Definitions for ORS 446.310 to 446.350. As used in ORS 446.310 to 446.350, unless the context requires otherwise:

(1) "Authority" means the Oregon Health Authority.

(2) "Camping vehicle" means either a vacation trailer or a self-propelled vehicle or structure equipped with wheels for highway use and that is intended for human occupancy and is being used for vacation and recreational purposes, but not for residential purposes, and is equipped with plumbing, sink or toilet.

(3) "Construction" means work regulated by the state building code as defined in ORS 455.010.

(4) "Director" means the Director of the Oregon Health Authority.

(5) "Health official" means a local public health administrator appointed pursuant to ORS 431.418.

(6) "Hostel" means any establishment having beds rented or kept for rent on a daily basis to travelers for a charge or fee paid or to be paid for rental or use of facilities and that is operated, managed or maintained under the sponsorship of a nonprofit organization that holds a valid exemption from federal income taxes under the Internal Revenue Code of 1954 as amended.

(7) "Organizational camp" includes any area designated by the person establishing, operating, managing or maintaining the same for recreational use by groups or organizations that include but are not limited to youth camps, scout camps, summer camps, day camps, nature camps, survival camps, athletic camps, camps that are operated and maintained under the guidance, supervision or auspices of religious, public and private educational systems and community service organizations.

(8) "Picnic park" means any recreation park that is for day use only and provides no recreation vehicle or overnight camping spaces.

(9) "Recreation park" means any area designated by the person establishing, operating, managing or maintaining the same for picnicking, overnight camping or use of recreational vehicles by the general public or any segment of the public. "Recreation park" includes but is not limited to areas open to use free of charge or through payment of a tax or fee or by virtue of rental, lease, license, membership, association or common ownership and further includes, but is not limited to, those areas divided into two or more lots, parcels, units or other interests for purposes of such use.

(10) "Regulating agency" means, with respect to a tourist facility, the Oregon Health Authority.

(11) "Tourist facility" means any travelers' accommodation, hostel, picnic park, recreation park and organizational camp.

(12) "Travelers' accommodation" includes any establishment, which is not a hostel, having rooms, apartments or sleeping facilities rented or kept for rent on a daily or

weekly basis to travelers or transients for a charge or fee paid or to be paid for rental or use of facilities. [1969 c.533 §2; 1973 c.560 §13; 1981 c.749 §27; 1983 c.707 §8; 1985 c.809 §5; 1987 c.414 §23; 1997 c.259 §1; 2001 c.900 §194; 2005 c.22 §316; 2009 c.595 §812]

446.315 Policy. It is the public policy of this state to encourage construction of recreation parks by public agencies and private industry to satisfy the demand for outdoor recreation while establishing standards for recreationists and landowners so that these parks are maintained in a safe and sanitary condition. [1969 c.533 §1]

446.320 Tourist facility license required. (1) No person shall establish, operate, manage or maintain a tourist facility, without a license from the Director of the Oregon Health Authority.

(2) Organizational camps operated under rental or leasehold agreements may be licensed either to the landlord or to the tenant provided that the license holder shall be responsible for compliance with ORS 446.310 to 446.350 and the rules adopted thereunder. [1969 c.533 §3; 1973 c.560 §14; 1979 c.696 §4; 1979 c.789 §2a; 1983 c.707 §9; 2009 c.595 §813]

446.321 Fee for license; rules. (1) Every applicant for licensing of a tourist facility as defined in ORS 446.310 and required by ORS 446.320 shall pay to the Oregon Health Authority a fee established by the authority by rule. The fee may not exceed $60, except that recreation parks shall pay an additional fee not to exceed $2 for each space.

(2) Rules adopted pursuant to subsection (1) of this section shall be adopted in accordance with ORS chapter 183. [1983 c.707 §12; 2005 c.22 §317; 2009 c.595 §814]

446.322 Issuance of license. Upon receipt of a completed application on an Oregon Health Authority form, required fee, and after representation by the applicant that the facility is in compliance with the provisions of ORS 446.310 to 446.350, and the rules adopted pursuant thereto, and the requirements of the Department of Consumer and Business Services, the authority shall issue a license, unless there is reason to believe noncompliance exists. [1983 c.707 §13; 1985 c.809 §1; 1987 c.414 §24; 1993 c.744 §58; 1995 c.79 §223; 2009 c.595 §815]

446.323 Failure to apply for or renew license; transferability of license; refunds. (1) Any person failing to apply for licensing within 30 days after engaging in the recreation park or travelers' accommodation business is delinquent and shall pay a penalty fee equal to the license fee plus the fee provided in ORS 446.321.

(2) Any person, initially licensed under ORS 446.310 to 446.350 for engaging in the recreation park or travelers' accommodation business who has failed to renew a license on or before the expiration date is delinquent. If delinquency extends 15 days past the expiration date, a penalty fee of 50 percent of the annual license fee shall be added. The penalty fee shall be increased by 50 percent of the license fee on the first day of each succeeding month of delinquency.

(3) Licenses issued under ORS 446.310 to 446.350 shall not be transferable and no refund representing any unused portion of any license shall be made. [1983 c.707 §14]

446.324 Denial, suspension or revocation of license; civil penalty; hearing. (1) If any applicant for licensing or any person to whom a license has been issued fails to comply with the provisions of ORS 446.310 to 446.350 or with the rules adopted pursuant thereto, the Oregon Health Authority may deny issuance of, suspend or revoke the license or assess a civil penalty.

(2) Hearings on the denial, suspension or revocation of a license or on assessing a civil penalty shall be conducted as a contested case in accordance with ORS chapter 183. [1983 c.707 §15; 2009 c.595 §816]

446.325 Exemptions from license requirement. (1) Public entities, private persons or nonprofit organizations described under ORS 446.265 (3), timber companies and private utilities shall not establish or operate a recreation park without complying with the rules of the Oregon Health Authority and securing the approval of the Director of the Oregon Health Authority or designee but shall be exempt from the licensing requirement of ORS 446.320. The director or designee may delegate, to a health official having sufficient environmental health specialists, the authority to approve such recreation parks.

(2) ORS 446.310 to 446.350 do not apply to:

(a) Any structure designed for and occupied as a single family residence in which no more than two sleeping rooms are provided on a daily or weekly basis for the use of no more than a total of six travelers or transients at any one time for a charge or fee paid or to be paid for the rental or use of the facilities;

(b) Any temporary camping sites used solely and incidentally in the course of backpacking, hiking, horseback packing, canoeing, rafting or other expedition, unless the expedition is part of an organizational camp program; or

(c) A yurt, as defined in ORS 446.265, that is used as a living unit in transitional housing accommodations. [1969 c.533 §4; 1983 c.707 §10; 1999 c.758 §8; 2003 c.547 §113; 2009 c.595 §817]

446.330 Rules. In accordance with ORS chapter 183, the Oregon Health Authority may adopt any rules necessary for the administration of ORS 446.310 to 446.350 and 446.990, including but not limited to rules, concerning the construction, operation and use of tourist facilities that are necessary to protect the health and welfare of persons using these facilities. The rules shall pertain but not be restricted to water supply, final sewage disposal, surface drainage, maintenance, insect and rodent control, garbage disposal, designation and maintenance of camping space and the cleanliness of the premises. [1969 c.533 §5; 1973 c.560 §16; 1983 c.707 §16; 1985 c.809 §2; 2009 c.595 §818]

446.335 Inspection of parks and camps; right of access; notice of reopening seasonal facility. (1) The Director of the Oregon Health Authority or designee may inspect every tourist facility to determine whether it conforms with ORS 446.310 to 446.350 and the rules adopted pursuant thereto. A person operating such facility shall permit the director or designee access to all of the facility at any reasonable time.

(2) The operator of a seasonal facility which customarily is closed for 120 days or more in any 12-month period shall notify the director in writing of the intention to reopen at the beginning of a season. Notice shall be given at least 30 days prior to the reopening. [1969 c.533 §6; 1973 c.560 §17; 1983 c.707 §17; 2009 c.595 §819]

446.337 [1981 c.749 §26; 1983 c.707 §18; 1985 c.809 §4; renumbered 456.837 and then 455.680 in 1987]

446.340 Responsibility of owner or operator for sanitary conditions. (1) The owner or operator of a recreation park or organizational camp is responsible for the sanitary condition of the park grounds and buildings.

(2) If sanitary facilities are not provided in a recreation park or organizational camp for the safe disposal of sewage or other wastes from a camping vehicle, a notice shall be posted in a conspicuous place stating that camping vehicles are permitted overnight only if the vehicle's waste holding tanks are used.

(3) Notwithstanding ORS 446.330, the Oregon Health Authority shall not require an owner or operator of a recreation park or organizational camp to provide both toilets and dumping stations. [1969 c.533 §7; 1973 c.560 §18; 2009 c.595 §820]

446.342 [1979 c.789 §4; repealed by 1983 c.707 §29]

446.345 Prohibited acts. No person shall:

(1) Use kitchen or toilet facilities in a camping vehicle being operated on a highway or parked overnight at a place where sanitary facilities are not provided unless the person makes provision whereby sewage and other waste materials can be held in watertight and sanitary containers of a type approved by the Oregon Health Authority.

(2) Empty a container described in subsection (1) of this section except into a public sewerage system, septic tank or cesspool of a type approved by the authority. However, in isolated areas where space is not available in a recreation park or organizational camp and such facilities are not available, these containers may be emptied into the ground if all sewage and other waste materials are buried at least one foot below the surface of the ground.

(3) When using a recreation park or organizational camp, create an insanitary condition or deposit putrescible or nonputrescible waste any place other than in appropriate containers designated for such purposes. [1969 c.533 §8; 1973 c.560 §19; 2009 c.595 §821]

446.347 Civil penalties; notice. (1) In addition to any other penalty provided by law, any person who violates any rule of the Oregon Health Authority relating to the construction, operation or maintenance of a tourist facility or part thereof may incur a civil penalty not to exceed $1,000 per violation.

(2) No civil penalty prescribed under subsection (1) of this section shall be imposed until the person incurring the penalty has received five days' advance notice in writing from the authority or unless the person incurring the penalty shall otherwise have received actual notice of the violation not less than five days prior to the violation for which a penalty is imposed. [1983 c.707 §25; 2009 c.595 §822]

446.348 Determining amount of penalty; rules; schedule; factors. (1) The Director of the Oregon Health Authority shall adopt by rule a schedule or schedules establishing the amount of civil penalty that may be imposed for a particular violation.

(2) The director may impose the penalty without hearing but only after the notice required by ORS 446.347 (2). In imposing a penalty pursuant to the schedule or schedules adopted pursuant to this section, the director shall consider the following factors:

(a) The past history of the person incurring a penalty in taking all feasible steps or procedures necessary or appropriate to correct any violation.

(b) Any prior violations of statutes, rules, orders and permits pertaining to the water system.

(c) The economic and financial conditions of the person incurring the penalty.

(3) The penalty imposed under this section may be remitted or mitigated upon such terms and conditions as the Oregon Health Authority considers proper and consistent with the public health and safety. [1983 c.707 §26; 2009 c.595 §823]

446.349 Civil penalty. (1) Any civil penalty under ORS 446.348 shall be imposed in the manner provided in ORS 183.745.

(2) Failure to remit civil penalty within 10 days after the order becomes final is grounds for license revocation.

(3) All amounts recovered under this section shall be paid into the State Treasury and credited to the General Fund. [1983 c.707 §27; 1989 c.706 §14; 1991 c.734 §26]

446.350 Tourist Facility Account. The Tourist Facility Account is established in the General Fund of the State Treasury. All moneys received under ORS 446.310 to 446.350 by the Director of the Oregon Health Authority shall be credited to the Tourist Facility Account. All moneys in the account are appropriated continuously to the Oregon Health Authority for the purpose of administering and enforcing ORS 446.310 to 446.350. [1969 c.533 §9; 1973 c.560 §20; 1983 c.707 §19; 2009 c.595 §824]

446.375 [1981 c.190 §2; repealed by 1983 c.707 §29]

MANUFACTURED DWELLING SITE INFORMATION COLLECTION AND DISTRIBUTION

446.380 Functions of manufactured dwelling site information clearinghouse. (1) The Housing and Community Services Department shall develop and administer or contract for the management of a voluntary collection of information to be known as the state's manufactured dwelling site information clearinghouse. The manufactured dwelling site information clearinghouse shall collect, coordinate and prepare information for distribution in response to telephone or written requests.

(2) The information the manufactured dwelling site information clearinghouse collects, coordinates and distributes shall:

(a) Be voluntary;

(b) Be available to manufactured dwelling site residents, owners, managers and the public; and

(c) Concern the information described in ORS 446.385. [1989 c.482 §1]

Note: 446.380 to 446.390 were enacted into law by the Legislative Assembly but were not added to or made a part of ORS chapter 446 or any series therein by legislative action. See Preface to Oregon Revised Statutes for further explanation.

