

House Bill 2181

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 **as introduced**.

Provides for adoption of rules for administering building trade licensing programs.

Shortens time period for requesting hearing on cancellation, suspension or revocation of permit or license relating to elevators. Deletes reference to obtaining restraining order for violations related to elevators.

Becomes operative October 1, 2005.

Declares emergency, effective on passage.

A BILL FOR AN ACT

1
2 Relating to building trades; creating new provisions; amending ORS 30.788, 90.145, 446.250, 446.255,
3 447.060, 447.065, 447.072, 447.076, 447.091, 447.154, 455.110, 455.122, 455.140, 455.156, 455.415,
4 455.420, 455.628, 455.630, 455.705, 455.720, 455.725, 455.730, 455.735, 455.737, 455.740, 455.770,
5 455.800, 455.805, 455.815, 455.820, 455.844, 460.005, 460.045, 460.055, 460.057, 460.059, 460.075,
6 460.085, 460.125, 460.155, 460.165, 479.530, 479.540, 479.620, 479.630, 479.680, 479.810, 479.840,
7 479.860, 479.910, 479.915, 479.945, 480.432, 480.515, 480.525, 480.530, 480.540, 480.545, 480.560,
8 480.565, 480.570, 480.605, 480.607, 480.615, 480.630, 480.632, 480.634, 480.640, 480.647, 670.410,
9 693.010, 693.020, 693.025, 693.030, 693.040, 693.050, 693.070, 693.095, 693.103, 693.115, 693.120,
10 693.135 and 693.180 and sections 6 and 9, chapter 406, Oregon Laws 2001, section 1, chapter 629,
11 Oregon Laws 2001, and section 1, chapter 728, Oregon Laws 2001; repealing ORS 447.030,
12 447.040, 447.050, 447.070, 455.125, 455.622, 455.810, 460.065, 479.633, 479.635, 479.640, 479.650,
13 479.660, 480.575, 480.635, 480.645, 693.060, 693.075, 693.090, 693.100, 693.105, 693.108, 693.111 and
14 693.994 and section 4, chapter 677, Oregon Laws 1997; and declaring an emergency.

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

LICENSES FOR SPECIALTY PLUMBING INSTALLATIONS

17
18
19 **SECTION 1. Section 2 of this 2005 Act is added to and made a part of ORS 447.010 to**
20 **447.156.**

21 **SECTION 2. A person owning or operating a plumbing business may not maintain a suit**
22 **or action in a court of this state unless the person alleges and proves that at the time of**
23 **performing the work the person had a valid plumbing business license issued by the State**
24 **Plumbing Board.**

25 **SECTION 3. ORS 447.060 is amended to read:**

26 447.060. (1) [*Nothing in ORS 447.010 to 447.156 and 447.992 prevents a person from:*] **ORS 447.010**
27 **to 447.156 do not apply to a person:**

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

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 (b) Using the services of regular employees in performing plumbing work for the benefit of
 2 property owned, leased or operated by *[such employer]* **the person.**

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

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

10 **(3) Permit, inspection and product certification requirements under ORS 447.010 to**
 11 **447.156 and ORS chapter 693 do not apply to low-flow showerheads or faucet aerators in-**
 12 **stalled by persons described under subsection (1)(c) of this section.**

13 *[(3)]* (4) A licensee under ORS 671.560 (2) is not required to be *[registered]* **licensed** under ORS
 14 447.010 to 447.156 *[and 447.992]* **or ORS chapter 693** to install backflow prevention devices for ir-
 15 rigation systems and ornamental water features if the installer is licensed as required by ORS
 16 671.615. The exemptions established under this subsection do not exempt the person from the in-
 17 spection and permit requirements of this chapter.

18 *[(4)]* (5) This section applies to any person, *including but not limited to, individuals, corporations,*
 19 *associations, firms, partnerships, joint stock companies,* **as defined in ORS 174.100 and to public and**
 20 **municipal corporations, political subdivisions,** *this state and any agencies thereof, and the federal*
 21 *government and any agencies thereof* **and state and federal government.**

22 **SECTION 4.** Section 1, chapter 629, Oregon Laws 2001, is amended to read:

23 **Sec. 1.** (1) Notwithstanding ORS 447.010 (6), a person who installs, maintains or repairs medical
 24 gas systems is not operating a plumbing business or engaging in the plumbing trade if the person
 25 operates or is employed by a business for which the installation, maintenance or repair of medical
 26 gas systems was a substantial business activity in Oregon during the period commencing October
 27 23, 1997, and ending October 23, 1999.

28 (2) Subsection (1) of this section applies only if evidence is presented to the State Plumbing
 29 Board that demonstrates that the medical gas system installation, maintenance or repair activity of
 30 the business in Oregon was substantial during the two-year period specified in subsection (1) of this
 31 section. Evidence that medical gas system installation, maintenance or repair activity of the busi-
 32 ness was substantial consists only of evidence establishing the number of installations, maintenance
 33 visits or repairs of medical gas systems by a business or the number of hours that business personnel
 34 spent on medical gas system installation, maintenance or repair. Upon the receipt of satisfactory
 35 evidence that the medical gas system activity of the business in Oregon was substantial, the board
 36 shall issue a specialty *[registration for the business and special certificates to persons identified as]*
 37 **plumbing business license for the business and limited specialty plumber licenses for em-**
 38 **ployees of the business who are engaged in medical gas system installation, maintenance or repair.**
 39 *[A registration or certificate issued under this subsection expires annually. The board may charge an*
 40 *annual fee for the registration and certificates issued to a business or employees of the business under*
 41 *this subsection, or for the renewal thereof, not to exceed \$50. A registration or certificate issued under*
 42 *this subsection is not valid after July 1, 2006.]* **A license issued under this subsection expires**
 43 **annually. The board may charge an annual fee, not to exceed \$50, for the issuance or renewal**
 44 **of the specialty plumbing business license or limited specialty plumber license. A license is-**
 45 **sued under this subsection is not valid after July 1, 2006.**

1 (3) A specialty [*registration*] **plumbing business license** issued under this section authorizes
 2 [a] **the business** to employ persons to install, maintain and repair medical gas systems. [*A special*
 3 *certificate issued under this section authorizes the certified person to install, maintain and repair*
 4 *medical gas systems while in the employ of a business holding a specialty registration.*] **A limited**
 5 **specialty plumber license issued under this section authorizes the licensed person to install,**
 6 **maintain and repair medical gas systems while in the employ of a business that has a spe-**
 7 **cialty plumbing business license issued under this section.**

8 (4) The installation of a medical gas system pursuant to this section is subject to the same
 9 permit and inspection requirements as a medical gas system installed by a [*registered*] **licensed**
 10 journeyman plumber.

11 **SECTION 5. ORS 447.065 is added to and made a part of ORS 447.010 to 447.156.**

12 **SECTION 6.** ORS 447.065 is amended to read:

13 447.065. (1) Notwithstanding ORS 447.020, a person may not engage in the trade of installing
 14 solar heating and cooling systems unless the person possesses either a [*certificate of competency as*
 15 *a journeyman plumber issued under ORS chapter 693 or a specialty registration issued by the State*
 16 *Plumbing Board under ORS 693.111*] **journeyman plumber license issued under section 88 of this**
 17 **2005 Act or a limited specialty plumber license issued under ORS 693.103 for the installation**
 18 **of solar heating and cooling systems.**

19 (2) A [*specialty registration issued under ORS 693.111*] **limited specialty plumber license** does
 20 not authorize a person to connect a solar heating and cooling system to a potable water source. The
 21 connection of a solar heating and cooling system to a potable water source must be made only by
 22 a journeyman plumber [*possessing a certificate of competency issued*] **licensed** under [*ORS chapter*
 23 *693*] **section 88 of this 2005 Act.**

24 **SECTION 7.** ORS 447.072 is amended to read:

25 447.072. Notwithstanding ORS 455.610, the Department of Consumer and Business Services, with
 26 the approval of the State Plumbing Board, shall adopt rules to create an exemption from permit and
 27 inspection requirements for ordinary minor repairs in low-rise residential dwellings and commercial
 28 structures when the board finds that the plumbing does not involve any changes or alterations of
 29 the existing plumbing system. The exemption from the permit:

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

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

34 **SECTION 8.** ORS 447.076 is amended to read:

35 447.076. Notwithstanding ORS 455.610, the Department of Consumer and Business Services, with
 36 the approval of the State Plumbing Board, shall adopt rules to create a mandatory inspection pro-
 37 gram for minor plumbing installations made by [*registered*] **licensed** plumbing contractors in low-rise
 38 residential dwellings. The rules adopted by the department shall:

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

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

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

43 **SECTION 9.** ORS 447.091 is amended to read:

44 447.091. The Department of Consumer and Business Services or local government administering
 45 the plumbing specialty code adopted under ORS 447.020 (2) may, upon request of any sanitary dis-

1 trict formed pursuant to ORS 450.005 to 450.245, sanitary authority established under ORS 450.600
 2 to 450.989, or county service district established under ORS 451.410 to 451.610, contract for the in-
 3 spection of building sewers constructed to connect a district sewage system if inspectors employed
 4 by *[such]* **the** district are *[certified]* **licensed** for sewer inspections under ORS 455.715 to 455.740.

5 **SECTION 10.** ORS 447.154 is amended to read:

6 447.154. (1) The State Plumbing Board may by rule, grant *[partial or complete exemptions from*
 7 *any of the provisions of ORS 447.010 to 447.156, 447.992 and 455.010 to 455.740 to any plumbing*
 8 *product if it is determined]* **any plumbing product partial or complete exemption from ORS**
 9 **447.010 to 447.156 and the plumbing provisions of the state building code if the board deter-**
 10 **mines** that the plumbing product does not present a danger to the health and safety of the people
 11 of this state.

12 (2) If the board grants an exemption pursuant to subsection (1) of this section the board may
 13 determine that the product may be installed by a person *[not certified under ORS 693.010 to*
 14 *693.108]* **regardless of whether the person is licensed under ORS 447.010 to 447.156 or ORS**
 15 **chapter 693.**

16
 17 **LICENSING IN GENERAL**
 18

19 **SECTION 11.** ORS 455.110 is amended to read:

20 455.110. Except as otherwise provided by ORS chapters 446, 447, 460, 476, ORS 479.010 to
 21 479.220, 479.510 to 479.945, 479.990 and 479.995 and ORS chapter 480:

22 (1) The Director of the Department of Consumer and Business Services shall coordinate, inter-
 23 pret and generally supervise the adoption, administration and enforcement of the state building code.

24 (2) The director with the approval of the appropriate advisory boards shall adopt codes and
 25 standards, including *[regulations]* **rules** as authorized by ORS 455.020 governing the construction,
 26 reconstruction, alteration and repair of buildings and other structures and the installation of me-
 27 chanical devices and equipment *[therein]* **in buildings and other structures.** The *[regulations may*
 28 *include rules]* **rules may provide** for the administration and enforcement of a *[certification]* **license**
 29 system for persons performing work under the codes and standards adopted under this subsection.
 30 However, this subsection does not authorize the establishment of a separate *[certification]* **license**
 31 for performing work on low-rise residential dwellings.

32 (3) The director with the approval of the appropriate advisory boards may amend *[such]* **the**
 33 codes from time to time. *[The codes of regulations and any amendment thereof shall conform insofar*
 34 *as practicable to model building codes generally accepted and in use throughout the United States.]*
 35 **The specialty codes and any amendment to those codes shall conform to the extent practi-**
 36 **cable with model building codes generally accepted and in use throughout the United States.**
 37 If there is no nationally recognized model code, consideration shall be given to the existing specialty
 38 codes presently in use in this state. *[Such]* **Nationally recognized** model codes with modifications
 39 considered necessary and specialty codes may be adopted by reference. *[The codes so promulgated*
 40 *and any amendments thereof shall be based on the application of scientific principles, approved tests*
 41 *and professional judgment and, to the extent that it is practical to do so, the codes shall be promulgated*
 42 *in terms of desired results instead of the means of achieving such results, avoiding wherever possible*
 43 *the incorporation of specifications of particular methods or materials. To that end]* **The adopted codes**
 44 **and amendments shall be based on the application of scientific principles, approved tests and**
 45 **professional judgment and, to the extent practicable, shall be phrased in terms of desired**

1 **results instead of means for achieving those results and in terms that do not specify par-**
 2 **ticular methods or materials.** The codes shall encourage the use of new methods, new materials
 3 and maximum energy conservation.

4 **SECTION 12.** ORS 455.122 is amended to read:

5 455.122. (1) The Director of the Department of Consumer and Business Services, with the ap-
 6 proval of the appropriate advisory boards, shall establish a system that allows a contractor or
 7 business possessing two or more licenses[, *certificates, registrations or other authorizations*] described
 8 in subsection (2) of this section to have an approved combination of those licenses[, *certificates,*
 9 *registrations and other authorizations*] issued or renewed simultaneously.

10 (2) Notwithstanding any issuance or renewal dates established under ORS 479.510 to 479.945 and
 11 480.510 to 480.670, [and] this chapter and ORS chapters 447 and 460, **or any licensing provision**
 12 **adopted by rule by the Electrical and Elevator Board, the Board of Boiler Rules or the State**
 13 **Plumbing Board,** subsection (1) of this section applies to contractor or business licenses[, *certif-*
 14 *icates, registrations or other authorizations*] **issued** by the Electrical and Elevator Board, the Board
 15 of Boiler Rules or the State Plumbing Board.

16 *[(3) The director shall establish rules to implement the system described in this section. The rules*
 17 *must establish the combinations of licenses, certificates, registrations and other authorizations for*
 18 *which a simultaneous issuance or renewal is offered, the term and expiration date for the combination,*
 19 *the appropriate fees for administering the system, the criteria for issuance and renewal and the other*
 20 *standards and criteria deemed by the Department of Consumer and Business Services to be necessary*
 21 *to administer and enforce the system.]*

22 **(3) The director, by rule, may establish provisions to administer a system of combination**
 23 **licensing under this section. The rules may include, but need not be limited to, provisions**
 24 **regarding:**

25 **(a) The availability of a license combination.**

26 **(b) The form and content of an application for the issuance or renewal of a combination**
 27 **license and the manner for submitting the application.**

28 **(c) Procedures for verifying, reviewing, evaluating or otherwise determining the quali-**
 29 **fications of an applicant for issuance or renewal of a combination license.**

30 **(d) License fees.**

31 **(e) The term of the license.**

32 **(f) Qualifications, requirements and procedures for renewal of a combination license.**

33 **(g) Conditions, actions or failures to act that may result in the denial, refusal to renew,**
 34 **conditioning, limitation, suspension or revocation of a combination license or in placing a**
 35 **licensee on probation.**

36 **(h) Subject to ORS chapter 183, procedures required for denying, refusing to renew,**
 37 **conditioning, limiting, suspending or revoking a license or placing a licensee on probation.**

38 **(i) Conditions and procedures required for the issuance of a license to a former licensee.**

39 **SECTION 13.** ORS 455.140 is amended to read:

40 455.140. (1) There is established a Mechanical Board consisting of nine members appointed by
 41 the Governor.

42 (2) The members of the board shall assist the Director of the Department of Consumer and
 43 Business Services in administering the code adopted pursuant to ORS 455.020 for mechanical devices
 44 and equipment.

45 (3) The board must consist of:

- 1 (a) One representative of the plumbing industry;
- 2 (b) One sheet metal and air conditioner contractor;
- 3 (c) One municipal mechanical inspector possessing the highest level of mechanical inspector
- 4 [certification] license issued by the Department of Consumer and Business Services;
- 5 (d) One heating, venting and air conditioning contractor;
- 6 (e) One heating, venting and air conditioning installer;
- 7 (f) One sheet metal and air conditioner installer;
- 8 (g) One representative of a natural gas company or other utility;
- 9 (h) One building official; and
- 10 (i) One public member who does not receive compensation from any interest represented under
- 11 paragraphs (a) to (h) of this subsection.

12 (4) At least one of the board members described in subsection (3)(b) or (d) of this section must
 13 be an owner or operator of a contracting business employing 10 or fewer persons at the time of the
 14 member's appointment to the term.

15 **SECTION 14.** ORS 455.156 is amended to read:

16 455.156. (1) Notwithstanding any other provision of this chapter, ORS chapter 693 or ORS
 17 447.010 to 447.156, 447.992, 479.510 to 479.945, 479.990 or 479.995, the Department of Consumer and
 18 Business Services shall carry out the provisions of this section.

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

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

29 (c) A municipality that establishes a building inspection program under ORS 455.148 or 455.150
 30 may investigate violations and enforce any provisions of the program administered by the munici-
 31 pality.

32 (3) The department shall establish:

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

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

41 (c) A uniform citation process to be used in all jurisdictions of the state for violation of a li-
 42 censing requirement. The process may include but need not be limited to all program areas admin-
 43 istered by a municipality under ORS 455.148 or 455.150 and may provide a uniform method for
 44 checking license status and issuing citations for violation of a licensing requirement, and a con-
 45 sistent basis for enforcement of licensing requirements and treatment of violations, including fine

1 amounts;

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

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

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

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

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

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

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

26 (c) [*A penalty for the same occurrence includes*] **For purposes of this subsection, a person was**
 27 **previously penalized for the same occurrence if payment of a civil penalty for the charged**
 28 **violation would result in the person having paid** a combination of two or more of the following
 29 [*that are*] based on the same plumbing or electrical installation:

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

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

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

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

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

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

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

44 (iv) A municipal penalty, other than an investigative fee, for making a plumbing installation
 45 under the plumbing specialty code or the Low-Rise Residential Dwelling Code without a permit.

SECTION 15. ORS 455.415 is amended to read:

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

(1) A person who is licensed under ORS 460.057, 460.059, 479.630, 479.910, 480.630, 693.095 or 693.103 or section 88 of this 2005 Act must wear and visibly display an identification badge indicating the person's current license status while performing work for which the license is required. The authority that licenses the person shall specify the size and content of the identification badge and may specify other characteristics of the identification badge.

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

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

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

SECTION 16. ORS 455.420 is amended to read:

455.420. (1) Each individual dwelling unit in a multifamily residential building constructed after October 4, 1977, shall have installed a separate, individual electrical meter for each *[such]* dwelling unit except where a building inspector *[certified]* **licensed** under ORS 455.715 to 455.740 determines that pursuant to standards adopted by the Director of the Department of Consumer and Business Services the installation of a single, central electrical meter for all the dwelling units in *[such]* **the** building would facilitate an overall reduction in electrical consumption by *[such]* **the** units.

(2) For the purpose of carrying out the provisions of subsection (1) of this section, the director, based on recommendations of the Residential Structures Board, shall adopt by rule standards for determining whether the installation of a single electrical meter for all dwelling units in a multi-family residential building facilitates an overall reduction in electrical consumption by *[such]* **the** units.

BUILDING OFFICIALS AND INSPECTORS

SECTION 17. ORS 455.628 is amended to read:

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

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

(b) The engineer or architect is *[certified]* **licensed** by the Director of the Department of Consumer and Business Services under ORS *[455.720]* **455.735** as a one and two family dwelling plans examiner.

(2) The department or municipality is exempt from liability for any damages arising from the

1 nonperformance of a plan review pursuant to this section.

2 **SECTION 18.** ORS 455.630 is amended to read:

3 455.630. (1) The Low-Rise Residential Dwelling Code shall be enforced by inspectors and building
4 officials [*qualified pursuant to ORS 455.715 to 455.740*] **licensed under ORS 455.735.**

5 (2) Notwithstanding subsection (1) of this section, enforcement of electrical specialty code, per-
6 mit and licensing provisions shall be under the sole authority of the Electrical and Elevator Board
7 in the Department of Consumer and Business Services.

