

B-Engrossed
House Bill 2181

Ordered by the House July 10
Including House Amendments dated April 26 and July 10

Ordered printed by the Speaker pursuant to House Rule 12.00A (5). Pre-session filed (at the request of Governor Theodore R. Kulongoski for Department of Consumer and Business Services and Office of Regulatory Streamlining)

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure.

- Provides for adoption of rules for administering building trade licensing programs.
- Specifies grounds for denial, suspension, revocation, conditioning or refusal to renew certain licenses, certificates or registrations for persons engaging in building trades. Modifies requirements for licensure.
- Becomes operative July 1, 2006.
- Declares emergency, effective on passage.

A BILL FOR AN ACT

1
2 Relating to building trades; creating new provisions; amending ORS 90.145, 446.210, 446.395, 446.400,
3 446.405, 447.040, 447.060, 447.065, 447.070, 447.072, 447.076, 447.154, 455.122, 455.125, 455.156,
4 455.415, 455.628, 455.720, 455.735, 455.737, 460.005, 460.057, 460.059, 460.065, 460.075, 460.085,
5 460.155, 479.630, 479.680, 479.945, 480.432, 480.607, 480.630, 480.632, 480.634, 480.640, 670.410,
6 693.010, 693.020, 693.025, 693.030, 693.040, 693.060, 693.070, 693.095, 693.103, 693.105, 693.111,
7 693.115, 693.120, 693.135 and 693.180; repealing ORS 447.030, 447.050, 479.633, 479.635, 479.640,
8 479.650, 479.660, 480.575, 480.635, 693.050, 693.075, 693.090, 693.100 and 693.108; and declaring an
9 emergency.

10 **Be It Enacted by the People of the State of Oregon:**

11 **SECTION 1. Sections 2 to 5 of this 2005 Act are added to and made a part of ORS chapter**
12 **455.**

13 **SECTION 2. (1) Except as provided in subsection (3) of this section, a regulatory body**
14 **listed in subsection (2) of this section may adopt rules to administer the licensing, certif-**
15 **ication or registration of persons regulated by the body. The rules adopted under this section**
16 **may include, but need not be limited to:**

17 (a) **The form and content of an application for issuance or renewal of a license, certif-**
18 **icate or registration;**

19 (b) **Training and continuing education requirements to maintain a license, certificate or**
20 **registration;**

21 (c) **The form and content of and the process for preparing and administering examina-**
22 **tions and examination reviews;**

23 (d) **The term of a license, certificate or registration; and**

24 (e) **The creation of a system for combining two or more licenses, certificates or regis-**
25 **trations issued to an individual by an advisory board or the Department of Consumer and**

NOTE: Matter in **boldfaced** type in an amended section is new; matter *[italic and bracketed]* is existing law to be omitted. New sections are in **boldfaced** type.

1 **Business Services into a single license, certificate, registration or other authorization.**

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

3 **(a) Subject to ORS 446.003 to 446.200, 446.225 to 446.285 and 446.395 to 446.420, with the**
4 **approval of the Manufactured Structures and Parks Advisory Board, the Department of**
5 **Consumer and Business Services for purposes of licenses, certificates and registrations is-**
6 **sued under ORS 446.003 to 446.200, 446.225 to 446.285 and 446.395 to 446.420.**

7 **(b) Subject to ORS 447.010 to 447.156 and ORS chapter 693, the State Plumbing Board for**
8 **purposes of licenses issued under ORS 447.010 to 447.156 and ORS chapter 693.**

9 **(c) Subject to ORS 460.005 to 460.175, after consultation with the Electrical and Elevator**
10 **Board, the department for purposes of licenses issued under ORS 460.005 to 460.175.**

11 **(d) Subject to ORS 479.510 to 479.945, the Electrical and Elevator Board for purposes of**
12 **licenses issued under ORS 446.210 or 479.510 to 479.945.**

13 **(e) Subject to ORS 480.510 to 480.670, the Board of Boiler Rules for purposes of licenses**
14 **issued under ORS 480.510 to 480.670.**

15 **(3) This section does not authorize the adoption of rules regulating:**

16 **(a) Building officials, inspectors, plan reviewers or municipalities;**

17 **(b) Persons engaged in the manufacture, conversion or repair of prefabricated struc-**
18 **tures, prefabricated components or recreational vehicles; or**

19 **(c) Master builders certified under ORS 455.800 to 455.820.**

20 **NOTE:** Section 3 was deleted by amendment. Subsequent sections were not renumbered.

21 **SECTION 4. (1) Subject to ORS chapter 183, except as provided in subsection (3) of this**
22 **section, a regulatory body listed in subsection (2) of this section may deny a license, certif-**
23 **icate, registration or application or may suspend, revoke, condition or refuse to renew a li-**
24 **cence, certificate or registration if the regulatory body finds that the licensee, certificate**
25 **holder, registrant or applicant:**

26 **(a) Has failed to comply with the laws administered by the regulatory body or with the**
27 **rules adopted by the regulatory body.**

28 **(b) Has failed to comply with an order of the regulatory body or the Director of the De-**
29 **partment of Consumer and Business Services, including but not limited to the failure to pay**
30 **a civil penalty.**

31 **(c) Has filed an application for a license, certificate or registration that, as of the date**
32 **the license, certificate or registration was issued or the date of an order denying the appli-**
33 **cation, was incomplete in any material respect or contained a statement that, in light of the**
34 **circumstances under which it was made, was incorrect or misleading in any respect.**

35 **(d) Has performed work without appropriate licensing, certification or registration or has**
36 **employed individuals to perform work without appropriate licensing, certification or regis-**
37 **tration.**

38 **(e) Has failed to meet any condition or requirement to obtain or maintain a license,**
39 **certificate or registration.**

40 **(f) Has acted in a manner creating a serious danger to the public health or safety.**

41 **(g) Is a business, the owner or an officer of which has an outstanding obligation to pay**
42 **a civil penalty assessed under ORS 455.895 or has been the subject of action against the li-**
43 **cence, certificate or registration by the Department of Consumer and Business Services, the**
44 **director or any advisory board.**

45 **(h) Is a business, the owner or an officer of which was an owner or officer in another**

1 **business at the time:**

2 (A) **The other business was assessed a civil penalty under ORS 455.895 that remains un-**
3 **paid; or**

4 (B) **An act or failure to act by any owner or officer of the other business resulted in**
5 **action being taken against the license, certificate or registration of the other business by the**
6 **department, the director or any advisory board.**

7 (2) **Subsection (1) of this section applies to:**

8 (a) **The State Plumbing Board for purposes of licenses issued under ORS 447.010 to 447.156**
9 **or ORS chapter 693.**

10 (b) **The Electrical and Elevator Board for purposes of licenses issued under ORS 446.210**
11 **or 479.510 to 479.945.**

12 (c) **The Board of Boiler Rules for purposes of licenses issued under ORS 480.510 to 480.670.**

13 (d) **The department for purposes of licenses issued under this chapter.**

14 (e) **The department, subject to Electrical and Elevator Board approval, for purposes of**
15 **licenses issued under ORS 460.005 to 460.175.**

16 (f) **The department, subject to Manufactured Structures and Parks Advisory Board ap-**
17 **proval, for purposes of licenses, certificates and registrations issued under ORS 446.003 to**
18 **446.200, 446.225 to 446.285 and 446.395 to 446.420.**

19 (3) **This section does not apply to licenses, certificates, registrations or applications for**
20 **licensure, certification or registration involving inspectors or involving persons engaged in**
21 **the manufacture, conversion or repair of prefabricated structures, prefabricated components**
22 **or recreational vehicles.**

23 **SECTION 5. If a regulatory body revokes the license, certificate or registration of a**
24 **person under section 4 of this 2005 Act, the regulatory body shall specify a period, not to**
25 **exceed five years, during which the person is disqualified from obtaining any license, certif-**
26 **icate or registration from the regulatory body. If the person applies for reinstatement of a**
27 **revoked license, certificate or registration after the period of disqualification, the person**
28 **must meet the qualifications for initial issuance of the license, certificate or registration.**

29 **SECTION 6.** ORS 90.145 is amended to read:

30 90.145. (1) A tenant who occupies or an applicant who will occupy a dwelling unit and who
31 conducts repairs, routine maintenance or cleaning services on that dwelling unit in exchange for a
32 reduction in rent pursuant to a written or oral agreement with the landlord [*shall not be considered*
33 *to be*] **is not** an employee of the landlord.

34 (2) A [*person*] **tenant or an applicant** described in subsection (1) of this section [*shall*] **may not**
35 **conduct electrical or plumbing installation, maintenance or repair unless properly licensed [*or cer-***
36 **tified under ORS chapter 479 or 693.] under ORS 479.510 to 479.945 or ORS chapter 693. The**
37 **tenant or applicant is not required to obtain a plumbing contractor license under ORS 447.040**
38 **to perform work under this section.**

39 (3) Nothing in this section diminishes the obligations of a landlord to maintain the dwelling unit
40 in a habitable condition under ORS 90.320 or 90.730.

41 (4) Any **electrical or plumbing installation, maintenance or repair** work performed by a
42 tenant or **an** applicant under this section [*shall be in compliance with ORS chapters 447 and 479.*
43 *However, a tenant or applicant shall not be required to secure a certificate of registration under ORS*
44 *447.010 to 447.156 and 447.992*] **must comply with ORS 447.010 to 447.156 and 479.510 to 479.945.**

45 **SECTION 7.** ORS 446.210 is amended to read:

1 446.210. (1) *[Upon payment of a fee required by ORS 479.840]* The Director of the Department
2 of Consumer and Business Services shall issue a limited maintenance electrician’s license to a per-
3 son who *[has complied]*:

4 (a) **Pays the fee required under ORS 479.840;**

5 (b) **Complies** with ORS 479.510 to 479.945 and the rules *[issued thereunder, who]* **adopted under**
6 **ORS 479.510 to 479.945 and section 2 of this 2005 Act;**

7 (c) Passes a written examination administered *[by the department]* **as provided by department**
8 **rule** on basic electrical principles on repair and maintenance of electrical wiring and equipment
9 used in a manufactured structure[,] and

10 (d) Submits proof *[satisfactory to the department]* **as provided by department rule** that the
11 person has *[had]* sufficient experience in the repair and maintenance of *[such]* electrical problems
12 of the type and nature found in a manufactured structure.