446.385 Scope of information collected. The Housing and Community Services Department may decide the scope of the information the manufactured dwelling site information clearinghouse collects, coordinates and distributes. This information may include, but is not limited to:

(1) The name, address and telephone number of the owners, operators and managers of all mobile home or manufactured dwelling parks in the state.

(2) A list of spaces available to aid the public who wish to locate or relocate in a mobile home or manufactured dwelling park in the state. [1989 c.482 §2]

Note: See note under 446.380.

446.390 Funding of clearinghouse. Costs to operate the manufactured dwelling site information clearinghouse shall be collected from:

(1) A registration fee;

(2) A user fee; or

(3) Any other available federal, state, local or private funding source designed to support the formation or operation of a manufactured dwelling site information clearinghouse. [1989 c.482 §3]

Note: See note under 446.380.

446.392 Information concerning available manufactured dwelling park rental spaces. The Housing and Community Services Department shall encourage manufactured dwelling park landlords to inform the department of manufactured dwelling park spaces that become available for rent and to provide the department with descriptions and other relevant information regarding those spaces. The department shall take reasonable means to make the descriptions of available manufactured dwelling park rental spaces accessible by the public, including, but not limited to, placing the information on an Internet website. The department shall make reasonable efforts to increase public awareness of the department as a source for information concerning available manufactured dwelling park rental spaces. [2005 c.826 §11]

Note: 446.392 was enacted into law by the Legislative Assembly but was not added to or made a part of ORS chapter 446 or any series therein by legislative action. See Preface to Oregon Revised Statutes for further explanation.

LICENSING OF INSTALLERS OF MANUFACTURED DWELLINGS OR CABANAS

446.395 License required; issuance; employment of nonlicensed installer prohibited. (1) Except as provided by rule by the Director of the Department of Consumer and Business Services, an individual must

obtain an installer license under ORS 446.400 before installing a manufactured dwelling or cabana.

(2) An individual required by subsection (1) of this section to obtain a license shall comply with ORS 446.003 to 446.240 and 446.395 to 446.420 and Department of Consumer and Business Services rules adopted under ORS 446.003 to 446.240, 446.395 to 446.420 and 455.117.

(3) Installer licenses may be issued only to individuals.

(4) A person may not employ any individual to install a manufactured dwelling or cabana unless the individual is licensed by the department to perform the work and complies with ORS 446.003 to 446.240 and 446.395 to 446.420 and rules adopted under ORS 446.003 to 446.240, 446.395 to 446.420 and 455.117.

(5) Licenses issued pursuant to ORS 446.395 to 446.420 and department rules adopted under ORS 455.117 are not transferable. [1989 c.683 §3; 1991 c.226 §12; 1993 c.744 §59; 2005 c.758 §8]

446.400 Procedures for licensing; fees. (1) The Department of Consumer and Business Services, subject to approval of the Residential and Manufactured Structures Board, shall issue licenses as provided by department rules adopted under ORS 455.117 to individuals to install manufactured dwellings and cabanas. The board may adopt classifications of installers including, but not limited to, temporary installer, limited installer and installer.

(2) In determining the appropriate initial license and renewal fees for installers, the Director of the Department of Consumer and Business Services, with the approval of the board, shall ensure that the annual income to the department from license and renewal fees established under this section does not exceed one-third of the estimated total cost of administering and enforcing ORS 446.003 and 446.395 to 446.420.

(3) Fees collected by the department pursuant to this section shall be deposited in the Consumer and Business Services Fund established by ORS 705.145 and are continuously appropriated to the department for use as provided in ORS 446.423. [1989 c.683 §4; 1991 c.67 §120; 1991 c.226 §13; 1993 c.744 §60; 1995 c.251 §9; 2001 c.710 §6; 2005 c.758 §9; 2009 c.567 §32]

446.405 Complaint procedure; inspections; rules; fees; failure to obey order of department. (1) If a manufactured dwelling or cabana is not installed in accordance with the rules adopted under ORS 446.003 and 446.395 to 446.420, the owner of the manufactured dwelling or cabana, at the time of installation, may, within one year of the completion date of such installation, file a written complaint with the Department of Consumer and Business Services. The department shall provide a copy of the complaint to the installer and shall also notify the dealer, if any, that arranged for such installation and may then investigate the complaint. If the department determines that the installation fails to comply with licensure requirements as provided by ORS 446.003 and 446.395 to 446.420 or the installation rules adopted by the Director of the Department of Consumer and Business Services, the department shall provide notice of such failure to the installer and shall order the installer to bring the installation into compliance.

(2) The director shall establish, by rule, fees and a procedure for inspection of manufactured dwellings and cabanas to carry out the provisions of this section.

(3) If the installer fails to bring the installation into compliance as ordered, the department may suspend or revoke the installer's license as provided under ORS 455.129.

(4) If the installer fails to bring the installation into compliance, the department shall order the dealer, if any, that arranged for such installation to bring the installation into compliance with the provisions of ORS 446.003 and 446.395 to 446.420 and the rules adopted under ORS 446.003 and 446.395 to 446.420. The dealer is responsible to bring only those installation activities into compliance that the dealer arranged. The dealer shall have 30 days from the date of the order to bring the installation into compliance. If the dealer fails to bring the installation into compliance within 30 days of the date of the order, the dealer shall be subject to civil penalties as provided by ORS 446.416.

(5) Hearings, penalties and appeals resulting from violation of this section shall be carried out in conformance with ORS 183.325 to 183.497 and this section. [1989 c.683 §5; 1991 c.226 §14; 1993 c.744 §61; 2001 c.411 §14; 2005 c.758 §10; 2013 c.324 §5]

446.410 Use of fees. Fees collected by the Department of Consumer and Business Services pursuant to ORS 446.003 and 446.395 to 446.420 shall be deposited in the Consumer and Business Services Fund established by ORS 705.145 and are continuously appropriated to the department for use as provided in ORS 446.423. [1989 c.683 §6; 1993 c.744 §62; 2001 c.411 §15; 2001 c.710 §7a]

446.415 [1989 c.683 §7; 1991 c.67 §121; 1991 c.226 §15; 1991 c.734 §27; 1993 c.744 §63; repealed by 2001 c.411 §31]

446.416 Civil penalty for violation of ORS 446.395 to 446.420 or related rules. The Department of Consumer and Business Services may impose a civil penalty for a violation of ORS 446.395 to 446.420 or rules

adopted for the administration and enforcement of those sections. The department shall impose a civil penalty authorized by this section as provided in ORS 455.895. [2001 c.411 §4]

446.420 License required to maintain action. An installer may not file a lien, or bring or maintain in any court of this state a suit or action, for compensation for the performance of any work requiring a license under ORS 446.003, 446.395 to 446.420 and 455.230 or for the breach of any contract for installation work which is subject to ORS 446.003, 446.395 to 446.420 and 455.230, unless the installer was:

(1) Licensed under ORS 446.003, 446.395 to 446.420 and 455.230 at the time the installer bid or entered into the contract for performance of the work; and

(2) Licensed continuously while performing the work for which compensation is sought. [1989 c.683 §8]

ADMINISTRATION

446.423 Use of moneys. Except as otherwise provided in ORS 455.220 (1), all moneys deposited to the Consumer and Business Services Fund that are derived pursuant to ORS 446.003 to 446.200, 446.210, 446.225 to 446.285, 446.395 to 446.420, 446.566 to 446.646, 446.661 to 446.756 and 455.220 (1) are continuously appropriated to the Department of Consumer and Business Services for carrying out any of the duties, functions and powers of the department under ORS 446.003 to 446.200, 446.210, 446.225 to 446.285, 446.395 to 446.420, 446.566 to 446.646 and 446.661 to 446.756, and rules adopted thereunder. [2001 c.710 §1; 2003 c.655 §74a; 2003 c.675 §7]

Note: 446.423 was enacted into law by the Legislative Assembly but was not added to or made a part of ORS chapter 446 or any series therein by legislative action. See Preface to Oregon Revised Statutes for further explanation.

446.425 Delegation to county to administer certain sanitation laws; fees. (1) The Director of the Oregon Health Authority shall delegate to any county board of commissioners which requests any of the duties and functions of the director under ORS 446.310, 446.320, 446.330 to 446.340, 446.345, 446.350 and 446.990 if the director determines that the county is able to carry out the rules of the Oregon Health Authority relating to fee collection, inspections, enforcement and issuance and revocation of permits and licenses in compliance with standards for enforcement by the counties and monitoring by the authority. Such standards shall be established by the authority in consultation with the appropriate county officials and in accordance with ORS 431.345. The authority shall review and monitor each county's performance under this subsection. In accordance with ORS chapter 183, the director may suspend or rescind a delegation under this subsection. If it is determined that a county is not carrying out such rules or the delegation is suspended, the unexpended portion of the fees collected under subsection (2) of this section shall be available to the authority for carrying out the duties and functions under this section.

(2) The county may determine the amount of, and retain, any fee for any function undertaken pursuant to subsection (1) of this section. The amount of the fees shall not exceed the costs of administering the inspection program. The county, quarterly, shall remit 15 percent of an amount equal to the state licensing fee or 15 percent of the county license fee whichever is less, to the authority for consultation service and maintenance of the statewide program.

(3) In any action, suit or proceeding arising out of county administration of functions pursuant to subsection (1) of this section and involving the validity of a rule adopted by the authority, the authority shall be made a party to the action, suit or proceeding. [1973 c.560 §21a; 1975 c.790 §1; 1975 c.793 §14; 1983 c.250 §1; 1983 c.370 §3; 1983 c.707 §20; 2009 c.595 §825]

446.430 Delegation to county or city to administer rules regulating parks; fees. (1) The Department of Consumer and Business Services shall delegate to any county board of commissioners or city governing body which requests any of the authority, responsibilities and functions of the department under ORS 446.062 if the department determines that the county or city is willing and able to carry out the rules of the department relating to fee collection, plan review, inspections, enforcement and issuance and revocation of permits in compliance with standards for enforcement by the counties or cities and monitoring by the department. Such standards shall be established by the department in consultation with the appropriate county or city officials and in accordance with ORS 446.062. The department shall review and monitor each county's or city's performance under this subsection. In accordance with ORS chapter 183, the department may suspend or rescind a delegation under this subsection. If it is determined that a county or city is not carrying out such rules or the delegation is suspended, the unexpended portion of the fees collected under subsection (2) of this section shall be available to the department for carrying out the authority, responsibility and functions under this section.

(2) The county or city may determine the amount of, and retain, any fee for any func-

tion undertaken pursuant to subsection (1) of this section. The amount of the fees shall not exceed the costs of administering the inspection program. The county or city, quarterly, shall remit 15 percent of the collected fees to the department for monitoring county or city programs and for providing informational material necessary to maintain a uniform state program.

(3) The department shall be made a party to any action, suit or proceeding arising out of county or city administration of functions pursuant to subsection (1) of this section and involving the validity of a rule adopted by the department. [1983 c.707 §20b; 1987 c.414 §25; 1993 c.744 §64]

APPLICABILITY

446.435 Nonapplication of ORS 446.003 to 446.140 and 446.310 to 446.350 to sleeping rooms or temporary camping sites. Neither ORS 446.003 to 446.140 nor 446.310 to 446.350 apply to:

(1) Any structure designed for and occupied as a single family residence in which no more than two sleeping rooms are provided on a daily or weekly basis for the use of no more than a total of six travelers or transients at any one time for a charge or fee paid or to be paid for the rental or use of the facilities; or

(2) Any temporary camping sites used solely and incidentally in the course of backpacking, hiking, horseback packing, canoeing, rafting or other such expedition, unless such expedition is a part of an organizational camp program. [1981 c.650 §4]

Note: 446.435 was enacted into law by the Legislative Assembly but was not added to or made a part of ORS chapter 446 or any series therein by legislative action. See Preface to Oregon Revised Statutes for further explanation.

446.440 Application of condominium provisions to parks. (1) The provisions of ORS 100.005 to 100.910 may be applied to a mobile home or manufactured dwelling park as defined in this chapter.

(2) Notwithstanding the provisions of subsection (1) of this section a mobile home or manufactured dwelling park is not a condominium for purposes of local zoning and planning provisions. [1987 c.459 §40; 1989 c.648 §30]

Note: 446.440 was enacted into law by the Legislative Assembly but was not added to or made a part of ORS chapter 446 or any series therein by legislative action. See Preface to Oregon Revised Statutes for further explanation.

