

B-Engrossed
House Bill 2801

Ordered by the Senate May 29
Including House Amendments dated April 15 and Senate Amendments
dated May 29

Sponsored by COMMITTEE ON ENERGY AND ENVIRONMENT

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.

Authorizes public purpose charge moneys invested on cost-effective local energy conservation that involve updating energy efficiency of residential or nonresidential building to be used for purpose of conducting whole building assessment of energy efficiency of building.

Prohibits individual and business from undertaking, offering to undertake or submitting bid to do work as home energy assessor or assign home energy performance scores unless individual is certified as home energy assessor by Construction Contractors Board or business is licensed or endorsed by board and has owner or employee who is certified as home energy assessor by board.

Directs [*Appraiser Certification and Licensure Board to establish certification program for*] state licensed appraisers and state certified appraisers [*for purpose of issuing opinion on value associated with energy efficiency features of building located on real property*] **to consider, when preparing, completing or issuing opinion about value of real property, improvements made to structure of any building located on real property that make building more energy efficient.**

Declares emergency, effective on passage.

A BILL FOR AN ACT

1
2 Relating to energy efficiency; creating new provisions; amending ORS 701.005, 701.021 and 701.081;
3 and declaring an emergency.

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

5
6 **WHOLE BUILDING ASSESSMENT**

7
8 **SECTION 1. (1) If an electric company or Oregon Community Power invests moneys**
9 **collected as a public purpose charge under ORS 757.612 on new cost-effective local energy**
10 **conservation, or if the nongovernmental entity described in ORS 757.612 (3)(g) invests mon-**
11 **eys paid to the nongovernmental entity under ORS 757.612 (3)(d) on new cost-effective local**
12 **energy conservation, and if the investment involves updating the energy efficiency of a res-**
13 **idential or nonresidential building, the electric company, Oregon Community Power or the**
14 **nongovernmental entity may make those investments by conducting a whole building as-**
15 **essment of the energy efficiency of the building and, in consideration of the whole building**
16 **assessment, by maximizing the overall energy efficiency of the building. For purposes of this**
17 **subsection, a "whole building assessment" means a single assessment of savings opportu-**
18 **nities, as identified by the Public Utility Commission by rule or order.**

19 **(2) An investment described in subsection (1) of this section must be limited to an in-**
20 **vestment in a single project, as authorized by the commission by rule or order.**

21
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.

HOME ENERGY PERFORMANCE SCORES

SECTION 2. Sections 3 to 7 of this 2013 Act are added to and made a part of ORS chapter 701.

SECTION 3. As used in sections 3 to 7 of this 2013 Act:

(1) "Home energy assessor" means a person who assigns residential buildings a home energy performance score.

(2) "Home energy performance score" means a score assigned to a residential building using the home energy performance score system adopted by the State Department of Energy under section 12 of this 2013 Act.

SECTION 4. (1) An individual may not undertake, offer to undertake or submit a bid to do work as a home energy assessor unless the individual is certified as a home energy assessor under section 5 of this 2013 Act.

(2) A business may not undertake, offer to undertake or submit a bid to assign home energy performance scores unless the business:

(a) Is licensed by the Construction Contractors Board under this chapter or endorsed as a residential contractor by the board under section 6 of this 2013 Act; and

(b) Has an owner or an employee who is certified as a home energy assessor under section 5 of this 2013 Act.

(3) A person may not use the title of home energy assessor or any title that indicates or tends to indicate that the person is a home energy assessor or an assignor of home energy performance scores unless the person is certified as a home energy assessor under section 5 of this 2013 Act or is a business licensed by the board under this chapter or endorsed by the board under section 6 of this 2013 Act that has an owner or an employee who is certified as a home energy assessor under section 5 of this 2013 Act.

(4) A person may not use any sign, card or device that indicates or tends to indicate that the person is a home energy assessor or an assignor of home energy performance scores unless the person is certified as a home energy assessor under section 5 of this 2013 Act or is a business licensed by the board under this chapter or endorsed by the board under section 6 of this 2013 Act that has an owner or an employee who is certified as a home energy assessor under section 5 of this 2013 Act.

SECTION 5. (1) The Construction Contractors Board shall certify an individual as a home energy assessor if the individual meets the requirements of this section and of any rule adopted by the board under this section. A home energy assessor certificate must be renewed annually.