13 (2) A person licensed under this section *[and who has passed a written examination administered*
14 *by the department shall be authorized to]* **may** repair and maintain electrical wiring and equipment
15 used in a manufactured structure.

16 **SECTION 8.** ORS 446.395 is amended to read:

17 446.395. (1) Except as provided by rule by the Director of the Department of Consumer and
18 Business Services, *[no person shall install a manufactured dwelling or cabana without first having*
19 *obtained a license therefor from the department.]* **an individual must obtain an installer license**
20 **under ORS 446.400 before installing a manufactured dwelling or cabana.**

21 *[(2) No person required by subsection (1) of this section to obtain a license shall fail to comply with*
22 *the provisions of ORS 446.003 to 446.240, 446.395 to 446.420 and 455.230 or any rule adopted pursuant*
23 *thereto.]*

24 (2) **An individual required by subsection (1) of this section to obtain a license shall comply**
25 **with ORS 446.003 to 446.240 and 446.395 to 446.420 and Department of Consumer and Business**
26 **Services rules adopted under ORS 446.003 to 446.240 and 446.395 to 446.420 and section 2 of**
27 **this 2005 Act.**

28 (3) **Installer** licenses may be issued only to individuals *[and shall not be issued to a business,*
29 *partnership, company, corporation or any other entity].*

30 (4) *[No person, dealer or other entity shall]* **A person may not** employ any individual to install
31 a manufactured dwelling or cabana unless the individual is licensed by the *[director to perform such*
32 *work and such individual is in compliance with the provisions of ORS 446.003 to 446.240, 446.395 to*
33 *446.420 and 455.230 or any rule adopted pursuant thereto.]* **department to perform the work and**
34 **complies with ORS 446.003 to 446.240 and 446.395 to 446.420 and rules adopted under ORS**
35 **446.003 to 446.240 and 446.395 to 446.420 and section 2 of this 2005 Act.**

36 (5) Licenses issued pursuant to ORS *[446.003, 446.395 to 446.420 and 455.230 shall not be*
37 *transferable.]* **446.395 to 446.420 and department rules adopted under section 2 of this 2005 Act**
38 **are not transferable.**

39 **SECTION 9.** ORS 446.400 is amended to read:

40 446.400. *[(1) In accordance with any applicable provisions of ORS chapter 183, the Director of the*
41 *Department of Consumer and Business Services, with the approval of the Manufactured Structures and*
42 *Parks Advisory Board, shall establish by rule a procedure for the licensing of individuals to install*
43 *manufactured dwellings and cabanas. Such a procedure shall include, but not be limited to, provisions*
44 *prescribing:]*

45 *[(a) The form, content and procedures for submitting an application for license issuance and re-*

1 *newal;*]

2 [(b) *The term of the license and the fee for the original issuance and renewal of the license;*]

3 [(c) *The experience and training requirements for determining the qualifications of license appli-*
4 *cants; and]*

5 [(d) *The actions and procedures required for license suspension, revocation and reissuance.*]

6 (1) **The Department of Consumer and Business Services, subject to approval of the**
7 **Manufactured Structures and Parks Advisory Board, shall issue licenses as provided by de-**
8 **partment rules adopted under section 2 of this 2005 Act to individuals to install manufactured**
9 **dwelling and cabanas. The board may adopt classifications of installers including, but not**
10 **limited to, temporary installer, limited installer and installer.**

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

16 (3) Fees collected by the department [*of Consumer and Business Services*] pursuant to this sec-
17 tion shall be deposited in the Consumer and Business Services Fund established by ORS 705.145 and
18 are continuously appropriated to the department for use as provided in ORS 446.423.

19 [(4) *The board may adopt classifications of installers including, but not limited to, temporary in-*
20 *staller, limited installer and installer.*]

21 **SECTION 10.** ORS 446.405 is amended to read:

22 446.405. (1) If a manufactured dwelling or cabana is not installed in accordance with the rules
23 adopted under ORS 446.003 and 446.395 to 446.420, the owner of the manufactured dwelling or
24 cabana, at the time of installation, may, within one year of the completion date of such installation,
25 file a written complaint with the Director of the Department of Consumer and Business Services.
26 The director shall provide a copy of the complaint to the installer and shall also notify the dealer,
27 if any, that arranged for such installation and may then investigate the complaint. If it is determined
28 by the director that the installation fails to comply with licensure requirements as provided by ORS
29 446.003 and 446.395 to 446.420 or the installation rules adopted by the director, the director shall
30 provide notice of such failure to the installer and shall order the installer to bring the installation
31 into compliance within 30 days of date of notice.

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

34 (3) If the installer fails to bring the installation into compliance as ordered, the director may
35 suspend or revoke the installer's license **as provided by Department of Consumer and Business**
36 **Services rules adopted under section 4 of this 2005 Act.**

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

44 (5) Hearings, penalties and appeals resulting from violation of this section shall be carried out
45 in conformance with ORS 183.325 to 183.497 and this section.

1 **SECTION 11.** ORS 447.040 is amended to read:

2 447.040. (1) *[No person shall engage in or follow the business or occupation of, or advertise or*
3 *purport to be or act temporarily or otherwise as registered to conduct a plumbing business and no]* **A**
4 **person may not work as a plumbing contractor, or advertise or purport to be a plumbing**
5 **contractor, and a** member or employee of a firm, partnership or corporation *[shall]* **may not en-**
6 **gage in the layout or superintending of plumbing installations, without having** *[secured the certificate*
7 *of registration required by ORS 447.010 to 447.156 and 447.992.]* **obtained the plumbing contractor**
8 **license required under ORS 447.010 to 447.156 as provided by State Plumbing Board rules**
9 **adopted under section 2 of this 2005 Act.**

10 **(2) A plumbing contractor license does not authorize the contractor to work as a**
11 **journeyman plumber.**

12 **SECTION 12.** ORS 447.060 is amended to read:

13 447.060. (1) *[Nothing in ORS 447.010 to 447.156 and 447.992 prevents a person from:]* **ORS 447.010**
14 **to 447.156 do not apply to a person:**

15 (a) Engaging in plumbing work when not so engaged for hire.

16 (b) Using the services of regular employees in performing plumbing work for the benefit of
17 property owned, leased or operated by *[such employer]* **the person. For purposes of this para-**
18 **graph, “regular employee” means a person who is subject to the provisions of ORS 316.162**
19 **to 316.219 and who has completed a withholding exemptions certificate required by ORS**
20 **316.162 to 316.219.**

21 (c) Using the services of an employee or contractor of a utility company, energy service provider
22 or water supplier to install an approved low-flow showerhead or faucet aerator in existing plumbing
23 fixtures. The devices installed under this paragraph are exempt from the certification, permit and
24 inspection requirements of *[this chapter]* **ORS 447.010 to 447.156** and ORS chapter 693.

25 *[(2) For purposes of subsection (1) of this section, a “regular employee” means a person who is*
26 *subject to the provisions of ORS 316.162 to 316.219 and who has completed a withholding exemptions*
27 *certificate required by the provisions of ORS 316.162 to 316.219.]*

28 *[(3)]* **(2)** A licensee under ORS 671.560 (2) is not required to be *[registered]* **licensed** under ORS
29 447.010 to 447.156 *[and 447.992]* to install backflow prevention devices for irrigation systems and
30 ornamental water features if the installer is licensed as required by ORS 671.615. The exemptions
31 established under this subsection do not exempt the person from the inspection and permit require-
32 ments of *[this chapter]* **ORS 447.010 to 447.156.**

33 *[(4)]* **(3)** This section applies to any person, including but not limited to, individuals, corpo-
34 rations, associations, firms, partnerships, joint stock companies, public and municipal corporations,
35 political subdivisions, this state and any agencies thereof, and the federal government and any
36 agencies thereof.

37 **SECTION 13.** ORS 447.065 is amended to read:

38 447.065. (1) Notwithstanding ORS 447.020, a person may not engage in the trade of installing
39 solar heating and cooling systems unless the person possesses either a *[certificate of competency]* **li-**
40 **cence** as a journeyman plumber issued under ORS chapter 693 or a *[specialty registration]* **solar**
41 **heating and cooling system installer license** issued by the State Plumbing Board under ORS
42 693.111.

43 (2) A *[specialty registration]* **license** issued under ORS 693.111 does not authorize a person to
44 connect a solar heating and cooling system to a potable water source. The connection of a solar
45 heating and cooling system to a potable water source must be made only by a journeyman plumber

1 [possessing a certificate of competency issued] **licensed** under ORS chapter 693.

2 **SECTION 14.** ORS 447.070 is amended to read:

3 447.070. [No] **A** person carrying on, conducting or transacting a plumbing business may **not**
4 maintain any suit or action in any of the courts of this state **to recover for the performance of**
5 **plumbing work** without alleging and proving that the person was duly [registered under ORS
6 447.030 at the time of performing such work.] **licensed as a plumbing contractor at the time of**
7 **the work.**

8 **SECTION 15.** ORS 447.072 is amended to read:

9 447.072. Notwithstanding ORS 455.610, the Department of Consumer and Business Services, with
10 the approval of the State Plumbing Board, shall adopt rules to create an exemption from permit and
11 inspection requirements for ordinary minor repairs in low-rise residential dwellings and commercial
12 structures when the board finds that the plumbing does not involve any changes or alterations of
13 the existing plumbing system. The exemption from the permit:

14 (1) May not include new construction or replacement of water heaters or underground plumbing;
15 and

16 (2) Shall be available only to [registered] **licensed** plumbing contractors or persons [exempt from
17 certification] **described** under ORS 693.020.