8 **SECTION 19.** ORS 455.705 is amended to read:

9 455.705. [*(1) No manufacturer of prefabricated structures or manufacturer of prefabricated structure*
10 *components may contract with a municipality or a person who does not have an approval issued under*
11 *subsection (2) of this section to perform prefabricated structure plan approvals or inspections.*]

12 [(2)(a) *No person may engage in prefabricated structure plan approvals or inspections without be-*
13 *ing certified under ORS 455.715 to 455.740 or 479.810 (3).*]

14 [(b) *No person may engage in the business of providing prefabricated structure plan approvals or*
15 *inspections without an approval issued by the department of Consumer and Business Services.*]

16 [(3) *In accordance with any applicable provisions of ORS chapter 183, the Director of the Depart-*
17 *ment of Consumer and Business Services shall establish by rule a system for approval and regulation*
18 *of businesses and persons who perform prefabricated structure plan approvals or inspections. Such a*
19 *system shall include but not be limited to the following provisions:*]

20 [(a) *Prescribing the form and content of and the times and procedures for submitting an application*
21 *for the issuance or renewal of an approval.*]

22 [(b) *Prescribing the term of the approval and the fee for the original issue and renewal in an*
23 *amount that does not exceed the cost of administering the approval system. The charge for review and*
24 *approval of a third party inspection service shall not exceed, for the original issue, \$400 and for the*
25 *renewal, \$200.*]

26 [(c) *Prescribing the conditions for initial issuance, renewal and maintenance of the approval, in-*
27 *cluding but not limited to the following provisions:*]

28 [(A) *Procedures and reports for plan approvals and inspections;*]

29 [(B) *Ethical practices and prohibitions of conflicts of interests with manufacturers of prefabricated*
30 *structures and manufacturers and suppliers of parts and services;*]

31 [(C) *Insurance compliance requirements;*]

32 [(D) *Procedures for use and application of insignia of compliance; and*]

33 [(E) *Fees for and procedures for use and application of certification stamps.*]

34 [(d) *Prescribing other actions or circumstances that constitute failure to achieve or maintain ap-*
35 *proval competency or that otherwise constitute a danger to the public health or safety and for which*
36 *the director may refuse to issue or renew or may suspend or revoke a certification, permit or*
37 *certificate.*]

38 (1) **As used in this section, “insignia of compliance” means the plate affixed to a prefab-**
39 **ricated structure by the Department of Consumer and Business Services or a third party to**
40 **signify compliance with all state building code requirements for which the structure was in-**
41 **spected.**

42 (2)(a) **Except as provided in paragraph (b) of this subsection, a manufacturer of prefab-**
43 **ricated structures or a manufacturer of prefabricated structure components may not con-**
44 **tract for the provision of prefabricated structure plan approvals or inspections by a person**
45 **other than a person licensed under ORS 455.735 to provide in prefabricated structure plan**

1 **approvals or inspections.**

2 **(b) A manufacturer may contract with an electrical inspector licensed under ORS 479.810**
 3 **for the provision of plan approvals or inspections for prefabricated structure electrical sys-**
 4 **tems regardless of whether the electrical inspector has an inspector’s license issued under**
 5 **ORS 455.735.**

6 **(3)(a) Except as provided in paragraph (b) of this subsection, a person who provides pre-**
 7 **fabricated structure plan approvals or inspections must have an inspector’s license issued**
 8 **under ORS 455.735 setting forth that the person is qualified to provide prefabricated struc-**
 9 **ture plan approvals or inspections.**

10 **(b) An electrical inspector licensed under ORS 479.810 may provide plan approvals or in-**
 11 **spections for prefabricated structure electrical systems regardless of whether the electrical**
 12 **inspector has an inspector’s license issued under ORS 455.735.**

13 **(c) A person who engages in the business of providing prefabricated structure plan ap-**
 14 **provals or inspections must have a business license issued by the department under sub-**
 15 **section (4) of this section.**

16 **(4) The Director of the Department of Consumer and Business Services, by rule, may**
 17 **establish provisions to administer the licensing of persons engaged in the business of pro-**
 18 **viding prefabricated structure plan approvals or inspections and of municipalities that pro-**
 19 **vide prefabricated structure plan approvals or inspections. The rules may include, but need**
 20 **not be limited to, provisions regarding:**

21 **(a) The form and content of an application for the issuance or renewal of a license and**
 22 **the manner for submitting the application.**

23 **(b) License fees. The license fees for a business that provides prefabricated structure**
 24 **plan approvals or inspections may not exceed \$400 for an original license or \$200 for renewal**
 25 **of a license.**

26 **(c) Procedures for verifying, reviewing, evaluating or otherwise determining the quali-**
 27 **fications of an applicant for issuance or renewal of a license.**

28 **(d) Insurance requirements.**

29 **(e) The term of the license.**

30 **(f) Qualifications, requirements and procedures for license renewal.**

31 **(g) Conditions, actions or failures to act that may result in the denial, refusal to renew,**
 32 **conditioning, limitation, suspension or revocation of a license or in placing a licensee on**
 33 **probation.**

34 **(h) Subject to ORS chapter 183, procedures required for denying, refusing to renew,**
 35 **conditioning, limiting, suspending or revoking a license or placing a licensee on probation.**

36 **(i) Conditions and procedures required for the issuance of a license to a former licensee.**

37 **(5) The director may adopt rules:**

38 **(a) Establishing procedures and reports for plan approvals and inspections.**

39 **(b) Establishing a code of ethical practices and provisions for the avoidance of conflicts**
 40 **of interest.**

41 **(c) Prescribing criteria and procedures for the use and application of insignia of compli-**
 42 **ance.**

43 **[(e)] (d) Prescribing the authority of the department to perform oversight monitoring including**
 44 **but not limited to:**

45 **(A) Right of entry and access to third party records and information;**

1 (B) Frequency, type and extent of the oversight monitoring and inspection of third party agen-
2 cies and manufacturing facilities; and

3 (C) Frequency and description of information to be submitted as part of the monitoring process.

4 [(f)] (e) Prescribing fees for monitoring conducted by the department at the manufacturing plant
5 site or at third party inspection service locations.[, *which fees shall*] **The fees may** not exceed \$60
6 per hour.

7 [(4)(a)] (6)(a) The department shall establish by rule a manufacturer compliance program to al-
8 low for plan approvals or inspections of prefabricated structures or prefabricated structure compo-
9 nents at the facility [*at which*] **where** the prefabrication takes place, including but not limited to
10 [*the following*] provisions **for**:

11 (A) Quality assurance programs;

12 (B) Procedures for use and application of insignia of compliance; and

13 (C) Fees for and procedures for use and application of certification stamps.

14 (b) A manufacturer of prefabricated structures shall provide the department with written notice
15 at least 60 days before a manufacturer may provide for plan approval or inspection service [*as al-*
16 *lowed*] under subsection [(2)] (3) of this section.

17 (c) The department is not required to provide plan approval for or inspection of any prefabri-
18 cated structure or prefabricated structure components unless the department has been notified in
19 writing by the manufacturer of the prefabricated structure 180 days in advance of the proposed as-
20 sumption of department inspections.

21 [(5)] (7) [*No person shall*] **A person may not** rent, lease, sell, exchange or offer for rent, lease,
22 sale or exchange within this state a prefabricated structure constructed on or after July 1, 1991,
23 unless [*it*] **the prefabricated structure** bears an insignia of compliance or certification stamp is-
24 sued by the department or a third party indicating compliance with this state's building regulations
25 and standards for prefabricated structures. A prefabricated structure with an insignia of compliance
26 or certification stamp shall be acceptable to municipalities as meeting the state building code reg-
27 ulations. Prefabricated structures constructed prior to July 1, 1991, are subject to the building code
28 regulations in effect at the time of original construction.

29 [(6)] *The provisions of this section do not apply to employees of the department of Consumer and*
30 *Business Services and testing laboratories approved under ORS chapters 447 and 479.]*

31 [(7)] *For purposes of this section, "insignia of compliance" means the plate affixed to a structure*
32 *by the Department of Consumer and Business Services or a third party to signify compliance with all*
33 *state building code requirements for which the structure was inspected.]*

34 (8) **This section does not apply to employees of the department or of testing laboratories**
35 **approved under ORS 447.152 or 479.730.**

36 [(8)] (9) Prefabricated structures or components found by the department or a third party to
37 represent a danger to public health or safety shall be brought into compliance with building code
38 regulations or removed from the state.

39 [(9)] (10) All plan approvals and inspections of prefabricated structures and prefabricated com-
40 ponents constructed at manufacturing plants outside of Oregon but intended for delivery into
41 Oregon shall be performed by the department or conducted under ORS 455.430.

42 **SECTION 20.** ORS 455.720 is amended to read:

43 455.720. (1) [*In accordance with applicable provisions of ORS chapter 183, to promote effective and*
44 *uniform enforcement of the state building code by improving the competence of building officials and*
45 *inspectors,]* The Director of the Department of Consumer and Business Services, **by rule and** with

1 the advice of the advisory boards, *[shall]* **may establish provisions to administer the licensing**
 2 **of building officials and inspectors. The rules may include, but need not be limited to, pro-**
 3 **visions regarding:**

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

8 *[(b) Establish a procedure to be used by municipalities to determine whether a person meets mini-*
 9 *imum standards or has minimum training to be appointed or employed as a building official or in-*
 10 *spector. The procedure shall allow for a field examination of a person to determine if the person meets*
 11 *the practical experience equivalent of a minimum standard.]*

12 *[(c) Subject to such terms, conditions and classifications as the director may impose, certify build-*
 13 *ing officials as being qualified, and revoke such certifications in the manner provided in ORS*
 14 *455.740.]*

15 *[(d) Subject to such terms, conditions and classifications as the director may impose, certify in-*
 16 *spectors as being qualified to enforce one or more particular specialty codes, and revoke such certif-*
 17 *ications in the manner provided in ORS 455.740.]*

18 *[(e) Require an applicant for a certificate as a building official or inspector to demonstrate knowl-*
 19 *edge of the laws governing accessibility to buildings by disabled persons by passing an examination*
 20 *prescribed by the director.]*

21 **(a) The form and content of an application for the issuance or renewal of a license and**
 22 **the manner for submitting the application.**

23 **(b) Experience, training, education and examination requirements for issuance or re-**
 24 **newal of a license.**

25 **(c) Procedures for verifying, reviewing, evaluating or otherwise determining the quali-**
 26 **fications of an applicant for issuance or renewal of a license.**

27 **(d) The form and content of an examination.**

28 **(e) The scope and term of the license.**

29 **(f) Qualifications, requirements and procedures for license renewal.**

30 **(g) Conditions, actions or failures to act that may result in the denial, refusal to renew,**
 31 **conditioning, limitation, suspension or revocation of a license or in placing a licensee on**
 32 **probation.**

33 **(h) Subject to ORS chapter 183, procedures required for denying, refusing to renew,**
 34 **conditioning, limiting, suspending or revoking a license or placing a licensee on probation.**

35 **(i) Conditions and procedures required for the issuance of a license to a former licensee.**

36 **(2) The examination requirements established by the director for an applicant for li-**
 37 **icensing as a building official or inspector shall include examination to determine whether the**
 38 **applicant is knowledgeable regarding the laws governing accessibility of buildings to persons**
 39 **with disabilities. An examination regarding knowledge of the laws governing accessibility of**
 40 **building to persons with disabilities may be administered separately from any other part of**
 41 **an examination for licensing as a building official or inspector.**

42 **(3) The director shall establish a procedure for use by a municipality to determine**
 43 **whether a person meets the minimum qualifications established by the director for a building**
 44 **official or inspector. The procedure shall include provision for the field examination of a**
 45 **person by the municipality.**

1 [(2)] (4) The director shall maintain and, upon request of municipalities, furnish information on
2 applicants for appointment or employment as building officials or inspectors.

3 [(3) Pursuant to ORS chapter 183, the director shall adopt rules necessary to carry out the certifi-
4 cation programs provided by subsection (1) of this section.]

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

8 **SECTION 21.** ORS 455.725 is amended to read:

9 455.725. (1) Upon application, the Director of the Department of Consumer and Business Services
10 or an authorized representative shall examine and evaluate any program or facility established by
11 a municipality or educational institution for the training of building officials[, *inspectors and*] **or**
12 **inspectors licensed under ORS 455.735 or of** specialty code inspectors [*and*] **or** plan reviewers li-
13 censed under ORS 455.457.

14 (2) If the director finds that a training program [*is qualified under the minimum requirements*
15 *established pursuant to*] **for building officials or inspectors provides a participant with training**
16 **that meets or exceeds the minimum requirements adopted under** ORS 455.720, the director
17 shall, in writing, certify the training program as being qualified for [*such a period of time and upon*
18 *such*] **a period and upon** conditions as the director may prescribe. An individual complies with any
19 minimum requirement for building officials or inspectors established pursuant to ORS 455.720 when
20 the individual satisfactorily completes a training program certified under this [*section*] **subsection.**

21 **SECTION 22.** ORS 455.730 is amended to read:

22 455.730. [*No*] (1) **Except as provided in subsection (2) of this section, a person [shall] may**
23 **not** be appointed or employed as a building official or inspector by any municipality unless the
24 person has [*been certified as being qualified under ORS 455.715 to 455.740, and the certification has*
25 *not lapsed or been revoked.*] **a valid license under ORS 455.735 qualifying the person for the**
26 **work to be performed.**

27 (2) **A municipality may appoint or employ an electrical inspector licensed under ORS**
28 **479.810 to provide plan approvals and inspections for prefabricated structure electrical sys-**
29 **tems regardless of whether the electrical inspector is licensed as an inspector under ORS**
30 **455.735.**

31 **SECTION 23.** ORS 455.735 is amended to read:

32 455.735. [(1) Any person desiring to be certified as a building official or inspector pursuant to ORS
33 455.715 to 455.740 shall make application to the Director of the Department of Consumer and Business
34 Services upon such forms as the director may prescribe for such purpose.]

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

36 [(b) In the event the director requires, by rule, an applicant for a particular certification to pass
37 an examination prepared by a national organization, the applicant shall pay in addition to the fee re-
38 quired in paragraph (a) of this subsection, the cost of the examination.]

39 [(3) Upon determining that the applicant is qualified under ORS 455.715 to 455.740, the director
40 shall issue or cause to be issued to the applicant a certificate setting forth the class and any restrictions
41 upon the certification, including, if the applicant is an inspector, the particular specialty codes which
42 the applicant is certified to enforce.]

43 (1) **A person applying for a class of license as a building official or inspector shall pay a**
44 **fee of \$22. The person must file a separate application and pay a separate application fee for**
45 **each class of license sought.**

1 (2) If the Director of the Department of Consumer and Business Services requires by rule
 2 that an applicant for licensing as a building official or inspector pass an examination pre-
 3 pared by a national organization, the applicant shall pay the cost of the examination in ad-
 4 dition to the application fee under subsection (1) of this section.

5 (3) Upon determining that the applicant is qualified under the rules adopted under ORS
 6 455.720, the director shall issue or cause to be issued to the applicant a license setting forth
 7 the class and any restrictions upon the license, including, if the applicant is an inspector, the
 8 particular specialty codes that the applicant is licensed to enforce.

9 **SECTION 24.** ORS 455.737 is amended to read:

10 455.737. (1) [Notwithstanding ORS 455.720 (1),] The Director of the Department of Consumer and
 11 Business Services[, by rule, shall adopt] **shall adopt rules under ORS 455.720 establishing** criteria
 12 for review of the experience and training in building inspection and building plan review acquired
 13 by a person outside the State of Oregon. The criteria shall be [adopted in a manner that facilitates]
 14 **designed to facilitate** review of a person’s qualifications by a local building official.

15 (2)(a) A local building official who wishes to employ a person who is not [certified] **licensed**
 16 under ORS 455.735 as an inspector shall submit the person’s qualifications to the director. [The di-
 17 rector shall review the stated qualifications against the criteria adopted under subsection (1) of this
 18 section, including verification of experience and training. The director shall respond to the local
 19 building official in writing within 10 working days of receiving the applicant’s qualifications, stating
 20 whether the person meets the applicable criteria.] **The director shall review and process the sub-**
 21 **mitted qualification information as the director may provide by rule under ORS 455.720.**

22 [(b) Upon application and payment of the required fee, the director shall allow a person whose
 23 qualifications meet the criteria adopted under subsection (1) of this section to sit for any examination
 24 necessary for the required certification. The application shall include a declaration, taken before a
 25 notary public, affirming the accuracy of the experience and training set forth in the application.]

26 **SECTION 25.** ORS 455.740 is amended to read:

27 455.740. [(1) The Director of the Department of Consumer and Business Services may, upon notice
 28 and hearing, suspend or revoke the certification of any building official or inspector when it appears
 29 to the director by competent evidence that the building official or inspector:]

30 [(a) Has consistently failed to act in the public interest in the performance of duties;]

31 [(b) Failed to complete the continuing education requirements as required under ORS 455.720 (4);
 32 or]

33 [(c) Provided false information to the department.]

34 [(2)] In any [revocation proceeding under this section] **proceeding for the revocation of a**
 35 **building official or inspector license**, the municipality that employs **or employed** the building of-
 36 ficial or inspector [shall be] **at the time of the condition, action or failure to act that precipi-**
 37 **tated the revocation proceeding is** entitled to appear as a party in interest, either for or against
 38 the revocation.

39 [(3) When a certification is suspended or revoked under this section, the director may also suspend,
 40 deny or place conditions on that person’s right to reapply for certification under ORS 455.735 for a
 41 period not to exceed 12 months.]

42 [(4) Nothing in this section shall be construed to limit or otherwise affect the authority of a
 43 municipality to dismiss or suspend a building official or inspector at its discretion.]

44 [(5) Notwithstanding the requirements of subsections (1) to (4) of this section, the director may
 45 adopt rules which:]

1 [(a) Allow certifications to be placed on inactive status; and]

2 [(b) Extend continuing education compliance requirements in case of illness or hardship.]

3 **SECTION 26.** ORS 455.770 is amended to read:

4 455.770. (1) In addition to any other authority and power granted to the Director of the De-
 5 partment of Consumer and Business Services under ORS 446.003 to 446.200, 446.225 to 446.285,
 6 446.395 to 446.420, 479.510 to 479.945, 479.995 and 480.510 to 480.670 and this chapter and ORS
 7 chapters 447, 460 and 693, with respect to municipalities, building officials and inspectors, if the di-
 8 rector has reason to believe that there is a failure to enforce or a violation of any provision of ORS
 9 446.003 to 446.200, 446.225 to 446.285, 446.395 to 446.420, 479.510 to 479.945, 479.995 and 480.510 to
 10 480.670 and this chapter or ORS chapter 447, 460 or 693 or any rule adopted [thereunder] **under**
 11 **ORS 446.003 to 446.200, 446.225 to 446.285, 446.395 to 446.420, 479.510 to 479.945, 479.995 and**
 12 **480.510 to 480.670 and this chapter or ORS chapter 447, 460 or 693**, the director may:

13 (a) Examine building code activities of the municipality;

14 (b) Take sworn testimony; and

15 (c) With the authorization of the Office of the Attorney General, subpoena persons and records
 16 to obtain testimony on official actions that were taken or omitted or to obtain documents otherwise
 17 subject to public inspection under ORS 192.410 to 192.505.

18 (2) The investigative authority authorized in subsection (1) of this section covers the violation
 19 or omission by a municipality related to enforcement of codes or administrative rules, [certification]
 20 **licensing** of inspectors or financial transactions dealing with permit fees and surcharges under any
 21 of the following circumstances when:

22 (a) The duties are clearly established by law, rule or agreement;

23 (b) The duty involves procedures for which the means and methods are clearly established by
 24 law, rule or agreement; or

25 (c) The duty is described by clear performance standards.

26 (3) Prior to starting an investigation under subsection (1) of this section, the director shall notify
 27 the municipality in writing setting forth the allegation and the rules or statutes pertaining to the
 28 allegation and give the municipality 30 days to respond to the allegation. If the municipality does
 29 not satisfy the director's concerns, the director may then commence an investigation.

30 (4) If the Department of Consumer and Business Services directs corrective action the following
 31 shall be done:

32 (a) The corrective action shall be in writing and served on the building official and the chief
 33 executive officers of all municipalities affected;

34 (b) The corrective action shall identify the facts and law relied upon for the required action; and

35 (c) A reasonable time shall be provided to the municipality for compliance.

36 (5) The director may revoke any authority of the municipality to administer any part of ORS
 37 446.003 to 446.200, 446.225 to 446.285, 446.395 to 446.420, 479.510 to 479.945, 479.995 and 480.510 to
 38 480.670 and this chapter or ORS chapter 447, 460 or 693 or any rule adopted [thereunder] **under**
 39 **ORS 446.003 to 446.200, 446.225 to 446.285, 446.395 to 446.420, 479.510 to 479.945, 479.995 and**
 40 **480.510 to 480.670 and this chapter or ORS chapter 447, 460 or 693** if the director determines
 41 after a hearing conducted under ORS 183.413 to 183.497 that:

42 (a) All of the requirements of this section and ORS 455.775 and 455.895 were met; and

43 (b) The municipality did not comply with the corrective action required.

44 (6) [Nothing in] ORS 455.775 [shall be construed to] **does not** grant any authority over a
 45 municipality or inspector employed by a municipality.

MASTER BUILDERS

SECTION 27. Section 28 of this 2005 Act is added to and made a part of ORS 455.800 to 455.820.

SECTION 28. (1) An individual may apply to the Department of Consumer and Business Services to be tested and licensed as a master builder.

(2) The department, by rule, may establish provisions to administer the licensing of master builders under this section. The rules may include, but need not be limited to, provisions regarding:

(a) The form and content of an application for the issuance or renewal of a license and the manner for submitting the application.

(b) License fees.

(c) Procedures for verifying, reviewing, evaluating or otherwise determining the qualifications of an applicant for issuance or renewal of a license.

(d) The form and content of an examination.

(e) The term of the license.

(f) Qualifications, requirements and procedures for license renewal.

(g) Conditions, actions or failures to act that may result in the denial, refusal to renew, conditioning, limitation, suspension or revocation of a license or in placing a licensee on probation.

(h) Subject to ORS chapter 183, procedures required for denying, refusing to renew, conditioning, limiting, suspending or revoking a license or placing a licensee on probation.