446.510 [1959 c.314 §1; 1961 c.610 §16; repealed by 1973 c.833 §48]

DISPUTE RESOLUTION FOR MOBILE HOME AND MANUFACTURED DWELLING PARKS

446.515 Policy to encourage settlement of disputes. (1) It is the policy of the State of Oregon:

(a) To encourage mobile home and manufactured dwelling park residents and mobile home and manufactured dwelling park owners and managers to settle disputes among themselves without recourse, if possible, to either the court system or intervention by a state agency.

(b) To assist mobile home and manufactured dwelling park residents and mobile home and manufactured dwelling park owners and managers to develop alternative dispute resolution techniques including, but not limited to, providing technical advice in the area of mediation.

(c) To educate mobile home and manufactured dwelling park residents, owners and managers about issues and laws that affect mobile home and manufactured dwelling park tenancies for the purpose of assisting those persons in resolving disputes.

(2) The Legislative Assembly recognizes that a significant percentage of its citizens are mobile home and manufactured dwelling park residents, owners or managers and that a proposal which reduces the necessity of court resolution of certain disputes between these residents, owners and managers may help these citizens avoid the expense of going to court.

(3) All citizens of this state benefit when the courts are reserved for the resolution of the types of disputes for which no alternative dispute resolution exists. [1989 c.918 §2; 2005 c.619 §24]

Note: 446.515 to 446.543 were added to and made a part of ORS chapter 456 by legislative action but were not added to ORS chapter 446 or any smaller series therein. See Preface to Oregon Revised Statutes for further explanation.

446.520 [1959 c.314 §2; 1971 c.588 §2; repealed by 1973 c.833 §48]

446.525 Special assessment; collection. (1) A special assessment is levied annually upon each manufactured dwelling that is assessed for ad valorem property tax purposes as personal property. The amount of the assessment is $6.

(2) On or before July 15 of each year, the county assessor shall determine and list the manufactured dwellings in the county that are assessed for the current assessment year as personal property. Upon making a determination and list, the county assessor shall cause the special assessment levied under subsection (1) of this section to be entered on the general assessment and tax roll prepared for the current assessment year as a

charge against each manufactured dwelling so listed. Upon entry, the special assessment shall become a lien, be assessed and be collected in the same manner and with the same interest, penalty and cost charges as apply to ad valorem property taxes in this state.

(3) Any amounts of special assessment collected pursuant to subsection (2) of this section shall be deposited in the county treasury, shall be paid over by the county treasurer to the State Treasury and shall be credited to the Mobile Home Parks Account to be used exclusively for carrying out ORS 446.380, 446.385, 446.392 and 446.543 and implementing the policies described in ORS 446.515.

(4) In lieu of the procedures under subsection (2) of this section, the Director of the Housing and Community Services Department may make a direct billing of the special assessment to the owners of manufactured dwellings and receive payment of the special assessment from those owners. In the event that under the billing procedures any owner fails to make payment, the unpaid special assessment shall become a lien against the manufactured dwelling and may be collected under contract or other agreement by a collection agency or may be collected under ORS 293.250, or the lien may be foreclosed by suit as provided under ORS chapter 88 or as provided under ORS 87.272 to 87.306. Upon collection under this subsection, the amounts of special assessment shall be deposited in the State Treasury and shall be credited to the Mobile Home Parks Account to be used exclusively for carrying out ORS 446.380, 446.385, 446.392 and 446.543 and implementing the policies described in ORS 446.515. [1989 c.918 §3; 1999 c.676 §28; 2007 c.71 §134; 2007 c.906 §43]

Note: See note under 446.515.

446.530 [1959 c.314 §3; 1971 c.588 §3; repealed by 1973 c.833 §48]

446.533 Mobile Home Parks Account. There hereby is established separate and distinct from the General Fund the Mobile Home Parks Account of the Housing and Community Services Department. Except as otherwise provided by law, all moneys appropriated or credited to the account are appropriated continuously for and shall be used by the Director of the Housing and Community Services Department for the purpose of carrying out the duties and responsibilities imposed under ORS 105.138 and 446.515 to 446.547. Interest earned on the account shall be credited to the account. [1989 c.918 §4; 2007 c.217 §3]

Note: See note under 446.515.

446.535 [1971 c.588 §13; repealed by 1973 c.833 §48]

446.537 [1989 c.918 §5; repealed by 1991 c.844 §22]

446.540 [1959 c.314 §4; repealed by 1973 c.833 §48]

446.543 Office of Manufactured Dwelling Park Community Relations; duties of Director of Housing and Community Services Department; rules. (1) An Office of Manufactured Dwelling Park Community Relations is established in the Housing and Community Services Department.

(2) The Director of the Housing and Community Services Department shall, through the use of office personnel or by other means:

(a) Undertake, participate in or cooperate with persons and agencies in such conferences, inquiries, meetings or studies as might lead to improvements in manufactured dwelling park landlord and tenant relationships;

(b) Develop and implement a centralized resource referral program for tenants and landlords to encourage the voluntary resolution of disputes;

(c) Maintain a current list of manufactured dwelling parks in the state, indicating the total number of spaces;

(d) Not be directly affiliated, currently or previously, in any way with a manufactured dwelling park within the preceding two years; and

(e) Take other actions or perform such other duties as the director deems necessary or appropriate, including but not limited to coordinating or conducting tenant resource fairs, providing tenant counseling and service referrals related to park closures and providing outreach services to educate tenants regarding tenant rights and responsibilities and the availability of services.

(3) The office shall adopt rules to administer ORS 90.645 and 90.655. [1989 c.918 §8; 1995 c.28 §1; 1997 c.577 §45; 1999 c.676 §29; 2003 c.21 §3; 2005 c.22 §318; 2007 c.906 §9]

Note: See note under 446.515.

446.545 [1971 c.588 §9; repealed by 1973 c.833 §48]

446.547 Mobile home and manufactured dwelling park to establish informal dispute resolution procedure. Each mobile home and manufactured dwelling park shall establish an informal dispute resolution procedure that insures each issue with merit shall be given a fair hearing within 30 days of receipt of a formal complaint. [1989 c.918 §10]

Note: 446.547 was enacted into law by the Legislative Assembly but was not added to or made a part of ORS chapter 446 or any series therein by legislative action. See Preface to Oregon Revised Statutes for further explanation.

446.550 [1959 c.314 §5; repealed by 1973 c.833 §48]

446.560 [1959 c.314 §6; repealed by 1973 c.833 §48]

MANUFACTURED STRUCTURE OWNERSHIP RECORDS

446.561 Definitions for ORS 446.566 to 446.646. As used in ORS 446.566 to 446.646:

(1) Except as provided in subsection (2) of this section, "manufactured structure" means:

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

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

(c) A recreational vehicle, as defined in ORS 446.003, that is more than eight and one-half feet wide.

(2) "Manufactured structure" does not include a mobile modular unit as defined in ORS 308.866 or an implement of husbandry as defined in ORS 801.310. [2003 c.655 §8]

Note: 446.561 to 446.646 were enacted into law by the Legislative Assembly but were not added to or made a part of ORS chapter 446 or any series therein by legislative action. See Preface to Oregon Revised Statutes for further explanation.

446.566 Ownership document contents. The following information must be recorded on the ownership document issued for a manufactured structure by the Department of Consumer and Business Services:

(1) All ownership interests, for a manufactured structure sold in this state.

(2) A change in location, for a manufactured structure that has been sited in this state.

(3) The manufactured structure identification number as described by department rule.

(4) The manufacturer's name and, if available, the model of the manufactured structure.

(5) The identifying physical characteristics of the manufactured structure, including but not limited to the total square footage of the living area, type of siding, type of roof, number of bedrooms, number of bathrooms and types of heating and cooling.

(6) If the ownership document is issued due to sale of the manufactured structure, the most recent sales price and date of sale for the manufactured structure.

(7) Any other information required by department rule. [2003 c.655 §9; 2007 c.502 §1]

Note: See note under 466.561.

446.568 Provision of certain ownership document information to Department of Consumer and Business Services. (1) Except as provided in this subsection, if a manufactured structure is purchased from or otherwise acquired through a manufactured structure dealer, the dealer shall provide the information described in ORS 446.566 (3) to (7) to the Department of Consumer and Business Services. A manufactured structure dealer is not required to provide the information to the department if the dealer complies with an instruction from the purchaser to provide the information to a lender, escrow agent, title company or other designee of the purchaser. A lender, escrow agent, title company or other designee of the purchaser that receives the information described in ORS 446.566 (3) to (7) from a manufactured structure dealer shall provide the information to the department. However, the provision of information described in ORS 446.566 (3) to (7) to the purchaser does not excuse a manufactured structure dealer from the duty to provide the information to the department.

(2) If the manufactured structure is sold by or otherwise acquired through a person other than a manufactured structure dealer, the information described in ORS 446.566 (3) to (7) shall be provided to the department:

(a) By the seller if title is being transferred by a sale;

(b) By the person to whom the ownership interest is being transferred if title is being transferred by operation of law; or

(c) By the owner if the owner will have a recorded ownership interest in the manufactured structure after issuance of the ownership document. [2007 c.502 §3]

Note: See note under 446.561.

446.570 [1959 c.314 §7; 1971 c.588 §5; repealed by 1973 c.833 §48]

446.571 Ownership document application; records; notice of security interest. (1)(a) Except as provided in paragraph (b) of this subsection, the owner of a manufactured structure shall apply to the Department of Consumer and Business Services for an ownership document. Upon receipt of an application in appropriate form as described in ORS 446.736 (2), the Department of Consumer and Business Services shall issue an ownership document for a manufactured structure. Except as provided in ORS 308.875, a manufactured structure for which an ownership document is issued is subject to assessment and taxation as personal property under the ad valorem tax laws of this state.

(b)(A) For a new manufactured structure, except as provided in subparagraph (C) of this paragraph, the application must be filed

on behalf of the owner by the manufactured structure dealer as provided in ORS 446.736, by a lender or by an escrow agent as provided in ORS 446.591.

(B) For a used manufactured structure, except as provided in subparagraph (C) of this paragraph, the owner must file the application with the county assessor for the county in which the manufactured structure is sited.

(C) If a dealer, lender or escrow agent refuses to file an application as required by subparagraph (A) of this paragraph, or if a county assessor refuses to accept an application in appropriate form as required by subparagraph (B) of this paragraph, the owner may file an application for an ownership document directly with the department.

(2) The department shall maintain ownership records on manufactured structures for which the department has issued ownership documents. The department shall maintain a record of ownership documents or other documents evidencing ownership that have been canceled.

(3) The department shall note all security interests in the manufactured structure on the ownership document and in the records maintained by the department pursuant to subsection (2) of this section. The recording of the security interests in the records maintained by the department is constructive notice of the interests.

(4) The department shall send the ownership document to the holder of the earliest perfected unreleased security interest in the manufactured structure or, if none, to the owner of the structure. The department shall also send a copy of the ownership document to the county assessor for the county in which the manufactured structure is being sited.

(5) If an interest in a manufactured structure other than an ownership interest is satisfied or assigned, the holder of the interest shall notify the department. If the holder of the satisfied interest is in possession of the ownership document for the structure, the holder shall return the ownership document to the department. The department shall adjust the ownership document and send the adjusted ownership document and copy as described in subsection (4) of this section. [2003 c.655 §11]

Note: See note under 446.561.

446.575 [1971 c.588 §§11,12,14; repealed by 1973 c.833 §48]

446.576 Manufactured structures not requiring ownership document or recording in county deed records. (1) Notwithstanding ORS 446.566 and 446.571, the following manufactured structures do not require an ownership document and need not be recorded in county deed records:

(a) Manufactured structures owned by the United States Government.

(b) Manufactured structures held as inventory by the manufacturer or a licensed manufactured structure dealer.

(c) Manufactured structures exempted under ORS 446.621 (2).

(2) Notwithstanding ORS 446.566 and 446.571, an ownership document is not required for a manufactured structure recorded in the county deed records as provided in ORS 446.626. [2003 c.655 §10]

Note: See note under 446.561.

446.580 [1959 c.314 §8; repealed by 1973 c.833 §48]

446.581 Abandoned structure ownership transfer; rules. The Department of Consumer and Business Services shall adopt rules to provide for the transference of an ownership document for an abandoned manufactured structure to a landlord pursuant to ORS 90.425 or 90.675 and ORS 446.616 (2). [2003 c.655 §12]

Note: See note under 446.561.

446.586 Definitions for ORS 446.586 to 446.606. As used in ORS 446.586 to 446.606:

(1) "Holder or other person" means the manufactured structure owner or other person having an interest in the structure as indicated in the records of the Department of Consumer and Business Services.

(2) "Last-known address" means:

(a) The address of a holder or other person that is the intended recipient of a notice described in ORS 446.591 (4) as set forth in an ownership document, financing statement or other documentation;

(b) If the address for the intended recipient of the notice is not shown on a document or statement, the address of the intended recipient's principal place of business; or

(c) If the address for the intended recipient of the notice is not shown on a document or statement and the intended recipient does not have a principal place of business, the address of the intended recipient's residence. [2003 c.655 §13]

Note: See note under 446.561.