18 **SECTION 16.** ORS 447.076 is amended to read:

19 447.076. Notwithstanding ORS 455.610, the Department of Consumer and Business Services, with
20 the approval of the State Plumbing Board, shall adopt rules to create a mandatory inspection pro-
21 gram for minor plumbing installations made by [registered] **licensed** plumbing contractors in low-rise
22 residential dwellings. The rules adopted by the department shall:

23 (1) Define the term “minor plumbing installations” in a manner that does not include new con-
24 struction;

25 (2) Designate which minor plumbing installations are under the inspection program; and

26 (3) Provide for random inspection of minor plumbing installations.

27 **SECTION 17.** ORS 447.154 is amended to read:

28 447.154. (1) The State Plumbing Board may, by rule, grant partial or complete exemptions from
29 any of the provisions of ORS 447.010 to 447.156[, 447.992] and 455.010 to 455.740 to any plumbing
30 product if it is determined that the plumbing product does not present a danger to the health and
31 safety of the people of this state.

32 (2) If the board grants an exemption pursuant to subsection (1) of this section the board may
33 determine that the product may be installed by a person not [certified] **licensed** under ORS 693.010
34 to 693.108.

35 **SECTION 18.** ORS 455.122 is amended to read:

36 455.122. (1) The Director of the Department of Consumer and Business Services, with the ap-
37 proval of the appropriate advisory boards, shall establish a system that allows a contractor or
38 business possessing two or more licenses[, certificates, registrations or other authorizations] described
39 in subsection (2) of this section to have an approved combination of those licenses[, certificates,
40 registrations and other authorizations] issued or renewed simultaneously.

41 (2) Notwithstanding any issuance or renewal dates established [under ORS 479.510 to 479.945
42 and 480.510 to 480.670 and this chapter and ORS chapters 447 and 460] **by rule under section 2 of**
43 **this 2005 Act**, subsection (1) of this section applies to contractor or business licenses[, certificates,
44 registrations or other authorizations] by the Electrical and Elevator Board, the Board of Boiler Rules
45 or the State Plumbing Board.

1 (3) The director shall establish rules to implement the system described in this section. The rules
2 must establish the combinations of licenses[, *certificates, registrations and other authorizations*] for
3 which a simultaneous issuance or renewal is offered, the term and expiration date for the combina-
4 tion, the appropriate fees for administering the system, the criteria for issuance and renewal and the
5 other standards and criteria deemed by the Department of Consumer and Business Services to be
6 necessary to administer and enforce the system.

7 **SECTION 19.** ORS 455.125 is amended to read:

8 455.125. In addition to any other sanction, remedy or penalty provided by law, the Director of
9 the Department of Consumer and Business Services or an appropriate advisory board may deny,
10 suspend, condition or revoke a registration, certification, license or other authority to perform work
11 or conduct business issued under laws administered by the department or advisory board if the
12 holder:

13 (1) Fails to comply with a provision of ORS 446.003 to 446.200, 446.225 to 446.285, 446.395 to
14 446.420, 479.510 to 479.945, 479.950 or 480.510 to 480.670 or ORS chapter 447, 455, 460 or 693, or with
15 any rule adopted [*thereunder*] **under those statutes or under section 2 of this 2005 Act**; or

16 (2) Engages in an act for which the Construction Contractors Board imposes a sanction on the
17 holder under ORS 701.135.

18 **SECTION 20.** ORS 455.156 is amended to read:

19 455.156. (1) Notwithstanding any other provision of this chapter, ORS chapter 693 or ORS
20 447.010 to 447.156, 447.992, 479.510 to 479.945, 479.990 or 479.995, the Department of Consumer and
21 Business Services shall carry out the provisions of this section.

22 (2)(a) A municipality that establishes a building inspection program under ORS 455.148 or a
23 plumbing inspection program under ORS 455.150 covering installations under the plumbing specialty
24 code or Low-Rise Residential Dwelling Code may act on behalf of the State Plumbing Board to in-
25 vestigate violations of and enforce ORS [*447.030,*] 447.040, 693.030 and 693.040 and to issue notices
26 of proposed assessment of civil penalties for those violations.

27 (b) A municipality that establishes a building inspection program under ORS 455.148 or an
28 electrical inspection program under ORS 455.150 covering installations under the electrical specialty
29 code or Low-Rise Residential Dwelling Code may act on behalf of the Electrical and Elevator Board
30 to investigate violations of and enforce ORS 479.550 (1) and 479.620 and to issue notices of proposed
31 assessment of civil penalties for those violations.

32 (c) A municipality that establishes a building inspection program under ORS 455.148 or 455.150
33 may investigate violations and enforce any provisions of the program administered by the munic-
34 ipality.

35 (3) The department shall establish:

36 (a) Procedures, forms and standards to carry out the provisions of this section, including but
37 not limited to creating preprinted notices of proposed assessment of penalties that can be completed
38 and served by municipal inspectors;

39 (b) A program to provide that all of the moneys recovered by the department, less collection
40 expenses, be paid to the municipality that initiated the charges when a person charged with a vio-
41 lation as provided in subsection (2) of this section, other than a violation of a licensing requirement,
42 agrees to the entry of an assessment of civil penalty or does not request a hearing, and an order
43 assessing a penalty is entered against the person;

44 (c) A uniform citation process to be used in all jurisdictions of the state for violation of a li-
45 censing requirement. The process may include but need not be limited to all program areas admin-

1 istered by a municipality under ORS 455.148 or 455.150 and may provide a uniform method for
2 checking license status and issuing citations for violation of a licensing requirement, and a con-
3 sistent basis for enforcement of licensing requirements and treatment of violations, including fine
4 amounts;

5 (d) A program to provide a division of the moneys recovered by the department with the
6 municipality that initiated the charges, when a person charged with a violation as provided in sub-
7 section (2) of this section, other than a violation of a licensing requirement, requests a hearing and
8 is assessed a penalty. One-half of the amounts recovered shall be paid to the municipality. The de-
9 partment shall keep an amount equal to its costs of processing the proceeding and collection ex-
10 penses out of the remaining one-half and remit the balance, if any, to the municipality; and

11 (e) A program to require municipalities to investigate violations of the department's permit re-
12 quirements for plumbing installations and services under the plumbing specialty code and for
13 plumbing and electrical installations and services under the Low-Rise Residential Dwelling Code,
14 and to:

15 (A) Initiate notices of proposed assessment of civil penalties as agents of the boards designated
16 in subsection (2) of this section; and

17 (B) Pay the agents of the boards out of net civil penalty recoveries as if the recoveries were
18 under paragraphs (b) and (d) of this subsection.

19 (4) The assessment of a civil penalty under this section by a municipality is subject to the
20 amount limitations set forth in ORS 455.895.

21 (5)(a) It shall be a defense for any person charged with a penalty for violation of a building in-
22 spection program permit requirement covering plumbing installations under the plumbing specialty
23 code, electrical permit requirements under ORS 479.550 or plumbing or electrical requirements un-
24 der the Low-Rise Residential Dwelling Code that the person was previously penalized for the same
25 occurrence.

26 (b) A building inspection program permit requirement is a requirement contained in a specialty
27 code or municipal ordinance or rule requiring a permit before the particular installations covered
28 by the codes are commenced.

29 (c) A penalty for the same occurrence includes a combination of two or more of the following
30 that are based on the same plumbing or electrical installation:

31 (A)(i) An investigative or other fee added to an electrical permit fee when a permit was obtained
32 after the electrical installation was started;

33 (ii) A civil penalty pursuant to ORS 479.995 for violation of ORS 479.550 for failure to obtain
34 an electrical permit;

35 (iii) A civil penalty pursuant to ORS 455.895 for failure to obtain an electrical permit under the
36 Low-Rise Residential Dwelling Code; or

37 (iv) A municipal penalty, other than an investigative fee, for making an electrical installation
38 under the electrical specialty code or the Low-Rise Residential Dwelling Code without a permit; or

39 (B)(i) An investigative or other fee added to a plumbing permit fee when a permit was obtained
40 after the plumbing installation was started;

41 (ii) A civil penalty pursuant to ORS 447.992 for failure to obtain a plumbing permit as required
42 under the plumbing specialty code;

43 (iii) A civil penalty pursuant to ORS 455.895 for failure to obtain a plumbing permit under the
44 Low-Rise Residential Dwelling Code; or

45 (iv) A municipal penalty, other than an investigative fee, for making a plumbing installation

1 under the plumbing specialty code or the Low-Rise Residential Dwelling Code without a permit.

2 **SECTION 21.** ORS 455.415 is amended to read:

3 455.415. (1) A person who is [*registered, licensed or certified*] **licensed** by the State Plumbing
4 Board or the [*Director of the*] Department of Consumer and Business Services pursuant to ORS
5 460.057, 460.059, 479.630, 479.910, 480.630, 693.060, 693.103 or 693.111 must wear and visibly display
6 an identification badge indicating the person's current license[, *registration or certification*] status
7 while performing work for which the license[, *registration or certification*] is required. The authority
8 that [*registers, licenses or certifies*] **licenses** the person shall specify the size and content of the
9 identification badge and may establish such other specifications as the authority deems appropriate.

