

Chapter 693

1999 EDITION

Plumbers

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

GENERAL PROVISIONS

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

(1) "Apprentice plumber" means any person who is an apprentice under ORS chapter 660 and who is employed by a holder of a registration to conduct a plumbing business for the purpose of assisting the journeyman plumber and learning the plumbing trade.

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

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

(4) "Journeyman plumber" means any person holding a valid journeyman plumber's certificate of competency issued under this chapter.

(5) "Plumbing" has the meaning given that term in ORS 447.010.

(6) The holder of a certificate of "registration to conduct a plumbing business" is one who has made application and paid a registration fee to engage in the business of furnishing labor and material, or labor only, to install, alter and repair plumbing. This registration does not entitle the holder to work as a journeyman plumber. [Amended by 1971 c.753 s.33; 1981 c.438 s.10; 1993 c.744 s.151]

693.020 Application. (1) Subject to the following described conditions, this chapter does not prevent:

(a) Except as provided in paragraph (e) of this subsection, a person from doing the person's own work on the person's own building on the person's own premises, whether or not the person holds a certificate of competency under this chapter, if the person complies with all the rules adopted under this chapter and ORS 447.010 to 447.160 and ORS chapter 455.

(b) A person from testing, repairing, servicing, maintaining, installing or replacing new or existing potable water

pump equipment not exceeding seven and one-half horsepower on residential property and piping between such pumps and storage tanks for such pumps, whether or not the person holds any certificate of competency under this chapter.

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

(d) An employee or contractor of a utility, energy service provider or water supplier from installing an approved low-flow showerhead or faucet aerator in existing plumbing fixtures. The devices installed under this paragraph are exempt from the licensing, permit and inspection requirements of this chapter and ORS chapter 447.

(e) A person who owns, leases or operates residential property, from repairing or using regular employees to repair existing plumbing on property owned, leased or operated by the employer, whether or not the employee holds a certificate of competency under this chapter. As used in this paragraph:

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

(B) "Regular employee" means a person subject to the provisions of ORS 316.162 to 316.212 and who has completed a withholding exemptions certificate required by the provisions of ORS 316.162 to 316.212.

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

(3)(a) Notwithstanding the exceptions in subsection (1) of this section, only an individual certified as provided by ORS 693.060 may install, remodel or alter plumbing in a commercial or industrial building being constructed or being offered for sale, exchange, rent or lease.

(b) Nothing in paragraph (a) of this subsection shall limit the right of a person to repair property as set forth in subsection (1)(e) of this section.

(4) For the purpose of subsection (3) of this section, "install, remodel or alter" means activities which involve installation or changes to the plumbing inside a wall, floor, crawl space or ceiling, or a change in the configuration of a plumbing system.

(5) Except as provided in subsection (1)(d) of this section, nothing in this chapter exempts a person from the plumbing inspection requirements of ORS 447.010 to 447.160. [Amended by 1981 c.438 s.11; 1985 c.590 s.5; 1987 c.604 s.16; 1993 c.293 s.3]

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

(2) A person who contracts with a utility company, energy service provider or water supplier to perform the functions described in subsection (1) of this section shall furnish evidence to the Department of Consumer and Business Services, in the form of a public liability policy issued by an insurance company qualified to do business in Oregon, that the contractor and its employees are protected against liability for injury or death to persons and loss of or damage to property resulting from the installation.

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

(4) A person who performs, or who contracts to have performed, a service described in subsection (1) of this section may not perform any additional service for which a license is required under this chapter unless the person is licensed under this chapter to perform the additional service. A person not licensed under this chapter who performs services that are not described in subsection (1) of this section for which a license is required under this chapter is subject to civil penalty under ORS 693.190.

(5) Every utility company, energy service provider or water supplier shall include in any contract for the performance of a service described in subsection (1) of this section a statement that, under penalty of ORS 693.190, the contractor may not perform any service for which a license is required under this chapter, except installation of low-flow showerheads or faucet aerators, unless the contractor is licensed under this chapter to perform that service. [1993 c.293 s.1]

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

LICENSING

693.030 Certificate requirements for plumbers, journeymen and apprentices. (1) A person shall not engage in the trade or business of journeyman plumber without a certificate of competency as provided by this chapter.