(i) Conditions and procedures required for the issuance of a license to a former licensee.

SECTION 29. ORS 455.800 is amended to read:

455.800. As used in ORS 455.800 to 455.820:

(1) "Building official" means a person who is a building official as defined in ORS 455.715 or a Department of Consumer and Business Services employee charged with enforcement or administration of the state building code.

(2) "Building trade committee" means a group composed of experienced and knowledgeable local general contractors or other persons having substantial expertise in various aspects of one and two family dwelling construction under the Low-Rise Residential Dwelling Code.

(3) "General contractor" has the meaning given that term in ORS 701.005.

(4) "Master builder" means a person [*certified under ORS 455.810*] **licensed by the department as provided by rule under section 28 of this 2005 Act.**

(5) "Qualified construction company" means a company that has been:

(a) Continuously licensed by the Construction Contractors Board during the preceding 60 months as a general contractor; or

(b) Continuously licensed by the Construction Contractors Board during at least the preceding 24 months as a general contractor and by one or more other states during the balance of the preceding 60 months in an occupation equivalent to that of a general contractor.

(6) "Regular employee" means a person who:

(a) Is continuously employed by, and on the regular payroll of, a qualified construction company;

(b) Has filed a withholding exemption certificate pursuant to ORS 316.182 for work performed for the qualified construction company; and

(c) Is available during working hours to supervise on-site dwelling construction, including but

1 not limited to supervising the installation of:

- 2 (A) Drywall;
- 3 (B) Electrical systems;
- 4 (C) Footings;
- 5 (D) Foundations;
- 6 (E) Framing;
- 7 (F) Insulation;
- 8 (G) Mechanical systems;
- 9 (H) Plumbing systems; and
- 10 (I) Stairs.

11 (7) "Whole dwelling remodel" means a project that includes the installation in an existing
12 dwelling of all of the following:

- 13 (a) Drywall;
- 14 (b) Electrical systems;
- 15 (c) Footings;
- 16 (d) Foundations;
- 17 (e) Framing;
- 18 (f) Insulation;
- 19 (g) Mechanical systems; and
- 20 (h) Plumbing systems.

21 **SECTION 30.** ORS 455.805 is amended to read:

22 455.805. An individual may apply to the Department of Consumer and Business Services to be
23 *[tested and certified]* **licensed under section 28 of this 2005 Act** as a master builder. The depart-
24 ment shall establish uniform criteria *[for use in determining whether to grant an application]* **that**
25 **an individual must meet to qualify for issuance of a master builder license.** The criteria must,
26 at a minimum, provide that:

27 (1) The individual must be an owner or regular employee of a qualified construction company
28 and be authorized by the company to provide assurance to the department that all state and local
29 code requirements are met.

30 (2) In each of the five preceding calendar years, the individual must either have performed or
31 supervised a dwelling construction or whole dwelling remodel. In at least two of the years, the
32 construction or remodel must have occurred in a geographic area that had a master builder pro-
33 gram.

34 (3) The individual must have completed a program sponsored by a local building trade committee
35 or other program approved by the department, providing training relating to the construction of one
36 and two family dwellings under the Low-Rise Residential Dwelling Code. A program must include
37 but need not be limited to instruction in:

- 38 (a) Administration;
- 39 (b) Chimneys and fireplaces;
- 40 (c) Decay and termite protections;
- 41 (d) Energy conservation;
- 42 (e) Footings and foundations;
- 43 (f) Roof-ceiling construction;
- 44 (g) Roof coverings;
- 45 (h) Site inspections;

1 (i) Wall construction, assemblies and coverings; and

2 (j) Wood and metal framing.

3 (4) The individual must have [*scored at least 75 percent on a written*] **passed an** examination,
 4 approved and administered by the department, covering the appropriate aspects of the Low-Rise
 5 Residential Dwelling Code.

6 (5)(a) The individual must not be the subject of an adverse final order issued by the Construction
 7 Contractors Board or Department of Consumer and Business Services based upon acts committed
 8 within 36 months preceding the application date that:

9 (A) Violated a specialty code, licensing or permit requirement; or

10 (B) Resulted in a claim being filed with the board or department against the individual.

11 (b) For purposes of this subsection, if the individual is an owner of a qualified construction
 12 company, an adverse final order issued against the company is an adverse final order issued against
 13 that individual.

14 **SECTION 31.** Section 6, chapter 406, Oregon Laws 2001, is amended to read:

15 **Sec. 6.** If an individual applies on or before January 1, 2006, to be [*certified*] **licensed** as a
 16 master builder, and the individual has performed or supervised a dwelling construction or whole
 17 dwelling remodel in each of the five preceding calendar years, the Department of Consumer and
 18 Business Services may waive the geographical requirement of [*section 2 (2) of this 2001 Act*] **ORS**
 19 **455.805 (2).**

20 **SECTION 32.** Section 9, chapter 406, Oregon Laws 2001, is amended to read:

21 **Sec. 9.** (1) Section 6, **chapter 406, Oregon Laws 2001**, [*of this 2001 Act*] is repealed July 1, 2007.
 22 The repeal does not invalidate any certification **or license** granted prior to July 1, 2007.

23 (2) Sections 7 and 8, **chapter 406, Oregon Laws 2001**, [*of this 2001 Act*] are repealed January
 24 1, 2003. The repeal does not invalidate any certification or waiver granted under section 7 or 8,
 25 **chapter 406, Oregon Laws 2001**, [*of this 2001 Act*].

26 **SECTION 33.** ORS 455.815 is amended to read:

27 455.815. (1) Local government establishment of a master builder program is voluntary. A local
 28 government electing to establish or terminate a program shall notify the Department of Consumer
 29 and Business Services. If terminating a program, the local government must give the notice six
 30 months before the program terminates.

31 (2) The department [*of Consumer and Business Services*] may implement a master builder pro-
 32 gram in one or more geographic areas for which the department provides plan review or inspection
 33 services. A department decision to include an area as a participant in the program affects only those
 34 areas, and those reviews or inspections, for which the department provides services instead of a
 35 local government. The department shall notify a county prior to implementing a master builder
 36 program in areas of the county that are served by the department.

37 (3) A local government may not allow an individual to perform the duties of a master builder
 38 unless the local government has a master builder program. The department may allow an individual
 39 to perform the duties of a master builder in any geographic area administered by the department.

40 (4) A building official of a government having a master builder program may waive plan review
 41 elements by that government and may waive government performance of one or more of the required
 42 inspections identified by department rule, including but not limited to inspections described in sub-
 43 section (6) of this section, if:

44 (a) [*An individual certified as*] A master builder submits construction plans for a one or two
 45 family dwelling regulated by the Low-Rise Residential Dwelling Code; and

1 (b) The building official determines that:

2 (A) The work is not of a highly technical nature; and

3 (B) There is no unreasonable potential risk to safety of the structure.

4 (5) A building official may not waive government performance of plan review or required in-
5 spections for:

6 (a) Special design applications that are complex and highly technical engineered systems; or

7 (b) Unique building sites, including but not limited to sites containing geologic hazards such as
8 landslide hazard areas, floodplains and wetlands.

9 (6) Subject to subsections (3) to (5) of this section, a building official may allow a master builder
10 to verify that the master builder has properly performed an installation on a project and, to the
11 extent that inspection would duplicate the verification conducted by the master builder, may waive
12 government performance of the following required inspections:

13 (a) Drywall;

14 (b) Footings and setbacks;

15 (c) Foundation walls, Ufer grounding rods and rebar;

16 (d) Insulation;

17 (e) Masonry fireplace pre-cover;

18 (f) Masonry rebar;

19 (g) Gutters, downspouts and foundation drains;

20 (h) Roof sheathing nailing;

21 (i) Suspended ceilings;

22 (j) Underfloor structural; and

23 (k) Wall sheathing nailing.

24 **SECTION 34.** ORS 455.820 is amended to read:

25 455.820. (1) A master builder must perform all plan review and required verifications for which
26 government review or inspection has been waived by a building official. The master builder shall
27 maintain copies of all documents and reports required by the government granting the waiver and
28 provide those copies to the building official.

29 (2) When waiving government performance of plan review or required inspections, a building
30 official shall require the master builder to sign a form that specifically identifies each waiver and
31 states that the master builder accepts the duty of performing the review and verifications. A master
32 builder who accepts the duty of performing a review or verification remains responsible for that
33 duty unless released by written and signed permission of the building official. A building official may
34 release a master builder from a review or verification duty by a written and signed assumption of
35 the review or inspection duty by the building official or written and signed assumption of the review
36 and verification duty by another master builder.

37 (3) A building official for a government that has a master builder program:

38 (a) Must conduct inspections of at least 10 percent of projects that are built under a master
39 builder program;

40 (b) May revoke a waiver for a plan review or required inspection if the master builder fails to
41 properly perform, or document performance of, review or verification duties; and

42 (c) Must notify the Department of Consumer and Business Services when the official revokes a
43 waiver pursuant to paragraph (b) of this subsection.

44 (4) When revoking a waiver, a building official shall provide the master builder with a release
45 under subsection (2) of this section from future performance of review or verification duties. A re-

1 lease does not relieve a master builder from liability for the failure to perform, or document per-
 2 formance of, review or verification duties prior to the revocation of the waiver.

3 (5) A government having a master builder program has no legal duty with regard to plan review
 4 or required inspections properly waived under ORS 455.815 and accepted by a master builder in a
 5 signed form described under subsection (2) of this section. This subsection does not release a gov-
 6 ernment from a duty arising due to a waiver revocation under subsection (3) of this section or an
 7 assumption under subsection (2) of this section.

8 (6) A local government may refuse to grant recognition to a [*certified*] master builder if a waiver
 9 granted to the master builder under that government’s master builder program has been revoked
 10 pursuant to subsection (3)(b) of this section. If a waiver is revoked pursuant to subsection (3)(b) of
 11 this section, a local government or building official may send a recommendation to the department
 12 for action against the master builder who was granted the waiver. The local government or building
 13 official may also send the department any information supporting the recommendation.

14
 15 **TRI-COUNTY BUILDING INDUSTRY SERVICE CENTER**

16
 17 **SECTION 35.** ORS 455.844 is amended to read:

18 455.844. The Department of Consumer and Business Services shall:

19 (1) Develop and administer an installation label program for minor installations under the state
 20 building code, including but not limited to electrical installations under ORS 455.627, 479.540 and
 21 479.570 and plumbing installations under ORS 447.076;

22 (2) Develop standard application forms and procedures for use by municipalities in Clackamas,
 23 Multnomah and Washington Counties [*when*] **in** issuing structural, mechanical, electrical, plumbing
 24 and other permits when [*such*] **the** permits do not require a review of building plans;

25 (3) Develop standard application forms and procedures for issuing building permits and record-
 26 ing inspections;

27 (4) Develop standard forms and procedures for reviewing building plans;

28 (5) Establish standardized criteria and methodology for determining fee amounts for permits that
 29 are required under the state building code established under ORS 455.030;

30 (6) Maintain and make available to the public the names of persons [*certified*] **licensed** to review
 31 building plans;

32 (7) Maintain and make available to the public the names of persons [*certified*] **licensed** to per-
 33 form technical inspections;

34 (8) Administer prepaid building permit cost accounts;

35 (9) Establish sufficient resources to assist local building officials in interpreting the state
 36 building code;

37 (10) Establish a process to facilitate consistent application of the state building code for the
 38 area served by the Tri-County Building Industry Service Center; and

39 (11) Develop a process for resolving disputes between local building officials and contractors or
 40 developers regarding site-specific application of one or more provisions of the state building code.

41
 42 **ELEVATORS**

43
 44 **SECTION 36. Section 37 of this 2005 Act is added to and made a part of ORS 460.005 to**
 45 **460.175.**

1 **SECTION 37.** The Department of Consumer and Business Services, by rule, after con-
 2 sultation with the Electrical and Elevator Board, may establish provisions for licensing per-
 3 sons under ORS 460.005 to 460.175. The rules may include, but need not be limited to,
 4 provisions regarding:

5 (1) The form and content of an application for the issuance or renewal of a license and
 6 the manner for submitting the application.

7 (2) Experience, training, education and examination requirements for issuance or renewal
 8 of a license.

9 (3) Procedures for verifying, reviewing, evaluating or otherwise determining the quali-
 10 fications of an applicant for issuance or renewal of a license.

11 (4) The form and content of an examination.

12 (5) The term of the license.

13 (6) Qualifications, requirements and procedures for license renewal.

14 (7) Conditions, actions or failures to act that may result in the denial, refusal to renew,
 15 conditioning, limitation, suspension or revocation of a license or in placing a licensee on
 16 probation.

17 (8) Subject to ORS chapter 183, procedures required for denying, refusing to renew, con-
 18 ditioning, limiting, suspending or revoking a license or placing a licensee on probation.

19 (9) Conditions and procedures required for the issuance of a license to a former licensee.

20 **SECTION 38.** ORS 460.005 is amended to read:

21 460.005. As used in ORS 460.005 to 460.175, unless the context requires otherwise:

22 (1) “Alteration” means any change or addition to the equipment other than ordinary repair or
 23 replacement of an existing part *[thereof]* **of the equipment.**

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

25 (3) “Certified elevator inspector” means an employee or representative of a casualty insurance
 26 company or companies who has passed the required examination and has been issued a certificate of
 27 competency as an elevator inspector by the Department of Consumer and Business Services.]

28 (4) “Department” means the Department of Consumer and Business Services.]

29 (5) “Director” means the Director of the Department of Consumer and Business Services.]

30 (6) (2) “Elevator” means:

31 (a) A hoisting and lowering mechanism equipped with a car or platform *[which]* **that** moves in
 32 guides, *and which]* **and** serves two or more landings, *and includes but is not limited to]; and*

33 (b) Dumbwaiters, escalators, manlifts, platform hoists, vertical parking units for motor vehicles
 34 and moving walks.

35 (7) “License” means an annual permit issued by the department under ORS 460.005 to 460.175
 36 authorizing the person whose name appears as licensee thereon to act as an elevator contractor for the
 37 installation, alteration, repair and maintenance of elevators.]

38 (3) “Elevator contractor license” means an authorization issued by the Department of
 39 Consumer and Business Services under ORS 460.005 to 460.175 for the licensee to engage in
 40 the business of installing, altering, repairing and maintaining elevators.

41 (4) “Licensed elevator inspector” means a person who is employed by or represents one
 42 or more casualty insurance companies and who has been issued a license as an elevator in-
 43 spector by the department.

44 (8) (5) “Minimum safety standards” means safety standards provided by ORS 460.005 to 460.175.

45 (9) (6) “Moving walk” means a power-driven, horizontal or inclined, or combination,

1 passenger-carrying device, in which the passenger-carrying surface remains parallel to its direction
2 of motion, and is uninterrupted.

3 [(10)] (7) "Operating permit" means a permit issued by the department for the operation of an
4 elevator indicating that the required safety inspection has been made and the elevator has been
5 found to be in compliance with the minimum safety standards provided for in ORS 460.005 to 460.175.

6 [(11)] (8) "Platform hoist" means a hoisting and lowering mechanism equipped with an open
7 platform [*which*] **that** moves in a substantially vertical direction and [*which*] **that** travels a limited
8 distance above or below a building floor or dock level.

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

11 **SECTION 39.** ORS 460.045 is amended to read:

12 460.045. Subject to ORS 460.035, a person [*shall*] **may** not:

13 (1) Engage in the business of installation, alteration, repair or maintenance of an elevator
14 without an elevator [*contractor's*] **contractor** license.

15 (2) Install, alter, repair or maintain an elevator unless the person possesses a valid license is-
16 sued under ORS 460.059 or 479.630 (6).

17 (3) Install, alter, or commence to install or alter, an elevator covered by ORS 460.005 to 460.175
18 the plans and pertinent data for which have not been approved by the Department of Consumer and
19 Business Services.

20 (4) Permit or suffer an elevator to be operated, without a current operating permit, on property
21 [*which*] **that** the person owns, controls, manages or supervises.

22 (5) Act or offer to act as a [*certified*] **licensed** elevator inspector unless the person has a [*current*
23 *certificate of competency*] **valid license** as an elevator inspector issued by the department.

24 (6) Place in service a new or altered elevator without a current operating permit issued after
25 a satisfactory acceptance inspection made by the department and satisfactory acceptance tests per-
26 formed in the presence of a member of the department's staff of elevator inspectors.

27 (7) Place in service an elevator [*which*] **that** has caused an injury to a person or persons
28 [*until*] **unless** permission has been obtained from the department.

29 **SECTION 40.** ORS 460.055 is amended to read:

30 460.055. (1) The Department of Consumer and Business Services shall [*give its decision within a*
31 *reasonable time, not exceeding 30 days*]:

32 (a) [*Approving or rejecting*] **Approve or reject** plans and pertinent data for proposed elevator
33 installations or alterations submitted for [*the department's*] **department** examination.

34 [(b) *Issuing or denying a certificate of competency to applicants after examinations have been taken*
35 *therefor.*]

36 [(c) *Issuing or denying permits for elevators inspected by a member of the department's staff of*
37 *elevator inspectors or by a certified elevator inspector.*]

38 **(b) Issue or deny permits for elevators inspected by a department elevator inspector or**
39 **a licensed elevator inspector.**

40 (2) Except as provided in subsection (3) of this section [*permits shall not be issued*], **the de-**
41 **partment may not issue permits** for the operation of elevators failing to meet minimum safety
42 standards as provided by ORS 460.005 to 460.175.

43 [(3) *A provisional operating permit may be issued for elevators whose safety standards vary from*
44 *the minimum safety standards as provided in ORS 460.005 to 460.175, when in the opinion of the de-*
45 *partment no immediate hazard to health or safety exists. Such*]

1 **(3) The department may issue a provisional operating permit for an elevator having**
 2 **safety standards that vary from the minimum safety standards if, in the opinion of the de-**
 3 **partment, the variance does not present an immediate hazard to health or safety. A provi-**
 4 **sional operating permit shall be issued for a specific period of time determined by the department**
 5 **at the time [such] the permit is granted. During the [life of such] term of the provisional operating**
 6 **permit [such] the elevator shall be brought into compliance with the safety standards found at var-**
 7 **iance at the time of the issuance of [such] the provisional operating permit.**

8 *[(4) A certificate of competency as an elevator inspector shall be issued only to an individual who*
 9 *has passed an examination administered by the department for this purpose and who is employed by*
 10 *the department or is a representative of a casualty insurance company or companies as an elevator*
 11 *inspector. The examination shall:]*

12 *[(a) Include questions, the answers to which are confined to matters which will aid in determining*
 13 *the fitness and competency of the applicant for the intended service.]*

14 *[(b) Include a practical demonstration of manipulative skill directly related to the intended service,*
 15 *or the requirement of previous related experience in lieu thereof.]*

16 *[(c) Be maintained on file with the records of practical demonstrations for no less than three years*
 17 *and shall be produced by the department upon the request of any court, or the Electrical and Elevator*
 18 *Board, or a person with a legitimate interest.]*

19 *[(5) If for a period of more than two years after the person is issued a certificate of competency*
 20 *as an elevator inspector, a holder of the certificate is not employed as an elevator inspector, the person*
 21 *shall not be entitled to renewal of the certificate. The person may qualify for issuance of a new certifi-*
 22 *cate in the manner provided for in subsection (4) of this section.]*

23 *[(6)] (4) [No] **The department may not approve** plans or pertinent data for elevators to be*
 24 *installed or altered in this state [shall be approved by the department] unless the proposed elevator*
 25 *installation or alteration meets minimum safety standards as provided in ORS 460.085 (1).*

26 **SECTION 41.** ORS 460.057 is amended to read:

27 460.057. The **rules adopted by the** Department of Consumer and Business Services *[by rule shall*
 28 *establish criteria]* **under section 37 of this 2005 Act shall provide** for issuing a special limited li-
 29 cense to a person who can document to the satisfaction of the department that the person possesses
 30 sufficient work experience in the mechanical aspects of elevator installation, alteration, maintenance
 31 and repair acquired prior to October 23, 1999. The license shall limit the person to performing me-
 32 chanical installation, alteration, maintenance and repair on elevators. The department may further
 33 establish conditions and limit the scope of work that may be performed by a person licensed under
 34 this section.

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

36 460.059. The **Department of Consumer and Business Services, after consultation with the**
 37 **Electrical and Elevator Board,** shall establish by rule *[criteria for issuing a special limited license*
 38 *to]* **under section 49 of this 2005 Act provisions to issue** a person engaged in an approved ap-
 39 prenticeship program **a special limited license** that allows the person to engage in the installation,
 40 alteration, maintenance and repair of elevators. The *[board]* **department** shall establish conditions
 41 and the specific scope of work that may be performed by a person licensed under this section.

42 **SECTION 43.** ORS 460.075 is amended to read:

43 460.075. **(1) If a person who has an elevator operating permit has complied with ORS**
 44 **460.005 to 460.175 and rules adopted under ORS 460.085, the person may renew the permit.**

45 *[(1)] (2)* Subject to the provisions of ORS chapter 183, the Department of Consumer and Business

1 Services shall cancel, revoke or suspend the operating permit for any elevator *[which]* **that** fails to
 2 comply with the minimum safety standards provided by ORS 460.005 to 460.175.