10 (2) Subsection (1) of this section does not apply [*under any circumstances in which*] **if** wearing
11 or displaying the identification badge may create a danger to the public health or **to the** safety of
12 the person or the public.

13 [*(3) Nothing in this section is intended to require the display of a contractor or business license,*
14 *registration, certification or other authorization.*]

15 **(3) This section does not require the display of a contractor or business license.**

16 **SECTION 21a.** ORS 455.628 is amended to read:

17 455.628. (1) The Department of Consumer and Business Services or a municipality administering
18 and enforcing a building inspection program under ORS 455.148 or 455.150 may not require a plan
19 review for one and two family dwellings that are of conventional light frame construction, as defined
20 by the department by rule, if:

21 (a) The plans for the dwelling are designed and stamped by a professional engineer registered
22 under ORS 672.092 or an architect registered under ORS 671.060; and

23 (b) The engineer or architect is certified by the Director of the Department of Consumer and
24 Business Services under ORS 455.720 as [*a*] **being qualified to examine** one and two family dwelling
25 plans [*examiner*].

26 (2) The department or municipality is exempt from liability for any damages arising from the
27 nonperformance of a plan review pursuant to this section.

28 **SECTION 21b.** ORS 455.720 is amended to read:

29 455.720. (1) In accordance with applicable provisions of ORS chapter 183, to promote effective
30 and uniform enforcement of the state building code by improving the competence of building officials
31 and inspectors, the Director of the Department of Consumer and Business Services, with the advice
32 of the advisory boards, shall:

33 (a) Establish for building officials and inspectors reasonable minimum training and experience
34 standards, including but not limited to courses or subjects for instruction, facilities for instruction,
35 qualification of instructors[,] **and** methods of instruction [*and classification of responsibility*]. The
36 standards shall include provisions for determining a practical experience equivalent.

37 (b) Establish a procedure to be used by municipalities to determine whether a person meets
38 minimum standards or has minimum training to be appointed or employed as a building official or
39 inspector. The procedure shall allow for a field examination of a person to determine if the person
40 meets the practical experience equivalent of a minimum standard.

41 (c) Subject to such terms, conditions and classifications as the director may impose, certify
42 building officials as being qualified, and revoke such certifications in the manner provided in ORS
43 455.740.

44 [*(d) Subject to such terms, conditions and classifications as the director may impose, certify in-*
45 *spectors as being qualified to enforce one or more particular specialty codes, and revoke such certif-*

1 *ications in the manner provided in ORS 455.740.]*

2 [(e)] (d) Require an applicant for a certificate as a building official or inspector to demonstrate
3 knowledge of the laws governing accessibility to buildings by disabled persons by passing an exam-
4 ination prescribed by the director.

5 (2) The director shall maintain and, upon request of municipalities, furnish information on ap-
6 plicants for appointment or employment as building officials or inspectors.

7 (3) Pursuant to ORS chapter 183, the director shall adopt rules necessary to carry out the cer-
8 tification programs provided by subsection (1) of this section.

9 (4) The director, by rule, may require evidence of completion of continuing education covering
10 any certification created under this section as a condition of maintaining the certification. Nothing
11 in this subsection shall prohibit the director from delegating any of this power to a municipality.

12 **(5) The director, with the advice of the appropriate advisory boards, may adopt rules for**
13 **certifying inspectors as being qualified to enforce one or more particular specialty codes,**
14 **subject to any terms, conditions and classifications the director may impose, and for revok-**
15 **ing those certifications in the manner provided in ORS 455.740.**

16 **SECTION 21c.** ORS 455.735 is amended to read:

17 455.735. (1) Any person desiring to be certified as a building official or inspector pursuant to
18 ORS 455.715 to 455.740 shall make application to the Director of the Department of Consumer and
19 Business Services upon such forms as the director may prescribe for such purpose.

20 (2)(a) Each person applying for certification pursuant to this section shall pay a fee of \$22.

21 (b) In the event the director requires, by rule, an applicant for a particular certification to pass
22 an examination prepared by a national organization, the applicant shall pay in addition to the fee
23 required in paragraph (a) of this subsection, the cost of the examination.

24 (3) Upon determining that the applicant is qualified under ORS 455.715 to 455.740, the director
25 shall issue *[or cause]* **a certificate or cause a certificate** to be issued to the applicant *[a certificate*
26 *setting forth the class and any restrictions upon the certification, including, if the applicant is an in-*
27 *pector, the particular specialty codes which the applicant is certified to enforce].*

28 **SECTION 21d.** ORS 455.737 is amended to read:

29 455.737. (1) Notwithstanding ORS 455.720 (1), the Director of the Department of Consumer and
30 Business Services, by rule, shall adopt criteria for review of the experience and training in building
31 inspection and building plan review acquired by a person outside the State of Oregon. The criteria
32 shall be adopted in a manner that facilitates review of a person's qualifications by a local building
33 official.

34 (2)(a) A local building official who wishes to employ a person who is not certified under ORS
35 455.735 as an inspector shall submit the person's qualifications to the director. The director shall
36 review the stated qualifications against the criteria adopted under subsection (1) of this section,
37 including verification of experience and training. The director shall respond to the local building
38 official in writing within 10 working days of receiving the applicant's qualifications, stating whether
39 the person meets the applicable criteria.

40 (b) Upon application and payment of the required fee, the director shall allow a person whose
41 qualifications meet the criteria adopted under subsection (1) of this section to sit for any examina-
42 tion necessary for the required certification. *[The application shall include a declaration, taken before*
43 *a notary public, affirming the accuracy of the experience and training set forth in the application.]*

44 **SECTION 22.** ORS 460.005 is amended to read:

45 460.005. As used in ORS 460.005 to 460.175, unless the context requires otherwise:

1 (1) "Alteration" means any change or addition to the equipment other than ordinary repair or
2 replacement of an existing part thereof.

3 [(2) "Board" means the Electrical and Elevator Board established under ORS 455.138.]

4 [(3)] (2) "Certified elevator inspector" means an employee or representative of a casualty in-
5 surance company or companies who has passed the required examination and has been issued a
6 certificate of competency as an elevator inspector by the Department of Consumer and Business
7 Services.

8 [(4) "Department" means the Department of Consumer and Business Services.]

9 [(5) "Director" means the Director of the Department of Consumer and Business Services.]

10 [(6)] (3) "Elevator" means a hoisting and lowering mechanism equipped with a car or platform
11 which moves in guides, and which serves two or more landings, and includes but is not limited to
12 dumbwaiters, escalators, manlifts, platform hoists, vertical parking units for motor vehicles and
13 moving walks.

14 (4) "Elevator contractor license" means an authorization issued by the Department of
15 Consumer and Business Services under ORS 460.005 to 460.175 for the licensee to engage in
16 the business of installing, altering, repairing and maintaining elevators.

17 [(7) "License" means an annual permit issued by the department under ORS 460.005 to 460.175
18 authorizing the person whose name appears as licensee thereon to act as an elevator contractor for the
19 installation, alteration, repair and maintenance of elevators.]

20 [(8)] (5) "Minimum safety standards" means safety standards provided by ORS 460.005 to 460.175.

21 [(9)] (6) "Moving walk" means a power-driven, horizontal or inclined, or combination,
22 passenger-carrying device, in which the passenger-carrying surface remains parallel to its direction
23 of motion, and is uninterrupted.

24 [(10)] (7) "Operating permit" means a permit issued by the department for the operation of an
25 elevator indicating that the required safety inspection has been made and the elevator has been
26 found to be in compliance with the minimum safety standards provided for in ORS 460.005 to 460.175.

27 [(11)] (8) "Platform hoist" means a hoisting and lowering mechanism equipped with an open
28 platform [which] **that** moves in a substantially vertical direction and [which] travels a limited dis-
29 tance above or below a building floor or dock level.

30 [(12)] (9) "Provisional operating permit" means a permit issued by the department on the basis
31 of a variance from the minimum safety standards under ORS 460.005 to 460.175.

32 **SECTION 23.** ORS 460.057 is amended to read:

33 460.057. The Department of Consumer and Business Services [by rule shall establish criteria for
34 issuing] **may issue** a special limited license to a person who can document to the satisfaction of the
35 department that the person possesses sufficient work experience in the mechanical aspects of ele-
36 vator installation, alteration, maintenance and repair acquired prior to October 23, 1999. **In addi-**
37 **tion to any other conditions or limitations imposed by department rule on the scope of work**
38 **that may be performed under the license**, the license shall limit the person to performing me-
39 chanical installation, alteration, maintenance and repair on elevators. [The department may further
40 establish conditions and limit the scope of work that may be performed by a person licensed under this
41 section.]

42 **SECTION 24.** ORS 460.059 is amended to read:

43 460.059. The [Electrical and Elevator Board shall establish by rule criteria for issuing] **Depart-**
44 **ment of Consumer and Business Services may issue** a special limited license to a person en-
45 gaged in an approved apprenticeship program that allows the person to engage in the installation,

1 alteration, maintenance and repair of elevators. The *[board]* **department, after consultation with**
2 **the Electrical and Elevator Board**, shall establish conditions and the specific scope of work that
3 may be performed by a person licensed under this section.

4 **SECTION 25.** ORS 460.065 is amended to read:

5 460.065. (1) Subject to ORS 460.075, the expiration date of:

6 (a) Elevator operating permits shall be one year from the original date of issue and thereafter
7 on the anniversary date of issue.

8 (b) A certified elevator inspector's certificate of competency shall be December 31 of the year
9 in which it is issued.