(2) A person registered to conduct a plumbing business, or who is required to be registered under this chapter, shall not:

(a) Permit or suffer any person to work as a journeyman plumber who does not hold a valid journeyman plumber's certificate of competency.

(b) Permit or suffer any person to work as an apprentice plumber who does not meet the requirements of ORS chapter 660.

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

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

693.040 Apprentices; authority to work. A plumbing apprentice who meets the requirements of ORS chapter 660 may work at the trade of plumbing so long as the apprentice works under the supervision of a certified journeyman plumber. [Amended by 1981 c.438 s.13; 1993 c.397 s.2]

693.050 Application for certificate; examination. (1) Applications for examination for a journeyman plumber's certificate of competency shall be made on forms furnished by the Department of Consumer and Business Services. The form shall state the applicant's full name, address and plumbing experience.

(2) Application for examination for a journeyman plumber's certificate of competency shall be accompanied by:

(a) Proof satisfactory to the State Plumbing Board that the applicant has had at least four years of general experience as an apprentice plumber or equivalent experience, as determined by the board by rule, in installing, altering or repairing plumbing; and

(b) The examination fee provided in ORS 693.135. [Amended by 1969 c.540 s.3; 1975 c.429 s.14; 1977 c.873 s.13; 1981 c.438 s.14; 1987 c.414 s.50a; 1993 c.744 s.152]

693.060 Issue of journeyman's certificate; limitation on issue. (1) The State Plumbing Board shall issue a certificate of competency to such persons as have by the examination provided for by this chapter shown themselves fit, competent and qualified to engage in the business, trade or calling of a journeyman plumber.

(2) No certificate of competency under this section shall be issued to any journeyman until the applicant therefor has complied with the rules and requirements of the board and has paid to the board the certificate fee provided in ORS 693.135. [Amended by 1973 c.734 s.5; 1981 c.438 s.15]

693.070 Certificate number; issue and expiration dates. All certificates of competency shall bear:

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

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

693.075 Renewal of certificate. (1) The holder of a journeyman plumber's certificate of competency is entitled to renewal of the certificate upon its expiration if the person pays the renewal fee provided in ORS 693.135 within 90 days after expiration of the certificate.

(2) If a person fails to qualify for renewal of a certificate under this section, the person only may receive a certificate if the person applies for, qualifies for and is issued a certificate in the same manner as a person who has not previously held a certificate. [1981 c.438 s.23]

693.080 [Repealed by 1981 c.438 s.46]

693.090 Grounds for discipline; hearing; application for new certificate after revocation. (1) The State

Plumbing Board may revoke or suspend any journeyman plumber's certificate of competency if it is obtained through error or fraud or if the holder of a certificate of competency has failed to comply with ORS 447.010 to 447.160 or the rules adopted thereunder or with ORS chapter 455 or the rules adopted thereunder or with ORS chapter 693 or the rules adopted thereunder.

(2) The board shall not deny any application for a certificate or revoke or suspend a certificate without first giving the applicant or certificate holder an opportunity for a hearing on the denial, suspension or revocation. Notice of a hearing shall be given in writing by receipted certificated mail or by personal service at least 10 days before the date of the hearing and shall state the place, date and hour of the hearing along with the grounds for the denial, suspension or revocation.

(3) Any person whose certificate of competency has been revoked may, after the expiration of one year from the date of revocation, but not before, apply for a new certificate of competency. [Amended by 1971 c.734 s.152; 1981 c.438 s.17; 1999 c.597 s.2]

693.095 Certification program for plumbers as supervisors. The State Plumbing Board, by rule, may provide a program for the certification of journeyman plumbers who demonstrate to the satisfaction of the board competency in the supervision of plumbing work and in the laws, rules, ordinances and practices relating to plumbing. Any program established under this section may include the following:

(1) Issuance of a certificate of competency as a supervising plumber.