3 *[(2) Subject to the provisions of ORS chapter 183, the department may suspend or revoke the cer-*
 4 *tificate of competency of any certified elevator inspector:]*

5 *[(a) Whom the department finds to be performing the work in a manner inconsistent with the intent*
 6 *and purposes of ORS 460.005 to 460.175.]*

7 *[(b) Who fails to file in advance with the department the name of any company for which the in-*
 8 *spector performs an inspection.]*

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

10 *[(d) Who deliberately falsified the application of the inspector for such certificate or the inspection*
 11 *report made to the department.]*

12 *[(e) Who persistently fails to properly report to the department in writing regarding elevators in-*
 13 *spected by the inspector.]*

14 *[(3) Subject to the provisions of ORS chapter 183, the department may suspend or revoke the license*
 15 *of an elevator contractor who willfully violates ORS 460.005 to 460.175 or rules issued under ORS*
 16 *460.085 (1).]*

17 **SECTION 44.** ORS 460.085 is amended to read:

18 460.085. (1) In accordance with the applicable provisions of ORS chapter 183, the Director of the
 19 Department of Consumer and Business Services, after consultation with the Electrical and Elevator
 20 Board, shall adopt reasonable rules:

21 (a) Establishing safety standards applicable to the installation of elevators installed after July
 22 21, 1973.

23 (b) Establishing safety standards applicable to the alteration, repair or maintenance of elevators.
 24 The *[department]* **director** may provide differing standards for elevators installed prior to July 1,
 25 1961, and after July 1, 1961.

26 *[(c) Governing the issuance, renewal, suspension and revocation of licenses, permits and certificates*
 27 *of competency issued under ORS 460.005 to 460.175.]*

28 *[(d) Prescribing the time, place and circumstances under which permits, licenses and certificates*
 29 *of competency shall be exhibited for inspection.]*

30 **(c) Governing the visible display for inspection of licenses and permits issued under ORS**
 31 **460.005 to 460.175.**

32 *[(e)]* **(d)** Governing the internal organization and procedure of the Department **of Consumer and**
 33 **Business Services** for administering and enforcing ORS 460.005 to 460.175.

34 *[(f)]* **(e)** *[Prescribing, requiring and]* Governing reports by the department's staff of elevator in-
 35 spectors and *[certified]* **licensed** elevator inspectors on elevators inspected by *[them]* **the**
 36 **inspectors.**

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

38 (a) Technological advances in the elevator industry.

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

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

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

44 (3) The sole purpose of subsection (1)(b) of this section is to provide reasonable safety *[for life*
 45 *and limb. In case of practical difficulty or unnecessary hardship, the department shall grant exceptions*

1 from the literal requirements or permit the use of other devices or methods than specified pursuant to
 2 subsection (1)(b) of this section when it is evident that reasonable safety is thereby secured]. **If ad-**
 3 **herence to the standards adopted under subsection (1)(b) of this section would involve prac-**
 4 **tical difficulties or unnecessary hardship, the director shall grant exceptions or allow the use**
 5 **of nonstandard devices or methods, provided the exceptions, devices or methods will ensure**
 6 **reasonable safety.**

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

10 **SECTION 45.** ORS 460.125 is amended to read:

11 460.125. (1) The Department of Consumer and Business Services shall:

12 [*(a) At least once each year inspect each elevator to ascertain if it is being operated and maintained*
 13 *in accordance with ORS 460.005 to 460.175; provided, however, the department shall not be required*
 14 *to inspect any elevator about which the department has been notified in writing, by the employer of a*
 15 *certified elevator inspector, that inspection will be made by their certified inspector, if a copy of each*
 16 *report is filed with the department within 30 days of the due date of each of said elevators.*]

17 **(a) At least once each year inspect each elevator to determine if the elevator is being**
 18 **operated and maintained in accordance with ORS 460.005 to 460.175. However, the department**
 19 **is not required to inspect an elevator if the employer of a licensed elevator inspector notifies**
 20 **the department in writing that the licensed elevator inspector will perform the inspection**
 21 **and a copy of the licensed elevator inspector’s report for the elevator is filed with the de-**
 22 **partment within 30 days of the date the elevator is due for inspection.**

23 (b) Periodically check the authenticity, appropriateness and expiration date of elevator permits.

24 (c) Review with the Electrical and Elevator Board any appeals from the decisions of the in-
 25 spectors.

26 (d) Inspect and witness safety tests of all new or altered elevators before [*they*] **the elevators**
 27 are placed in service. Inspection and tests are to be governed by ORS 460.085 (1).

28 [*(e)*] **(2) Inspection reports provided to owners, users or other affected parties shall contain a**
 29 **notification of the right [*of appeal as provided in*] to appeal under ORS 460.155.**

30 [(2)] **(3) If the department finds that an elevator is being operated otherwise than in compliance**
 31 **with ORS 460.005 to 460.175, the department may cause [*it*] the elevator to be disconnected from**
 32 **its source of power. The department shall give reasonable notice to the owner or operator prior to**
 33 **[*taking such action*] causing the elevator to be disconnected,** unless continued operation of the
 34 elevator would constitute an immediate hazard to the health and safety of persons.

35 **SECTION 46.** ORS 460.155 is amended to read:

36 460.155. (1) The Department of Consumer and Business Services shall hear the appeal of an
 37 appellant who has filed a written request [*(a) within 10 days of receiving written notice that a re-*
 38 *straining order or injunction will be sought, or (b) within 30 days after receiving notice that a permit*
 39 *or certificate of competency will be canceled, revoked or suspended, or who is affected by either of such*
 40 *notices.*] **for a hearing:**

41 **(a) Within 10 days after service of a written notice that an injunction will be sought;**

42 **(b) Within 20 days after service of a notice that a permit or license will be canceled,**
 43 **suspended or revoked; or**

44 **(c) If the appellant is adversely affected by a notice given to a person under paragraph**
 45 **(a) or (b) of this subsection and appeals within the time provided for an appeal by the person**

1 **given notice.**

2 (2) *[In case there is a timely appeal, the restraining order or injunction will not be sought or the*
 3 *permit or certificate of competency will not be canceled, suspended or revoked]* **If a timely appeal is**
 4 **filed, the department may not seek an injunction or cancel, suspend or revoke a permit or**
 5 **license** pending the appeal unless the reason for the *[restraining order,]* injunction, cancellation,
 6 suspension or revocation constitutes an immediate menace to health or safety.

7 (3) The department shall *[likewise]* hear the appeal of an appellant who has filed a written re-
 8 quest and who has reason to desire a change in the minimum safety standards *[or the]* **adopted by**
 9 **the Director of the Department of Consumer and Business Services under ORS 460.085 or**
 10 **department** rules under ORS 460.005 to 460.175, or has been denied a permit or *[a certificate of*
 11 *competency]* **license.**

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

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

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

19 (b) The department and the appellant may subpoena witnesses who shall receive the same com-
 20 pensation and mileage pay as circuit court witnesses.

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

22 (d) A written record shall be kept.

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

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

27 **SECTION 47.** ORS 460.165 is amended to read:

28 460.165. (1) Subject to ORS 460.035 (1) *[and 460.085 (1)]*, the maximum fees described in this
 29 subsection may be collected by the Department of Consumer and Business Services for examining
 30 plans, for the inspection of elevators, for issuing or renewing an elevator *[contractor's]* **contractor**
 31 license and for processing reports and issuing the annual permit for the operation of an elevator,
 32 as the case may be. Actual fees shall be prescribed by the department with approval of the Oregon
 33 Department of Administrative Services. This section applies to the following fees:

34 (a) For an elevator *[contractor's]* **contractor** license for each place of business operated by the
 35 applicant, \$195.

36 (b) With the submission of plans and other pertinent data, for each elevator, \$78.

37 (c) For each periodical or other inspection made by a member of the *[department's]* **Department**
 38 **of Consumer and Business Services'** staff of elevator inspectors, except as provided in paragraph
 39 (f) of this subsection, the following schedule of maximum fees shall apply:

- 40 (A) Dumbwaiter, sidewalk elevator, residential elevator, residential inclinor or subveyor, \$52.
- 41 (B) Escalator, lowerator, manlift, stagelift, inclined elevator, platform hoist or moving walk, \$78.
- 42 (C) Power-driven elevator with a four floor rise or under, \$78.
- 43 (D) Power-driven elevator with over a four floor rise, but under a 10-floor rise, \$98.
- 44 (E) Power-driven elevator with over 10-floor rise, but under 20-floor rise, \$124.
- 45 (F) Power-driven elevator with a 20-floor rise or over, \$147.

1 (G) A callback made on a mechanism listed in subparagraphs (A) to (F) of this paragraph and
 2 made by request or in the continued existence of a defect, \$52.

3 (d) Special inspections of hoisting or lowering mechanisms other than elevators or under special
 4 agreement between the department and a person requesting a special inspection shall be at the
 5 maximum rate of \$55 per hour for travel and inspection time.

6 (e) For the processing of each report of an inspection required under the provisions of ORS
 7 460.005 to 460.175, \$20.

8 (f) Maximum inspection fee in the case of installation or alteration of an elevator, if the total
 9 cost of the installation or alteration, other than the inspection fee, is:

10 (A) \$1,000 or under, the maximum fee is \$98.

11 (B) Over \$1,000 but under \$15,000, the maximum fee is \$98 plus \$13 for each \$1,000 or fraction
 12 of \$1,000 by which the cost exceeds \$1,000.

13 (C) \$15,000 or over but under \$50,000, the maximum fee is \$280 plus \$8 for each \$1,000 or frac-
 14 tion of \$1,000 by which the cost exceeds \$15,000.

15 (D) \$50,000 or over, the maximum fee is \$553 plus \$3 for each \$1,000 or fraction of \$1,000 by
 16 which the cost exceeds \$50,000.

17 (2) Whenever an owner or user of any elevator equipment fails to pay a fee required under this
 18 section within 90 days after the date of depositing written notification in the United States mail,
 19 postage prepaid, and addressed to the last-known address of said owner or user, the fee shall be
 20 considered delinquent and the fee shall be doubled unless the owner or user of the elevator equip-
 21 ment establishes to the satisfaction of the department justification for failure to pay. The court may
 22 award reasonable attorney fees to the department if the department prevails in an action for the
 23 collection of a fee required by this section. The court may award reasonable attorney fees to a de-
 24 fendant who prevails in an action for the collection of a fee required by this section if the court
 25 determines that the department had no objectively reasonable basis for asserting the claim or no
 26 reasonable basis for appealing an adverse decision of the trial court.

27
 28 **ELECTRICAL TRADES**

29
 30 **SECTION 48. Sections 49 to 53 of this 2005 Act are added to and made a part of ORS**
 31 **479.510 to 479.945.**

32 **SECTION 49. The Department of Consumer and Business Services, by rule, after con-**
 33 **sultation with the Electrical and Elevator Board, may establish provisions for licensing per-**
 34 **sons under ORS 479.510 to 479.945. The rules may include, but need not be limited to,**
 35 **provisions regarding:**

36 (1) **The form and content of an application for the issuance or renewal of a license and**
 37 **the manner for submitting the application.**

38 (2) **Procedures for verifying, reviewing, evaluating or otherwise determining the quali-**
 39 **fications of an applicant for issuance or renewal of a license.**

40 (3) **The form and content of an examination.**

41 (4) **The term of the license.**

42 (5) **Qualifications, requirements and procedures for license renewal.**

43 (6) **Conditions, actions or failures to act that may result in the denial, refusal to renew,**
 44 **conditioning, limitation, suspension or revocation of a license or in placing a licensee on**
 45 **probation.**

1 (7) Subject to ORS chapter 183, procedures required for denying, refusing to renew, con-
 2 ditioning, limiting, suspending or revoking a license or placing a licensee on probation.

3 (8) Conditions and procedures required for the issuance of a license to a former licensee.

4 **SECTION 50.** The Department of Consumer and Business Services may not administer
 5 an examination or issue a license to a person whose practical experience qualification for the
 6 license is based upon training or experience in another state if the Electrical and Elevator
 7 Board, based on department rule, determines that the training or experience is not equiv-
 8 alent to the standards for electrical training programs prescribed in this state.

9 **SECTION 51.** The following apply to a licensee under ORS 479.630:

10 (1) A limited supervising electrician may supervise the class of electrical work included
 11 in the branch of the electrical trade for which the limited supervising electrician has passed
 12 the examination administered by the Department of Consumer and Business Services.

13 (2) A limited journeyman electrician may perform the class of electrical work included
 14 in the branch of the electrical trade for which the limited journeyman electrician has passed
 15 the examination administered by the department.

16 (3) A limited elevator journeyman may install, maintain and repair elevators, including
 17 all electrical and mechanical systems.

18 (4) A limited maintenance specialty contractor may engage in, and may employ individ-
 19 uals to engage in, the electrical work related to the repair, service, maintenance, installation
 20 or replacement of existing, built-in or permanently connected appliances, fluorescent ballasts
 21 or similar equipment. A limited maintenance specialty contractor may not install appliances,
 22 ballasts or other equipment if there is no existing installation of similar equipment.

23 (5) A limited pump installation specialty contractor may engage in, and may employ in-
 24 dividuals to engage in, electrical work related to the testing, repair, service, maintenance,
 25 installation or replacement of new or existing pump equipment for potable or irrigation wa-
 26 ter systems, sump pumps, effluent pumps and ground water pumps on residential and agri-
 27 cultural property.

28 (6) A limited residential electrician may perform the class of electrical work included in
 29 the branch of the electrical trade for which the limited residential electrician has passed the
 30 examination administered by the department. However, a limited residential electrician may
 31 perform that electrical work only on single and multifamily dwelling units not exceeding
 32 three floors above grade. For purposes of this subsection, the first floor of a building is the
 33 floor that is designed for human habitation and that has 50 percent or more of the floor
 34 perimeter level with or above finished grade of the exterior wall line.

35 (7) A limited renewable energy contractor may not make, direct, supervise or control the
 36 making of an electrical installation by a limited renewable energy technician unless the lim-
 37 ited renewable energy contractor is licensed for that activity.

38 (8) A limited renewable energy technician may, while in the employ of a licensed elec-
 39 trical contractor or a licensed limited renewable energy contractor:

40 (a) Install, maintain, replace or repair electrical wiring and electrical products that con-
 41 vey or operate on renewable electrical energy not exceeding 25 kilowatts AC; and

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

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

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

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

SECTION 52. (1) A limited building maintenance electrician licensed under ORS 479.630 may maintain, repair and replace the following electrical installations required on the premises of commercial office buildings, buildings occupied by the state or a local government entity or facilities designated by the Electrical and Elevator Board in electrical systems not exceeding 300 volts to ground:

- (a) Electrical appliances;
- (b) Light switches;
- (c) Light fixtures;
- (d) Fans;
- (e) Receptacles; and
- (f) Fluorescent ballasts.

(2) An electrical inspector shall make an annual inspection of the premises where electrical work is performed by a limited building maintenance electrician. The electrical inspector shall perform the inspection as part of a master permit program under ORS 479.560 or shall charge a fee based upon the time required for the inspection. An inspection fee based upon time is payable to the Department of Consumer and Business Services. The board shall determine, by rule, the rate for an inspection fee based upon time.

(3) Building owners may perform work described in subsection (1) of this section without obtaining a limited building maintenance electrician license. A person who owns more than 50 percent of a corporation that controls a building is a building owner.

(4) A limited building maintenance electrician may be employed by the owner of a commercial office building or the owner's agent. A building owner or owner's agent need not be licensed under ORS 479.630 to supervise a limited building maintenance electrician.

SECTION 53. (1) A limited maintenance electrician licensed under ORS 479.630 may maintain, repair and replace electrical installations, including electrical components, required on the premises of industrial plants, commercial office buildings, buildings occupied by the state or a local government entity and other facilities, as designated by the Department of Consumer and Business Services by rule.

(2) An electrical inspector shall make an annual inspection of the premises where electrical work is performed by a limited maintenance electrician. The electrical inspector shall charge an inspection fee payable to the department. The Electrical and Elevator Board shall determine an inspection fee amount by rule, based upon the time required for the inspection.

(3) A limited maintenance electrician may be employed directly by the owner, or owner's agent, of any government building or commercial office building. A building owner or owner's agent need not be licensed under ORS 479.630 to supervise a limited maintenance electrician.

(4) The department shall consult with the board when adopting rules determining the types of industrial plants, commercial office buildings, buildings occupied by the state or a local government entity and other facilities that qualify under subsection (1) of this section.

SECTION 54. ORS 479.530 is amended to read:

479.530. As used in ORS 479.510 to 479.945 [and 479.995], unless the context requires otherwise:

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

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

1 [(3)] (2) “Certified electrical product” means an electrical product that is certified under ORS
2 479.760 and that is not decertified.

3 [(4)] (3) “Competent inspection service” means an electrical inspection service of a city or
4 county administered under ORS 455.148 or 455.150 that employs electrical inspectors who are [*cer-*
5 *tified*] **licensed** to meet standards under ORS 479.810.

6 [(5)] (4) “Commercial electrical air conditioning equipment” means heating, cooling, refriger-
7 ation, dehumidifying, humidifying and filtering equipment used for climatizing or moving of air if
8 used in commerce, industry or government and if installed in a place not accessible to the general
9 public other than the switches regulating the operation of the equipment.

10 [(6)] (5) “Demarcation point” means the place of interconnection between the communications
11 cabling, terminal equipment or protective apparatus of the telecommunications service provider and
12 the customer’s premises.

13 [(7) “*Department*” means the Department of Consumer and Business Services.]

14 [(8) “*Director*” means the Director of the Department of Consumer and Business Services.]

15 [(9)] (6) “Dwelling unit” means one or more rooms for the use of one or more persons as a
16 housekeeping unit with space for eating, living and sleeping and permanent provisions for cooking
17 and sanitation.

18 [(10)] (7) “Electrical [*installations*]” **installation**:

19 (a) Means the construction or installation of electrical wiring and the permanent attachment
20 or installation of electrical products in or on any structure that is not itself an electrical product.

21 (b) [*“Electrical installation” also*] Means the maintenance or repair of installed electrical wiring
22 and permanently attached electrical products.

23 (c) [*“Electrical installation”*] Does not [*include*] **mean** an oil module.

24 [(11)] (8) “Electrical product” means any electrical equipment, appliance, material, device or
25 apparatus to convey or be operated by electrical current.

26 [(12)] (9) “Equipment” means any material, fittings, devices, appliances, fixtures, apparatus or
27 the like that are used as part of or in connection with an electrical installation.

28 [(13)] (10) “Field evaluation firm” means an independent organization that provides:

29 (a) Evaluations or testing[, *or both*]; and

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

32 [(14)] (11) “Industrial electrical equipment” means electrical products used in industry or gov-
33 ernment that utilizes electric energy for mechanical, chemical, heating, lighting or similar purposes,
34 that is designed to service or produce a product and that is used directly in the production of the
35 service or product.

36 [(15)] (12) “Installation label” means an adhesive tag issued by governmental agencies that ad-
37 minister the Electrical Safety Law to licensed electrical contractors for application to those minor
38 electrical installations [*for which*] **that** the board by rule determines to be appropriate for random
39 inspections.

40 [(16)] (13) “License” means an annual [*permit*] **document** issued by the Department of **Con-**
41 **sumer and Business Services** under ORS 479.630 authorizing the person whose name appears as
42 licensee [*thereon*] to act as an electrical contractor, supervising electrician, journeyman electrician,
43 apprentice electrician or limited elevator journeyman as indicated [*thereon*] **on the document**.

44 [(17)] (14) “Minimum safety standards” means safety standards prescribed by concurrence of the
45 board and the director under ORS 479.730.

1 [(18)] (15) “Multifamily dwelling” means a building containing more than one dwelling unit.

2 [(19)] (16) “Oil module” means a prefabricated structure manufactured to the specifications of
 3 the purchaser and used outside this state in the exploration for or processing or extraction of pe-
 4 troleum products.

5 [(20)] (17) “Permit” means an official document or card issued by the enforcing agency to au-
 6 thorize performance of a specified electrical installation.

7 [(21)] (18) “Single family dwelling” means a building consisting solely of one dwelling unit.

8 [(22)] (19) “Telecommunications service provider” means a telecommunications carrier as de-
 9 fined in ORS 133.721 or a telecommunications utility or competitive telecommunications provider,
 10 both as defined in ORS 759.005.

11 [(23)] (20) “Uncertified product” means any electrical product that is not an electrical product
 12 certified under ORS 479.760.