10 *[(c) Elevator contractors' licenses shall be July 1 following the date of issuance.]*

11 (2) Subject to ORS 460.055, 460.075 and 460.165, holders of *[an elevator contractor's license,]* a
12 certificate of competency or an operating permit who have complied with ORS 460.005 to 460.175
13 and the rules *[made]* **adopted** under ORS 460.085 (1), shall be entitled to renewal *[at the expiration*
14 *thereof.]* **of the certificate or permit at expiration.**

15 **SECTION 26.** ORS 460.075 is amended to read:

16 460.075. (1) Subject to the provisions of ORS chapter 183, the Department of Consumer and
17 Business Services shall cancel, revoke or suspend the operating permit for any elevator *[which fails*
18 *to]* **that does not** comply with the minimum safety standards provided by ORS 460.005 to 460.175.

19 (2) Subject to the provisions of ORS chapter 183, the department may suspend or revoke the
20 certificate of competency of any certified elevator inspector:

21 (a) Whom the department finds to be performing the work in a manner inconsistent with the
22 intent and purposes of ORS 460.005 to 460.175.

23 (b) Who fails to file in advance with the department the name of any company for which the
24 inspector performs an inspection.

25 (c) Who willfully violates ORS 460.005 to 460.175 or rules *[issued]* **adopted** under ORS 460.085
26 (1).

27 (d) Who deliberately falsified the application of the inspector for such certificate or the in-
28 spection report made to the department.

29 (e) Who persistently fails to properly report to the department in writing regarding elevators
30 inspected by the inspector.

31 *[(3) Subject to the provisions of ORS chapter 183, the department may suspend or revoke the license*
32 *of an elevator contractor who willfully violates ORS 460.005 to 460.175 or rules issued under ORS*
33 *460.085 (1).]*

34 **SECTION 27.** ORS 460.085 is amended to read:

35 460.085. (1) In accordance with the applicable provisions of ORS chapter 183, the Director of the
36 Department of Consumer and Business Services, after consultation with the Electrical and Elevator
37 Board, shall adopt reasonable rules:

38 (a) Establishing safety standards applicable to the installation of elevators installed after July
39 21, 1973.

40 (b) Establishing safety standards applicable to the alteration, repair or maintenance of elevators.
41 The Department **of Consumer and Business Services** may provide differing standards for elevators
42 installed prior to July 1, 1961, and after July 1, 1961.

43 (c) Governing the issuance, renewal, suspension and revocation of *[licenses,]* permits and certif-
44 icates of competency issued under ORS 460.005 to 460.175.

45 (d) Prescribing the time, place and circumstances under which permits, licenses and certificates

1 of competency shall be exhibited for inspection.

2 (e) Governing the internal organization and procedure of the department for administering and
3 enforcing ORS 460.005 to 460.175.

4 (f) Prescribing, requiring and governing reports by the department's staff of elevator inspectors
5 and certified elevator inspectors on elevators inspected by them.

6 (2) In adopting rules under subsection (1) of this section, the director shall consider:

7 (a) Technological advances in the elevator industry.

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

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

11 (d) Safety standards followed, proposed or approved by responsible members of the elevator in-
12 dustry.

13 (3) The sole purpose of subsection (1)(b) of this section is to provide reasonable safety for life
14 and limb. In case of practical difficulty or unnecessary hardship, the department shall grant ex-
15 ceptions from the literal requirements or permit the use of other devices or methods than specified
16 pursuant to subsection (1)(b) of this section when it is evident that reasonable safety is thereby se-
17 cured.

18 (4) Any owner, user or other person aggrieved by the application by the department of the
19 minimum safety standards established pursuant to subsection (1)(b) of this section may appeal in the
20 same manner and for the same reasons as provided under ORS 460.155.

21 **SECTION 28.** ORS 460.155 is amended to read:

22 460.155. (1) The Department of Consumer and Business Services shall hear the appeal of an
23 appellant:

24 (a) Who has filed a written request:

25 *[(a)]* (A) Within 10 days of receiving written notice that *[a restraining order or]* **an** injunction
26 will be sought[,]; or

27 *[(b)]* (B) Within 30 days after receiving notice that a permit or certificate of competency will
28 be canceled, revoked or suspended[,]; or

29 (b) Who is affected by *[either of such notices]* **a notice described in paragraph (a) of this**
30 **subsection.**

31 (2) *[In case]* **If** there is a timely appeal, the *[restraining order or]* injunction will not be sought
32 or the permit or certificate of competency will not be canceled, suspended or revoked pending the
33 appeal unless the reason for the *[restraining order,]* injunction, cancellation, suspension or revoca-
34 tion constitutes an immediate menace to health or safety.

35 (3) The department shall likewise hear the appeal of an appellant who has filed a written request
36 and who has reason to desire a change in the minimum safety standards or the rules under ORS
37 460.005 to 460.175, or has been denied a permit **under ORS 460.055** or a certificate of competency.

38 (4) The department shall set the time and place for hearing and give the appellant 10 days'
39 written notice.

40 (5) All appeals shall be heard within three months of receipt of the request~~;~~ *provided*], **except**
41 **that** if immediate menace to health or safety is involved[,] the appeal shall be heard within 20 days
42 of receipt of the request.

43 (6)(a) Two or more appeals may be consolidated for hearing, if based upon substantially the same
44 facts.

45 (b) The department and the appellant may subpoena witnesses who shall receive the same com-

1 pensation and mileage pay as circuit court witnesses.

2 (c) The appeal shall be heard by the department before the Electrical and Elevator Board.

3 (d) A written record shall be kept.

4 (e) The department shall determine the appeal after consultation with and giving consideration
5 to the views of the board.

6 (7) Judicial review of any final order or decision of the department shall be taken pursuant to
7 the provisions of ORS chapter 183.

8 **SECTION 29.** ORS 479.630 is amended to read:

9 479.630. *[Upon payment of]* **If the person pays the** applicable examination and license fees re-
10 quired under ORS 479.840[,] **and complies with ORS 479.510 to 479.945 and the rules adopted**
11 **under ORS 479.510 to 479.945 and section 2 of this 2005 Act,** the Department of Consumer and
12 Business Services shall issue:

13 (1) An electrical contractor's license to a person engaging in or carrying on a business of mak-
14 ing electrical installations *[who has complied with ORS 479.510 to 479.945 and the rules issued*
15 *thereunder]*.

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

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

18 *[(b)] (a)* Passes a written examination prepared by the Electrical and Elevator Board and ad-
19 ministered by the department; and

20 *[(c)] (b)* Submits proof satisfactory to the *[Electrical and Elevator]* board that the person has had
21 at least four years of experience as a general journeyman electrician or its equivalent, as deter-
22 mined by the board by rule, in installing, maintaining and repairing electrical wires and equipment.

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

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

28 *[(b)] (a)* Passes a written examination prepared by the *[Electrical and Elevator]* board and ad-
29 ministered by the department; and

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

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

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

34 *[(b)] (a)* Passes a written examination prepared by the *[Electrical and Elevator]* board and ad-
35 ministered by the department; and

36 *[(c)] (b)* Submits proof satisfactory to the board that:

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

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

1 wires and equipment in the commercial and industrial branches of the electrical trade under the
2 supervision of a licensed electrical contractor.

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

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

8 [(b)] (a) Passes a written examination prepared by the [*Electrical and Elevator*] board and ad-
9 ministered by the department; and

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

13 (6) A limited elevator journeyman license to a person who qualifies under this subsection. A
14 person licensed under this subsection is authorized to install, maintain and repair elevators, in-
15 cluding all electrical and mechanical systems. A person qualifies under this subsection if the person
16 has completed an elevator apprenticeship program, including both electrical and mechanical training
17 components, approved by the [*Electrical and Elevator*] board by rule and the person submits an ap-
18 plication for licensure to the board in writing. A person issued a license under this subsection is
19 exempt from continuing education requirements established under ORS [*479.650 and*] 479.680 **and**
20 **section 2 of this 2005 Act.**

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

22 [(a)] has complied with ORS chapter 660 as an electrical apprentice.[: and]

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

24 (8) An electrical apprentice's license to a trainee toward a limited residential electrician's li-
25 cense who[:]

26 [(a)] has complied with ORS chapter 660 as an electrical apprentice.[: and]

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

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

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

32 (b) Conducts an electrical training program in a recognized branch of the electrical trade ap-
33 proved by the [*Electrical and Elevator*] board as being a training program that will adequately pre-
34 pare the trainee for the limited journeyman's license [*providing that the trainee has complied with*
35 *ORS 479.510 to 479.860 and the rules issued thereunder*].

36 (10) A limited maintenance electrician's license to a person who qualifies under this subsection.
37 A person licensed under this subsection is authorized to maintain, repair and replace electrical in-
38 stallations, including electrical components, required on the premises of industrial plants, commer-
39 cial office buildings, buildings occupied by the state or a local government entity or facilities
40 designated by the [*Electrical and Elevator*] board. The following apply to this subsection:

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

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

43 [(B)] (A) Passes a written examination prepared by the [*Electrical and Elevator*] board and ad-
44 ministered by the department on repair, replacement and maintenance of equipment of the type and
45 nature normally used in an industrial plant, commercial office building or government building and

1 on the use of testing equipment; and

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

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

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

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

15 (d) The department [of *Consumer and Business Services*], in consultation with the [appropriate]
16 board, shall adopt rules defining government buildings and commercial office buildings subject to
17 this subsection.

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

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

- 24 (A) Electrical appliances;
- 25 (B) Light switches;
- 26 (C) Light fixtures;
- 27 (D) Fans;
- 28 (E) Receptacles; and
- 29 (F) Fluorescent ballasts.

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

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

32 [(B)] (A) Passes a written examination prepared by the [Electrical and Elevator] board and ad-
33 ministered by the department on maintenance, repair and replacement of equipment of the type and
34 nature normally used in a commercial office building or government building and on the use of
35 testing equipment; and

36 [(C)] (B) Submits proof satisfactory to the board that the person has:

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

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

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

1 or the inspection shall be performed under an electrical master permit program.