(2) Requirements that journeyman plumber applicants have experience, pass an examination or otherwise demonstrate skill as determined appropriate by the board.

(3) A requirement for the payment of fees established by the board consistent with ORS 693.135.

(4) Circumstances under which the board may revoke or suspend the supervising plumber's certificate of competency as the board determines necessary to protect the public health and safety.

(5) Annual or other renewal as the board determines necessary. [1981 c.438 s.22]

693.100 Board power to issue certificates; power to make rules. (1) The State Plumbing Board is empowered to grant and issue certificates of competency to persons desiring or intending to engage in the trade or calling of journeyman plumber, in the manner and upon the terms and conditions provided in this chapter.

(2) The board shall prescribe, amend and enforce rules consistent with this chapter for the examination and certification of journeymen plumbers. [Amended by 1981 c.438 s.18]

693.103 Limited specialty plumbers; certification; fees. (1) The State Plumbing Board, by rule, may provide a program for the certification of limited specialty plumbers who demonstrate to the satisfaction of the board competency in the laws, rules, ordinances and practices relating to their plumbing specialty. A person certified under this section is authorized to perform the class of plumbing work included in the branch of the plumbing trade for which the person has been certified. Any program established under this section may include the following:

(a) Issuance of a certificate of competency as a limited specialty plumber.

(b) Requirements that limited plumbing specialty applicants have experience, pass an examination or otherwise demonstrate competency as determined appropriate by the board.

(c) A requirement for the payment of fees established by the board consistent with ORS 693.135.

(d) Circumstances under which the board may revoke or suspend the limited specialty plumber's certificate of competency as the board determines necessary to protect the public health and safety.

(e) Annual or other renewal as the board determines necessary.

(2)(a) Under the provisions of this section the board shall provide for the installation and replacement of residential water heaters to existing plumbing designed for that purpose if the installation or replacement does not require an alteration of the existing plumbing.

(b) Qualification for certification for a plumbing specialty under this subsection shall include testing and a requirement for training.

(c) For purposes of this subsection, "plumbing specialty" is limited to installation of water heaters by persons licensed under ORS 479.630 (12).

(d) The provisions of this subsection do not otherwise affect the ability of persons certified under subsection (1) of this section to make connections to water systems. [1985 c.590 s.4; 1993 c.477 s.1; 1995 c.715 s.6]

693.105 Certificate denial procedure; promulgation, review of rules and orders; hearing officers. (1) Where

the State Plumbing Board proposes to refuse to issue or renew any certificate under this chapter, or proposes to revoke or suspend any such certificate, opportunity for hearing shall be accorded as provided in ORS 183.310 to 183.550.

(2) Promulgation of rules, conduct of hearings, issuance of orders and judicial review of rules and orders shall be in accordance with ORS 183.310 to 183.550.

(3) Hearings under this section must be conducted by a hearing officer assigned from the Hearing Officer Panel established by section 3, chapter 849, Oregon Laws 1999. [1971 c.734 s.154; 1999 c.849 s.169]

Note: The amendments to 693.105 by section 170, chapter 849, Oregon Laws 1999, become operative January 1, 2004. See section 171, chapter 849, Oregon Laws 1999. The text that is operative on and after January 1, 2004, is set forth for the user's convenience.

693.105. (1) Where the State Plumbing Board proposes to refuse to issue or renew any certificate under this chapter, or proposes to revoke or suspend any such certificate, opportunity for hearing shall be accorded as provided in ORS 183.310 to 183.550.

(2) Promulgation of rules, conduct of hearings, issuance of orders and judicial review of rules and orders shall be in accordance with ORS 183.310 to 183.550.

(3) Hearings under this section must be conducted by a hearing officer designated by the board.