(2) The board shall require that an applicant for a home energy assessor certificate present proof of passing a training program designated by the State Department of Energy under section 12 of this 2013 Act.

(3) The board may adopt rules to regulate the practice of assigning home energy performance scores, including:

(a) Prescribing the form and manner of applying for a home energy assessor certificate;

(b) Establishing procedures for the issuance, renewal or revocation of a home energy assessor certificate; and

(c) Establishing fees necessary for the administration of sections 3 to 7 of this 2013 Act that do not exceed the following amounts:

- 1 (A) \$100 for application for a home energy assessor certificate;
- 2 (B) \$100 for issuance of an initial one-year home energy assessor certificate; and
- 3 (C) \$100 for renewal of a one-year home energy assessor certificate.

4 **SECTION 6. A home energy performance score contractor endorsement authorizes the**
5 **holder to operate a business assigning home energy performance scores.**

6 **SECTION 7. (1) Notwithstanding ORS 701.126, the Construction Contractors Board may**
7 **not impose a continuing education requirement for a home energy assessor or a home energy**
8 **performance score contractor.**

9 **(2) Notwithstanding ORS 701.122, the board may not require a home energy assessor or**
10 **a home energy performance score contractor to take a test measuring the knowledge of the**
11 **home energy assessor, contractor or responsible managing individual regarding business**
12 **practices and laws affecting construction contractors.**

13 **SECTION 8.** ORS 701.005 is amended to read:

14 701.005. As used in this chapter:

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

16 (2) "Commercial contractor" means a licensed contractor that holds an endorsement as a:

- 17 (a) Commercial general contractor level 1;
- 18 (b) Commercial specialty contractor level 1;
- 19 (c) Commercial general contractor level 2;
- 20 (d) Commercial specialty contractor level 2; or
- 21 (e) Commercial developer.

22 (3) "Commercial developer" means a developer of property that is zoned for or intended for use
23 compatible with a small commercial or large commercial structure.

24 (4) "Construction debt" means an amount owed under:

- 25 (a) An order or arbitration award issued by the board that has become final by operation of law;
- 26 (b) A judgment, arbitration award or civil penalty that has become final by operation of law
27 arising from construction activities within the United States; or
- 28 (c) A judgment or civil penalty that has become final by operation of law arising from a failure
29 to comply with ORS 656.017.

30 (5) "Contractor" means any of the following:

31 (a) A person that, for compensation or with the intent to sell, arranges or undertakes or offers
32 to undertake or submits a bid to construct, alter, repair, add to, subtract from, improve, inspect,
33 move, wreck or demolish, for another, a building, highway, road, railroad, excavation or other
34 structure, project, development or improvement attached to real estate, or to do any part thereof.

35 (b) A person that purchases or owns property and constructs or for compensation arranges for
36 the construction of one or more residential structures or small commercial structures with the in-
37 tent of selling the structures.

38 (c) A school district, as defined in ORS 332.002, that permits students to construct a residential
39 structure or small commercial structure as an educational experience to learn building techniques
40 and sells the completed structure.

41 (d) A community college district, as defined in ORS 341.005, that permits students to construct
42 a residential structure or small commercial structure as an educational experience to learn building
43 techniques and sells the completed structure.

44 (e) A person except a landscape contracting business, nurseryman, gardener or person engaged
45 in the commercial harvest of forest products, that is engaged as an independent contractor to re-

1 move trees, prune trees, remove tree limbs or stumps or to engage in tree or limb guying.

2 (f) A business that supplies the services of a home inspector certified under ORS 701.350 or a
3 cross-connection inspector and backflow assembly tester certified under ORS 448.279.

4 (g) A person that for compensation arranges, undertakes, offers to undertake or submits a bid
5 to clean or service chimneys.

6 (6) "Developer" means a contractor that owns property or an interest in property and engages
7 in the business of arranging for construction work or performing other activities associated with the
8 improvement of real property, with the intent to sell the property.

9 (7)(a) "General contractor" means a contractor whose business operations require the use of
10 more than two unrelated building trades or crafts that the contractor supervises or performs in
11 whole or part, whenever the sum of all contracts on any single property, including materials and
12 labor, exceeds an amount established by rule by the board.

13 (b) "General contractor" does not mean a specialty contractor or a residential limited contrac-
14 tor.