13 **SECTION 55.** ORS 479.540 is amended to read:

14 479.540. (1) Except as otherwise provided in this subsection, a person is not required to obtain
 15 a license to make an electrical installation on residential or farm property that is owned by the
 16 person or a member of the person’s immediate family if the property is not intended for sale, ex-
 17 change, lease or rent. The following apply to the exemption established in this subsection:

18 *[(a) The exemption established for a person under this subsection does not exempt the work per-*
 19 *formed by the person from having to comply with the requirements for such work under ORS chapter*
 20 *455 or this chapter and rules adopted thereunder.]*

21 **(a) The exemption established for a person under this subsection does not exempt the**
 22 **work performed by the person from having to comply with the requirements for that work**
 23 **under ORS 479.510 to 479.945 or ORS chapter 455 and rules adopted under ORS 479.510 to**
 24 **479.945 and ORS chapter 455.**

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

33 (2) An electrical contractor license is not required in connection with an electrical installation:

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

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

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

39 (d) To be made by a public utility, consumer-owned utility as defined in ORS 757.270, telecom-
 40 munications carrier as defined in ORS 133.721, competitive telecommunications provider as defined
 41 in ORS 759.005 or municipality for generation, transmission or distribution of electricity on property
 42 that the utility, carrier, provider or municipality owns or manages.

43 (3) A person whose sole business is generating or selling electricity in connection with the
 44 construction or maintenance of electrical lines, wires or equipment[,] is not required to obtain a li-
 45 cense to transform, transmit or distribute electricity from *[its source]* **the source of the electricity**

1 to the service head of the premises to be supplied *[thereby]* **with electricity**.

2 (4)(a) A person is not required to obtain a license for the repair or replacement of light fixtures,
 3 light switches, lighting ballast, electrical outlets or smoke alarms in a building used for housing
 4 purposes that is owned, leased, managed or operated by a housing authority and the person doing
 5 the repair or replacement is a member of the housing authority's regular maintenance staff.

6 (b) A license is not required for:

7 (A) Temporary demonstrations;

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

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

16 (c) For the purposes of this subsection, "qualified employee" means an employee who has regis-
 17 tered with or graduated from a State of Oregon or federally approved apprenticeship course de-
 18 signed for the work being performed. The supervising electrician signature required under ORS
 19 479.560 (1)(b) does not apply to contractors working under this subsection.

20 (5) The provisions of ORS 479.510 to 479.945 and 479.995 do not apply:

21 (a) To electrical products owned by, supplied to or to be supplied to a public utility as defined
 22 in ORS 757.005, consumer-owned utility as defined in ORS 757.270, telecommunications carrier as
 23 defined in ORS 133.721 or competitive telecommunications provider as defined in ORS 759.005;

24 (b) To electrical installations made by or for a public utility, consumer-owned utility, telecom-
 25 munications carrier or competitive telecommunications provider if the electrical installations are
 26 an integral part of the equipment or electrical products of the utility, carrier or provider; or

27 (c) To any electrical generation plant owned or operated by a municipality to the same extent
 28 that a utility, telecommunications carrier or competitive telecommunications provider is exempted
 29 under paragraphs (a) and (b) of this subsection.

30 (6) A permit is not required:

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

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

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

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

41 (7) In cases of emergency in industrial plants, a permit is not required in advance for electrical
 42 installation made by a person licensed as a general supervising electrician, a general journeyman
 43 electrician or an electrical apprentice under ORS 479.630 if an application accompanied by appro-
 44 priate fee for a permit is submitted to the Department of Consumer and Business Services within
 45 five days after the commencement of *[such]* **the** electrical work.

1 (8)(a) A license or permit is not required for the installation or assembly of industrial electrical
 2 equipment by the duly authorized agents of the factory, vendor or owner.

3 (b) The license and permit exemptions of this subsection do not apply to activity in an area
 4 where industrial electrical equipment is installed in or enters a hazardous location or penetrates
 5 or enters a fire rated assembly or plenum rated assembly.

6 (c) As used in this subsection:

7 (A) "Duly authorized agents" means individuals trained by the factory or a vendor or by exper-
 8 ience and who are knowledgeable in the operation, maintenance, repair and installation of indus-
 9 trial electrical equipment.

10 (B) "Installation or assembly" means the reassembly at a job site of equipment that is wired and
 11 assembled at the factory and then disassembled for shipping purposes or of existing equipment that
 12 is relocated. "Installation or assembly" does not include work involving field fabricated assemblies
 13 or any other electrical product that is not an original part of the industrial electrical equipment.
 14 "Installation or assembly" does not include the connection of industrial electrical equipment to a
 15 power source.

16 (9) A person is not required to obtain a license or permit to set in place and connect a certified
 17 electrical product [*as long as*] **unless** the work performed is [*not*] an electrical installation as defined
 18 in ORS 479.530.

19 (10) The provisions of ORS 479.510 to 479.945 and 479.995 do not apply to:

20 (a) Electrical installations and repairs involving communication and signal systems of railroad
 21 companies.

22 (b) Electrical installations and repairs involving remote and permanent broadcast systems of
 23 radio and television stations licensed by the Federal Communications Commission if the systems are
 24 not part of the building's permanent wiring.

25 (c) The installing, maintaining, repairing or replacement of telecommunications systems on the
 26 provider side of the demarcation point by a telecommunications service provider.

27 (d) The maintaining, repairing or replacement of telecommunications equipment on the customer
 28 side of the demarcation point by a telecommunications service provider.

29 (e) Installations, by a telecommunications service provider or an appropriately licensed elec-
 30 trical contractor, of telecommunications systems on the customer side of the demarcation point ex-
 31 cept:

32 (A) Installations involving more than 10 telecommunications outlets; and

33 (B) Installations of any size that penetrate fire-resistive construction or air handling systems or
 34 that pass through hazardous locations.

35 (f) Notwithstanding paragraph (e) of this subsection, installation of telecommunications systems
 36 on the customer side of the demarcation point in:

37 (A) One and two family dwellings; and

38 (B) Multifamily dwellings having not more than four dwelling units if the installation is by a
 39 telecommunications service provider.

40 (g) Notwithstanding paragraph (e) of this subsection, installation or replacement of cord or plug
 41 connected telecommunications equipment on the customer side of the demarcation point.

42 (h) Notwithstanding paragraph (e) of this subsection, installation of patch cord and jumper
 43 cross-connected equipment on the customer side of the demarcation point.

44 (11)(a) The board may grant partial or complete exemptions by rule for any electrical product
 45 from any of the provisions of ORS 455.610 to 455.630 or 479.510 to 479.945 and 479.995 if the board

1 determines that the electrical product does not present a danger to the health and safety of the
2 people of this state.

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

5 (12) ORS 479.760 does not apply to products described in this subsection that comply with the
6 electrical product safety standards established by concurrence of the board and the Director of the
7 Department of Consumer and Business Services as described under ORS 479.730. This subsection
8 does not exempt any products used in locations determined to be hazardous in the electrical code
9 of this state. The following apply to this subsection:

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

12 (A) The rotating equipment portion of power generation equipment.

13 (B) Testing equipment used in a laboratory or hospital.

14 (C) Commercial electrical air conditioning equipment.

15 (D) Prefabricated work performed by an electrical contractor with licensed electrical personnel
16 in the contractor's place of business for assembly on the job site if the work is composed of parts
17 that meet the electrical product safety standards established by concurrence of the board and the
18 director.

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

27 (13)(a) ORS 479.610 does not apply to industrial electrical equipment unless the board determines
28 that the product or class of products may present a fire or life safety hazard.

29 (b) The board may reinstate an exemption removed under this subsection if the product qualifies
30 for reinstatement under:

31 (A) An equipment safety program approved by the board;

32 (B) Equipment minimum safety standards established by concurrence of the board and the di-
33 rector;

34 (C) An evaluation by an approved field evaluation firm;

35 (D) A listing from a nationally recognized testing laboratory;

36 (E) An evaluation of a first model of a product by the board; or

37 (F) Any other method approved by the board.

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

40 *[(15) A person who holds a limited maintenance specialty contractor license or a limited pump in-*
41 *stallation specialty contractor license issued under ORS 479.510 to 479.945 or a person who is the*
42 *employee of such license holder and who is listed with the board as an employee is not required to have*
43 *a journeyman license or supervising electrician's license to perform work authorized under the person's*
44 *license.]*

45 **(15) A person listed with the board as an employee of a licensed limited maintenance**

1 **specialty contractor or licensed limited pump installation specialty contractor does not need**
 2 **a license to perform work of a type authorized under the license of the limited maintenance**
 3 **specialty contractor or limited pump installation specialty contractor.**

4 (16) A person is not required to obtain a permit for work on, alterations to or replacement of
 5 parts of electrical installations as necessary for maintenance of existing electrical installations on
 6 residential property owned by the person or by a member of the person’s immediate family. This
 7 subsection does not establish an exemption for new electrical installations or substantial alterations
 8 to existing electrical installations.

9 (17) A permit is not required for those minor electrical installations for which the board has
 10 authorized an installation label.

11 (18) A residential home, as defined in ORS 443.580, and an adult foster home, as defined in ORS
 12 443.705, [*is not a multifamily dwelling*] **are not multifamily dwellings** and only electrical installa-
 13 tion standards and safety requirements applicable to single family dwellings apply to [*such*] **resi-**
 14 **dential and adult foster** homes.

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

17 (20) The provisions of any electrical products code or rule adopted pursuant to ORS 479.510 to
 18 479.945 and 479.995 apply to cable and [*such*] **to** products installed as part of a cable television in-
 19 stallation.

20 (21) As used in this section, “smoke alarm” [*shall have*] **has** the meaning given that term under
 21 ORS 479.250.

22 **SECTION 56.** ORS 479.620 is amended to read:

23 479.620. Subject to ORS 479.540, a person may not:

24 (1) Without an electrical contractor’s license, engage in the business of making electrical in-
 25 stallations, advertise as or otherwise purport to be licensed to make electrical installations or pur-
 26 port to be acting as a business that makes electrical installations.

27 (2) Except as provided in [*ORS 479.630 (10)(c) and (11)(f)*] **sections 51 (4) and (5), 52 (4) and**
 28 **53 (3) of this 2005 Act**, direct, supervise or control the making of an electrical installation without
 29 a supervising electrician’s license.

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

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

34 (5) Make any electrical installation on a single or multifamily dwelling unit not exceeding three
 35 floors above grade, as provided in [*ORS 479.630 (14)*] **section 51 (6) of this 2005 Act**, without a
 36 limited residential electrician’s license.

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

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

41 (8) Perform electrical work on an oil module in the capacity of helper or trainee without a Class
 42 II oil module electrician’s license.

43 **SECTION 57.** ORS 479.630 is amended to read:

44 479.630. [*Upon payment of*] **If a person pays the** applicable examination and license fees re-
 45 quired under ORS 479.840 **and the Electrical and Elevator Board determines that the person**

1 **qualifies under Department of Consumer and Business Services rules adopted under section**
 2 **49 of this 2005 Act**, the department [*of Consumer and Business Services*] shall issue:

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

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

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

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

10 **(a) Passes an examination prepared by the board and administered by the department;**
 11 **and**

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

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

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

20 [(b) *Passes a written examination prepared by the Electrical and Elevator Board and administered*
 21 *by the department; and*]

22 **(a) Passes an examination prepared by the board and administered by the department;**
 23 **and**

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

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

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

28 [(b) *Passes a written examination prepared by the Electrical and Elevator Board and administered*
 29 *by the department; and*]

30 **(a) Passes an examination prepared by the board and administered by the department;**
 31 **and**

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

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

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

44 (5) A limited journeyman electrician's license to a person who: [*qualifies under this subsection.*
 45 *A person licensed under this subsection is authorized to perform the class of electrical work included*

1 *in the branch of the electrical trade for which the person has passed the examination administered by*
 2 *the department. A person qualifies under this subsection if the person:]*

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

4 *[(b) Passes a written examination prepared by the Electrical and Elevator Board and administered*
 5 *by the department; and]*

6 **(a) Passes an examination prepared by the board and administered by the department;**
 7 **and**

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

11 (6) A limited elevator journeyman license to a person who *[qualifies under this subsection. A*
 12 *person licensed under this subsection is authorized to install, maintain and repair elevators, including*
 13 *all electrical and mechanical systems. A person qualifies under this subsection if the person]* has
 14 completed an elevator apprenticeship program, including both electrical and mechanical training
 15 components, approved by the *[Electrical and Elevator]* board *[by rule]* and *[the person]* submits an
 16 application for licensure to the board in writing. A person issued a license under this subsection is
 17 exempt from **any** continuing education requirements established *[under ORS 479.650 and 479.680]*
 18 **by department rule under section 49 of this 2005 Act.**

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

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

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

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

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

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

26 (9) An electrical apprentice's license to a trainee toward a limited journeyman's license in a
 27 recognized branch of the electrical trade *[who is employed by an employer who also], if the em-*
 28 **ployer of the trainee:**

29 (a) Employs a *[holder of either a general journeyman electrician's license or a limited journeyman*
 30 *electrician's license; and] general journeyman electrician or limited journeyman electrician; and*

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

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

40 *[(a) A person qualifies under this subsection if the person:]*

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

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

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

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

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

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

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

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

19 [(a) *A person licensed under this subsection is authorized to maintain, repair and replace the fol-
 20 lowing electrical installations required on the premises of commercial office buildings, buildings occu-
 21 pied by the state or a local government entity or facilities designated by the board in electrical systems
 22 not exceeding 300 volts to ground:*]

23 [(A) *Electrical appliances;*]

24 [(B) *Light switches;*]

25 [(C) *Light fixtures;*]

26 [(D) *Fans;*]

27 [(E) *Receptacles; and*]

28 [(F) *Fluorescent ballasts.*]

29 [(b) *A person qualifies under this subsection if the person:*]

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

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

35 [(C)] **(b)** Submits proof satisfactory to the board that the person has:

36 [(i)] **(A)** Had sufficient experience in the maintenance, repair and replacement of electrical wir-
 37 ing and equipment of the type and nature normally used in a commercial office building or govern-
 38 ment building; or

39 [(ii)] **(B)** Completed a one-year training course, with classroom and on-the-job training compo-
 40 nents approved by the board, on the maintenance, repair and replacement of electrical wiring and
 41 equipment of the type and nature normally used in a commercial office building or government
 42 building.

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

1 *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 build-*
5 *ing 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 re-*
11 *lated to the repair, service, maintenance, installation or replacement of existing, built-in or permanently*
12 *connected appliances, fluorescent ballasts or similar equipment and to employ individuals to engage in*
13 *that work. Nothing in this subsection allows the installation of appliances, ballasts or other equipment*
14 *if there is no existing installation of similar equipment. A person qualifies under this subsection if the*
15 *person submits:]*

16 (a) **Submits** proof satisfactory to the board that the person has had sufficient experience in the
17 type of work *[permitted under the license issued under this subsection]* **that may be performed by**
18 **a limited maintenance specialty contractor;** and

19 (b) Maintains with the board a current list of all individuals employed by the person to engage
20 in work *[permitted under this subsection]* **that may be performed by a limited maintenance spe-**
21 **cialty contractor.**

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

28 (a) **Submits** proof satisfactory to the board that the person has had sufficient experience in the
29 type of work *[permitted under the license issued under this subsection]* **that may be performed by**
30 **a limited pump installation specialty contractor;** and

31 (b) Maintains with the board a current list of all individuals employed by the person to engage
32 in work *[permitted under this subsection]* **that may be performed by a limited pump installation**
33 **specialty contractor.**

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

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

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

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

4 [(d) *Passes a written examination prepared by the Electrical and Elevator Board and administered*
 5 *by the department.*]

6 **(c) Passes an examination prepared by the board and administered by the department.**

7 (15) A Class I or Class II oil module electrician’s license to a person who[:] **passes an exam-**
 8 **ination prepared by the board and administered by the department.**

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

10 [(b) *Passes a written examination prepared by the Electrical and Elevator Board and administered*
 11 *by the department.*]

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

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

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

17 (17) A limited renewable energy technician license to a person who *[qualifies under this sub-*
 18 *section. A person qualifies for licensing as a limited renewable energy technician if the person]* com-
 19 pletes a two-year apprenticeship program and passes an examination approved by the board **and**
 20 **administered by the department.** *[A person licensed under this subsection may, while in the employ*
 21 *of a licensed electrical contractor or a limited renewable energy contractor:]*

22 [(a) *Install, maintain, replace or repair electrical wiring and electrical products that convey or op-*
 23 *erate on renewable electrical energy not exceeding 25 kilowatts AC; and]*

24 [(b) *Make electrical installations not exceeding 25 kilowatts AC:]*

25 [(A) *On devices using renewable energy involving wind, solar energy systems, micro-*
 26 *hydroelectricity, photovoltaic systems or fuel cells.]*

27 [(B) *Up to the load side of an inverter.]*

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

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

34 **SECTION 58.** ORS 479.680 is amended to read:

35 479.680. The Electrical and Elevator Board:

36 (1) *[Shall establish, by rule, a program of continuing education necessary for renewal of licenses*
 37 *under ORS 479.650. The board]* May approve programs for continuing education that meet standards
 38 for continuing education established by *[the board under this subsection]* **rule under section 49 of**
 39 **this 2005 Act.**

40 (2) Shall adopt any rules necessary to carry out the duties of the board under ORS 479.510 to
 41 479.945 and 479.995.

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

44 [(4) **(3)** Shall establish, by rule, procedures and standards necessary to approve testing labora-
 45 tories under ORS 479.730 and 479.760.

1 [(5)] (4) May establish exemptions by rule according to authority granted under ORS 479.540.

2 **SECTION 59.** ORS 479.810 is amended to read:

3 479.810. (1) The Electrical and Elevator Board shall administer and enforce ORS 479.510 to
4 479.945 and 479.995. The Director of the Department of Consumer and Business Services shall ap-
5 point an adequate staff of competent persons experienced and trained to serve as electrical inspec-
6 tors. The board shall assist the director in reviewing determinations made by the staff involving
7 electrical installations or products and to assist in formulating rules under ORS 479.730.

8 (2) The director, in consultation with the board, shall appoint a representative of the [*depart-*
9 *ment's*] **Department of Consumer and Business Services'** staff of electrical inspectors who shall
10 serve ex officio as secretary of the board. [*This person*] **The person appointed as representative**
11 shall be known as the Chief Electrical Inspector.

12 (3) The director shall [*certify*] **license** a person as an electrical inspector if:

13 (a) The person:

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

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

16 (C) Passes the examination required for [*certification*] **licensing** as a supervising electrician; or

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

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

19 (ii) Passes the examination required for [*certification*] **licensing** as a general supervising
20 electrician; or

21 (B) Has six years of out-of-state experience as an electrician and passes the examination re-
22 quired for [*certification*] **licensing** as a general supervising electrician.

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

25 **(4) The department, by rule, may provide for the licensing as electrical inspectors of**
26 **persons whose experience or training varies from the experience or training requirements**
27 **under subsection (3) of this section.**

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

30 (6) An examination taken for purposes of applying for [*certification*] **licensing** as an electrical
31 inspector under this section [*shall not be*] **is not** valid for use in an application to become licensed
32 as a supervising electrician.

33 **SECTION 60.** ORS 479.840 is amended to read:

34 479.840. (1) Upon receipt of the following fee, the Department of Consumer and Business Ser-
35 vices shall issue or renew a license [*or permit applied for*] under ORS 479.510 to 479.945:

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

37 (b) \$125 for a limited energy contractor or limited sign contractor license.

38 (c) \$25 for a pump specialty contractor or limited maintenance specialty contractor license.

39 (d) \$150 for an elevator contractor license.

40 (e) \$100 for a license for a:

41 (A) General journeyman electrician;

42 (B) General supervising electrician;

43 (C) Limited supervising industrial electrician;

44 (D) Limited supervising manufacturing plant electrician;

45 (E) Limited journeyman industrial electrician;

- 1 (F) Limited maintenance industrial electrician;
- 2 (G) Limited maintenance manufactured dwelling or recreational vehicle electrician;
- 3 (H) Limited journeyman manufacturing plant electrician; or
- 4 (I) Limited journeyman railroad electrician.
- 5 (f) \$50 for a license for a:
- 6 (A) Limited elevator journeyman;
- 7 (B) Class A or Class B limited energy technician;
- 8 (C) Limited journeyman sign electrician;
- 9 (D) Limited journeyman sign service electrician;
- 10 (E) Limited journeyman stage electrician; or
- 11 (F) Limited building maintenance electrician.
- 12 *[(g) \$10 for the right to take the written qualifying examination.]*
- 13 *[(2) The Electrical and Elevator board shall set uniform permit fees, by rule, not to exceed the cost*
- 14 *of administration.]*

15 **(2) The fee to take a written examination to qualify for a license is \$10.**

16 **(3) The Electrical and Elevator Board, by rule, shall establish uniform fees for permits**
 17 **other than working permits described in subsection (5) of this section. The permit fee may**
 18 **not exceed the cost of administering and enforcing the permit program.**

19 *[(3)]* **(4) The fees provided for in this section do not apply to persons paying inspection fees**
 20 **under the terms of ORS 479.560 (3) or [479.630 (10)] section 52 of this 2005 Act.**

21 *[(4)]* **(5) Each electrical contractor may furnish to the department a corporate surety bond to**
 22 **be approved by the department, an irrevocable letter of credit issued by an insured institution as**
 23 **defined in ORS 706.008 or a cash bond under procedures approved by the department, in the sum**
 24 **of \$2,000 guaranteeing the payment of all fees provided for under ORS 479.510 to 479.945. Before**
 25 **commencing any electrical job an electrical contractor who has a current bond or letter of credit**
 26 **under this subsection may apply to the department for a working permit [which shall cost an amount**
 27 **established by the department by rule]. The working permit shall authorize the electrical contractor**
 28 **to commence work. The department shall establish the cost of the working permit by rule. The**
 29 **total of all fees due for permits for each job, and the time [such] when those fees are payable, shall**
 30 **be determined by the department by administrative rule under ORS 479.730. The contractor shall**
 31 **keep the bond or letter of credit in force at all times. [Any cancellation or revocation of the bond or**
 32 **letter of credit shall revoke and suspend the license issued to the principal until such time as a new**
 33 **bond or letter of credit shall be filed and approved.] The department may bring an action against the**
 34 **surety named in the bond or the letter of credit issuer with or without joining in [such] that action**
 35 **the principal named in the bond or letter of credit.**

36 **SECTION 61.** ORS 479.860 is amended to read:

37 479.860. Notwithstanding any other provision of law, a *[person who is the holder of a supervising*
 38 *electrician's license]* **licensed supervising electrician:**

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

42 (2) Who is employed by an industrial plant may design, plan and lay out electrical installations
 43 for that industrial plant.