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

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

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

9 (12) A limited maintenance specialty contractor license to a person who qualifies under this
10 subsection. A person licensed under this subsection is authorized to engage in the electrical work
11 related to the repair, service, maintenance, installation or replacement of existing, built-in or per-
12 manently connected appliances, fluorescent ballasts or similar equipment and to employ individuals
13 to engage in that work. *[Nothing in this subsection allows]* **This subsection does not authorize** the
14 installation of appliances, ballasts or other equipment if there is no existing installation of similar
15 equipment. A person qualifies under this subsection if the person submits:

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

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

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

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

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

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

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

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

42 *[(c)]* (b) Submits documented proof to the board of at least two years of apprenticeship or trainee
43 experience in residential wiring of single and multifamily dwelling units or its equivalent, as deter-
44 mined by the board by rule; and

45 *[(d)]* (c) Passes a written examination prepared by the *[Electrical and Elevator]* board and ad-

1 ministered by the department.

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

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

4 [(b)] passes a written examination prepared by the [Electrical and Elevator] board and adminis-
5 tered by the department.

6 (16) A limited renewable energy contractor license to a person who:

7 (a) Employs at least one full-time renewable energy technician; and

8 (b) Does not engage in electrical work other than work that may be performed by a limited
9 renewable energy technician. A limited renewable energy contractor may not make, direct, supervise
10 or control the making of an electrical installation unless the contractor is licensed for that activity.

11 (17) A limited renewable energy technician license to a person who qualifies under this sub-
12 section. A person qualifies for licensing as a limited renewable energy technician if the person
13 completes a two-year apprenticeship program and passes an examination approved by the board. A
14 person licensed under this subsection may, while in the employ of a licensed electrical contractor
15 or a limited renewable energy contractor:

16 (a) Install, maintain, replace or repair electrical wiring and electrical products that convey or
17 operate on renewable electrical energy not exceeding 25 kilowatts AC; and

18 (b) Make electrical installations not exceeding 25 kilowatts AC:

19 (A) On devices using renewable energy involving wind, solar energy systems, micro-
20 hydroelectricity, photovoltaic systems or fuel cells.

21 (B) Up to the load side of an inverter.

22 (C) To connect generators that are sized to facilitate the inverter in an off-grid system.

23 [(18) Notwithstanding any other provision of this chapter, the board may not administer an exam-
24 ination nor shall the department issue any license to a person whose practical experience qualification
25 for the license is based upon training or experience in another state if the board determines that the
26 training or experience is not equivalent to the standards for electrical training programs prescribed in
27 this state.]

28 **SECTION 30. Section 31 of this 2005 Act is added to and made a part of ORS 479.510 to**
29 **479.945.**

30 **SECTION 31. Notwithstanding any other provision of ORS 479.510 to 479.945 or any rule**
31 **adopted by the Electrical and Elevator Board under section 2 of this 2005 Act, the board may**
32 **not administer an examination to, and the Department of Consumer and Business Services**
33 **may not issue any license to, a person whose practical experience qualification for the license**
34 **is based upon training or experience in another state if the board determines that the**
35 **training or experience is not equivalent to the standards for electrical training programs**
36 **prescribed in this state.**

37 **SECTION 32.** ORS 479.680 is amended to read:

38 479.680. The Electrical and Elevator Board:

39 (1) Shall establish, by rule **under section 2 of this 2005 Act**, a program of continuing education
40 necessary for renewal of licenses [under ORS 479.650]. The board may approve programs for con-
41 tinuing education that meet standards for continuing education established by the board under this
42 subsection.

43 (2) Shall adopt any rules necessary to carry out the duties of the board under ORS 479.510 to
44 479.945 and 479.995.

45 (3) Shall establish rules setting forth equivalent experience necessary to qualify for a

1 journeyman license under ORS 479.630.

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

4 (5) May establish exemptions by rule according to authority granted under ORS 479.540.

5 **SECTION 33.** ORS 479.945 is amended to read:

6 479.945. (1) A restricted energy contractor's license is created for persons engaged in HVAC and
7 such other categories as established by the Electrical and Elevator Board by rule **under section 2**
8 **of this 2005 Act.**

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

13 (3) The license issued under this section shall limit the scope of activities that the licensee and
14 licensee's employees may engage in and in no instance may the scope of the license exceed that of
15 a Class B limited energy technician.

16 (4) An applicant for licensing under this section shall provide proof satisfactory to the board
17 that the person has experience of the type of work covered by the license indorsement and shall pay
18 the fees required by ORS 479.840 (1)(b) for a limited energy contractor.

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

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

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

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

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

30 *[(7) If any restricted energy contractor repeatedly violates the requirements of this section, the*
31 *board may, in addition to any other remedies, suspend, revoke or condition the contractor's license.]*

32 **SECTION 34.** ORS 480.432 is amended to read:

33 480.432. (1) A person may not engage in or work at the business of installing, extending, altering
34 or repairing any LP gas appliance or piping, vent or flue connection pertaining to or in connection
35 with LP gas installations within the state, either as employer or individual, unless the person has
36 received an LP gas installation license from the State Fire Marshal in accordance with ORS 480.410
37 to 480.460.

38 (2) A person may not do any LP gas fitting or gas venting work, install, repair or remodel any
39 piping or venting or do any installation, repair service, connection or disconnection of any LP gas
40 appliance that is subject to inspection under ORS 480.410 to 480.460 unless the person has received
41 an LP gas fitter license from the State Fire Marshal in accordance with ORS 480.410 to 480.460.

42 (3) A person may not operate any LP gas delivery equipment installed on a motorized vehicle
43 unless the person has received an LP gas truck equipment license from the State Fire Marshal in
44 accordance with ORS 480.410 to 480.460.

45 (4) Any person under the terms of this section who is required to have an LP gas fitter or LP

1 gas truck equipment license is also required to have an LP gas installation license, unless the per-
2 son is an employee of an employer who has an LP gas installation license as provided by this sec-
3 tion.

4 (5) A person who holds a valid journeyman [*plumber's certificate*] **plumber license** under ORS
5 693.060 or who is in an approved journeyman plumber apprenticeship established under ORS chapter
6 660 is exempt from the licensing requirements of subsections (1) and (2) of this section, except that
7 the apprentice or journeyman plumber may not install an LP gas tank or make any connection to
8 an LP gas tank unless the apprentice or journeyman plumber is licensed as required under this
9 section.

10 (6) A person who holds a [*certificate*] **license** issued by the [*Board of Boiler Rules*] **Department**
11 **of Consumer and Business Services** under ORS 480.630 [*authorizing*] **of a class that authorizes**
12 the person to fabricate, install, alter or repair pressure piping and to install boilers and pressure
13 vessels by attachment of piping connector is exempt from the licensing requirements of subsections
14 (1) and (2) of this section, except that the person may not install an LP gas tank or make any con-
15 nection to an LP gas tank unless the person is licensed as required under this section.

16 (7) [*The provisions*] **Subsections (1) to (4)** of this section do not apply to LP gas installations
17 in a manufactured dwelling or recreational vehicle performed during the construction of the manu-
18 factured dwelling or recreational vehicle, or the alteration or repair of an LP gas installation in a
19 manufactured dwelling or recreational vehicle made pursuant to the manufacturer's warranty.

20 **SECTION 35.** ORS 480.607 is amended to read:

21 480.607. Notwithstanding the fees prescribed in ORS 480.595 (3) and (4), 480.600 (2) and 480.630
22 (4) and [(6)] (5), and subject to the prior approval of the Department of Consumer and Business
23 Services, the Oregon Department of Administrative Services and a report to the Emergency Board
24 prior to adopting the fees, the Board of Boiler Rules may increase the fees referred to in this section
25 by an amount not greater than 10 percent. The fees shall be within the budget authorized by the
26 Legislative Assembly as that budget may be modified by the Emergency Board. The fees must not
27 exceed the cost of the program, including but not limited to the cost of administering a continuing
28 education registry.

29 **SECTION 36.** ORS 480.630 is amended to read:

30 480.630. [(1) *A person may not engage in the business of installing, repairing or altering boilers*
31 *or pressure vessels unless the person first obtains a license therefor from the Department of Consumer*
32 *and Business Services.*]

33 [(2) *A person may not install, repair or alter boilers or pressure vessels as an employee of a busi-*
34 *ness engaged in the installing, repairing or altering of boilers or pressure vessels unless the person*
35 *first obtains certification therefor from the department.*]

36 (1) **A person engaging in the business of installing, repairing or altering boilers or pres-**
37 **sure vessels must possess a boiler contractor license issued by the Department of Consumer**
38 **and Business Services.**

39 (2) **A person who installs, repairs or alters boilers or pressure vessels as the employee**
40 **or agent of a business engaged in the installation, repair or alteration of boilers or pressure**
41 **vessels must possess an employee or agent license issued by the department.**

42 (3) The chief inspector may conduct examinations for [*certification of*] **licensing** an employee or
43 agent of a business to establish the competency of the applicant.

44 (4) Licenses [*and certification*] shall be issued **and renewed** by the department [*upon recommen-*
45 *dation of*] **as provided by rules adopted under section 2 of this 2005 Act** by the Board of Boiler

1 Rules [and] upon payment of a fee of \$25 for each application for an employee or [agent's
2 certification] **agent license** and \$150 for each application for a [business] **boiler contractor** license.