446.590 [1959 c.314 §9; repealed by 1973 c.833 §48]

446.591 Exception to requirement for submitting information; application by escrow agent. An ownership application, information described in ORS 446.736 or an ownership document or other document evidencing ownership and any release thereon under ORS 446.571, 446.616 or 446.641 does not need to be submitted to the Department of Consumer and Business Services as a condition for the department recording an

ownership interest in a manufactured structure if all of the following conditions are met:

(1) The transaction involves the sale of a manufactured structure or the creation or transfer of a security interest in a manufactured structure and is processed by an escrow agent licensed in this state.

(2) Debt secured by a security interest in the manufactured structure has been or will be paid in full by the escrow agent as part of the agent's processing of the transaction.

(3) The escrow agent sends the written notice, in the form described in ORS 446.596, at least 30 days prior to the application for issuance of a replacement or original ownership document or for changes to an ownership document.

(4) The escrow agent mails a notice described in ORS 446.596 to the holder or other person that is responsible for furnishing the application information, ownership document, other document evidencing ownership, or release of interest, and mails a copy of the notice to any person who has perfected a security interest under ORS chapter 79 in the inventory of a dealer selling the structure.

(5) The escrow agent provides the Department of Consumer and Business Services with an application as provided by department rule for an ownership document. The application must be signed by the transferee, if any, and contain any information required by the department, including but not limited to the following information:

(a) A description of the manufactured structure, including the identification number as described by department rule.

(b) The name of the transferee, if any.

(c) A recital that the escrow agent did not receive the requested documents and did not receive a written objection from the holder or other person. [2003 c.655 §14]

Note: See note under 446.561.

446.596 Notice provided by escrow agent; contents. The escrow agent shall send the notice under ORS 446.591 (4) by certified mail with return receipt requested and by first class mail, both with postage prepaid, to the last-known address of the holder or other person responsible for furnishing the documents and of any person having a perfected security interest. The notice must:

(1) Contain a description of the manufactured structure, including the year of manufacture, the make and the identification number as described by rule of the Department of Consumer and Business Services;

(2)(a) State that the debt or other obligation owed to the holder or other person has been paid and satisfied and specify the date and amount of the final payment; or

(b) State that at or prior to the time that the security interest or other interest of the holder or other person in the manufactured structure is terminated, the escrow agent will fully pay and satisfy the debt or other obligation owed to the holder or other person;

(3) State that, unless the escrow agent receives the appropriate documents within 30 days after the notice is received by the owner or other person responsible for providing or releasing the documents, an application for issuance of a replacement or original ownership document or for changes to an ownership document will be made to the Department of Consumer and Business Services as described in ORS 446.591 (5); and

(4) State that, if the escrow agent receives from the holder or other person a written objection to provision or release of the requested documents, the escrow agent will not apply for the issuance or replacement of or changes to the ownership document unless the objection is withdrawn or the escrow agent receives the documents from the holder or other person. [2003 c.655 §15]

Note: See note under 446.561.

446.600 [1959 c.314 §10; 1971 c.588 §5a; 1971 c.650 §23; repealed by 1973 c.833 §48]

446.601 Treatment of application provided by escrow agent. (1) The Department of Consumer and Business Services shall treat an application described in ORS 446.591 (5):

(a) As an application for issuance of a replacement or original ownership document that reflects the sale of the manufactured structure or the creation or transfer of the security interest, or as an application to make other changes to an ownership document consistent with the transaction;

(b) As satisfactory proof that any previously issued ownership document for the manufactured structure is not available; and

(c) As a release of any perfected security interest in the manufactured structure by the holder or other person responsible for providing the application information, ownership document or other document evidencing ownership, or a release thereon.

(2) Upon receipt of an application described in ORS 446.591 (5) and the payment of appropriate fees, the department may issue a replacement or original ownership document for the manufactured structure, add or delete a security interest or make any other changes consistent with the transaction. The department shall send the ownership document to the holder of the earliest perfected unreleased security interest in the manufac-

tured structure or, if none, to the owner. The department shall also send a copy of the ownership document to the county assessor for the county in which the manufactured structure is sited or being sited. [2003 c.655 §16]

Note: See note under 446.561.

446.606 Prohibition on providing application; escrow agent fees; action for damages. (1) An escrow agent may not provide an application to the Department of Consumer and Business Services under ORS 446.591 (5) if the agent has received a written objection in response to the notice provided under ORS 446.596.

(2) An escrow agent may charge the person owning the manufactured structure under the replacement ownership document a reasonable fee for services provided in compliance with ORS 446.591 and 446.596.

(3) In addition to any other remedy provided by law, a person may bring an action against an escrow agent for damages sustained by the person due to the negligence or willful misconduct of the escrow agent in complying with ORS 446.591 and 446.596. [2003 c.655 §17]

Note: See note under 446.561.

446.610 [1959 c.314 §§11,12,13,14; 1971 c.734 §64; repealed by 1973 c.833 §48]

446.611 Perfection of security interest in manufactured structure having ownership document. (1)(a) Except as provided in paragraph (b) of this subsection, the exclusive means for perfecting a security interest in a manufactured structure that has an ownership document is by application for and notation of the security interest in the manufactured structure ownership document records of the Department of Consumer and Business Services. The application to have a security interest noted may be included as part of the application for issuance of an original ownership document. The department shall record the date of receipt of an application to have a security interest noted on the ownership document. The security interest is perfected as provided in ORS 79.0311 upon the department's entering the security interest in the records maintained by the department under ORS 446.571. The department shall note the interest on a new or updated ownership document and send the document as provided in ORS 446.571. A security interest perfected under this section continues in effect until released by the holder of the interest.

(b) Paragraph (a) of this subsection does not apply if the debtor who granted the security interest is in the business of selling manufactured structures and the structure constitutes inventory held for sale or lease. The filing provisions of ORS 79.0501 to 79.0528 apply to security interests in manufactured structures described in this paragraph.

(2) The department shall issue or update an ownership document to reflect a security interest described in subsection (1)(a) of this section and note the interest in the manufactured structure ownership document records maintained by the department. The department shall deliver the ownership document to the holder of the earliest perfected unreleased security interest in the manufactured structure or, if none, to the owner of the structure. The department shall also send a copy of the ownership document to the county assessor for the county in which the manufactured structure is being sited.

(3) If the department cancels an ownership document because the manufactured structure is recorded in the deed records of a county, the department shall notify the county assessor of any unreleased security interest recorded in the department's record for the manufactured structure. The county assessor shall record the security interest information for the structure in the deed records.

(4) If a manufactured structure is recorded in the deed records of a county prior to the recording of a security interest, the recording of a security interest in the county deed records satisfies the requirement in ORS 72A.3095 that the security interest be recorded as a mortgage on real estate and is effective as a financing statement perfecting the security interest in the structure as provided in ORS 79.0502 (3).

(5) If a manufactured structure ceases to be exempt from the ownership document requirement, upon recording the termination of the exemption in the deed records, the county assessor shall notify the department of any unreleased interest shown on the deed record for the manufactured structure. The department shall note the security interest information on the ownership document issued by the department. [2003 c.655 §18]

Note: See note under 446.561.

Note: Section 146 (1), chapter 655, Oregon Laws 2003, provides:

Sec. 146. (1) Except as provided in ORS 446.621 and subsection (3) of this section, ORS 305.288 (5)(c), 306.006, 446.566 to 446.646 and 446.995, the amendments to Oregon Revised Statutes by sections 48 to 142, chapter 655, Oregon Laws 2003, and the repeal of Oregon Revised Statutes by section 143, chapter 655, Oregon Laws 2003, do not apply to expand, diminish or alter the rights or remedies available, prior to May 1, 2005, to a creditor who perfected a security interest in a manufactured structure prior to May 1, 2005. [2003 c.655 §146(1); 2013 c.176 §8(1)]

446.615 [1971 c.588 §15; repealed by 1973 c.833 §48]

446.616 Transfer of interest in manufactured structure. (1) Except as otherwise provided in subsection (2) or (3) of this section, upon the transfer of any interest in a manufactured structure shown on an ownership document, each person whose interest is released, terminated, assigned or transferred shall acknowledge the release, termination, assignment or transfer of that interest in a manner specified by the Department of Consumer and Business Services by rule. The department shall design the rules adopted for purposes of this subsection to protect the interests of all parties to the transfer of interest.

(2) Notwithstanding subsection (1) of this section:

(a) In the case of a transfer of an interest by operation of law, the personal representative, receiver, trustee, sheriff, landlord or other representative or successor in interest of the person whose interest is transferred shall file the acknowledgment described in subsection (1) of this section. The representative or successor shall also provide the transferee with information satisfactory to the department concerning all facts entitling the representative or successor to transfer the interest. If there is no person to transfer the interest, the person to whom interest is awarded or otherwise transferred is responsible for providing the information concerning the person's entitlement to the interest.

(b) In the case of a transfer at death of the interest of the owner or security interest holder of the manufactured structure, if the estate is not being probated and ownership is not being transferred under the provisions of ORS 114.545, an interest in the manufactured structure may be assigned through the use of an affidavit. The affidavit must be on a form prescribed by the department and signed by all of the known heirs of the person whose interest is being transferred, and shall state the name of the person to whom the ownership interest has been passed. If any heir has not arrived at the age of majority or is otherwise incapacitated, the parent or guardian of the heir shall sign the affidavit.

(c) In the case of a transfer at death of the interest of the owner or security interest holder where transfer occurs under ORS 114.545, the affiant, as defined in ORS 114.505, is the person required to assign interest.

(d) A security interest holder, without the consent of the owner, may assign interest of the holder in a manufactured structure to a person other than the owner without affecting the interest of the owner or the validity or priority of the interest. A person who is not given notice of the assignment is protected in dealing with the security interest holder as the holder of the interest until the assignee files notice of the interest with the department as provided in ORS 446.571. This paragraph does not exempt an assignment of interest from the acknowledgment requirement under subsection (1) of this section.

(e) If an interest in a manufactured structure is transferred pursuant to an application under ORS 446.591 (5), the recital by the escrow company that no written objections were received constitutes both a release, termination, assignment or transfer of interest and an acknowledgment by the person whose interest is released, terminated, assigned or transferred.

(3) Subsection (1) of this section does not apply to a transfer of a security interest where the security interest holder is a financial institution, a financial holding company or a bank holding company, as those terms are defined in ORS 706.008, a licensee under ORS chapter 725, or any subsidiary or affiliate of any of the foregoing and the transfer of the interest of the security interest holder:

(a) Results from the merger, conversion, reorganization, consolidation or acquisition of the security interest holder; or

(b) Is to an entity that is a member of the same affiliated group as the security holder. [2003 c.655 §19]

Note: See note under 446.561.

446.620 [1959 c.314 §15; 1963 c.170 §1; 1971 c.588 §5b; repealed by 1973 c.833 §48]

446.621 Effect of certificate of title or other documentation of ownership. (1) A certificate of title for a manufactured structure issued by the Department of Transportation prior to May 1, 2005, is effective as a document evidencing ownership of the manufactured structure. If the manufactured structure does not have a title pursuant to ORS 308.855 or 308.860 (1969 Replacement Part), a tax record showing that a person has paid the ad valorem tax assessment on the structure since 1972 is a document evidencing the person's ownership of the structure.

(2) The owner of a manufactured structure described in subsection (1) of this section is not required to obtain an ownership document for the structure unless the structure is moved or sold. Except as provided in subsections (3) and (5) of this section, upon the moving or sale of a manufactured structure described in subsection (1) of this section, the owner shall submit the document evidencing ownership of the structure to the Department of Consumer and Business Services as provided in ORS 446.631 and 446.641. Upon receipt of the document, the depart-

ment shall enter the information regarding the manufactured structure in the department's records and issue an ownership document for the structure.

(3) If the owner of a manufactured structure has misplaced a certificate of title, the Department of Consumer and Business Services may require the person to provide proof sufficient to satisfy the department concerning any questions about the ownership of the manufactured structure or security interests in the structure. The proof required by the department may include, but is not limited to, completion of an affidavit that:

(a) Is in a form required by the department by rule;

(b) Contains any information the department requires by rule as necessary to establish ownership of the manufactured structure or to determine any security interests in the structure; and

(c) Is verified by the person making the affidavit.

(4) The Department of Consumer and Business Services is not liable to any person for issuing an ownership document based on proof provided under subsection (3) of this section.