44 **SECTION 62.** ORS 479.910 is amended to read:

45 479.910. (1) Upon payment of an examination and license or renewal fee, the Department of

1 Consumer and Business Services shall issue a Class B limited energy technician license to a person
 2 who qualifies under ORS 479.915. A person licensed under this section may perform limited energy
 3 electrical activity except protective signaling as defined in ORS 479.905.

4 (2) A person licensed under this section shall comply with the permit and code compliance re-
 5 quirements under ORS 479.510 to 479.945.

6 *[(3) The examination and license fee, and the renewal fee, for a Class B limited energy technician*
 7 *license are the same as those for a Class A limited energy technician license.]*

8 *[(4) The Electrical and Elevator Board shall establish continuing education requirements for per-*
 9 *sons licensed under this section, not to exceed 24 hours of classes every three years.]*

10 **(3) Any rule adopted by the department under section 49 of this 2005 Act requiring con-**
 11 **tinuing education for Class B limited energy technicians may not require more than 24 hours**
 12 **of classes every three years.**

13 **SECTION 63.** ORS 479.915 is amended to read:

14 479.915. (1) An applicant for a Class B limited energy technician license must:

15 (a) Submit proof satisfactory to the Electrical and Elevator Board that the person has:

16 (A) At least two years of experience as an apprentice in limited energy electrical activity; or

17 (B) At least two years of experience equivalent to an apprenticeship in limited energy electrical
 18 activity and completed a board-approved 32-hour training program; and

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

21 (2) An applicant for a Class A limited energy technician license must:

22 (a) Submit proof satisfactory to the board that the person has completed at least four years of
 23 experience as an apprentice, or the equivalent as determined by the board *[by rule]*, in a recognized
 24 branch of the electrical trade; and

25 (b) Pass a written examination prepared by the board and administered by the department.

26 *[(3) The board shall determine the adequacy of any training program for qualification under the*
 27 *requirements of this section and ORS 479.910 and section 1, chapter 728, Oregon Laws 2001.]*

28 *[(4)]* **(3)** The department shall issue a Class A limited energy technician license to a person who
 29 qualifies under subsection (2) of this section and pays the required fees.

30 **SECTION 64.** ORS 479.945 is amended to read:

31 479.945. (1) A restricted energy contractor's license is created for persons engaged in HVAC
 32 *[and such]* **or in** other categories *[as]* established by the *[Electrical and Elevator Board]* **Department**
 33 **of Consumer and Business Services** by rule.

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

38 (3) The license issued under this section shall limit the scope of activities that the licensee and
 39 licensee's employees may engage in. *[and in no instance may]* The scope of the license **may not** ex-
 40 ceed that of a Class B limited energy technician.

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

44 *[(5)]* **(4)** A restricted energy contractor *[licensee under this section]* shall:

45 (a) Maintain with the **Electrical and Elevator** Board a current list of all individuals employed

1 by the [*licensee*] **contractor** to engage in work permitted by this section;

2 (b) Issue an identification card to each employee working under the provisions of this section
 3 and identify the contractor, date of issue[,] **and** contractor’s identification number with the **Elec-**
 4 **trical and Elevator** Board and the Construction Contractors Board; and

5 (c) Maintain with the **Electrical and Elevator** Board a current form of identification card used
 6 by the contractor.

7 *[(6) A person holding a limited maintenance specialty contractor’s license under ORS 479.630 (12)*
 8 *who also registers under this section shall comply with the identification card requirements of sub-*
 9 *section (5) of this section, but need not file a separate list of employees unless the work under the*
 10 *contractor’s license is done by different employees.]*

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

13 **(5) A person licensed as a limited maintenance specialty contractor under ORS 479.630**
 14 **and also licensed under this section shall comply with the identification card requirements**
 15 **of subsection (4) of this section, but need not file separate lists of employees unless the work**
 16 **under the limited maintenance specialty contractor license is performed by different em-**
 17 **ployees from the employees who perform the work under the restricted energy contractor**
 18 **license.**

19 **SECTION 65.** Section 1, chapter 728, Oregon Laws 2001, is amended to read:

20 **Sec. 1.** (1) Notwithstanding ORS 479.910 and 479.915, except as provided in subsection (2) of this
 21 section, the Department of Consumer and Business Services shall issue a Class B limited energy
 22 technician license to a person who:

23 (a) Prior to October 1, 2002, possesses a restricted energy electrician’s license;

24 (b) Prior to October 1, 2004, completes 32 hours of training in limited energy electrical activity
 25 approved by the Electrical and Elevator Board; and

26 (c) Complies with board requirements for renewal of a license.

27 (2) Notwithstanding ORS 479.910 and 479.915, the department shall issue a Class A limited en-
 28 ergy technician license to a person who:

29 (a) Prior to October 1, 2002, possesses a restricted energy electrician’s license with an indorse-
 30 ment for fire alarm installation, nurse calls or protective signaling, as described in ORS 479.920 (2)
 31 (1999 Edition);

32 (b) Prior to October 1, 2004, completes 32 hours of training in limited energy electrical activity
 33 approved by the [*Electrical and Elevator*] board; and

34 (c) Complies with board requirements for renewal of a license.

35 (3) Licenses issued under this section are subject to the license fee requirements established in
 36 ORS 479.910. [*A person holding a license issued under this section is subject to the continuing educa-*
 37 *tion requirements described in ORS 479.910 for licenses issued under ORS 479.910.] **A person li-**
 38 **icensed under this section is subject to any continuing education requirement applicable to**
 39 **Class B limited energy technicians licensed under ORS 479.910.***

40
 41 **BOILERS AND PRESSURE VESSELS**

42
 43 **SECTION 66.** Sections 67 and 68 of this 2005 Act are added to and made a part of ORS
 44 **480.510 to 480.670.**

45 **SECTION 67.** The issuance of an operating permit by the Department of Consumer and

1 **Business Services does not signify that a boiler or pressure vessel has been inspected or**
 2 **meets minimum safety standards.**

3 **SECTION 68. A boiler or pressure vessel business may not employ a person to work on**
 4 **a boiler or pressure vessel unless the person is licensed under ORS 480.630.**

5 **SECTION 69.** ORS 480.432 is amended to read:

6 480.432. (1) A person may not engage in or work at the business of installing, extending, altering
 7 or repairing any LP gas appliance or piping, vent or flue connection pertaining to or in connection
 8 with LP gas installations within the state, either as employer or individual, unless the person has
 9 received an LP gas installation license from the State Fire Marshal in accordance with ORS 480.410
 10 to 480.460.

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

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

18 (4) Any person under the terms of this section who is required to have an LP gas fitter or LP
 19 gas truck equipment license is also required to have an LP gas installation license, unless the per-
 20 son is an employee of an employer who has an LP gas installation license as provided by this sec-
 21 tion.

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

27 *[(6) A person who holds a certificate issued by the Board of Boiler Rules under ORS 480.630 au-*
 28 *thorizing the person to fabricate, install, alter or repair pressure piping and to install boilers and*
 29 *pressure vessels by attachment of piping connector is exempt from the licensing requirements of sub-*
 30 *sections (1) and (2) of this section, except that the person may not install an LP gas tank or make any*
 31 *connection to an LP gas tank unless the person is licensed as required under this section.]*

32 **(5) Unless the person installs an LP gas tank or makes a connection to an LP gas tank,**
 33 **subsections (1) and (2) of this section do not apply to a person who has a valid journeyman**
 34 **plumber license issued under section 88 of this 2005 Act or is in an approved journeyman**
 35 **plumber apprenticeship established under ORS chapter 660.**

36 **(6) Unless the person installs an LP gas tank or makes a connection to an LP gas tank,**
 37 **subsections (1) and (2) of this section do not apply to a person who holds a license issued by**
 38 **the Department of Consumer and Business Services under ORS 480.630 of a type that au-**
 39 **thorizes the person to fabricate, install, alter or repair pressure piping and to install boilers**
 40 **and pressure vessels by attachment of piping connector.**

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

45 **SECTION 70.** ORS 480.515 is amended to read:

1 480.515. As used in ORS 480.510 to 480.670, unless the context requires otherwise:

2 [(1) “Board” means the Board of Boiler Rules created under ORS 480.535.]

3 [(2)] (1) “Boiler” or “boilers” means:

4 (a) A closed vessel or vessels intended for the heating or vaporizing of liquids to be used ex-
5 ternally to [such] **the** vessel or vessels by the application of heat from combustible fuels, electricity
6 or nuclear energy;

7 (b) Related appurtenances including but not limited to pressure piping directly connected and
8 related to the safe operation of a boiler; and

9 (c) Pressure piping consisting of boiler or nonboiler external piping connected to a boiler, but
10 not potable water nonboiler external piping.

11 [(3)] (2) “Boiler external piping” has the meaning given the term in the 1986 Pressure Piping
12 Code B 31.1, adopted by the American Society of Mechanical Engineers.

13 [(4) “Certificate of competency” means a certificate issued under the provisions of ORS 480.565
14 (3).]

15 [(5) “Department” means the Department of Consumer and Business Services.]

16 [(6) “Director” means the Director of the Department of Consumer and Business Services.]

17 [(7)] (3) “Minimum safety standards” means the rules, regulations, formulae, definitions and in-
18 terpretations for the safe construction, installation, operation and repair of boilers and pressure
19 vessels [either adopted by] **as provided under** ORS 480.510 to 480.670 or adopted by the Board of
20 **Boiler Rules**[, under ORS 480.510 to 480.670].

21 [(8)] (4) “Nonboiler external piping” has the meaning given the term in the 1986 Pressure Piping
22 Code B 31.1, adopted by the American Society of Mechanical Engineers.

23 [(9) “Permit” means a card issued by the department authorizing the operation of a vessel but the
24 permit does not signify that the vessel has been inspected or meets minimum safety standards until an
25 actual inspection has been made and no deviation from the minimum safety standards exists.]

26 (5) **“Permit” means a card issued by the Department of Consumer and Business Services
27 authorizing the operation of a boiler or pressure vessel.**

28 [(10)] (6) “Pressure vessel” means containers for the containment of **internal or external**
29 pressure[, either internal or external. This pressure may be] obtained:

30 (a) From an external source; or

31 (b) By the application of heat [from a direct or indirect source, or any combination thereof].

32 [(11)] (7) “Related appurtenances” means any equipment instrumental to the safe operation of
33 a boiler or pressure vessel.

34 [(12)] (8) “Shop inspection” means the inspection and testing, to determine the meeting of mini-
35 mum safety standards, of boilers and pressure vessels being manufactured, altered, repaired or in-
36 stalled or in the process of manufacture, alteration, repair or installation in the shop or on the job
37 site.

38 (9) **“Special inspector” means a person licensed as a special inspector under ORS 480.565.**

39 **SECTION 71.** ORS 480.525 is amended to read:

40 480.525. (1) ORS 480.510 to 480.670 do not apply to:

41 (a) Boilers and pressure vessels under federal safety regulations or control.

42 (b) Domestic water heaters designed for heating potable water, equipped with an approved
43 pressure-relieving device, containing only water and that do not exceed:

44 (A) Capacity of 120 gallons;

45 (B) Water temperature of 210 degrees Fahrenheit;

1 (C) Pressure of 150 pounds per square inch gauge pressure; or

2 (D) Heat input of 200,000 BTU per hour.

3 (c) Pressure vessels containing liquified petroleum gas[, *and which*] **that** are under the jurisdic-
 4 tion of the State Fire Marshal[;], except that the construction and repair of such vessels shall be
 5 in compliance with ORS 480.510 to 480.670 and shall be under the jurisdiction of the Board of Boiler
 6 Rules.

7 (d) Air tanks used in the operation of brakes on self-propelled vehicles and trailers, which ve-
 8 hicles or trailers are used for transporting freight or passengers.

9 (e) Medical sterilizers that do not exceed one and one-half cubic feet in volume.

10 (f) Pressure vessels that do not exceed one and one-half cubic feet in volume and [*which*] **that**
 11 are not operated at gauge pressure of more than 150 pounds per square inch, equipped with a relief
 12 valve, approved under the American Society of Mechanical Engineers code adopted by the board,
 13 set at a maximum pressure of 150 pounds per square inch or less and located in a place of public
 14 assembly.

15 (g) Pressure vessels that do not exceed five cubic feet in volume and [*which*] **that** are not op-
 16 erated at gauge pressure of more than 150 pounds per square inch, equipped with a relief valve,
 17 approved under the American Society of Mechanical Engineers code adopted by the board and set
 18 at a maximum pressure of 150 pounds per square inch, or less.

19 (2) The following boilers and pressure vessels are exempt from ORS 480.510 to 480.670, except
 20 as to all provisions relating to construction or installation and the inspection and fees in connection
 21 therewith:

22 (a) Boilers [*which*] **that** are not operated at gauge pressures of more than 15 pounds per square
 23 inch and [*which*] **that** are located on farms and used solely for agricultural purposes except when
 24 used in connection with a greenhouse.

25 (b) Air tanks located on farms and used solely for agricultural purposes.

26 (c) Any boiler or pressure vessel [*which*] **that** is used in a single private residence shall have
 27 an installation inspection and be provided with a permit to operate but shall be exempt from sub-
 28 sequent inspection required in ORS 480.560 (1)[*(a) to (d)*].

29 (d) Pressure vessels being operated at gauge pressures of less than 15 pounds per square inch
 30 and [*which*] **that** are equipped with a pressure relief device set to open at a pressure no greater
 31 than the pressure vessel's maximum allowed working pressure, but in no case shall the gauge pres-
 32 sure exceed 15 pounds per square inch.

33 (3) If the board, upon presentation of satisfactory evidence, determines that jeopardy to health
 34 and safety is evident in any vessel or class of vessels subject to subsection (1)(f) of this section, the
 35 board may require that the vessel or class of vessels be inspected or reinspected, subject to fees or
 36 construction requirements or any other requirements of ORS 480.510 to 480.670.

37 **SECTION 72.** ORS 480.530 is amended to read:

38 480.530. The Department of Consumer and Business Services may:

39 (1) [*Where*] **If** it appears that a person is engaging in or is about to engage in an act or practice
 40 in violation of any provision of ORS 480.510 to 480.670, obtain without furnishing a bond[, *a re-*
 41 *straining order and*] **an** injunction from the circuit court in the county where the act or practice is
 42 occurring, or is threatened, enjoining the act or practice. [*However,*] Before obtaining [*a restraining*
 43 *order and*] **an** injunction, unless the act or practice constitutes an immediate threat to health and
 44 safety, the department shall [*first notify the person concerned of its intentions. The notice shall be in*
 45 *writing and shall advise the person concerned of its intentions and shall advise the person concerned*

1 of the right to appeal in writing within 10 days and that the appeal will be heard by the Board of
 2 Boiler Rules. In case there is a timely request for an appeal, proceedings will be stayed pending] **notify**
 3 **the person. The notice shall be in writing, shall advise the person of the department's in-**
 4 **tention to seek the injunction and shall advise the person of the right to appeal the intended**
 5 **action by the department in writing within 10 days and that the appeal will be heard by the**
 6 **Board of Boiler Rules. If the person files a timely appeal with the board, the department may**
 7 **not seek the injunction pending resolution of the appeal, unless the act or practice of the per-**
 8 **son** constitutes an immediate menace to health or safety or the person concerned fails to prosecute
 9 the appeal with diligence.

10 (2) Keep a complete record of the types, dimensions, maximum allowable working pressures, age,
 11 location and date of the last recorded inspection of all boilers and pressure vessels to which ORS
 12 480.510 to 480.670 apply.

13 (3) Publish and distribute copies of the rules and regulations.

14 (4) Check or [caused] **cause** to be checked the authenticity, appropriateness and expiration dates
 15 of licenses and [certificates] **permits** issued under ORS 480.510 to 480.670.

16 (5) Administer [written, oral or practical] examinations to all applicants for [certification] **li-**
 17 **icensing** as chief inspector, deputy inspector or special inspector under ORS 480.565.

18 **SECTION 73.** ORS 480.540 is amended to read:

19 480.540. (1) The term of office of a member **of the Board of Boiler Rules** is four years [and no
 20 member shall be eligible for appointment to more than two full terms of office]. **A member is not el-**
 21 **igible for appointment to a full term of office more than twice.** A member shall continue to
 22 serve until a successor has been appointed and qualified. Vacancies shall be filled by appointment
 23 for the unexpired term.

24 (2) In addition to ORS 480.545, **480.565** and 480.615, the board [of Boiler Rules] shall be governed
 25 by the following rules:

26 (a) The board shall meet not less than four times a year.

27 (b) The chief inspector shall serve without a vote as secretary of the board.

28 (c) The Governor may remove any member of the board for cause.

29 (3) Each member of the board is entitled to compensation and expenses as provided in ORS
 30 292.495.

31 **SECTION 74.** ORS 480.545 is amended to read:

32 480.545. (1) Under ORS chapter 183 the Board of Boiler Rules may adopt and enforce rules and
 33 minimum safety standards to carry out ORS 480.510 to 480.670 and adopt standards for persons
 34 performing welding on boilers and pressure vessels.

35 (2) All proceedings in the administration of ORS 480.510 to 480.670 shall be conducted under
 36 ORS chapter 183 and, additionally, where applicable, under ORS 480.615.

37 (3) In addition to the rules otherwise provided, and subject to ORS chapter 183, the board shall
 38 adopt rules concerning the times, dates, frequency and manner of giving notice to interested persons
 39 of intention to consider one or more of the things [which] the board may consider under this section.

40 (4) All rules and minimum safety standards adopted under this section shall be reasonable and
 41 in substantial conformity with generally accepted nationwide engineering standards. In adopting
 42 rules the board shall consider the probability, extent and gravity of injuries to health and property
 43 [which] **that** would result from the failure to adopt the standards being considered and the standards
 44 followed, proposed or approved by members of affected industries.

45 (5) The board, by rule, shall adopt fees necessary for the administration and enforcement of the

1 continuing education requirement under ORS 480.630.

2 [(6) Any rule adopted by the board under ORS 480.510 to 480.670 shall be submitted to the Director
3 of Department of Consumer and Business Services. The director shall have 30 calendar days from the
4 date of adoption of the rules to review them. If the director fails to disapprove the rules within the
5 30-day period, the rules become effective in accordance with their terms and as provided by law. If the
6 director disapproves the rules within the 30-day period, the rules immediately shall be returned to the
7 board with the director's written objections, and the rules do not become effective until approved by the
8 director.]

9 **SECTION 75.** ORS 480.560 is amended to read:

10 480.560. (1) Each boiler and pressure vessel used or proposed to be used within this state, except
11 as exempted under ORS 480.510 to 480.670, shall be thoroughly inspected as to [its] **the** construction,
12 installation, operation and condition **of the boiler or pressure vessel** as follows:

13 (a) [Power boilers, meaning] Boilers used to produce steam or vapor at a pressure in excess of
14 15 pounds per square inch gauge pressure, or a boiler used for heating liquid to a pressure in excess
15 of 160 pounds per square inch gauge pressure, shall be annually inspected both internally, [where]
16 **if** construction permits, and externally while not under pressure and shall also be annually inspected
17 externally while under pressure.

18 (b) Low pressure steam or vapor heating boilers, hot water heating boilers and hot water supply
19 boilers shall be biennially inspected externally, while under pressure, and internally, [where] **if**
20 construction permits, except that cast iron heating boilers shall be inspected only externally unless
21 the Board of Boiler Rules has reason to believe that an internal inspection of an individual boiler
22 is necessary to [assure] **ensure** safe operation.