3 [(5) *The licenses and certifications shall be renewed annually without reexamination upon payment*
4 *of the fees in subsection (4) of this section and, for renewal of a certificate, compliance with the con-*
5 *tinuing education requirement established in subsection (9) of this section.*]

6 [(6) (5) A person **required to be licensed under this section** may not install, alter or repair
7 a boiler or pressure vessel [without first securing a permit therefor] **unless an appropriate permit**
8 **is first secured** from the department [unless the person is not subject to licensure or certification].
9 Permits shall be issued only to [the persons licensed] **persons possessing a valid boiler contractor**
10 **license or as provided by the department by rule.** A permit fee of \$15 shall be paid directly to
11 the department.

12 [(7) (6) In the case of an emergency, a permit **under subsection (5) of this section** is not re-
13 quired in advance for boiler or pressure vessel installations[,] or repair, [as required under subsection
14 (6) of this section,] if an application accompanied by the appropriate fee for a permit is submitted to
15 the department within five days after the commencing of the boiler or pressure vessel work.

16 [(8) (7) The [certification] **license** and examination requirements of this section do not apply
17 when a person is brought in from out of state to repair or alter a boiler or pressure vessel utilizing
18 special tools or a special process for which that person is uniquely qualified. The activity shall be
19 limited solely to the special process and the person performing the work shall have qualifications
20 [which meet or exceed the state's certification] **that meet or exceed license** standards as determined
21 by the chief boiler inspector. The chief boiler inspector shall be notified prior to performance of any
22 work under this subsection.

23 [(9) (8) [A person having a certificate issued under subsection (4) of this section] **If a license is-**
24 **sued under subsection (4) of this section is of a class that authorizes a person to perform**
25 **work equivalent to that performed by pressure vessel installers, building service mechanics,**
26 **boilermakers or pressure piping mechanics, the person** must complete eight hours of board-
27 approved continuing education every year.

28 [(10) *The continuing education requirement established in subsection (9) of this section applies only*
29 *to persons certified by the board to perform work equivalent to that performed by pressure vessel in-*
30 *stallers, building service mechanics, boilermakers or pressure piping mechanics.*]

31 **SECTION 37.** ORS 480.632 is amended to read:

32 480.632. [No person registered] **A person licensed** to conduct a boiler or pressure vessel business
33 [shall] **may not** employ any person to work on a boiler or pressure vessel [who does not hold a valid
34 state certification] **unless the employed person has a valid license** issued under ORS 480.630.

35 **SECTION 38.** ORS 480.634 is amended to read:

36 480.634. (1) [A person having a current certificate of competency as a journeyman plumber under
37 ORS 693.050] **A person who has a valid journeyman plumber license** does not have to obtain
38 [certification] **a license** under ORS 480.630 (2) to work as an employee of a business engaged in in-
39 stallating or replacing by nonwelded means[,] a potable domestic water heater[, not used for space
40 heating, which does not exceed 180 gallons in capacity, nor water temperature of 210 degrees
41 Fahrenheit nor pressure of 150 pounds per square inch gauge pressure nor a heat input in excess of
42 750,000 BTU per hour.] **that:**

43 **(a) Is not used for space heating;**

44 **(b) Has a capacity that does not exceed 180 gallons;**

45 **(c) Has a water temperature that does not exceed 210 degrees Fahrenheit;**

1 **(d) Has a pressure that does not exceed 150 pounds per square inch gauge pressure; and**

2 **(e) Has a heat input that does not exceed 750,000 BTU per hour.**

3 **(2) Subsection (1) of this section does not allow construction, repair or alteration of the do-**
4 **mestic potable water heater.**

5 **SECTION 39.** ORS 480.640 is amended to read:

6 480.640. *[No]* **A** person providing services connected with boilers or pressure vessels may **not**
7 bring or maintain an action in the courts of this state to recover for *[such]* **those** services unless
8 the person alleges and proves that, at the time the services were performed, the person performing
9 *[them]* **the services** held a *[state certification]* **license** issued under ORS 480.630.

10 **SECTION 40.** ORS 670.410 is amended to read:

11 670.410. (1) A board may vary the expiration date of a registration, license or certificate issued
12 by the board. Notwithstanding any other law, registrations, licenses and certificates may be made
13 to expire on a biennial basis.

14 (2) In accordance with subsection (1) of this section, the board shall give a person written notice
15 of the new renewal date assigned and make appropriate adjustments in the renewal fee.

16 (3) This section applies only to those registrations, licenses and certificates issued under ORS
17 *[479.640,]* 690.005 to 690.235 or ORS chapters 671, 672, 673, *[693,]* 701 and 776.

18 **SECTION 41.** ORS 693.010 is amended to read:

19 693.010. As used in this chapter, unless the context requires otherwise:

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

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

24 *[(3) "Director" means the Director of the Department of Consumer and Business Services.]*

25 *[(4)]* **(3)** "Journeyman plumber" means any person holding a valid journeyman *[plumber's certifi-*
26 *cate of competency]* **plumber license** issued under this chapter.

27 **(4) "Licensed plumbing contractor" means a person who has made application and paid**
28 **a license fee to engage in the business of furnishing labor and material, or labor only, to**
29 **install, alter and repair plumbing.**

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

31 *[(6) The holder of a certificate of "registration to conduct a plumbing business" is one who has*
32 *made application and paid a registration fee to engage in the business of furnishing labor and material,*
33 *or labor only, to install, alter and repair plumbing. This registration does not entitle the holder to*
34 *work as a journeyman plumber.]*

35 **SECTION 42.** ORS 693.020 is amended to read:

36 693.020. *[(1) Subject to the following described conditions, this chapter does not prevent:]*

37 *[(a) Except as provided in paragraph (e) of this subsection, a person from doing the person's own*
38 *work on the person's own building on the person's own premises, whether or not]*

39 **(1) Except as provided in subsection (2) of this section, this chapter does not apply to:**

40 **(a) A person working on a building or premises owned by the person, regardless of**
41 **whether** the person holds a *[certificate of competency]* **license** under this chapter, if the person
42 complies with all the rules adopted under this chapter and ORS 447.010 to 447.156 *[and 447.992]* and
43 ORS chapter 455.

44 (b) A person *[from]* testing, repairing, servicing, maintaining, installing or replacing new or ex-
45 isting potable water pump equipment not exceeding seven and one-half horsepower on residential

1 property and piping between *[such pumps and storage tanks for such pumps, whether or not the person*
2 *holds any certificate of competency]* **the pumps and storage tanks for the pumps, regardless of**
3 **whether the person holds any license** under this chapter.

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

6 (d) An employee or contractor of a utility, energy service provider or water supplier *[from]* in-
7 stallng an approved low-flow showerhead or faucet aerator in existing plumbing fixtures. The de-
8 vices installed under this paragraph are exempt from the certification, permit and inspection
9 requirements of this chapter and ORS *[chapter 447]* **447.010 to 447.156.**

10 (e) A person who owns, leases or operates residential property*[, from repairing or using]* **and**
11 **who repairs, or uses** regular employees to repair, existing plumbing on property owned, leased or
12 operated by the employer, *[whether or not the employee holds a certificate of competency]* **regardless**
13 **of whether the employee holds a license** under this chapter. As used in this paragraph:

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

16 (B) "Regular employee" means a person subject to the provisions of ORS 316.162 to 316.219 and
17 who has completed a withholding exemptions certificate required by the provisions of ORS 316.162
18 to 316.219.

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

25 [(2)] **(3)** This section applies to any person, including but not limited to individuals, corporations,
26 associations, firms, partnerships, joint stock companies, public and municipal corporations, political
27 subdivisions, this state and any agencies thereof and the federal government and any agencies
28 thereof.

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

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

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

37 [(5)] **(4)** Except as provided in subsection (1)(d) of this section, nothing in this chapter exempts
38 a person from the plumbing inspection requirements of ORS 447.010 to 447.156 *[and 447.992].*

39 **SECTION 43.** ORS 693.025 is amended to read:

40 693.025. (1) A utility company, energy service provider or water supplier whose employees install
41 low-flow showerheads or faucet aerators shall furnish evidence to the Department of Consumer and
42 Business Services, in the form of a public liability policy issued by an insurance company qualified
43 to do business in Oregon, that the company, provider or water supplier and its employees are pro-
44 tected against liability for injury or death to persons and loss of or damage to property resulting
45 from the installation.

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

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

10 (4) A person who performs, or who contracts to have performed, a service described in sub-
11 section (1) of this section may not perform any additional service for which a [*certificate*] **license** is
12 required under this chapter unless the person is [*certified*] **licensed** under this chapter to perform
13 the additional service. A person not [*certified*] **licensed** under this chapter who performs services
14 that are not described in subsection (1) of this section for which a [*certificate*] **license** is required
15 under this chapter is subject to civil penalty under ORS 693.992.

16 (5) Every utility company, energy service provider or water supplier shall include in any con-
17 tract for the performance of a service described in subsection (1) of this section a statement that,
18 under penalty of ORS 693.992, the contractor may not perform any service for which a [*certificate*]
19 **license** is required under this chapter, except installation of low-flow showerheads or faucet
20 aerators, unless the contractor is [*certified*] **licensed** under this chapter to perform that service.

21 **SECTION 44.** ORS 693.030 is amended to read:

22 693.030. (1) A person [*shall*] **may** not engage in the trade or business of journeyman plumber
23 without a [*certificate of competency as provided by*] **journeyman plumber license issued under this**
24 **chapter.**

25 (2) [*A person registered to conduct a plumbing business, or who is required to be registered under*
26 *this chapter, shall not:*] **A licensed plumbing contractor or a person required under this chapter**
27 **to be licensed as a plumbing contractor may not:**

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

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

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

34 (d) Charge a journeyman plumber's wage for services performed by an apprentice plumber.

35 **SECTION 45.** ORS 693.040 is amended to read:

36 693.040. [*A plumbing apprentice who meets the requirements of ORS chapter 660*] **An apprentice**
37 **plumber** may work at the trade of plumbing [*so long as*] **if** the apprentice works under the super-
38 vision of a [*certified*] **licensed** journeyman plumber.