(5) The movement or sale of a manufactured structure described in subsection (1) of this section does not require the owner to obtain an ownership document if:

(a) The move or sale will qualify the manufactured structure for recording in the deed records of a county under ORS 446.626; and

(b) The person who will own the structure after the move or sale files an affidavit with the Department of Consumer and Business Services prior to the move or sale stating that the person will apply within 25 business days after completion of the move or sale to have the manufactured structure recorded in the county deed records.

(6) ORS 803.220 does not apply to a certificate of title for a manufactured structure issued by the Department of Transportation.

(7) If the Department of Consumer and Business Services issues an ownership document for a manufactured structure that was previously issued a certificate of title by the Department of Transportation, the Department of Consumer and Business Services shall record in the department's records and note on the ownership document any unreleased secured interest that was noted on the certificate of title. A secured interest described in this subsection retains the original perfection date of the interest, but provides the same creditor rights and remedies available for a secured interest in personal property perfected under ORS 446.611 (1). [2003 c.655 §§20,146(2)]

Note: See note under 446.561.

446.626 Recording manufactured structures in county deed records; effect on security interest; recording as establishment of real property interest. (1) The owner of a manufactured structure that qualifies under this subsection may apply to the county assessor to have the structure recorded in the deed records of the county. The application must be on a form approved by the Department of Consumer and Business Services. The application must include a description of the location of the real property on which the manufactured structure is or will be sited. If the structure is being sold by a manufactured structure dealer, the dealer may file the application on behalf of the owner within the time described in ORS 446.736 (7). A manufactured structure qualifies for recording in the deed records if the owner of the structure:

(a) Also owns the land on which the manufactured structure is located;

(b) Is the holder of a recorded leasehold estate of 20 years or more if the lease specifically permits the manufactured structure owner to record the structure under this section; or

(c) Is a member of a manufactured dwelling park nonprofit cooperative formed under ORS 62.800 to 62.815 that owns the land on which the manufactured structure is located.

(2) If the assessor, as agent for the department, determines that the manufactured structure qualifies for recording in the deed records of the county, the assessor shall cause the structure to be recorded in the deed records. The deed records must contain any unreleased security interest in the manufactured structure. If the department has issued an ownership document for the manufactured structure, the owner must submit the ownership document to the assessor with the application described in subsection (1) of this section. Upon recording the manufactured structure in the deed records, the assessor shall send the ownership document to the department for cancellation. The department shall cancel the ownership document and send confirmation of the cancellation to the assessor and the owner.

(3) The recording of a security interest in the deed records of the county under this section satisfies the requirements for filing a financing statement for a fixture to real property under ORS 79.0502. The recording of a manufactured structure in the deed records of the county is independent of the assessment and taxation of the structure as real property under ORS 308.875. The re-

cording of a manufactured structure in the deed records of the county makes the structure subject to the same provisions of law applicable to any other building, housing or structure on the land. However, the manufactured structure may not be sold separately from the land or leasehold estate unless the owner complies with subsection (4) of this section.

(4) The owner of a manufactured structure that is recorded in the deed records of the county may apply to have the structure removed from the deed records and an ownership document issued for the structure. Unless the manufactured structure is subject to ORS 446.631, the owner must apply to the county assessor, as agent for the department, for an ownership document as provided in ORS 446.571. Upon approval of the application, the assessor shall terminate the recording of the manufactured structure in the deed records.

(5) If a manufactured structure described in subsection (1)(b) or (c) of this section is recorded in the deed records, the owner of the structure has a real property interest in the manufactured structure for purposes of:

(a) Recordation of documents pursuant to ORS 93.600 to 93.802, 93.804, 93.806 and 93.808;

(b) Deed forms pursuant to ORS 93.850 to 93.870;

(c) Mortgages, trust deeds and other liens pursuant to ORS 86.010 to 86.990 and ORS chapters 87 and 88; and

(d) Real property tax collection pursuant to ORS chapters 311 and 312. The structure owner is considered the owner of the real property for purposes of assessing the structure under ORS 308.875. [2003 c.655 §21; 2005 c.4 §1; 2005 c.22 §320; 2009 c.609 §9]

Note: See note under 446.561.

446.630 [1959 c.314 §16; repealed by 1973 c.833 §48]

446.631 Process for moving manufactured structure; fees. (1) A person may not move a manufactured structure to a different situs unless the Department of Consumer and Business Services approves the move and the county assessor issues a trip permit on behalf of the department. An application to move a manufactured structure must be filed in the manner and form required by department rule and include the following:

(a) The ownership document or, if an ownership document does not exist, another document acceptable to the department evidencing ownership of the structure or, if the structure is recorded in the deed records of the county, the property description for the current and proposed situses for the structure.

(b) The identity of the owner of the proposed situs or, if the proposed situs is a facility as defined in ORS 90.100, the name of the facility.

(c) Any other information required by the department by rule.

(2)(a) Except as provided in paragraph (b) of this subsection, the department may not approve an application to move a manufactured structure to a situs in another county unless all taxes and special assessments for the current year that will become a lien against the structure prior to the move as described in ORS 311.405 and all delinquent taxes and special assessments for past years are paid.

(b) A purchaser or landlord may obtain a trip permit from the county assessor without payment if the county cancels the taxes and assessments as provided in ORS 90.425 or 90.675.

(3) If the assessor cannot compute the exact amount of taxes due, the owner shall pay an amount based on the current assessed value of the manufactured structure or the value that would be used on the next assessment roll, or an amount based on the assessor's best estimate of the total taxes and assessments. ORS 311.370 applies to taxes and assessments collected under this section.

(4) If the county assessor determines that all due or pending taxes and assessments have been paid, the assessor may issue a trip permit on behalf of the department and shall forward the application information to the department. The department shall update the department's record for the manufactured structure and issue an updated ownership document for the structure indicating the change in information. If no ownership document exists for the manufactured structure, the department shall record the information for the structure and issue an ownership document.

(5) The department shall deliver an ownership document updated or issued under subsection (4) of this section to the holder of the earliest perfected unreleased security interest in the manufactured structure or, if none, to the owner of the structure. The department shall also send a copy of the ownership document to any other holders of unreleased security interests in the structure and to the county assessor for the county in which the structure is to be sited.

(6) The Department of Consumer and Business Services or a county may charge fees for services provided under this section. The fees charged pursuant to this subsection may not exceed the cost of the services provided.

(7) Subsections (1) to (6) of this section do not apply to the movement of a manufactured structure described under ORS 446.576 (1)(a) or (b) or 446.736. [2003 c.655 §22; 2005 c.22 §321]

Note: See note under 446.561.

446.635 [1967 c.598 §2; 1971 c.588 §6; repealed by 1973 c.833 §48]

446.636 Manufactured structure trip permits. (1) For a new manufactured structure, the manufactured structure dealer must obtain the trip permit on behalf of the owner. If the dealer fails to obtain the trip permit prior to the scheduled moving date, the vehicle transporter must obtain the trip permit on behalf of the owner.

(2) For a used manufactured structure, the owner must obtain a trip permit from the county assessor for the county in which the manufactured structure is sited.

(3) Notwithstanding subsections (1) and (2) of this subsection, if a dealer or vehicle transporter refuses to obtain a trip permit as required by subsection (1) of this section, or if a county assessor refuses to issue a trip permit to an owner who has complied with ORS 446.631, the owner may apply directly to the Department of Consumer and Business Services for a trip permit.

(4) The department may issue trip permits in bulk to a manufactured structure dealer or vehicle transporter. [2003 c.655 §22a]

Note: See note under 446.561.

446.640 [1959 c.314 §17; repealed by 1973 c.833 §48]

446.641 Sale of manufactured structure having ownership document or that is exempt structure. (1) If a person sells an ownership interest in a manufactured structure for which there is an ownership document issued under ORS 446.611 or a structure described in ORS 446.621 (1) to (6), the seller shall give notice of the sale to the county assessor for the county in which the structure is sited.

(2) The seller's notice must be on a form approved by the Department of Consumer and Business Services. Information required by the form must include, but need not be limited to:

(a) The identities of the seller and the purchaser;

(b) Any change in the security interest in the structure resulting from the transaction; and

(c) For each holder of an unreleased security interest:

(A) A signed statement recorded on the ownership document for the manufactured structure acknowledging that the interest holder is aware of the sale; or

(B) Documentation satisfactory to the department showing that acknowledgment by the holder was requested but the holder has not responded.

(3) The seller shall submit the following with the notice:

(a) The ownership document or other document evidencing ownership of the manufactured structure.

(b) A copy of the bill of sale.

(c) Documentation satisfactory to the county assessor that all taxes, special assessments and other charges placed on the tax roll that have been certified for collection under ORS 311.105 and 311.110, all taxes in homestead deferral as described under ORS 311.666 to 311.701 and all delinquent taxes and special assessments for past years are paid or have been canceled.

(4) The county assessor shall forward the information contained in the notice and the ownership document or other document evidencing ownership to the department. The department shall update the ownership document for the manufactured structure or, if no ownership document exists, enter the information in the department's records and issue an ownership document for the structure.

(5) The department shall deliver an ownership document updated or issued under subsection (4) of this section to the holder of the earliest perfected unreleased security interest in the manufactured structure or, if none, to the owner of the structure. The department shall also send a copy of the ownership document to the county assessor.

(6) A transfer of ownership of a manufactured structure by operation of law is a sale of the manufactured structure for purposes of this section.

(7) Notice given to a county assessor under subsection (1) of this section is not an instrument of conveyance.

(8) If a seller does not give a notice of sale to the county assessor within 30 days after closing of the sale of a manufactured structure, a buyer may submit a notice of sale to the assessor if the notice is accompanied by proof of sale acceptable to the department as provided by rule. Upon receipt of a notice of sale and acceptable proof of sale, the assessor shall forward the information to the department as provided in subsection (4) of this section. Submission of a notice of sale by a buyer does not excuse a seller from civil penalty under ORS 455.895 for a violation of subsection (1) of this section. [2003 c.655 §23; 2007 c.502 §4]

Note: See note under 446.561.

446.646 Department of Consumer and Business Services rules; fees; county as agent of department. (1) The Department of Consumer and Business Services may adopt rules necessary for carrying out the duties, functions and powers of the department under ORS 446.566 to 446.646.

(2) Except as provided in subsection (4) of this section, the department shall adopt appropriate fees to cover the cost of services rendered under ORS 446.566 to 446.646 by the department and by a county as agent for the department. The department may not vary the fee for issuance or renewal of an ownership document, or for removal of a manufactured structure from the ownership document system, based upon the applicant's status as an owner, dealer or escrow agent.

(3) A county carrying out functions under ORS 446.566 to 446.646 related to manufactured structure ownership documents and trip permits is an agent of the department with regard to those functions.

(4) Unless the department adopts a different fee pursuant to subsection (2) of this section, the fee amount:

(a) For issuance of an ownership document is $55.

(b) For issuance of a trip permit is $5. [2003 c.655 §23a]

Note: See note under 446.561.

446.650 [1959 c.314 §18; repealed by 1973 c.833 §48]

446.655 [1971 c.588 §8; repealed by 1973 c.833 §48]

446.660 [1959 c.314 §19; repealed by 1973 c.833 §48]

MANUFACTURED STRUCTURE DEALERS AND DEALERSHIPS

446.661 Definitions for ORS 446.661 to 446.756. As used in ORS 446.661 to 446.756:

(1) "Dealer" has the meaning given that term in ORS 446.003.

(2) "Insured institution" has the meaning given that term in ORS 706.008.

(3) "Manufactured dwelling" has the meaning given that term in ORS 446.003.

(4) "Manufactured structure" has the meaning given that term in ORS 446.561. [2003 c.655 §24; 2011 c.166 §2]

Note: 446.661 to 446.756 were enacted into law by the Legislative Assembly but were not added to or made a part of ORS chapter 446 or any series therein by legislative action. See Preface to Oregon Revised Statutes for further explanation.

446.666 Regulation of dealers, dealerships and salespersons; inspection of records; rules. The Department of Consumer and Business Services:

(1) Shall adopt reasonable rules for regulating manufactured structure dealers and dealerships and maintaining accurate records of manufactured structure ownership and location. The rules may include, but need not be limited to, rules governing the issuance, renewal, suspension, revocation or cancellation of licenses issued under ORS 446.691 and 446.696 and for temporary or limited manufactured structure dealer licenses issued under ORS 446.701 or 446.706, rules for placement of dealers on probation under ORS 446.741, rules establishing standards of practice and conduct for manufactured structure dealers and rules for processing transfers of interests in manufactured structures.

(2) May inspect manufactured structure dealer records and manufactured structures in the possession of a dealer for purposes of administering and enforcing ORS 446.661 to 446.756 and rules of the department.

(3) May examine an application for a manufactured structure dealer license and make an individual investigation relative to statements contained in the application.

(4) May adopt rules regulating manufactured dwelling salespersons, including but not limited to rules governing the ability to engage in the occupation of manufactured dwelling salesperson. [2003 c.655 §25]

Note: See note under 446.661.