15 (8)(a) "Home improvement" means a renovation, remodel, repair or alteration by a residential
16 contractor to an existing owner-occupied:

17 (A) Residence that is a site-built home;

18 (B) Condominium, rental residential unit or other residential dwelling unit that is part of a
19 larger structure, if the property interest in the unit is separate from the property interest in the
20 larger structure;

21 (C) Modular home constructed off-site;

22 (D) Manufactured dwelling; or

23 (E) Floating home, as defined in ORS 830.700.

24 (b) "Home improvement" does not include a renovation, remodel, repair or alteration by a resi-
25 dential contractor:

26 (A) To a structure that contains one or more dwelling units and is four stories or less above
27 grade; or

28 (B) That the residential contractor performed in the course of constructing a new residential
29 structure.

30 (9)(a) "Home inspector" means a person who, for a fee, inspects and provides written reports
31 on the overall physical condition of a residential structure.

32 (b) "Home inspector" does not include persons certified under ORS chapter 455 to inspect new,
33 repaired or altered structures for compliance with the state building code.

34 (10) "Key employee" means an employee or owner of a contractor who is a corporate officer,
35 manager, superintendent, foreperson or lead person or any other employee the board identifies by
36 rule.

37 (11) "Large commercial structure" means a structure that is not a residential structure or small
38 commercial structure.

39 (12) "Officer" means any of the following persons:

40 (a) A president, vice president, secretary, treasurer or director of a corporation.

41 (b) A general partner in a limited partnership.

42 (c) A manager in a manager-managed limited liability company.

43 (d) A member of a member-managed limited liability company.

44 (e) A trustee.

45 (f) A person the board defines by rule as an officer. The definition of officer adopted by board

1 rule may include persons not listed in this subsection who may exercise substantial control over a
2 business.

3 (13) "Residential contractor" means a licensed contractor that holds an endorsement as a:

4 (a) Residential general contractor;

5 (b) Residential specialty contractor;

6 (c) Residential limited contractor; [or]

7 (d) Residential developer[.]; **or**

8 **(e) Home energy performance score contractor.**

9 (14) "Residential developer" means a developer of property that is zoned for or intended for use
10 compatible with a residential or small commercial structure.

11 (15)(a) "Residential structure" means:

12 (A) A residence that is a site-built home;

13 (B) A structure that contains one or more dwelling units and is four stories or less above grade;

14 (C) A condominium, rental residential unit or other residential dwelling unit that is part of a
15 larger structure, if the property interest in the unit is separate from the property interest in the
16 larger structure;

17 (D) A modular home constructed off-site;

18 (E) A manufactured dwelling;

19 (F) A floating home as defined in ORS 830.700; or

20 (G) An appurtenance to a home, structure, unit or dwelling described in subparagraphs (A) to
21 (F) of this paragraph.

22 (b) "Residential structure" does not mean:

23 (A) Subject to paragraph (a)(C) of this subsection, a structure that contains both residential and
24 nonresidential units;

25 (B) Transient lodging;

26 (C) A residential school or residence hall;

27 (D) A state or local correctional facility other than a local facility for persons enrolled in work
28 release programs maintained under ORS 144.460;

29 (E) A youth correction facility as defined in ORS 420.005;

30 (F) A youth care center operated by a county juvenile department under administrative control
31 of a juvenile court pursuant to ORS 420.855 to 420.885;

32 (G) A detention facility as defined in ORS 419A.004;

33 (H) A nursing home;

34 (I) A hospital; or

35 (J) A place constructed primarily for recreational activities.

36 (16) "Responsible managing individual" means an individual who:

37 (a) Is an owner described in ORS 701.094 or an employee of the business;

38 (b) Exercises management or supervisory authority, as defined by the board by rule, over the
39 construction activities of the business; and

40 (c)(A) Successfully completed the training and testing required for licensing under ORS 701.122
41 within a period the board identifies by rule;

42 (B) Demonstrated experience the board requires by rule; or

43 (C) Complied with the licensing requirements of ORS 446.395.