23 (c) Pressure vessels subject to internal corrosion or erosion shall be inspected biennially both
24 internally and externally [where] **if** construction permits.

25 (d) [Pressure vessels, no part of which are] **Except as provided in paragraphs (e) and (f) of**
26 **this subsection, pressure vessels that do not have any parts** subject to internal corrosion or
27 erosion shall be biennially inspected externally.[, except that vessels containing anhydrous ammonia,
28 intended for use as fertilizer, shall be inspected externally once every three years and fixed vessels,
29 containing only air, not located at a place of public assembly, not exceeding 20 cubic feet in volume
30 and which are operated at gauge pressures of not more than 200 pounds per square inch shall be in-
31 spected once every five years.]

32 (e) **A pressure vessel that does not have any parts subject to internal corrosion or ero-**
33 **sion and that contains anhydrous ammonia intended for use as fertilizer shall be inspected**
34 **externally once every three years.**

35 (f) **A pressure vessel that does not have any parts subject to internal corrosion or ero-**
36 **sion and that is a fixed vessel shall be inspected once every five years if the vessel:**

37 (A) **Contains only air;**

38 (B) **Is not located at a place of public assembly;**

39 (C) **Does not exceed 20 cubic feet in volume; and**

40 (D) **Is operated at gauge pressures of not more than 200 pounds per square inch.**

41 [(e)] (g) Pressure piping that is nonboiler external piping, [but which excludes] **other than**
42 potable water nonboiler external piping, shall be inspected on installation only and [shall] **after**
43 **installation may** not [thereafter] be considered as part of the boiler for the purposes of any subse-
44 quent inspections required by this section. Fees for [such] **the** inspections shall be as provided in
45 ORS 480.605 (1).

1 (2) The board, upon presentation of satisfactory evidence that jeopardy to health and safety will
 2 not be substantially increased thereby, may:

3 (a) [*Broaden*] **Lengthen** the intervals between inspections, eliminate types of inspections, and
 4 correspondingly reduce the fees charged [*where*] **when** the use, contents or construction of the ves-
 5 sel warrant special consideration; or

6 (b) Exempt additional classes of vessels to the same extent vessels are exempted either under
 7 ORS 480.525 (1) or (2).

8 (3) If a hydrostatic test is necessary to determine the safety of a boiler or pressure vessel, the
 9 test shall be made by the owner or user of [*such*] **the** boiler or pressure vessel and witnessed by a
 10 deputy or special inspector.

11 [*(4) All boilers and pressure vessels to be installed in this state after July 1, 1961, shall be in-*
 12 *spected during construction by an inspector authorized to inspect boilers in this state, or, if constructed*
 13 *outside of the state, by an inspector holding a certificate of competency issued by a state that has a*
 14 *standard of examination substantially equal to that of this state.*]

15 **(4) A boiler or pressure vessel to be installed in this state shall be inspected during con-**
 16 **struction by a boiler inspector licensed in this state or, if constructed outside the state, by**
 17 **a boiler inspector authorized by a state that has a standard for qualifying boiler inspectors**
 18 **that is substantially equal to the licensing standards of this state.**

19 **SECTION 76.** ORS 480.565 is amended to read:

20 480.565. The Director of Department of Consumer and Business Services shall:

21 (1) Appoint a chief inspector who has had practical experience in the construction, maintenance,
 22 repair or operation of high pressure boilers and pressure vessels as a mechanical engineer, practical
 23 steam operating engineer, boilermaker or boiler inspector and [*who*]:

24 (a) Has passed [*a written examination which shall be confined to questions the answers to which*
 25 *will aid in determining the fitness and competency of the applicant to inspect boilers and pressure*
 26 *vessels*] **an examination of fitness and competency approved by the Board of Boiler Rules;** or

27 [*(b) Holds a certificate of competency as an inspector of boilers and pressure vessels which is is-*
 28 *ssued by a state which has standards of examination equal to those of the State of Oregon and which*
 29 *recognizes certificates of competency issued by the State of Oregon and has passed an examination that*
 30 *assesses the applicant's knowledge of ORS 480.510 to 480.670 and the rules adopted thereunder.*]

31 [(2) Appoint deputy inspectors who shall be responsible to the chief inspector and who shall have
 32 qualified as provided in subsection (1) of this section, except that less practical experience shall be re-
 33 quired.]

34 **(b)(A) Has an authorization as an inspector of boilers and pressure vessels issued by a**
 35 **state that has standards of examination substantially equal to those of this state and that**
 36 **recognizes licenses issued by this state; and**

37 **(B) Has passed an examination that assesses the applicant's knowledge of ORS 480.510**
 38 **to 480.670 and the rules adopted under ORS 480.510 to 480.670.**

39 **(2) Appoint deputy inspectors. A deputy inspector shall be responsible to the chief in-**
 40 **spector. A deputy inspector must meet the qualifications under subsection (1) of this section**
 41 **for a chief inspector, except that the board may adopt a reduced experience requirement.**

42 (3) Issue a [*certificate of competency*] **license** as a special inspector to any **qualified** individual
 43 who [*shall have qualified as provided in subsection (1) of this section, except that no more practical*
 44 *experience shall be required than is required of a deputy inspector, and who*] is continuously employed
 45 by:

1 (a) An insurer who may and does write policies of boiler and pressure vessel insurance in
 2 Oregon; or

3 (b) Any person operating pressure vessels in this state whose service, personnel, equipment and
 4 supervision meet the requirements prescribed by the board [*of Boiler Rules*].

5 **(4) The board, by rule, may establish provisions applicable to Department of Consumer
 6 and Business Services licensing under ORS 480.510 to 480.670. The rules may include, but
 7 need not be limited to, provisions regarding:**

8 **(a) The form and content of an application for the issuance or renewal of a license and
 9 the manner for submitting the application.**

10 **(b) Procedures for verifying, reviewing, evaluating or otherwise determining the quali-
 11 fications of an applicant for issuance or renewal of a license.**

12 **(c) The form and content of an examination.**

13 **(d) The scope and term of the license.**

14 **(e) Qualifications, requirements and procedures for license renewal.**

15 **(f) Conditions, actions or failures to act that may result in the denial, refusal to renew,
 16 conditioning, limitation, suspension or revocation of a license or in placing a licensee on
 17 probation.**

18 **(g) Subject to ORS chapter 183, procedures required for denying, refusing to renew,
 19 conditioning, limiting, suspending or revoking a license or placing a licensee on probation.**

20 **(h) Conditions and procedures required for the issuance of a license to a former licensee.**

21 **SECTION 77.** ORS 480.570 is amended to read:

22 *480.570. [(1) A special inspector receiving a certificate of competency under ORS 480.565 (3)(b)
 23 shall not inspect under ORS 480.510 to 480.670 any boiler; nor shall the special inspector inspect under
 24 ORS 480.510 to 480.635 any pressure vessel not used or not to be used by the employer of the special
 25 inspector.]*

26 *[(2) When the individual holds a certificate of competency issued pursuant to ORS 480.565 (3)(a),
 27 a special inspector is authorized to:]*

28 **(1) A special inspector working for an employer described in ORS 480.565 (3)(b) may not
 29 inspect a boiler or pressure vessel if the boiler or pressure vessel is not used by, or to be
 30 used by, the employer of the special inspector.**

31 **(2) A special inspector employed by a person described in ORS 480.565 (3)(a) may:**

32 (a) Conduct shop inspections of boilers and pressure vessels manufactured or to be installed in
 33 this state **regardless of** whether [*or not such*] **the** boilers or pressure vessels are insured [*or will*]
 34 **by, or to** be insured by, the employer of the special inspector; and

35 (b) Inspect all boilers and pressure vessels insured **by,** or to be insured by, the special inspec-
 36 tor's employer or all pressure vessels operated by the special inspector's employer.

37 (3) [*A special inspector's certificate of competency*] **Notwithstanding any license term the
 38 Board of Boiler Rules establishes by rule under ORS 480.565, a special inspector license re-
 39 mains in force only while the special inspector is continuously employed by one of the persons
 40 mentioned in ORS 480.565 (3).**

41 [*(4) When a vessel is inspected by a special inspector as provided in this section, the owner or user
 42 of such boiler or pressure vessel is exempt from payment of the permit fee during the inspection period,
 43 except as provided in ORS 480.600 (2).*]

44 **(4) Except as provided in ORS 480.600 (2), if a boiler or pressure vessel is inspected by a
 45 special inspector as provided in this section, the owner or user of the boiler or pressure**

1 **vessel is exempt from payment of the permit fee during the inspection period.**

2 (5) The Department of Consumer and Business Services may cause a deputy inspector to inspect
 3 or reinspect all boilers and pressure vessels *[which]* **that** could be inspected by a special inspector.
 4 *[However, there shall be no]* **The inspection by the deputy inspector may not include an** internal
 5 inspection or reinspection unless:

6 (a) There is a question as to whether *[or not]* the boiler or pressure vessel meets the minimum
 7 safety standards; and

8 (b) The special inspector who made the original inspection, or the employer of the special in-
 9 spector, is given reasonable notice of the intention to make *[such]* **the** inspection or reinspection
 10 *[so the special inspector or the employer of the special inspector can be present]* **and given an op-**
 11 **portunity to be present.**

12 **SECTION 78.** ORS 480.605 is amended to read:

13 480.605. The Department of Consumer and Business Services may:

14 (1) Collect fees for shop inspections, **for** inspections of vessels, *[and]* for inspection of vessels
 15 *[which]* **that** have been changed in installation location after primary use and for any other type
 16 of inspection of boilers, pressure vessels or pressure piping *[which]* **that** may be required by any
 17 person or persons, including any governmental units.*[, all such inspections to be at the cost of in-*
 18 *spection, in accordance with the time required to make the inspection, plus the expense of the inspector*
 19 *including lodging and travel.]* **The fee charged by the department shall be equal to the cost of**
 20 **the inspection, taking into consideration an hourly charge for the time required to make the**
 21 **inspection and any expenses of the inspector, including but not limited to travel and lodging.**
 22 The hourly charge, or portion *[thereof]* **of an hourly charge**, shall be fixed by the Board of Boiler
 23 Rules.

24 (2) Collect a fee for welding and *[inspectors']* **inspector** examinations and for annual renewal
 25 of *[inspectors' certifications]* **an inspector license**. The amount of the fee shall be fixed by the board.

26 (3) Collect an additional fee from the owner or user when it is necessary to make a special trip
 27 to witness the application of a hydrostatic or other test. The amount of the fee shall be fixed by the
 28 board.

29 **SECTION 79.** ORS 480.607 is amended to read:

30 480.607. Notwithstanding the fees prescribed in ORS 480.595 (3) and (4), 480.600 (2) and 480.630
 31 *[(4) and (6)]*, and subject to the prior approval of the Department of Consumer and Business Services,
 32 the Oregon Department of Administrative Services and a report to the Emergency Board prior to
 33 adopting the fees, the Board of Boiler Rules may increase the fees referred to in this section by an
 34 amount not greater than 10 percent. The fees shall be within the budget authorized by the Legisla-
 35 tive Assembly as that budget may be modified by the Emergency Board. The fees must not exceed
 36 the cost of the program, including but not limited to the cost of administering a continuing educa-
 37 tion registry.

38 **SECTION 80.** ORS 480.615 is amended to read:

39 480.615. (1) The Board of Boiler Rules shall hear the appeal of an appellant who has filed a
 40 timely written request and who:

- 41 (a) Has received notice that *[a restraining order or]* **an** injunction will be sought*[, or]*;
- 42 (b) Has received notice that a permit will be suspended or revoked*[,];* or
- 43 (c) Is affected by either of such notices.

44 (2) The board **also** shall *[likewise]* hear the appeal of an appellant who has filed a written re-
 45 quest and who has reason to desire a change in the minimum safety standards or the rules.

1 [(2)] (3) The board shall set the time and place for hearing and give the appellant 10 days'
 2 written notice.

3 [(3)] (4) All appeals shall be heard within three months of receipt of the request. Provided, if
 4 immediate menace to health or safety is involved, the appeal shall be heard within 20 days of receipt
 5 of the request.

6 [(4)(a)] (5)(a) Two or more appeals may be consolidated for hearing, if based upon substantially
 7 the same facts.

8 (b) The board and the appellant may subpoena witnesses who shall receive the same compen-
 9 sation and mileage pay as circuit court witnesses.

10 (c) A written or recorded record shall be kept.

11 **SECTION 81.** ORS 480.630 is amended to read:

12 480.630. [(1) A person may not engage in the business of installing, repairing or altering boilers
 13 or pressure vessels unless the person first obtains a license therefor from the Department of Consumer
 14 and Business Services.]

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

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

20 **(1) A person engaging in the business of installing, repairing or altering boilers or pres-**
 21 **sure vessels must have a license for that business issued by the Department of Consumer**
 22 **and Business Services.**

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

26 [(4)] (3) Licenses [*and certification*] shall be issued by the department upon recommendation of
 27 the Board of Boiler Rules and [*upon*] payment of a fee of \$25 for each application for an employee
 28 or [*agent's certification and*] **agent license or a fee of \$150** for each application for a business li-
 29 cense.

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

33 **(4) A license issued under this section shall be renewed upon payment of the applicable**
 34 **fee established in subsection (3) of this section and compliance with any requirements for**
 35 **renewal established by board rule under ORS 480.565.**

36 [(6)] (5) A person **required to be licensed under this section** may not install, alter or repair
 37 a boiler or pressure vessel without first securing a permit [*therefor*] from the department [*unless the*
 38 *person is not subject to licensure or certification*]. Permits shall be issued only to the persons li-
 39 censed. A permit fee of \$15 shall be paid directly to the department.

40 [(7) In the case of an emergency, a permit is not required in advance for boiler or pressure vessel
 41 installations, or repair, as required under subsection (6) of this section, if an application accompanied
 42 by the appropriate fee for a permit is submitted to the department within five days after the commencing
 43 of the boiler or pressure vessel work.]

44 **(6) A permit under subsection (5) of this section is not required in advance for boiler or**
 45 **pressure vessel installations or repairs if the installations or repairs are due to an emer-**

1 **gency and an application accompanied by the appropriate fee for a permit is submitted to the**
 2 **department no later than five days after beginning the installations or repairs.**

3 [(8)] (7) The [certification and examination] **license** requirements of this section do not apply
 4 [when] to a person **who** is brought in from out of state to repair or alter a boiler or pressure vessel
 5 utilizing special tools or a special process for which that person is uniquely qualified. The activity
 6 shall be limited solely to the special process and the person performing the work shall have quali-
 7 fications [which] **that** meet or exceed [the state's certification] **state licensing** standards as deter-
 8 mined by the chief boiler inspector. The chief boiler inspector shall be notified prior to performance
 9 of any work under this subsection.

10 [(9) A person having a certificate issued under subsection (4) of this section must complete eight
 11 hours of board-approved continuing education every year.]

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

15 **(8) If the board issues a license under subsection (3) of this section of a type that allows**
 16 **the licensee to perform work equivalent to that performed by pressure vessel installers,**
 17 **building service mechanics, boilermakers or pressure piping mechanics, the licensee must**
 18 **complete at least eight hours of board-approved continuing education every year.**

19 **SECTION 82.** ORS 480.632 is amended to read:

20 480.632. [No person registered to conduct a boiler or pressure vessel business shall employ any
 21 person to work on a boiler or pressure vessel who does not hold a valid state certification issued under
 22 ORS 480.630.] **A person licensed to conduct a boiler or pressure vessel business may not em-**
 23 **ploy a person to work on a boiler or pressure vessel unless the employed person has a valid**
 24 **license issued under ORS 480.630.**

25 **SECTION 83.** ORS 480.634 is amended to read:

26 480.634. (1) [A person having a current certificate of competency as a journeyman plumber under
 27 ORS 693.050 does not have to obtain certification] **A journeyman plumber licensed under section**
 28 **88 of this 2005 Act is not required to obtain a license** under ORS 480.630 (2) to work as an em-
 29 ployee of a business engaged in installing or replacing, by nonwelded means, a potable domestic
 30 water heater[, not used for space heating, which does not exceed 180 gallons in capacity, nor water
 31 temperature of 210 degrees Fahrenheit nor pressure of 150 pounds per square inch gauge pressure nor
 32 a heat input in excess of 750,000 BTU per hour.] **that:**

- 33 **(a) Is not used for space heating;**
- 34 **(b) Is 180 gallons or less in capacity;**
- 35 **(c) Has a water temperature of 210 degrees Fahrenheit or less;**
- 36 **(d) Has a pressure of 150 pounds per square inch gauge pressure or less; and**
- 37 **(e) Has a heat input of 750,000 BTU per hour or less.**

38 **(2) This section does not allow construction, repair or alteration of the domestic potable water**
 39 **heater.**

40 **SECTION 84.** ORS 480.640 is amended to read:

41 480.640. [No] **A person providing services connected with boilers or pressure vessels may not**
 42 **bring or maintain an action in the courts of this state to recover for [such] those services unless**
 43 **the person alleges and proves that, at the time the services were performed, the person performing**
 44 **[them] the services held a [state certification] license issued under ORS 480.630.**

45 **SECTION 85.** ORS 480.647 is amended to read:

1 480.647. (1) The Board of Boiler Rules may adopt rules creating quality control procedures for
 2 welding on nonboiler external piping and may adopt its own Oregon welded stamp symbol.

3 (2) The Board **of Boiler Rules** shall not require the adoption of “R” stamp provisions of the
 4 National Board of Inspection Code or the American Society of Mechanical Engineers Certification
 5 of Authorization requirements related to boilers for welding on nonboiler external piping.

6 (3) The Board **of Boiler Rules** shall accept an “R” stamp certification by the National Board
 7 of Inspection Code or the American Society of Mechanical Engineers Certification of Authorization
 8 as meeting the requirements of subsection (1) of this section and may accept any other quality
 9 control program for welding that is at least equivalent to the Oregon quality control procedures
 10 adopted under subsection (1) of this section.

11 (4) All review by the Department of Consumer and Business Services for individual approval of
 12 quality control procedures and requirements shall be charged at the shop inspection rates under
 13 ORS 480.605.

14
 15 **PLUMBERS**

16
 17 **SECTION 86.** Sections 87, 88 and 89 of this 2005 Act are added to and made a part of ORS
 18 693.010 to 693.108.

19 **SECTION 87.** The State Plumbing Board, by rule, may establish provisions to administer
 20 licensing under this chapter and ORS 447.010 to 447.156. The rules may include, but need not
 21 be limited to, provisions regarding:

22 (1) **The form and content of an application for the issuance or renewal of a license and**
 23 **the manner for submitting the application.**

24 (2) **Procedures for verifying, reviewing, evaluating or otherwise determining the quali-**
 25 **fications of an applicant for issuance or renewal of a license.**

26 (3) **The form and content of an examination.**

27 (4) **The term of the license.**

28 (5) **Qualifications, requirements and procedures for license renewal.**

29 (6) **Conditions, actions or failures to act that may result in the denial, refusal to renew,**
 30 **conditioning, limitation, suspension or revocation of a license or in placing a licensee on**
 31 **probation.**

32 (7) **Subject to ORS chapter 183, procedures required for denying, refusing to renew, con-**
 33 **ditioning, limiting, suspending or revoking a license or placing a licensee on probation.**

34 (8) **Conditions and procedures required for the issuance of a license to a former licensee.**

35 **SECTION 88.** The State Plumbing Board shall issue a journeyman plumber license to a
 36 **person who:**

37 (1) **Complies with rules of the board adopted under section 87 of this 2005 Act;**

38 (2) **Completes the required apprentice plumber or other experience described in ORS**
 39 **693.050;**

40 (3) **Passes a journeyman plumber license examination administered by the board; and**

41 (4) **Pays the journeyman plumber license fee described in ORS 693.135.**

42 **SECTION 89.** The State Plumbing Board shall issue a plumbing business license to a
 43 **person who, as provided by board rule, files an application and pays the required fee.**

44 **SECTION 90.** ORS 693.010 is amended to read:

45 693.010. As used in this chapter, unless the context requires otherwise:

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

4 [(2) “Board” means the State Plumbing Board.]

5 [(3) “Director” means the Director of the Department of Consumer and Business Services.]

6 [(4) (2) “Journeyman plumber” means [*any person holding a valid journeyman plumber’s certifi-*
 7 *cate of competency*] **a person who has a valid journeyman plumber license** issued under this
 8 chapter.

9 [(5) (3) “Plumbing” has the meaning given that term in ORS 447.010.