446.671 Acting as manufactured structure dealer without license; penalty. (1) Except as provided in ORS 446.676, a person commits the crime of acting as a manufactured structure dealer without a license if the person does not have a valid, current manufactured structure dealer license issued under ORS 446.691 or 446.696 or a temporary or limited manufactured structure dealer license issued under ORS 446.701 or 446.706 and the person:

(a) Sells, brokers, trades or exchanges a manufactured structure, or offers to sell, trade or exchange a manufactured structure, either outright or by means of any conditional sale, consignment or otherwise;

(b) Displays a new or used manufactured structure for sale; or

(c) Acts as an agent for the owner of a manufactured structure to sell the structure or for a person interested in buying a manufactured structure to buy the structure.

(2) Acting as a manufactured structure dealer without a license is a Class A misdemeanor. [2003 c.655 §26; 2005 c.22 §322]

Note: See note under 446.661.

446.676 Exceptions to prohibition against unlicensed dealer activity. ORS 446.671 does not apply to the following manufactured structures or persons:

(1) A unit of government or a public or private utility.

(2) The owner of a manufactured structure, as shown by a document evidencing

ownership issued by any jurisdiction if the person owned the manufactured structure for personal, family or household purposes. If the person sells, trades, displays or offers for sale, trade or exchange two or more manufactured structures during a calendar year, the person has the burden of proving that the person owned the structures primarily for personal, family or household purposes.

(3) A conservator, receiver, trustee, personal representative or public officer while performing any official duties. The exemption provided by this subsection applies to actions taken for the purposes of winding up the affairs of a manufactured structure dealer or dealership and not to the continuing operation of a dealership.

(4) A real estate licensee representing a buyer or seller in a transaction involving real property under ORS 308.875 or a manufactured structure that is recorded in the deed records of a county.

(5) An escrow agent making an application for an ownership document as described under ORS 446.591 (5).

(6) The security interest holder of a manufactured structure as shown by a document evidencing ownership issued by any jurisdiction.

(7) The sale of a manufactured structure by the manufacturer to a manufactured structure dealer. However, a manufacturer must obtain a manufactured structure dealer license under ORS 446.691 in order to sell manufactured structures to retail customers.

(8) An insurance adjuster authorized to do business under ORS 744.505 or 744.515 who is disposing of a manufactured structure for salvage.

(9) A person who sells or trades or offers to sell or trade a manufactured structure that has been used in the operation of the person's business unless the person's business is the buying, selling, brokering, trading or exchanging of manufactured structures, displaying new or used manufactured structures for sale or acting as agent for an owner selling a manufactured structure or for a person interested in buying a manufactured structure.

(10) A person who is licensed as a manufactured structure dealer in another jurisdiction and is participating in a temporary exhibition of manufactured structures, if the exhibition includes at least two other manufactured structure dealers licensed in this state or another jurisdiction, lasts 10 days or less and charges admission to the public. An exemption may be claimed under this subsection for a total of not more than 10 days during a calendar year.

(11) A person who receives no money, goods or services, either directly or indirectly, for displaying a manufactured structure or acting as an agent in the selling or buying of a manufactured structure.

(12) A manufactured dwelling park or mobile home park owner that consigns a manufactured structure for sale by a licensed manufactured structure dealer.

(13) The sale of an abandoned manufactured dwelling by a manufactured dwelling park owner pursuant to ORS 90.675 (10) if the park owner makes a reasonable effort to transfer the title for the manufactured dwelling to the purchaser.

(14) A licensed real estate broker acting in the employ of, on behalf of or under the supervision of an individual who is both a licensed principal real estate broker and a licensed manufactured structure dealer.

(15) A financial institution or trust company acting as attorney in fact under a duly executed power of attorney from the owner or purchaser authorizing the selling, leasing or exchanging of the owner's or purchaser's assets. As used in this subsection, "financial institution" and "trust company" have the meanings given those terms in ORS 706.008. [2003 c.655 §27; 2007 c.319 §29]

Note: See note under 446.661.

446.681 Enjoining unlicensed dealers. The Department of Consumer and Business Services may petition a circuit court for an injunction or other relief against a person dealing in manufactured structures in violation of ORS 446.671. If the court grants the petition, the court shall award reasonable costs and disbursements and attorney and enforcement fees. [2003 c.655 §42]

Note: See note under 446.661.

446.686 Notice of proceeding against alleged unlicensed dealer. (1) If the Department of Consumer and Business Services proceeds under ORS 446.681 or 455.895, the department may post a notice on any manufactured structure held in inventory by a person alleged to be acting as a manufactured structure dealer without a license. The notice must state that the person offering the manufactured structure for sale is currently the subject of a proceeding to determine whether the person has a manufactured structure dealer license and that it may be unlawful for the person to sell the manufactured structure to a retail customer.

(2) A person may remove a notice posted in accordance with subsection (1) of this section only upon authorization by the department. The department shall authorize removal within 10 days after any one of the following occurs:

(a) The dismissal or termination of the proceeding instituted under ORS 446.681 or 455.895;

(b) Full payment of any lawfully owing civil penalty and compliance with ORS 446.661 to 446.756; or

(c) A finding by the department or a court that the manufactured structure is being offered for sale by a licensed manufactured structure dealer or a person who is exempt from the licensing requirement under ORS 446.676. [2003 c.655 §43]

Note: See note under 446.661.

446.691 Issuance of dealer license. The Director of the Department of Consumer and Business Services shall issue a manufactured structure dealer license to an applicant if the applicant:

(1) Delivers to the director a bond or letter of credit that meets the requirements under ORS 446.726;

(2) Provides evidence acceptable to the director that the applicant obtained a corporate surety bond as provided in ORS 86A.227 if the applicant employs or intends to employ a mortgage loan originator, as defined in ORS 86A.200, or is otherwise subject to ORS 86A.200 to 86A.239;

(3) Certifies to the director in a form and manner the director specifies by rule that the applicant has independently verified that every individual the applicant or licensee hired or intends to hire as a mortgage loan originator meets the requirements set forth in ORS 86A.200 to 86A.239 and in ORS 86A.186;

(4) Pays the fee specified in ORS 446.721 for issuance of a manufactured structure dealer license; and

(5) Completes the application for a dealer license in a form approved by the director that includes:

(a) The name and residence address of the applicant. If the applicant is a firm or partnership, the application must include the names and residence addresses of the members of the firm or partnership. If the applicant is a corporation, the application must include the names and residence addresses of the principal officers of the corporation and the name of the state in which the corporation is incorporated.

(b) The name under which the business will be conducted.

(c) The street address, including city and county in Oregon, where the business will be conducted.

(d) A statement that indicates whether the applicant handles used manufactured structures.

(e) An affidavit from the applicant showing that the applicant will act as a manufactured structure dealer and will conduct business at the location given on the application.

(f) If the street address where the dealer will conduct the business is in a residential zone, a statement by the dealer that all manufactured structures sold or displayed at that address will meet any architectural and aesthetic standards regulating the placement of manufactured structures in that residential zone.

(g) Information the director requires to efficiently regulate manufactured structures, manufactured structure dealers and dealerships or other relevant information the director requires.

(h) If the applicant will offer for sale new manufactured structures that are recreational vehicles greater than eight and one-half feet in width, an affidavit from the applicant stating that the applicant will maintain a recreational vehicle service facility for those recreational vehicles at a street address provided in the application. [2003 c.655 §28; 2009 c.863 §29]

Note: See note under 446.661.

446.696 Renewal of dealer license. A manufactured structure dealer license is valid for three years, but the Director of the Department of Consumer and Business Services may adjust the term of an initial license for the purpose of establishing uniform expiration dates. A dealer may renew a license as provided by the director. The director may renew a license only if the dealer:

(1) Delivers to the director a bond or letter of credit that meets the requirements under ORS 446.726.

(2) Provides evidence acceptable to the director that the dealer obtained a corporate surety bond as provided in ORS 86A.227 if the dealer employs or intends to employ a mortgage loan originator, as defined in ORS 86A.200, or is otherwise subject to ORS 86A.200 to 86A.239.

(3) Certifies to the director in a form and manner the director specifies by rule that the dealer has independently verified that every individual the dealer hired or intends to hire as a mortgage loan originator meets the requirements set forth in ORS 86A.200 to 86A.239 and in ORS 86A.186.

(4) Pays the fee specified in ORS 446.721 for renewal of a manufactured structure dealer license.

(5) Submits a completed application for renewal in a form approved by the director that includes:

(a) The name and residence address of the dealer. If the dealer is a firm or partnership, the application must include the names and addresses of the members of the firm or partnership. If the dealer is a corporation, the application must include the names and addresses of the principal officers of the corporation and the name of the state in which the corporation is incorporated.

(b) The name under which the business will be conducted.

(c) The street address, including city and county in Oregon, where the business will be conducted.

(d) If the location of the dealership is being changed at the time of renewal:

(A) For a business that will be conducted in a residential zone, a statement by the dealer that all manufactured structures sold or displayed at that address will meet any architectural and aesthetic standards regulating the placement of manufactured structures in that residential zone.

(B) For a business that will offer for sale new manufactured structures that are recreational vehicles greater than eight and one-half feet in width, a certificate from the applicant stating that the applicant will maintain a recreational vehicle service facility for those recreational vehicles at a street address provided in the application.

(e) Information the director requires to efficiently regulate manufactured structure dealers and dealerships or other relevant information the director requires. [2003 c.655 §29; 2009 c.863 §30]

Note: See note under 446.661.

446.701 Issuance of temporary manufactured structure dealer license. (1) If a licensed manufactured structure dealer dies or becomes incapacitated, the Department of Consumer and Business Services may issue a temporary manufactured structure dealer license to the executor, administrator or personal representative of the estate of the dealer or to an agent of the dealer approved by the department. A temporary license issued under this subsection expires after six months, but the department may extend the license for good cause. The department may not extend a temporary license if the license has been suspended or the licensee placed on probation by the department.

(2) A person issued a temporary manufactured structure dealer license must deliver to the department a bond or letter of credit that meets the requirements under ORS 446.726. A bond or letter of credit covering a license term of less than one year must be for the sum otherwise required for each year a license is valid and must be renewed if the term is extended. The temporary manufactured structure dealer is responsible for ensuring that, during the term of the temporary license, the dealership and its employees comply with ORS 446.661 to 446.756 and rules adopted thereunder. This subsection does not relieve a manufactured structure dealer licensed under ORS 446.691 or 446.696 from liability for a violation arising out of actions or omissions by the dealer.

(3) Notwithstanding ORS 446.731:

(a) Issuance of a temporary manufactured structure dealer license does not, by itself, affect the rights or interests of any creditors of the dealer in dealership assets or inventory.

(b) Issuance or expiration of a temporary license is not a transfer of interest for purposes of ORS 446.736.

(4) A person obtaining a temporary manufactured structure dealer license must pay the applicable fee specified in ORS 446.721 for issuance of a temporary manufactured structure dealer license. [2003 c.655 §29a]

Note: See note under 446.661.

446.706 Limited manufactured structure dealer; licensing. (1) A person who holds a limited manufactured structure dealer license issued under this section may sell during a calendar year up to 10 manufactured dwellings located at a manufactured dwelling park identified in the license. The manufactured dwellings sold under a limited manufactured structure dealer license must be dwellings that:

(a) Have been abandoned as described in ORS 90.675 at any manufactured dwelling park. If the manufactured dwelling is not subject to sale by the limited manufactured structure dealer under ORS 90.675 (10), the dealer must have the certificate of title or registration for the dwelling transferred to the dealer prior to offering the dwelling for sale; or

(b) Have been purchased by the park owner from a person holding title, and at the time of purchase by the park owner, were sited in the manufactured dwelling park identified in the license.

(2) Notwithstanding ORS 90.525, if a limited manufactured structure dealer sells a manufactured dwelling that was abandoned at a manufactured dwelling park other than the park where the dwelling is being sold, the sale terms for the manufactured dwelling must require that the dwelling is to be sited under a rental agreement at the park where sold for at least 12 months following the sale.

(3) Except as provided in ORS 446.741, the Director of the Department of Consumer and Business Services shall issue a limited

manufactured structure dealer license to a person if the person:

(a) Owns or operates a manufactured dwelling park as defined in ORS 446.003;

(b) Submits a completed application for a limited manufactured structure dealer license in a form approved by the director;

(c) Delivers to the director a bond or letter of credit that meets the requirements under ORS 446.726, except that the bond or letter of credit must be in the sum of $15,000 for each year that the license is valid;

(d) Delivers to the director a corporate surety bond that meets the requirements specified in ORS 86A.227 if the person employs or intends to employ a mortgage loan originator, as defined in ORS 86A.200, or is otherwise subject to ORS 86A.200 to 86A.239;

(e) Certifies to the director in a form and manner the director specifies by rule that the person has independently verified that every individual the person hired or intends to hire as a mortgage loan originator meets the requirements set forth in ORS 86A.200 to 86A.239 and in ORS 86A.186;

(f) Is 18 years of age or older or is legally emancipated; and

(g) Pays the fee specified in ORS 446.721 for issuance of a limited manufactured structure dealer license.