44 (17) "Small commercial structure" means:

45 (a) A nonresidential structure that has a ground area of 10,000 square feet or less, including

1 exterior walls, and a height of not more than 20 feet from the top surface of the lowest flooring to
2 the highest interior overhead finish of the structure;

3 (b) A nonresidential leasehold, rental unit or other unit that is part of a larger structure, if the
4 unit has a ground area of 12,000 square feet or less, excluding exterior walls, and a height of not
5 more than 20 feet from the top surface of the lowest flooring to the highest interior overhead finish
6 of the unit;

7 (c) A nonresidential structure of any size for which the contract price of all construction con-
8 tractor work to be performed on the structure as part of a construction project does not total more
9 than \$250,000; or

10 (d) An appurtenance to a structure or unit described in paragraphs (a) to (c) of this subsection.

11 (18) "Specialty contractor" means a contractor who performs work on a structure, project, de-
12 velopment or improvement and whose operations as such do not fall within the definition of "general
13 contractor." "Specialty contractor" includes a person who performs work regulated under ORS
14 446.395.

15 (19) "Zero-lot-line dwelling" means a single-family dwelling unit constructed in a group of at-
16 tached units in which:

17 (a) Each attached unit extends from foundation to roof with open space on two sides; and

18 (b) Each dwelling unit is separated by a property line.

19 **SECTION 9.** ORS 701.005, as amended by section 59, chapter 630, Oregon Laws 2011, is
20 amended to read:

21 701.005. As used in this chapter:

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

23 (2) "Commercial contractor" means a licensed contractor that holds an endorsement as a:

24 (a) Commercial general contractor level 1;

25 (b) Commercial specialty contractor level 1;

26 (c) Commercial general contractor level 2;

27 (d) Commercial specialty contractor level 2; or

28 (e) Commercial developer.

29 (3) "Commercial developer" means a developer of property that is zoned for or intended for use
30 compatible with a small commercial or large commercial structure.

31 (4) "Construction debt" means an amount owed under:

32 (a) An order or arbitration award issued by the board that has become final by operation of law;

33 (b) A judgment or civil penalty that has become final by operation of law arising from con-
34 struction activities within the United States; or

35 (c) A judgment or civil penalty that has become final by operation of law arising from a failure
36 to comply with ORS 656.017.

37 (5) "Contractor" means any of the following:

38 (a) A person that, for compensation or with the intent to sell, arranges or undertakes or offers
39 to undertake or submits a bid to construct, alter, repair, add to, subtract from, improve, inspect,
40 move, wreck or demolish, for another, a building, highway, road, railroad, excavation or other
41 structure, project, development or improvement attached to real estate, or to do any part thereof.

42 (b) A person that purchases or owns property and constructs or for compensation arranges for
43 the construction of one or more residential structures or small commercial structures with the in-
44 tent of selling the structures.

45 (c) A school district, as defined in ORS 332.002, that permits students to construct a residential

1 structure or small commercial structure as an educational experience to learn building techniques
2 and sells the completed structure.

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

6 (e) A person except a landscape contracting business, nurseryman, gardener or person engaged
7 in the commercial harvest of forest products, that is engaged as an independent contractor to re-
8 move trees, prune trees, remove tree limbs or stumps or to engage in tree or limb guying.

9 (f) A business that supplies the services of a home inspector certified under ORS 701.350 or a
10 cross-connection inspector and backflow assembly tester certified under ORS 448.279.

11 (g) A person that for compensation arranges, undertakes, offers to undertake or submits a bid
12 to clean or service chimneys.

13 (6) "Developer" means a contractor that owns property or an interest in property and engages
14 in the business of arranging for construction work or performing other activities associated with the
15 improvement of real property, with the intent to sell the property.

16 (7)(a) "General contractor" means a contractor whose business operations require the use of
17 more than two unrelated building trades or crafts that the contractor supervises or performs in
18 whole or part, whenever the sum of all contracts on any single property, including materials and
19 labor, exceeds an amount established by rule by the board.

20 (b) "General contractor" does not mean a specialty contractor or a residential limited contrac-
21 tor.

22 (8)(a) "Home improvement" means a renovation, remodel, repair or alteration by a residential
23 contractor to an existing owner-occupied:

24 (A) Residence that is a site-built home;

25 (B) Condominium, rental residential unit or other residential dwelling unit that is part of a
26 larger structure, if the property interest in the unit is separate from the property interest in the
27 larger structure;

28 (C) Modular home constructed off-site;

29 (D) Manufactured dwelling; or

30 (E) Floating home, as defined in ORS 830.700.