39 **SECTION 46.** ORS 693.060 is amended to read:

40 693.060. [(1)] The State Plumbing Board shall issue a [*certificate of competency to such persons*
41 *as have*] **license to a person who:**

42 (1) By the examination provided for by this chapter **is** shown [*themselves*] **to be** fit, competent
43 and qualified to engage in the business, trade or calling of a journeyman plumber[.];

44 [(2)] *No certificate of competency under this section shall be issued to any journeyman until the*
45 *applicant therefor has complied with the rules and requirements of the board and has paid to the board*

1 *the certificate fee provided in ORS 693.135.]*

2 **(2) Complies with board rules adopted under section 2 of this 2005 Act; and**

3 **(3) Pays the applicable fees established by the board under ORS 693.135.**

4 **SECTION 47.** ORS 693.070 is amended to read:

5 693.070. All *[certificates of competency]* **licenses** shall bear:

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

7 (2) An identification number assigned by the State Plumbing Board.

8 **SECTION 48.** ORS 693.095 is amended to read:

9 693.095. The State Plumbing Board, by rule, may provide *[a program for the certification of]* **for**
10 **issuing supervising plumber licenses to** journeyman plumbers who:

11 (1) Demonstrate to the satisfaction of the board competency in the supervision of plumbing work
12 and in the laws, rules, ordinances and practices relating to plumbing~~]. Any program established un-~~
13 ~~der this section may include the following:];~~

14 *[(1) Issuance of a certificate of competency as a supervising plumber.]*

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

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

18 *[(4) Circumstances under which the board may revoke or suspend the supervising plumber's cer-*
19 *tificate of competency as the board determines necessary to protect the public health and safety.]*

20 *[(5) Annual or other renewal as the board determines necessary.]*

21 **(2) Comply with board rules adopted under section 2 of this 2005 Act; and**

22 **(3) Pay the applicable fees established by the board under ORS 693.135.**

23 **SECTION 49.** ORS 693.103 is amended to read:

24 693.103. (1) The State Plumbing Board, by rule, may *[provide a program for the certification of]*
25 **license limited specialty plumbers** who:

26 (a) Demonstrate to the satisfaction of the board competency in the laws, rules, ordinances and
27 practices relating to *[their]* **a** plumbing specialty~~]. A person certified under this section is authorized~~
28 ~~to perform the class of plumbing work included in the branch of the plumbing trade for which the~~
29 ~~person has been certified. Any program established under this section may include the following:]; and~~

30 *[(a) Issuance of a certificate of competency as a limited specialty plumber.]*

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

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

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

36 *[(e) Annual or other renewal as the board determines necessary.]*

37 *[(2)(a) Under the provisions of this section the board shall provide for the installation and re-*
38 *placement of]*

39 **(b) Pay the applicable fee established by the board under ORS 693.135.**

40 **(2) A limited specialty plumber license authorizes a person to perform work in the spe-**
41 **cific branch of the plumbing trade for which the license is issued.**

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

1 (b) Qualification for *[certification for a plumbing specialty]* **a limited specialty plumber license**
2 under this subsection shall include testing and a requirement for training.

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

5 *[(d)]* (c) *[The provisions of this subsection do]* **This subsection does** not otherwise affect the
6 ability of persons *[certified]* **licensed** under subsection (1) of this section to make connections to
7 water systems.

8 **SECTION 50.** ORS 693.105 is amended to read:

9 693.105. (1) Where the State Plumbing Board proposes to refuse to issue or renew any
10 *[certificate]* **license** under this chapter, or proposes to revoke or suspend any *[such certificate]* **li-**
11 **cence**, opportunity for hearing shall be accorded as provided in ORS chapter 183.

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

14 (3) Hearings under this section must be conducted by an administrative law judge assigned from
15 the Office of Administrative Hearings established by ORS 183.605.

16 **SECTION 51.** ORS 693.111 is amended to read:

17 693.111. *[The State Plumbing Board shall:]*

18 *[(1) Establish education, training and other standards for persons seeking a specialty registration*
19 *as]* **The State Plumbing Board, by rule, shall establish** a solar heating and cooling system in-
20 **staller license.** The board may *[administer or approve examinations designed to demonstrate the*
21 *qualifications and competency of a person to work as a solar heating and cooling system installer.]*

22 *[(2)]* impose appropriate fees for applications, examinations and issuance or renewal of *[regis-*
23 *trations.]* **an installer license.**

24 *[(3) Impose continuing education requirements for persons registered as solar heating and cooling*
25 *system installers.]*

26 *[(4) Suspend, revoke or refuse to issue or renew a registration for a person found by the board to*
27 *have violated a provision of this section or ORS 447.065 or rules adopted thereunder.]*

28 *[(5) Make all rules necessary and proper for carrying out the duties of the board relating to solar*
29 *heating and cooling system installers.]*

30 **SECTION 52.** ORS 693.115 is amended to read:

31 693.115. (1) The State Plumbing Board is established in the Department of Consumer and Busi-
32 ness Services, consisting of seven members appointed by the Governor. The appointment of a mem-
33 ber of the board is subject to confirmation by the Senate pursuant to section 4, Article III of the
34 Oregon Constitution.

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

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

38 (b) One *[person who is registered to conduct a plumbing business]* **licensed plumbing**
39 **contractor;**

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

41 (d) One registered professional mechanical engineer;

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

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

45 (g) One member of the general public.

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

6 (4) A member of the board shall receive compensation and expenses as provided in ORS 292.495.

7 **SECTION 53.** ORS 693.120 is amended to read:

8 693.120. (1) The State Plumbing Board shall examine for fitness and qualifications all persons
9 applying for [*certificates to engage in the business, trade or calling of a*] journeyman plumber
10 **licenses**.

11 (2) The examination for [*a certificate as*] a journeyman plumber **license** shall consist of the fol-
12 lowing two parts:

13 (a) A written examination; and

14 (b) A practical examination requiring the demonstration of mechanical plumbing skills.

15 **SECTION 54.** ORS 693.135 is amended to read:

16 693.135. The State Plumbing Board, by rule, shall establish fees to be charged by and paid to the
17 board under this chapter. The following fees shall be the maximum fees established under this
18 section:

19 (1) For an examination for a journeyman [*plumber's certificate of competency*] **plumber license**,
20 \$100.

21 (2) For a journeyman [*plumber's certificate of competency*] **plumber license**, original and annual
22 renewal, \$50.

23 (3) For [*registration to conduct a plumbing business,*] **a plumbing contractor license**, original
24 and annual renewal, \$150.

25 (4) For examination for **a supervising** [*plumber's certificate of competency*] **plumber license**, \$50.

26 (5) For [*registration as*] a supervising plumber **license**, original and annual renewal, \$50.

27 (6) For continuing education for renewing a [*certificate of competency*] **license**, \$25.

28 **SECTION 55.** ORS 693.180 is amended to read:

29 693.180. [*No*] **A** person who provides services connected with plumbing, as defined in ORS
30 447.010, may **not** bring or maintain an action in the courts of this state to recover for [*such*] **those**
31 services unless the person alleges and proves that, at the time the services were performed, the
32 person performing [*them*] **the services** either:

33 (1) Held a valid journeyman [*plumber's certificate of competency*] **plumber license**; or

34 [(2) *Met the requirements of a plumbing apprentice under ORS chapter 660.*]

35 **(2) Was an apprentice plumber.**

36 **SECTION 56.** ORS 447.030, 447.050, 479.633, 479.635, 479.640, 479.650, 479.660, 480.575,
37 480.635, 693.050, 693.075, 693.090, 693.100 and 693.108 are repealed.

38 **SECTION 57.** (1) Section 31 of this 2005 Act, the amendments to statutes by sections 6
39 to 29 and 32 to 55 of this 2005 Act and the repeal of statutes by section 56 of this 2005 Act
40 become operative July 1, 2006.

41 (2) The regulatory bodies described in sections 2 to 5 of this 2005 Act shall adopt rules
42 under sections 2 to 5 of this 2005 Act to first become operative July 1, 2006.

43 (3) Sections 2 and 31 of this 2005 Act, the amendments to statutes by sections 6 to 29 and
44 32 to 55 of this 2005 Act and the repeal of statutes by section 56 of this 2005 Act:

45 (a) Do not invalidate a license, certificate, registration or other authorization issued un-

1 der ORS 446.003 to 446.200, 446.210, 446.225 to 446.285, 446.395 to 446.420, 447.010 to 447.156,
2 479.510 to 479.945 or 480.510 to 480.670 or ORS chapter 455, 460 or 693 or a rule adopted by the
3 Director of the Department of Consumer and Business Services, the Department of Con-
4 sumer and Business Services or a specialty code advisory board. If a person applies to renew
5 a certificate, registration or other authorization issued under ORS 447.010 to 447.156, 460.005
6 to 460.175 or 480.510 to 480.670, and the certificate, registration or other authorization system
7 has been superseded by a licensing system, the person shall be treated as an applicant for
8 renewal of a license.

9 (b) Subject to any rules adopted by a regulatory body under sections 2 to 5 of this 2005
10 Act, do not affect the rights, duties, authority, qualification for office or other status of a
11 person operating under a license, certificate, registration or other authorization issued prior
12 to July 1, 2006.

13 (c) Do not affect any action, proceeding or prosecution begun before and pending on July
14 1, 2006.

15 (d) Do not affect any fee, civil penalty owing or other liability, duty or obligation accruing
16 before July 1, 2006.

17 SECTION 58. This 2005 Act being necessary for the immediate preservation of the public
18 peace, health and safety, an emergency is declared to exist, and this 2005 Act takes effect
19 on its passage.