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

14 **SECTION 91.** ORS 693.020 is amended to read:

15 693.020. [(1) *Subject to the following described conditions, this chapter does not prevent:*]

16 [(a) *Except as provided in paragraph (e) of this subsection, a person from doing the person’s own*
 17 *work on the person’s own building on the person’s own premises, whether or not the person holds a*
 18 *certificate of competency under this chapter, if the person complies with all the rules adopted under this*
 19 *chapter and ORS 447.010 to 447.156 and 447.992 and ORS chapter 455.*]

20 [(b) *A person from testing, repairing, servicing, maintaining, installing or replacing new or existing*
 21 *potable water pump equipment not exceeding seven and one-half horsepower on residential property and*
 22 *pipng between such pumps and storage tanks for such pumps, whether or not the person holds any*
 23 *certificate of competency under this chapter.*]

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

25 **(a) A person working on a building or premises owned by the person, regardless of**
 26 **whether the person has a license issued under this chapter, if the person complies with ORS**
 27 **447.010 to 447.156 and the plumbing specialty code.**

28 **(b) A person testing, repairing, servicing, maintaining, installing or replacing new or ex-**
 29 **isting potable water pump equipment not exceeding seven and one-half horsepower on resi-**
 30 **dential property and piping between those pumps and storage tanks for the pumps,**
 31 **regardless of whether the person is licensed under this chapter.**

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

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

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

44 [(e) (3) **This chapter does not apply to** a person who owns, leases or operates residential
 45 property[, *from repairing or using*] **and who repairs, or uses** regular employees to repair, existing

1 plumbing on property owned, leased or operated by the employer, **regardless of** whether [or not] the
 2 employee [holds a certificate of competency] **is licensed** under this chapter. As used in this [para-
 3 graph] **subsection:**

4 [(A)] (a) “Repair” [or “maintenance”] means the act of replacing or putting together plumbing
 5 parts that restore the existing plumbing system to a safe and sanitary operating condition.

6 [(B)] (b) “Regular employee” means a person subject to the provisions of ORS 316.162 to 316.219
 7 and who has completed a withholding exemptions certificate required by the provisions of ORS
 8 316.162 to 316.219.

9 [(2) This section applies to any person, including but not limited to individuals, corporations, as-
 10 sociations, firms, partnerships, joint stock companies, public and municipal corporations, political sub-
 11 divisions, this state and any agencies thereof and the federal government and any agencies thereof.]

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

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

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

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

22 (4) **This section applies to a person as defined in ORS 174.100, public and municipal cor-
 23 porations, political subdivisions and state and federal government.**

24 **SECTION 92. ORS 693.025 is added to and made a part of ORS chapter 693.**

25 **SECTION 93. ORS 693.025 is amended to read:**

26 693.025. (1) A utility company, energy service provider or water supplier whose employees install
 27 low-flow showerheads or faucet aerators shall furnish evidence to the Department of Consumer and
 28 Business Services, in the form of a public liability policy issued by an insurance company qualified
 29 to do business in Oregon, that the company, provider or water supplier and its employees are pro-
 30 tected against liability for injury or death to persons and loss of or damage to property resulting
 31 from the installation.

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

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

41 (4) A person who performs, or who contracts to have performed, a service described in sub-
 42 section (1) of this section may not perform any additional service for which a [certificate] **license** is
 43 required under this chapter unless the person is [certified] **licensed** under this chapter to perform
 44 the additional service. [A person not certified under this chapter who performs services that are not
 45 described in subsection (1) of this section for which a certificate is required under this chapter is sub-

ject to civil penalty under ORS 693.992.]

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

(5) A contract by a utility company, energy service provider or water supplier for the installation of low-flow showerheads or faucet aerators must include a statement that, under penalty of ORS 693.992, the contractor may not perform any service for which a license is required under this chapter, unless the contractor is licensed to perform that service.

SECTION 94. ORS 693.030 is amended to read:

693.030. (1) A person [shall] **may** not engage in the trade or business of journeyman plumber without a [certificate of competency as provided by this chapter] **journeyman plumber license issued under section 88 of this 2005 Act.**

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

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

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

(2) A person may not act as, or purport to be, a plumbing business unless the person has a plumbing business license issued under this chapter. A person may not engage in the business of furnishing labor and material, or labor only, to install, alter or repair plumbing unless the person has a plumbing business license issued under this chapter. A member or employee of a business may not engage in the layout or superintending of plumbing installations unless the business is licensed as a plumbing business under this chapter.

(3) A person conducting a plumbing business may not:

(a) Permit or suffer a person other than a licensed journeyman plumber to work as a journeyman plumber.

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

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

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

(e) Work as a journeyman plumber without obtaining a license as a journeyman plumber.

SECTION 95. ORS 693.040 is amended to read:

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

SECTION 96. ORS 693.050 is amended to read:

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

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

1 [(a)] (1) Proof satisfactory to the State Plumbing Board that the applicant has had at least four
 2 years of general experience as an apprentice plumber or equivalent experience, as determined by the
 3 board by rule, in installing, altering or repairing plumbing; and

4 [(b)] (2) The examination fee provided in ORS 693.135.

5 **SECTION 97.** ORS 693.070 is amended to read:

6 693.070. *[All certificates of competency]* **A license issued by the State Plumbing Board** shall
 7 bear:

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

9 (2) An identification number assigned by the *[State Plumbing]* board.

10 **SECTION 98.** ORS 693.095 is amended to read:

11 693.095. The State Plumbing Board, by rule, may provide a program for *[the certification of]* **is-**
 12 **suing supervising plumber licenses to** journeyman plumbers who demonstrate to the satisfaction
 13 of the board competency in the supervision of plumbing work and in the laws, rules, ordinances and
 14 practices relating to plumbing. Any program established under this section may include the follow-
 15 ing:

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

17 (2) Requirements that *[journeyman plumber applicants]* **an applicant for a supervising plumber**
 18 **license** have experience, pass an examination or otherwise demonstrate skill as determined appro-
 19 priate by the board.

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

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

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

24 **SECTION 99.** ORS 693.103 is amended to read:

25 693.103. (1) The State Plumbing Board, by rule, may provide a program for the *[certification]* **li-**
 26 **icensing** of limited specialty plumbers who demonstrate to the satisfaction of the board competency
 27 in the laws, rules, ordinances and practices relating to *[their plumbing specialty. A person certified*
 28 *under this section is authorized to perform the class of plumbing work included in the branch of the*
 29 *plumbing trade for which the person has been certified.]* **a plumbing specialty. A limited specialty**
 30 **plumber license authorizes the person to engage in the specific branch of the plumbing trade**
 31 **for which the license is issued.** Any program established under this section may include the fol-
 32 lowing:

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

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

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

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

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

41 (2)(a) *[Under the provisions of this section the board shall provide]* **The board shall establish a**
 42 **limited specialty plumber license** for the installation and replacement of residential water heaters
 43 **by limited maintenance specialty contractors licensed under ORS 479.630 (12). The limited**
 44 **specialty plumber license shall authorize a limited maintenance specialty contractor to con-**
 45 **nect the water heater** to existing plumbing designed for that purpose if the installation or re-

1 placement does not require an alteration of the existing plumbing.

2 (b) Qualification for [*certification for a plumbing specialty*] **licensing** under this subsection shall
 3 include testing and a requirement for training.

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

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

8 **(3) Subsection (2) of this section does not limit the ability of the board to issue limited**
 9 **specialty plumber licenses under subsection (1) of this section for activities similar to those**
 10 **described in subsection (2) of this section.**

11 **(4) The board shall establish a limited specialty plumber license for the installation of**
 12 **solar heating and cooling systems.**

13 **SECTION 100.** ORS 693.115 is amended to read:

14 693.115. (1) The State Plumbing Board is established in the Department of Consumer and Busi-
 15 ness Services, consisting of seven members appointed by the Governor. The appointment of a mem-
 16 ber of the board is subject to confirmation by the Senate pursuant to section 4, Article III of the
 17 Oregon Constitution.

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

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

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

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

23 (d) One registered professional mechanical engineer;

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

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

27 (g) One member of the general public.

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

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

34 **SECTION 101.** ORS 693.120 is amended to read:

35 693.120. [(1)] The State Plumbing Board shall examine for fitness and qualifications all persons
 36 applying for [*certificates to engage in the business, trade or calling of a*] journeyman plumber
 37 **licenses**.

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

40 [(a) A written examination; and]

41 [(b) A practical examination requiring the demonstration of mechanical plumbing skills.]

42 **SECTION 102.** ORS 693.135 is amended to read:

43 693.135. The State Plumbing Board, by rule, shall establish fees to be charged by and paid to the
 44 board under this chapter. The following fees shall be the maximum fees established under this
 45 section:

1 (1) For an examination for a journeyman [*plumber's certificate of competency*] **plumber license**,
 2 \$100.

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

5 (3) For [*registration*] **a license** to conduct a plumbing business, original and annual renewal,
 6 \$150.

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

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

9 (6) For continuing education [*for renewing a certificate of competency*] **programs, if required**
 10 **by board rule**, \$25.

11 **SECTION 103.** ORS 693.180 is amended to read:

12 693.180. [*No*] **A** person who provides services connected with plumbing, as defined in ORS
 13 447.010, may **not** bring or maintain an action in the courts of this state to recover for [*such*] **those**
 14 services unless the person alleges and proves that, at the time the services were performed, the
 15 person performing [*them*] **the services** either:

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

17 (2) [*Met the requirements of a plumbing apprentice under ORS chapter 660*] **Was an apprentice**
 18 **plumber.**

19
 20 **MISCELLANEOUS AMENDMENTS**

21
 22 **SECTION 104.** ORS 30.788 is amended to read:

23 30.788. (1) An action for damages arising out of the practice of architecture, as defined in ORS
 24 671.010, may not be maintained by any person against an architect for services rendered by the archi-
 25 tect under the provisions of this section.

26 (2) An action for damages arising out of the practice of engineering, as described in ORS
 27 672.007, may not be maintained by any person against an engineer for structural engineering ser-
 28 vices rendered by the engineer under the provisions of this section.

29 (3) An action for damages arising out of the provision of building code inspections, plan reviews
 30 or post-disaster building evaluations may not be maintained by any person against a [*certified*] **li-**
 31 **icensed** inspector or [*certified*] **licensed** building evaluator if the inspector or building evaluator is
 32 providing building code inspections, plan reviews or post-disaster building evaluations under the
 33 provisions of this section and the inspector or building evaluator is operating within the scope of
 34 the [*certification*] **license.**

35 (4) The immunity provided by this section applies only to services that meet all of the following
 36 requirements:

37 (a) The services are rendered without compensation.

38 (b) The services are rendered within 60 days after the Governor declares a state of emergency
 39 under the provisions of ORS 401.055.

40 (c) The services are rendered to assist in relief efforts arising out of the emergency giving rise
 41 to the declaration of emergency.

42 (5) This section does not affect the liability of any architect, engineer, inspector or building
 43 evaluator for gross negligence or intentional torts.

44 (6) The immunity provided by this section applies only to:

45 (a) Inspectors [*certified*] **who are licensed** under ORS 455.715 to 455.740;

1 (b) Building evaluators [*certified for post-disaster building evaluation*] **who are licensed** by the
 2 Department of Consumer and Business Services **for post-disaster building inspections under ORS**
 3 **455.448**;

4 (c) Architects who are licensed under ORS 671.010 to 671.220;

5 (d) Engineers who are licensed under ORS 672.002 to 672.325; and

6 (e) Architects and engineers who are licensed under the laws of another state.

7 **SECTION 105.** ORS 90.145 is amended to read:

8 90.145. (1) A tenant who occupies or an applicant who will occupy a dwelling unit and who
 9 conducts repairs, routine maintenance or cleaning services on that dwelling unit in exchange for a
 10 reduction in rent pursuant to a written or oral agreement with the landlord shall not be considered
 11 to be an employee of the landlord.

12 (2) A person described in subsection (1) of this section shall not conduct electrical or plumbing
 13 installation, maintenance or repair unless properly licensed [*or certified*] under **ORS 479.510 to**
 14 **479.945 or** ORS chapter [*479 or*] 693.

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

17 (4) Any work performed by a tenant or applicant under this section shall be in compliance with
 18 ORS [*chapters 447 and 479. However, a tenant or applicant shall not be required to secure a certificate*
 19 *of registration under ORS 447.010 to 447.156 and 447.992*] **447.010 to 447.156 and 479.510 to**
 20 **479.945.**

21 **SECTION 106.** ORS 446.250 is amended to read:

22 446.250. The Director of the Department of Consumer and Business Services shall cause in-
 23 spections to be made, approve plans and specifications, provide technical services and issue permits
 24 for alteration of manufactured dwellings and installation of manufactured dwellings and manufac-
 25 tured structure accessory buildings and structures on a lot. The director shall appoint or contract
 26 with municipalities that request such appointment or contract for inspection and issuance of permits
 27 for alteration of manufactured dwellings and installation of manufactured dwellings and manufac-
 28 tured structure accessory buildings and structures and alterations of installations of plumbing,
 29 heating, illuminating, cooking or electrical equipment, provided the municipality employs as local
 30 inspectors qualified persons who have been [*certified*] **licensed** by the director for inspection and
 31 issuance of permits for alteration of manufactured dwellings and installation of manufactured
 32 dwellings and manufactured structure accessory buildings and structures, pursuant to ORS 446.003,
 33 446.111, 446.155, 446.160, 446.176, 446.225 to 446.285 and 446.990. However, the [*certification*] **li-**
 34 **censing** standards under this section shall relate to the inspections to be performed and [*shall*] **may**
 35 not be more stringent for municipal inspectors than those applying to state inspectors.

36 **SECTION 107.** ORS 446.255 is amended to read:

37 446.255. (1) After written notice and hearing as provided in subsection (2) of this section, the
 38 Director of the Department of Consumer and Business Services may revoke the [*certification*] **license**
 39 of a local inspector [*certified*] **described** under ORS 446.250, or the authority of a local government
 40 to enforce provisions of ORS 446.003, 446.111, 446.160, 446.176, 446.225 to 446.285 and 446.990, when
 41 it appears by competent evidence that the inspector or local government has consistently failed to
 42 act in the public interest in the enforcement of the provisions of ORS 446.003, 446.111, 446.160,
 43 446.176, 446.225 to 446.285 and 446.990.

44 (2) Any proceedings under subsection (1) of this section shall be conducted pursuant to the
 45 provisions of ORS 183.415 to 183.430, 183.440 to 183.460, 183.470 to 183.485 and 183.490 to 183.540,

1 dealing with contested cases.

2 **SECTION 108.** ORS 670.410 is amended to read:

3 670.410. (1) A board may vary the expiration date of a registration, license or certificate issued
4 by the board. Notwithstanding any other law, registrations, licenses and certificates may be made
5 to expire on a biennial basis.

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

8 (3) This section applies only to those registrations, licenses and certificates issued under ORS
9 [479.640,] 690.005 to 690.235 or ORS chapters 671, 672, 673, 693, 701 and 776.

10
11 **REPEALS**

12
13 **SECTION 109.** (1) ORS 447.030, 447.040, 447.050, 447.070, 455.125, 455.622, 455.810, 460.065,
14 479.633, 479.635, 479.640, 479.650, 479.660, 480.575, 480.635, 480.645, 693.060, 693.075, 693.090,
15 693.100, 693.105, 693.108, 693.111 and 693.994 are repealed.

16 (2) Section 4, chapter 677, Oregon Laws 1997, is repealed. The repeal of section 4, chapter
17 677, Oregon Laws 1997, does not affect the validity of any rule adopted under ORS 455.737 or
18 479.810 prior to the operative date of this section.

19
20 **TEMPORARY RULEMAKING AUTHORITY**

21
22 **SECTION 110.** (1) The Director of the Department of Consumer and Business Services,
23 by rule, may establish provisions applicable to licensing under ORS 455.705 and 455.715 to
24 455.740.

25 (2) The Department of Consumer and Business Services, by rule, may establish provisions
26 applicable to licensing under ORS 455.800 to 455.820, 460.005 to 460.175 and 479.510 to 479.945.

27 (3) The Board of Boiler Rules, by rule, may establish provisions applicable to the licensing
28 of persons by the Department of Consumer and Business Services under ORS 480.510 to
29 480.670.

30 (4) The State Plumbing Board, by rule, may establish provisions applicable to licensing
31 under ORS 447.010 to 447.156 and ORS chapter 693.

32 (5) The adopting authority shall provide for the rules adopted under this section to be-
33 come operative on October 1, 2005.

34 (6) The rules adopted under this section may include, but need not be limited to, pro-
35 visions regarding:

36 (a) The form and content of an application for the issuance or renewal of a license and
37 the manner for submitting the application.

38 (b) License fee amounts not otherwise specified by statute.

39 (c) Experience, training, education and examination requirements for issuance or renewal
40 of a license.

41 (d) Procedures for verifying, reviewing, evaluating or otherwise determining the quali-
42 fications of an applicant for issuance or renewal of a license.

43 (e) The form and content of an examination.

44 (f) The term of the license.

45 (g) Qualifications, requirements and procedures for license renewal.

1 (h) Conditions, actions or failures to act that may result in the denial, refusal to renew,
 2 conditioning, limitation, suspension or revocation of a license or in placing a licensee on
 3 probation.

4 (i) Subject to ORS chapter 183, procedures required for denying, refusing to renew, con-
 5 ditioning, limiting, suspending or revoking a license or placing a licensee on probation.

6 (j) Conditions and procedures required for the issuance of a license to a former licensee.

7 (k) Compliance with financial responsibility requirements, if any.

8
 9 **REPEAL OF TEMPORARY RULEMAKING SECTION**

10
 11 **SECTION 111.** Section 110 of this 2005 Act is repealed October 1, 2005. The repeal of
 12 section 110 of this 2005 Act does not affect the validity of any rule adopted under authority
 13 of section 110 of this 2005 Act.

14
 15 **OPERATIVE DATE**

16
 17 **SECTION 112.** Sections 2, 28, 37, 49 to 53, 67, 68 and 87 to 89 of this 2005 Act, the
 18 amendments to statutes and uncodified law by sections 3, 4, 6 to 26, 29 to 35, 38 to 47, 54 to
 19 65, 69 to 85, 90, 91 and 93 to 108 of this 2005 Act and the repeal of statutes and uncodified law
 20 by section 109 of this 2005 Act become operative October 1, 2005.

21
 22 **MISCELLANEOUS TRANSITION PROVISIONS**

23
 24 **SECTION 113.** Sections 2, 28, 37, 49 to 53, 67, 68 and 87 to 89 of this 2005 Act, the
 25 amendments to statutes and uncodified law by sections 3, 4, 6 to 26, 29 to 35, 38 to 47, 54 to
 26 65, 69 to 85, 90, 91 and 93 to 108 of this 2005 Act and the repeal of statutes and uncodified law
 27 by section 109 of this 2005 Act:

28 (1) Do not invalidate or otherwise affect the status of any certificate, registration or
 29 other authorization issued under ORS 446.250, 447.010 to 447.156, 479.510 to 479.945 or 480.510
 30 to 480.670 or ORS chapter 455, 460 or 693 or sections 6 and 9, chapter 406, Oregon Laws 2001,
 31 section 1, chapter 629, Oregon Laws 2001, or section 1, chapter 728, Oregon Laws 2001, or a
 32 rule adopted by the Director of the Department of Consumer and Business Services, the
 33 Department of Consumer and Business Services or a specialty code advisory board, or affect
 34 the rights, duties, authority, qualifications for office or other status of a person issued the
 35 certificate, registration or authorization. Upon the renewal of a certificate, registration or
 36 other authorization described in this subsection, the entity that issued the certificate, reg-
 37 istration or other authorization shall replace the certificate, registration or other authori-
 38 zation with a license granting the licensee the same authority that would have been granted
 39 under a renewed certificate, registration or other authorization.

40 (2) Do not affect any action, proceeding or prosecution begun before and pending on Oc-
 41 tober 1, 2005.

42 (3) Do not affect any fee, civil penalty owing or other liability, duty or obligation accruing
 43 before October 1, 2005.

44 **SECTION 114.** All references to a license in sections 2, 28, 37, 49 to 53, 67, 68 and 87 to
 45 89 of this 2005 Act and in the statutes and uncodified law amended by sections 3, 4, 6 to 26,

1 29 to 35, 38 to 47, 54 to 65, 69 to 85, 90, 91 and 93 to 108 of this 2005 Act apply to any certif-
2 icate, registration or other authorization that is equivalent to the license being referred to
3 and that was issued before October 1, 2005, under ORS 446.250, 447.010 to 447.156, 460.005 to
4 460.175, 479.510 to 479.945 or 480.510 to 480.670 or ORS chapter 455 or 693 or sections 6 and
5 9, chapter 406, Oregon Laws 2001, section 1, chapter 629, Oregon Laws 2001, or section 1,
6 chapter 728, Oregon Laws 2001, or a rule adopted by the Director of the Department of
7 Consumer and Business Services, the Department of Consumer and Business Services or a
8 specialty code advisory board.

9
10 **CAPTIONS**

11
12 **SECTION 115.** The unit captions used in this 2005 Act are provided only for the conven-
13 ience of the reader and do not become part of the statutory law of this state or express any
14 legislative intent in the enactment of this 2005 Act.

15
16 **EMERGENCY CLAUSE**

17
18 **SECTION 116.** This 2005 Act being necessary for the immediate preservation of the public
19 peace, health and safety, an emergency is declared to exist, and this 2005 Act takes effect
20 on its passage.

21