31 (b) "Home improvement" does not include a renovation, remodel, repair or alteration by a resi-
32 dential contractor:

33 (A) To a structure that contains one or more dwelling units and is four stories or less above
34 grade; or

35 (B) That the residential contractor performed in the course of constructing a new residential
36 structure.

37 (9)(a) "Home inspector" means a person who, for a fee, inspects and provides written reports
38 on the overall physical condition of a residential structure.

39 (b) "Home inspector" does not include persons certified under ORS chapter 455 to inspect new,
40 repaired or altered structures for compliance with the state building code.

41 (10) "Key employee" means an employee or owner of a contractor who is a corporate officer,
42 manager, superintendent, foreperson or lead person or any other employee the board identifies by
43 rule.

44 (11) "Large commercial structure" means a structure that is not a residential structure or small
45 commercial structure.

- 1 (12) "Officer" means any of the following persons:
- 2 (a) A president, vice president, secretary, treasurer or director of a corporation.
- 3 (b) A general partner in a limited partnership.
- 4 (c) A manager in a manager-managed limited liability company.
- 5 (d) A member of a member-managed limited liability company.
- 6 (e) A trustee.
- 7 (f) A person the board defines by rule as an officer. The definition of officer adopted by board
- 8 rule may include persons not listed in this subsection who may exercise substantial control over a
- 9 business.
- 10 (13) "Residential contractor" means a licensed contractor that holds an endorsement as a:
- 11 (a) Residential general contractor;
- 12 (b) Residential specialty contractor;
- 13 (c) Residential limited contractor; [or]
- 14 (d) Residential developer[.]; **or**
- 15 **(e) Home energy performance score contractor.**
- 16 (14) "Residential developer" means a developer of property that is zoned for or intended for use
- 17 compatible with a residential or small commercial structure.
- 18 (15)(a) "Residential structure" means:
- 19 (A) A residence that is a site-built home;
- 20 (B) A structure that contains one or more dwelling units and is four stories or less above grade;
- 21 (C) A condominium, rental residential unit or other residential dwelling unit that is part of a
- 22 larger structure, if the property interest in the unit is separate from the property interest in the
- 23 larger structure;
- 24 (D) A modular home constructed off-site;
- 25 (E) A manufactured dwelling;
- 26 (F) A floating home as defined in ORS 830.700; or
- 27 (G) An appurtenance to a home, structure, unit or dwelling described in subparagraphs (A) to
- 28 (F) of this paragraph.
- 29 (b) "Residential structure" does not mean:
- 30 (A) Subject to paragraph (a)(C) of this subsection, a structure that contains both residential and
- 31 nonresidential units;
- 32 (B) Transient lodging;
- 33 (C) A residential school or residence hall;
- 34 (D) A state or local correctional facility other than a local facility for persons enrolled in work
- 35 release programs maintained under ORS 144.460;
- 36 (E) A youth correction facility as defined in ORS 420.005;
- 37 (F) A youth care center operated by a county juvenile department under administrative control
- 38 of a juvenile court pursuant to ORS 420.855 to 420.885;
- 39 (G) A detention facility as defined in ORS 419A.004;
- 40 (H) A nursing home;
- 41 (I) A hospital; or
- 42 (J) A place constructed primarily for recreational activities.
- 43 (16) "Responsible managing individual" means an individual who:
- 44 (a) Is an owner described in ORS 701.094 or an employee of the business;
- 45 (b) Exercises management or supervisory authority, as defined by the board by rule, over the

1 construction activities of the business; and

2 (c)(A) Successfully completed the training and testing required for licensing under ORS 701.122
3 within a period the board identifies by rule;

4 (B) Demonstrated experience the board requires by rule; or

5 (C) Complied with the licensing requirements of ORS 446.395.

6 (17) "Small commercial structure" means:

7 (a) A nonresidential structure that has a ground area of 10,000 square feet or less, including
8 exterior walls, and a height of not more than 20 feet from the top surface of the lowest flooring to
9 the highest interior overhead finish of the structure;

10 (b) A nonresidential leasehold, rental unit or other unit that is part of a larger structure, if the
11 unit has a ground area of 12,000 square feet or less, excluding exterior walls, and a height of not
12 more than 20 feet from the top surface of the lowest flooring to the highest interior overhead finish
13 of the unit;

14 (c) A nonresidential structure of any size for which the contract price of all construction con-
15 tractor work to be performed on the structure as part of a construction project does not total more
16 than \$250,000; or

17 (d) An appurtenance to a structure or unit described in paragraphs (a) to (c) of this subsection.