693.108 Continuing education requirement. The State Plumbing Board, by rule, may require evidence of completion of continuing education in areas that impact plumbers as a requirement for renewing a certificate of competency. [1991 c.555 s.2]

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

STATE BOARD

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

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

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

(b) One person who is registered to conduct a plumbing business;

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

(d) One registered professional mechanical engineer;

(e) One officer or employee of the Health Division of the Department of Human Services;

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

(g) One member of the general public.

(3) The term of office of each member is four years and no member shall be eligible for appointment to more than two full terms of office, but a member serves at the pleasure of the Governor. Before the expiration of the term of a member, the Governor shall appoint a successor. If there is a vacancy for any cause, the Governor shall make an appointment to become immediately effective for the unexpired term.

(4) A member of the board shall receive compensation and expenses as provided in ORS 292.495. [1981 c.438 ss.4,5,9; 1987 c.414 s.51; 1993 c.744 s.153]

693.120 Duties of board to examine plumbers. (1) The State Plumbing Board shall examine for fitness and qualifications all persons applying for certificates to engage in the business, trade or calling of a journeyman plumber.

(2) The examination for a certificate as a journeyman plumber shall consist of the following two parts:

(a) A written examination; and

(b) A practical examination requiring the demonstration of mechanical plumbing skills. [Amended by 1971 c.753 s.35; 1981 c.438 s.19]

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

the functions of such offices as the board determines.

(2) A majority of the members of the board constitutes a quorum for the transaction of business.

(3) The board shall meet as the board determines necessary, but not less than once every other month, at a place, day and hour determined by the board. The board also may meet at other times and places specified by the call of the chairperson or of a majority of the members of the board. [1981 c.438 ss.7,8]

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

693.135 Fees. The State Plumbing Board, by rule, shall establish fees to be charged by and paid to the board under this chapter. The following fees shall be the maximum fees established under this section:

(1) For an examination for a journeyman plumber's certificate of competency, \$100.

(2) For a journeyman plumber's certificate of competency, original and annual renewal, \$50.

(3) For registration to conduct a plumbing business, original and annual renewal, \$150.

(4) For examination for supervising plumber's certificate of competency, \$50.

(5) For registration as a supervising plumber, original and annual renewal, \$50.

(6) For continuing education for renewing a certificate of competency, \$25. [1981 c.438 s.24; 1991 c.555 s.3; 1993 c.397 s.3]

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

693.150 [Repealed by 1971 c.753 s.74]

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

693.165 Disposition of receipts. All moneys received by the Department of Consumer and Business Services or the State Plumbing Board under ORS 447.010 to 447.160 and this chapter shall be paid into the Consumer and Business Services Fund created by ORS 705.145. Such moneys shall be used only for the administration and enforcement of ORS 447.010 to 447.160 and this chapter. [1981 c.438 s.26; 1993 c.744 s.161]

ENFORCEMENT

693.180 Denial of right to court action for uncertified plumber or unqualified apprentice. No person who provides services connected with plumbing, as defined in ORS 447.010, may bring or maintain an action in the courts of this state to recover for such services unless the person alleges and proves that, at the time the services were performed, the person performing them either:

(1) Held a valid journeyman plumber's certificate of competency; or

(2) Met the requirements of a plumbing apprentice under ORS chapter 660. [1981 c.438 s.25; 1993 c.397 s.4]

CIVIL PENALTIES

693.190 Civil penalties. (1) The State Plumbing Board may impose a civil penalty against any person who violates any provision of this chapter or any rule adopted thereunder. The penalty shall be imposed as provided in ORS 183.090. A civil penalty imposed under this section shall be in an amount determined by the board of not more than \$5,000 for each offense. The maximum penalty under this section may be imposed only upon a finding of a pattern of violations. The Department of Consumer and Business Services shall adopt by rule a definition of what constitutes a pattern of violations.

(2) All amounts recovered under this section are subject to ORS 693.165.

(3) The Attorney General shall bring an action in the name of the State of Oregon in a court of appropriate jurisdiction to enforce any civil penalty imposed under this section. [1981 c.438 s.27; 1991 c.734 s.83; 1999 c.846 s.4]

693.990 [Repealed by 1981 c.438 s.46]