(4) If the person is a firm or partnership, the application for a limited manufactured structure dealer license must include the names and residence addresses of the members of the firm or partnership. If the person is a corporation, the application must include the names of the principal officers of the corporation and residence addresses of the officers and the name of the state under whose laws the corporation is organized. If the person is the owner of a manufactured dwelling park, the person may submit a joint application on behalf of the person and a named park operator employed by the person. If the person is the operator of a manufactured dwelling park, the application must include the name and signature of the park owner.

(5) A limited manufactured structure dealer license is valid for use at a single manufactured dwelling park. The manufactured dwelling park location must be specified in the license application. A limited manufactured structure dealer may not employ a salesperson.

(6) A limited manufactured structure dealer license is valid for two years, but the director may adjust the term of an initial license for the purpose of establishing uniform expiration dates.

(7) Notwithstanding subsection (6) of this section, the limited manufactured structure dealer license for the person expires immediately if the person ceases to be an operator or owner of the manufactured dwelling park at which the license may be used. The owner of a manufactured dwelling park shall immediately notify the director if a person licensed under this section ceases to be an owner or operator of a manufactured dwelling park at which the license may be used.

(8) Notwithstanding subsections (6) and (7) of this section, if a licensed person ceases to be an operator of the manufactured dwelling park, the park owner may apply to have a corrected license issued to a new operator employed by the owner. A corrected license issued under this subsection is valid for the unexpired portion of the original license term. The director shall charge the fee specified in ORS 446.721 for issuing a corrected license.

(9) A limited manufactured structure dealer may renew a license as provided by the director. The director shall renew a license only if the dealer:

(a) Submits a completed application for renewal in a form approved by the director;

(b) Delivers to the department a bond or letter of credit that meets the requirements described in subsection (3) of this section; and

(c) Pays the fee specified in ORS 446.721 for renewal of a limited manufactured structure dealer license. [2003 c.655 §29b; 2009 c.863 §31]

Note: See note under 446.661.

446.711 Dealer education and testing; rules. (1) In addition to any other requirement for issuance or renewal of a manufactured structure dealer license, the Department of Consumer and Business Services, by rule, may adopt education and testing requirements as a condition for issuance or renewal of a license described in ORS 446.691.

(2) A person may satisfy a requirement adopted under subsection (1) of this section by taking an appropriate educational program or test offered by an accredited educational institution, private school, correspondence school or nonprofit organization and approved by the department.

(3) If a dealer is a firm, partnership or corporation, the dealer satisfies a requirement adopted under subsection (1) of this section if a manager or other person exercising significant control over the daily sales activities of the dealership meets the education and testing requirements.

(4) The department may not require education or testing of a manufactured structure

dealer if the dealer possesses a license issued under ORS chapter 696. This subsection does not prohibit voluntary participation in education and testing. [2003 c.655 §29c]

Note: See note under 446.661.

446.716 Additional places of business; supplemental licenses. (1) A licensed manufactured structure dealer may open additional places of business under the same business name by obtaining a supplemental license from the Department of Consumer and Business Services. If the dealer will operate the additional place of business under a different business name than that indicated on an existing dealer license, the dealer must apply for a dealer license for the additional place of business instead of for a supplemental license.

(2) A manufactured structure dealer may move a place of business or change a business name by obtaining a corrected dealer license from the department. The department shall prescribe the form for application for a corrected license. For purposes of this subsection, "place of business" includes a recreational vehicle service facility.

(3) The department may refuse to issue a dealer license if a manufactured structure dealer license issued to the dealer by another jurisdiction is in suspended, revoked or probationary status in that jurisdiction. This subsection does not authorize the department to refuse a supplemental license or corrected license.

(4) A dealer obtaining or renewing a dealer license, supplemental license or corrected license must pay the applicable fee specified in ORS 446.721. [2003 c.655 §30]

Note: See note under 446.661.

446.721 License fees; use of moneys. (1) The fee for issuance or renewal of a manufactured structure dealer license under ORS 446.691 is $542.

(2) The fee for issuance or renewal of a supplemental license under ORS 446.716 is $90 for each additional place of business.

(3) The fee for issuance or renewal of a corrected dealer license under ORS 446.716 or corrected limited manufactured structure dealer license under ORS 446.706 is $30.

(4) The fee for issuance of a temporary manufactured structure dealer license under ORS 446.701 is $100.

(5) The fee for issuance or renewal of a limited manufactured structure dealer license under ORS 446.706 is $150.

(6) Fees adopted pursuant to this section are not subject to proration or refund.

(7) Fees collected by the Department of Consumer and Business Services under this section must be deposited in the Consumer and Business Services Fund. Moneys deposited into the fund pursuant to this section are continuously appropriated to the department for use as provided in ORS 446.423. [2003 c.655 §32; 2007 c.71 §135]

Note: See note under 446.661.

446.726 Bond or letter of credit requirements; action against dealer and surety or issuer. (1) A bond or letter of credit required to qualify for issuance or renewal of a manufactured structure dealer license under ORS 446.691 or 446.696 or a temporary manufactured structure dealer license under ORS 446.701 must comply with the following requirements:

(a) The bond must have a corporate surety licensed to do business within this state. A letter of credit must be an irrevocable letter of credit issued by an insured institution.

(b) The bond or letter of credit must:

(A) Be executed to the State of Oregon;

(B) Be in the sum of $40,000 for each year the license is valid;

(C) Be in a form approved by the Director of the Department of Consumer and Business Services;

(D) Be conditioned that the dealer will conduct the manufactured structure dealership without fraud or fraudulent representation and without violating any statute or rule relating to manufactured structure dealers, manufactured structure dealerships, transfers of interests in manufactured structures, alteration of manufactured structures or moving manufactured structures;

(E) Be separate from any bond or letter of credit covering business activities other than dealing in manufactured structures; and

(F) Be filed and held by the director.

(2) The surety or institution shall notify the director if the bond or letter of credit is canceled for any reason. The surety or institution continues to be liable under the bond or letter of credit until the director receives the notice required by this subsection, or until the cancellation date specified in the notice, whichever is later.

(3) If the license of a manufactured structure dealer is not renewed or is voluntarily or involuntarily canceled, the surety on the bond and the issuer of the letter of credit are relieved from liability that accrues after the director cancels the license.

(4) The manufactured structure dealer shall purchase a bond or letter of credit under this section annually on or before each anniversary of the issuance of the dealer's license.

(5) A retail customer has a right of action against a manufactured structure dealer, against the surety on the dealer's bond and the issuer of a letter of credit if the retail customer suffers any loss or damage by reason of the manufactured structure dealer's fraud, fraudulent representations or violations of statutes relating to:

(a) Transfer of interests in manufactured structures;

(b) Moving manufactured structures;

(c) The alteration of manufactured structures; or

(d) The regulation of manufactured structure dealers and manufactured structure dealerships. [2003 c.655 §33; 2003 c.655 §34; 2011 c.166 §3]

Note: See note under 446.661.

446.731 Status of licensed dealer. A person who has a current, valid manufactured structure dealer license issued under ORS 446.691 or 446.696 or a temporary manufactured structure dealer license under ORS 446.701:

(1) Is considered the owner of manufactured structures manufactured or dealt in by the dealer before sale and delivery of the manufactured structures, and the owner of all manufactured structures in the dealer's possession.

(2) Is not subject to the recreational vehicle dealer requirements in ORS chapter 822 when dealing in manufactured structures that are recreational vehicles greater than eight and one-half feet in width. [2003 c.655 §36]

Note: See note under 446.661.

446.736 Transfer of interest by dealer; application information; notice of delay; penalty. (1) Except as provided in subsection (7) of this section, a manufactured structure dealer who transfers an interest in a manufactured structure shall:

(a) Submit to the Department of Consumer and Business Services an application for an ownership document on behalf of the purchaser; or

(b) If the purchase is being financed, submit sufficient information to a lender to allow the lender to make an application to the department for an ownership document.

(2) An application under subsection (1) of this section must be on a form approved by the department and include:

(a) The year, manufacturer's name, model if available and identification number for the manufactured structure.

(b) Any existing ownership document for the structure or, if none, the manufacturer's certificate of origin or other document evidencing ownership of the manufactured structure.

(c) The legal description or street address for the proposed situs for the manufactured structure.

(d) The identity of the owner of record for the location where the manufactured structure is being sited or, if the structure is being sited in a facility as defined in ORS 90.100, the name of the facility.

(e) The name and mailing address of each person acquiring an ownership interest in the manufactured structure.

(f) The name and mailing address of each person acquiring a security interest in the manufactured structure.

(g) Any other information required by the department by rule for processing an application.

(3) If a manufactured structure dealer is unable to comply with subsection (1) of this section, within 25 business days of the transfer the dealer shall provide a notice of delay to the security interest holder next named, if any, and the purchaser. The notice must contain:

(a) The reason for the delay;

(b) The anticipated extent of the delay; and

(c) A statement of the rights and remedies available to the purchaser if the delay becomes unreasonably extended.

(4) A manufactured structure dealer that fails to comply with this section is subject to revocation or suspension of the dealer's license or being placed on probation by the Department of Consumer and Business Services pursuant to ORS 446.741. A dealer that fails to comply with subsection (1) of this section within 90 days is subject to criminal penalties under ORS 446.746 (1)(h).

(5) Notwithstanding subsections (1) and (4) of this section, if a purchaser is not in compliance with the payment terms of a purchase agreement on the 20th calendar day after the transfer, the dealer is not required to perform under subsection (1) of this section until 25 calendar days after the purchaser is in compliance with the payment terms of the purchase agreement. This subsection does not excuse the duty of the dealer under subsection (3) of this section.

(6) This section does not apply to a transfer of interest in a manufactured structure that is subject to an escrow transaction.

(7) This section does not apply to a manufactured structure for which an application is filed under ORS 446.626 within 25 business days of the transfer. [2003 c.655 §39; 2007 c.502 §5]

Note: See note under 446.661.

446.741 Suspension, revocation or cancellation of license; dealer probation; employment disqualification. (1) The Director of the Department of Consumer and Business Services may revoke or suspend a manufactured structure dealer license, or place a dealer on probation, if the dealer does any of the following:

(a) Commits an act that is grounds for suspension, revocation or probation under rules the director adopted.

(b) Fails to comply with the requirements for notices or reports of the transfer of interest in manufactured structures.

(c) Moves a manufactured structure or causes a manufactured structure to be moved without complying with the requirements for variance permits under ORS 818.200 and trip permits under ORS 446.631.

(d) Knowingly provides false information on an application for a dealer license, supplemental license or corrected dealer license.

(e) Deals in a manufactured structure that both before and after the sale is assessed as real property under ORS 308.875 or is recorded in the deed records of a county. This paragraph does not apply if an ownership document is issued for the manufactured structure prior to sale.

(f) Employs a person in an administrative or managerial capacity while the person is disqualified under subsection (5) of this section.

(g) Fails, in conducting activities of a mortgage loan originator, to comply with the provisions of:

(A) The Truth in Lending Act, 15 U.S.C. 1601 et seq., and Regulation Z, 12 C.F.R. part 1026, as in effect on October 1, 2013;

(B) The Real Estate Settlement Procedures Act, 12 U.S.C. 2601 et seq., and Regulation X, 12 C.F.R. part 1024, as in effect on January 1, 2013;

(C) The Equal Credit Opportunity Act, 15 U.S.C. 1691 et seq., and Regulation B, 12 C.F.R. part 1002, as in effect on January 1, 2013; or

(D) The S.A.F.E. Mortgage Licensing Act, 12 U.S.C. 5101 et seq., and Regulation H, 12 C.F.R. part 1008, as in effect on January 1, 2013.

(h) Fails to certify to the director in a form and manner the director specifies by rule that the dealer has independently verified that every individual the dealer hired or intends to hire as a mortgage loan originator meets the requirements set forth in ORS 86A.200 to 86A.239 and ORS 86A.186.

(i) Employs a device, scheme or artifice to defraud or engage in an act, practice or course of business that operates or would operate as a fraud or deceit.

(j) Knowingly makes an untrue statement of a material fact or omits from a statement a material fact that would make the statement not misleading in light of the circumstances under which the dealer makes the statement.

(k) Makes or files or causes to be made or filed with the director a statement, report or document that the dealer knows is false in a material respect or matter.