18 (18) "Specialty contractor" means a contractor who performs work on a structure, project, de-
19 velopment or improvement and whose operations as such do not fall within the definition of "general
20 contractor." "Specialty contractor" includes a person who performs work regulated under ORS
21 446.395.

22 (19) "Zero-lot-line dwelling" means a single-family dwelling unit constructed in a group of at-
23 tached units in which:

24 (a) Each attached unit extends from foundation to roof with open space on two sides; and

25 (b) Each dwelling unit is separated by a property line.

26 **SECTION 10.** ORS 701.021 is amended to read:

27 701.021. (1) Except as provided in ORS 701.010, a person or joint venture that undertakes, offers
28 to undertake or submits a bid to do work as a contractor must have a current license issued by the
29 Construction Contractors Board and possess an appropriate endorsement as provided in this section.
30 For purposes of offering to undertake or submitting a bid to do work, a partnership or joint venture
31 is licensed and endorsed if any partner or joint venturer whose name appears in the business name
32 of the partnership or joint venture has a current license issued by the board and possesses an ap-
33 propriate endorsement.

34 (2) A person or joint venture that undertakes, offers to undertake or submits a bid to do work
35 as a contractor in preparation for or in connection with a residential structure must have one of
36 the following endorsements:

37 (a) Residential general contractor.

38 (b) Residential specialty contractor.

39 (c) Residential limited contractor.

40 (d) Residential developer.

41 **(e) Home energy performance score contractor.**

42 (3) A person or joint venture that undertakes, offers to undertake or submits a bid to do work
43 as a contractor in preparation for or in connection with a small commercial structure must have
44 one of the following endorsements:

45 (a) Residential general contractor.

- 1 (b) Residential specialty contractor.
- 2 (c) Residential limited contractor.
- 3 (d) Residential developer.
- 4 (e) Commercial general contractor level 1.
- 5 (f) Commercial specialty contractor level 1.
- 6 (g) Commercial general contractor level 2.
- 7 (h) Commercial specialty contractor level 2.
- 8 (i) Commercial developer.

9 (4) A person or joint venture that undertakes, offers to undertake or submits a bid to do work
10 as a contractor in preparation for or in connection with a large commercial structure must have
11 one of the following endorsements:

- 12 (a) Commercial general contractor level 1.
- 13 (b) Commercial specialty contractor level 1.
- 14 (c) Commercial general contractor level 2.
- 15 (d) Commercial specialty contractor level 2.
- 16 (e) Commercial developer.

17 **SECTION 11.** ORS 701.081 is amended to read:

18 701.081. (1) A residential general contractor shall:

- 19 (a) Obtain a surety bond under ORS 701.068 in the amount of \$20,000;
- 20 (b) Obtain general liability insurance under ORS 701.073 in an amount of not less than \$500,000;

21 and

- 22 (c) Have a responsible managing individual who meets the requirements of ORS 701.091.

23 (2) A residential specialty contractor shall:

- 24 (a) Obtain a surety bond under ORS 701.068 in the amount of \$15,000;
- 25 (b) Obtain general liability insurance under ORS 701.073 in an amount not less than \$300,000;

26 and

- 27 (c) Have a responsible managing individual who meets the requirements of ORS 701.091.

28 (3) A residential limited contractor shall:

- 29 (a) Obtain a surety bond under ORS 701.068 in the amount of \$10,000;
- 30 (b) Obtain general liability insurance under ORS 701.073 in an amount not less than \$100,000;

31 and

- 32 (c) Have a responsible managing individual who meets the requirements of ORS 701.091.

33 (4) A residential developer shall:

- 34 (a) Obtain a surety bond under ORS 701.068 in the amount of \$20,000; and
- 35 (b) Obtain general liability insurance under ORS 701.073 in an amount not less than \$500,000.

