

Senate Bill 381

Sponsored by Senator SCHRADER

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**.

Transfers authority for certifying persons who inspect water system cross connections or who test backflow prevention devices from Department of Human Services to Department of Consumer and Business Services.

A BILL FOR AN ACT

1
2 Relating to water systems; creating new provisions; amending ORS 701.005; repealing ORS 448.279;
3 and appropriating money.

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

5 **SECTION 1. Section 2 of this 2005 Act is added to and made a part of ORS 455.715 to**
6 **455.740.**

7 **SECTION 2. (1) The Department of Consumer and Business Services shall establish a**
8 **certification program for persons who inspect water system cross connections or test back-**
9 **flow prevention device assemblies. The program shall include minimum qualifications neces-**
10 **sary for a person to be certified to:**

11 (a) **Conduct a cross connection inspection; and**

12 (b) **Test a backflow prevention device assembly.**

13 (2) **Except for an employee of a water supplier as defined in ORS 448.115, in order to ob-**
14 **tain a certification under a program established pursuant to this section a person must also**
15 **be licensed as a:**

16 (a) **Landscape contractor as provided under ORS 671.510 to 671.710; or**

17 (b) **Construction contractor with the Construction Contractors Board as provided under**
18 **ORS chapter 701.**

19 (3) **The department may establish and collect a nonrefundable fee from an individual re-**
20 **questing certification under the program established pursuant to this section. If the depart-**
21 **ment establishes a fee under this subsection, the fee may not exceed the cost of**
22 **administering the certification program.**

23 (4) **All moneys collected by the department pursuant to this section shall be deposited in**
24 **the Consumer and Business Services Fund created under ORS 705.145. The moneys are con-**
25 **tinuously appropriated to the department to pay the cost of administering the certification**
26 **program established pursuant to this section.**

27 **SECTION 3. The Department of Human Services shall advise the Department of Con-**
28 **sumer and Business Services on the training and qualifications necessary for the certif-**
29 **ication of persons as cross connection inspectors and backflow prevention device testers as**
30 **part of the certification program established by the Department of Consumer and Business**
31 **Services pursuant to section 2 of this 2005 Act.**

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 **SECTION 4.** The Department of Consumer and Business Services shall seek the advice
 2 of the Department of Human Services when establishing the certification program pursuant
 3 to section 2 of this 2005 Act in order to coordinate the requirements of the certification
 4 program with the duties of the Department of Human Services under ORS 448.131.

5 **SECTION 5.** ORS 701.005 is amended to read:

6 701.005. As used in this chapter:

7 (1) "Board" means the Construction Contractors Board.

8 (2) "Contractor" means a person who, for compensation or with the intent to sell, arranges or
 9 undertakes or offers to undertake or submits a bid to construct, alter, repair, add to, subtract from,
 10 improve, inspect, move, wreck or demolish, for another, any building, highway, road, railroad, exca-
 11 vation or other structure, project, development or improvement attached to real estate or to do any
 12 part thereof. "Contractor" includes general contractors, residential-only contractors and specialty
 13 contractors as defined in this section.

14 (3) "General contractor" means a contractor whose business operations require the use of more
 15 than two unrelated building trades or crafts that the contractor supervises or performs in whole or
 16 part, whenever the sum of all contracts on any single property, including materials and labor, ex-
 17 ceeds an amount established by rule by the board. "General contractor" does not include specialty
 18 contractors or limited contractors, as described in ORS 701.085.

19 (4) "Home inspector" means a person who, for a fee, inspects and provides written reports on
 20 the overall physical condition of a residential structure and the appurtenances thereto. "Home in-
 21 spector" does not include persons certified under ORS chapter 455 to inspect new, repaired or al-
 22 tered structures for compliance with the state building code.

23 (5) "Inspector" means a contractor registered with the board who inspects or otherwise provides
 24 services to a property owner or other contractor but does not substantively add to or subtract from
 25 a structure. "Inspector" includes but is not limited to a home inspector certified or licensed under
 26 ORS 701.350, a lead-based paint inspector licensed under ORS 701.515 and a cross connection in-
 27 **inspector** and backflow prevention device [*inspector*] **tester** certified under [ORS 448.279] **section 2**
 28 **of this 2005 Act.** "Inspector" does not include city or county inspectors acting under ORS 701.225
 29 or an inspector as defined in ORS 455.715.

30 (6) "Large commercial structure" means a structure that is not a residential structure or small
 31 commercial structure.

32 (7) "Licensed developer" means a contractor who owns property or an interest in property and
 33 arranges for construction work, if the contractor:

34 (a) Engages in the business of arranging for construction work and performing other activities
 35 associated with the improvement of real property, with the intent to sell the property;

36 (b) Acts in association with one or more licensed general contractors and the general contractor
 37 or combination of general contractors have sole responsibility for overseeing all phases of con-
 38 struction activity on the property; and

39 (c) Does not perform any construction work on the property.

40 (8) "Residential-only contractor" means a general contractor or specialty contractor who per-
 41 forms work exclusively in connection with residential structures and small commercial structures,
 42 and the appurtenances thereto. "Residential-only contractor" includes, but is not limited to:

43 (a) A person who purchases or owns property and constructs or for compensation arranges for
 44 the construction of one or more residential structures or small commercial structures with the in-
 45 tent of selling the structures;

1 (b) A school district, as defined in ORS 332.002, that permits students to construct a residential
2 structure or small commercial structure as an educational experience to learn building techniques
3 and sells the completed structure;

4 (c) A community college district, as defined in ORS 341.005, that permits students to construct
5 a residential structure or small commercial structure as an educational experience to learn building
6 techniques and sells the completed structure; or

7 (d) Any person except a landscape contractor, nurseryman, gardener or person engaged in the
8 commercial harvest of forest products who is engaged as an independent contractor to remove trees,
9 prune trees, remove tree limbs or stumps or to engage in tree or limb guying.

10 (9) "Residential structure" means a residence, including a site-built home, modular home con-
11 structed off-site, floating home as defined in ORS 830.700, condominium unit, manufactured dwelling
12 or duplex, or a multiunit residential building consisting of four units or less that is not part of a
13 multistructure complex of buildings.

14 (10) "Small commercial structure" means a nonresidential structure that has a ground area of
15 4,000 square feet or less, including exterior walls, and a height of not more than 20 feet from the
16 top surface of the lowest flooring to the highest interior overhead finish of the structure.

17 (11) "Specialty contractor" means a contractor who performs work on a structure, project, de-
18 velopment or improvement and whose operations as such do not fall within the definition of "general
19 contractor." "Specialty contractor" includes a person who performs work regulated under ORS
20 chapter 446.

21 **SECTION 6. ORS 448.279 is repealed.**

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