(2) The director shall cancel a manufactured structure dealer license immediately upon receipt of legal notice that a bond described under ORS 446.726 or under ORS 86A.227 is canceled.

(3) Upon suspension, revocation or cancellation of a manufactured structure dealer license under this section, the director shall demand the return of the license.

(4) The director shall cancel a dealer license or supplemental license immediately upon receipt of notice that zoning approval for a place of business has been revoked.

(5) If the director finds that a violation of subsection (1)(d), (i), (j) or (k) of this section has occurred, the director may issue an order under ORS chapter 183 disqualifying, for up to seven years after the date that the disqualification becomes effective:

(a) The dealer whose license is revoked from:

(A) Obtaining a license as a manufactured structure dealer; or

(B) Working in an administrative or managerial capacity for a manufactured structure dealer.

(b) Any other person whose acts or omissions were material to the events that were the basis for the violation from working in an administrative or managerial capacity for a manufactured structure dealer.

(6) If a person who is subject to disqualification or who is disqualified under subsection (5) of this section elects to pay restitution to a customer whom the director finds suffered harm as a result of the violation of subsection (1)(d), (i), (j) or (k) of this section, the director may choose not to issue an order of disqualification to the person or may rescind a previously issued order of disqualification.

(7) A person who applies for licensing as a manufactured structure dealer following a period of disqualification under subsection (5) of this section must meet the requirements for issuance of an initial manufactured structure dealer license. [2003 c.655 §38; 2009 c.863 §32; 2013 c.161 §1]

Note: See note under 446.661.

446.746 Manufactured structure dealer criminal offenses; penalties. (1) A manufactured structure dealer improperly operates a manufactured structure dealership and is subject to the penalties under this section if the dealer commits any of the following crimes:

(a) A manufactured structure dealer commits the crime of failure to obtain a supplemental license if the dealer has a manufactured structure dealer license and opens any additional place of business using the same business name without first obtaining a supplemental license under ORS 446.716.

(b) A manufactured structure dealer commits the crime of failure to obtain a corrected dealer license if the dealer moves a place of business or changes the business name without first obtaining a corrected dealer license under ORS 446.716.

(c) A manufactured structure dealer commits the crime of failure to maintain proper manufactured structure dealer records if the dealer does not keep records or books with all of the following information concerning a used manufactured structure the dealer handles:

(A) A record of the purchase, sale or exchange or of the dealer's receipt for purpose of sale.

(B) A description of the manufactured structure.

(C) The name and address of the seller, the purchaser and the alleged owner or other person from whom the manufactured structure was purchased or received or to whom it was sold or delivered.

(D) A duly assigned ownership document or other document evidencing ownership or a bill of sale from the registered owner of the manufactured structure from the time of delivery to the dealer until the dealer disposes of the manufactured structure.

(d) A manufactured structure dealer commits the crime of failure to allow administrative inspection if the dealer refuses to allow the Department of Consumer and Business Services to inspect the dealer's records and manufactured structures in the possession of the dealer at any time during normal business hours.

(e) A manufactured structure dealer commits the crime of failure to allow police inspection if the dealer refuses to allow a police officer to conduct an inspection of the dealer's records and manufactured structures in the possession of the dealer at any time during normal business hours.

(f) A manufactured structure dealer commits the crime of failure to exhibit the manufactured structure dealer license if the dealer fails to exhibit the license at the place of business of the dealer at all times while the license is in force. This paragraph does not apply to dealer activity at a temporary exhibition of manufactured structures.

(g) A manufactured structure dealer commits the crime of failure to satisfy an interest in a manufactured structure if, within 15 days after transfer of any interest in a manufactured structure to the dealer by a person other than another manufactured structure dealer, or within 15 days after receiving the ownership document for a manufactured structure obtained from another manufactured structure dealer, the dealer fails to satisfy:

(A) The interest of any person from whom the dealer purchased or obtained the manufactured structure;

(B) The interest of any person from whom the person described in subparagraph (A) of this paragraph leased the manufactured structure; and

(C) All security interests in the manufactured structure entered into prior to the time of transfer.

(h) Except as provided in subsection (2) of this section, a manufactured structure dealer commits the crime of failure to report an interest transfer for a manufactured structure if, 90 calendar days after a transfer of interest that is subject to ORS 446.736, the dealer has failed to submit:

(A) An application to the Department of Consumer and Business Services for an ownership document; or

(B) Sufficient information to a lender to allow the lender to make an application to the department for an ownership document.

(i) A person commits the crime of acting as a manufactured structure dealer while under suspension, revocation or cancellation if the person conducts business as a manufactured structure dealer in this state and the person's manufactured structure dealer license is revoked, canceled or suspended, regardless of whether the person is licensed as a manufactured structure dealer in another jurisdiction.

(j) A manufactured structure dealer commits the crime of failure to maintain bond or letter of credit coverage if the dealer permits a bond or letter of credit to lapse during the period that the bond or letter of credit is required under ORS 446.691, 446.696 or 446.701 or if the dealer fails to purchase a bond or letter of credit that complies with ORS 446.726.

(2) A dealer is not considered to have committed the crime described in subsection

(1)(h) of this section if the dealer demonstrates that:

(a) The dealer has made a good faith effort to comply; and

(b) The dealer's failure to make an application or provide information is due to circumstances beyond the dealer's control.

(3) The crimes described in this section are subject to the following penalties:

(a) The crime described in subsection (1)(a) of this section, failure to obtain a supplemental license, is a Class A misdemeanor.

(b) The crime described in subsection (1)(b) of this section, failure to obtain a corrected dealer license, is a Class A misdemeanor.

(c) The crime described in subsection (1)(c) of this section, failure to maintain proper manufactured structure dealer records, is a Class A misdemeanor.

(d) The crime described in subsection (1)(d) of this section, failure to allow administrative inspection, is a Class A misdemeanor.

(e) The crime described in subsection (1)(e) of this section, failure to allow police inspection, is a Class A misdemeanor.

(f) The crime described in subsection (1)(f) of this section, failure to exhibit the manufactured structure dealer license, is a Class A misdemeanor.

(g) The crime described in subsection (1)(g) of this section, failure to satisfy an interest in a manufactured structure, is a Class A misdemeanor.

(h) The crime described in subsection (1)(h) of this section, failure to report an interest transfer for a manufactured structure, is a Class A misdemeanor.

(i) The crime described in subsection (1)(i) of this section, acting as a manufactured structure dealer while under suspension, revocation or cancellation, is a Class A misdemeanor.

(j) The crime described in subsection (1)(j) of this section, failure to maintain bond or letter of credit coverage, is a Class A misdemeanor. [2003 c.655 §37]

Note: See note under 446.661.

446.748 Cease and desist orders; investigative authority of director. (1) If the Director of the Department of Consumer and Business Services has reason to believe that a person has engaged, is engaging or is about to engage in a violation of ORS 446.661 to 446.756 or a rule adopted under ORS 446.661 to 446.756, the director may issue an order directed to the person to cease and desist from the violation or threatened violation.

(2) The director may require a manufactured structure dealer, or a person associated with the manufactured structure dealer, to produce for the director's examination and use books, accounts, records, files, documents or other information or evidence as the director deems necessary to carry out the purposes of ORS 446.661 to 446.756.

(3) The director may direct, subpoena, examine, compel the attendance of, administer oaths and affirmations to, and request production of books, accounts, records, files, documents or other information or evidence from witnesses and persons that are subject to regulation under ORS 446.661 to 446.756.

(4) The director may interview, take and preserve testimony concerning business practices and operations from the manufactured structure dealer's officers, principals, mortgage loan originators if applicable, employees, agents and customers or independent contractors associated with the manufactured structure dealer. [2011 c.166 §4]

Note: See note under 446.661.

446.751 Engaging in illegal consignment practices; penalty. (1) A manufactured structure dealer commits the crime of engaging in illegal consignment practices if the dealer does any of the following:

(a) Takes a manufactured structure on consignment from a person who is not a licensed dealer and does not have proof that the consignor is the owner of, or a security interest holder in, the structure.

(b) Takes a manufactured structure on consignment from a security interest holder without the security interest holder first completing a repossession action prior to consigning the structure and providing the dealer with proper documentary proof of the repossession action.

(c) Takes a manufactured structure on consignment and does not have the terms of the consignment agreement in writing and provide a copy of the agreement to the consignor, unless the consignor is a security interest holder described in paragraph (b) of this subsection. The agreement must include a provision stating that, if the terms of the agreement are not met, the consignor may file a complaint in writing with the Department of Consumer and Business Services, Salem, Oregon.

(d) Sells a manufactured structure that the dealer has on consignment and does not pay the consignor within 10 days after the sale.

(e) Refuses to allow the department or any duly authorized representative to inspect and audit any records of any separate accounts into which the dealer deposits any funds received or handled by the dealer in

the course of business as a dealer from consignment sales of manufactured structures at such times as the department may direct.

(f) Takes any money paid to the dealer in connection with any consignment transaction as part or all of the dealer's commission or fee until the transaction has been completed or terminated.

(g) Does not make an arrangement with the seller for the disposition of money from a consignment transaction at the time of establishing a consignment agreement.

(h) Sells a manufactured structure that the dealer has taken on consignment without first giving the purchaser the following disclosure in writing:

DISCLOSURE REGARDING
CONSIGNMENT SALE

_____ (Name of Dealer) is selling the following described manufactured structure: _____ (Year) _____ (Make) _____ (Model)_____ (Identification Number) on consignment. Ownership of this manufactured structure is in the name of: _____ (Owner(s) as shown on the ownership document) and the following are listed on the ownership document as security interest holders:

_____

_____

YOU SHOULD TAKE ACTION TO ENSURE THAT ANY SECURITY INTERESTS ARE RELEASED AND THAT THE OWNERSHIP DOCUMENT FOR THE MANUFACTURED STRUCTURE IS TRANSFERRED TO YOU. OTHERWISE, YOU MAY TAKE OWNERSHIP SUBJECT TO ANY UNSATISFIED SECURITY INTERESTS.

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(2) Engaging in illegal consignment practices is a Class A misdemeanor. [2003 c.655 §40; 2005 c.22 §323]

Note: See note under 446.661.

446.756 Violation of consigned manufactured structure transfer; penalty. (1) A person commits the crime of violation of a consigned manufactured structure transfer if the person consigns a manufactured structure to a manufactured structure dealer and the person fails or refuses to deliver the ownership document for the structure to the dealer or purchaser upon sale of the structure under consignment.

(2) Violation of a consigned manufactured structure transfer is a Class A misdemeanor. [2003 c.655 §41]

Note: See note under 446.661.

PENALTIES

446.990 Penalties. (1) Any individual, or any director, officer, or agent of a corporation who knowingly and willfully violates ORS 446.003 to 446.200, 446.225 to 446.285 or 446.310 to 446.350 in a manner which threatens the health or safety of any purchaser commits a Class A misdemeanor.

(2) Violation of ORS 446.345 is punishable upon conviction as a Class B misdemeanor. [Amended by 1953 c.490 §21; 1953 c.490 §18; 1959 c.562 §15; 1959 c.683 §33; 1959 c.314 §20; 1967 c.598 §3; 1969 c.533 §10; 1973 c.560 §21; 1973 c.833 §39; 1974 c.36 §13; 1975 c.546 §15; 1983 c.707 §21]

446.995 Civil penalties for violation of ORS 446.661 to 446.756 or related rules. (1) The Department of Consumer and Business Services may impose a civil penalty as provided in ORS 455.895 for each violation, against a licensed manufactured structure dealer or against a person required by a rule adopted pursuant to ORS 446.666 to be licensed, if the dealer or person violates a provision of ORS 446.661 to 446.756 or a rule adopted by the department relating to the sale of manufactured structures. If the dealer authorizes a person licensed pursuant to ORS 446.666 to commit a violation, the dealer and person are both subject to civil penalty. Notwithstanding subsection (2) of this section, if a dealer expressly or by implication authorizes an act by a real estate agent described in ORS 446.676 (14) that is a violation, the dealer is subject to the civil penalty for the violation.

(2) The department may impose a civil penalty, in an amount not to exceed $5,000 for each manufactured structure improperly sold, brokered or exchanged, or offered or displayed for sale, against a person that:

(a) Violates a provision of ORS 446.661 to 446.756 or a rule adopted by the department relating to the sale of manufactured structures if the person does not possess a license required by ORS 446.671 or by rule pursuant to ORS 446.666; or

(b) Violates a rule adopted by the department relating to the sale of manufactured structures if the person is exempt from licensing under ORS 446.676. [2003 c.655 §47c]

Note: 446.995 was enacted into law by the Legislative Assembly but was not added to or made a part of ORS chapter 446 or any series therein by legislative action. See Preface to Oregon Revised Statutes for further explanation.