36 **(5) A home energy performance score contractor shall:**

- 37 **(a) Obtain a surety bond under ORS 701.068 in the amount of \$10,000;**
- 38 **(b) Obtain general liability insurance under ORS 701.073 in an amount of not less than**
39 **\$100,000; and**

- 40 **(c) Have an owner or employee that is certified by the board as a home energy assessor.**

41 **SECTION 12.** (1) As used in this section:

42 **(a) "Home energy assessor" has the meaning given that term in section 3 of this 2013**
43 **Act.**

44 **(b) "Home energy audit" means the evaluation or testing of components or systems in a**
45 **residential building for the purpose of identifying options for increasing energy conservation**

1 and energy efficiency.

2 (c) "Home energy performance score" has the meaning given that term in section 3 of
3 this 2013 Act.

4 (2) In consultation with the Public Utility Commission, the State Department of Energy
5 shall adopt by rule a home energy performance score system by which a person may assign
6 a residential building a home energy performance score for the purpose of evaluating the
7 energy conservation and energy efficiency of the building.

8 (3) The department shall designate by rule programs for the training of home energy
9 assessors. Programs designated by the department under this subsection must ensure com-
10 petency in conducting home energy audits and assigning home energy performance scores.

11 (4) Subject to subsection (5) of this section, the department may adopt by rule require-
12 ments under which home energy assessors who are certified under section 5 of this 2013 Act
13 must report to the department the home energy performance scores assigned by the home
14 energy assessors. The department shall keep and maintain a database of information re-
15 ported to the department under this subsection.

16 (5) Rules adopted under subsection (4) of this section may not allow for the reporting of
17 individual addresses of residential structures or the names of individual homeowners, but
18 may allow for the reporting of information regarding the jurisdiction in which a residential
19 structure is located and the utility services provided, any specific energy efficiency features
20 of the residential structure or other general information that allows the department to make
21 any aggregated evaluations of savings attributable to energy efficiency.

22
23 **REAL ESTATE APPRAISAL ACTIVITY**

24
25 **SECTION 13.** Section 14 of this 2013 Act is added to and made a part of ORS chapter 674.

26 **SECTION 14.** When preparing, completing or issuing an opinion about the value of real
27 property or an interest in real property as described in ORS 674.100 (1)(b), a state licensed
28 appraiser or state certified appraiser shall consider improvements made to the structure of
29 any building located on the real property that make the building more energy efficient.

30 **SECTION 15.** (1) The Appraiser Certification and Licensure Board shall determine ways
31 to improve the education of state licensed appraisers and state certified appraisers with re-
32 spect to assessing the value of improvements made to the structure of a building that make
33 the building more energy efficient and consider the implementation of a program whereby
34 state licensed appraisers and state certified appraisers obtain certification for purposes of
35 preparing, completing and issuing an opinion on the value of improvements made to the
36 structure of a building that make the building more energy efficient.

37 (2) The board shall report the initial findings of the board made under this section to the
38 Legislative Assembly in the manner provided in ORS 192.245 no later than February 1, 2014.

39 **SECTION 16.** Section 15 of this 2013 Act is repealed on February 2, 2014.

40
41 **MISCELLANEOUS**

42
43 **SECTION 17.** (1) Sections 1 to 7, 12 and 14 of this 2013 Act and the amendments to stat-
44 utes by sections 8 to 11 of this 2013 Act become operative on July 1, 2014.

45 (2) The Public Utility Commission, Construction Contractors Board, State Department

1 of Energy and Appraiser Certification and Licensure Board may take any action necessary
2 before the operative date specified in subsection (1) of this section to enable the Public
3 Utility Commission, Construction Contractors Board, State Department of Energy and Ap-
4 praiser Certification and Licensure Board to exercise, on and after the effective date of this
5 2013 Act, all the duties, functions and powers conferred on the Public Utility Commission,
6 Construction Contractors Board, State Department of Energy and Appraiser Certification
7 and Licensure Board by sections 1 to 7, 12 and 14 of this 2013 Act and the amendments to
8 statutes by sections 8 to 11 of this 2013 Act.

9 SECTION 18. The unit captions used in this 2013 Act are provided only for the conven-
10 ience of the reader and do not become part of the statutory law of this state or express any
11 legislative intent in the enactment of this 2013 Act.

12 SECTION 19. This 2013 Act being necessary for the immediate preservation of the public
13 peace, health and safety, an emergency is declared to exist, and this 2013 Act takes effect
14 on its passage.