

Requested by Representative BARRETO

**PROPOSED AMENDMENTS TO
HOUSE BILL 4086**

1 On page 1 of the printed bill, line 3, after “455.150,” insert “455.312,
2 455.705,” and delete “and 479.530” and insert “, 479.530, 479.540 and 693.020”.

3 On page 14, after line 39, insert:

4 **“SECTION 17.** ORS 455.312 is amended to read:

5 “455.312. (1) **Except as provided in subsection (2) of this section**, for
6 a [*residential prefabricated*] structure manufactured in this state and in-
7 tended for delivery in another state, the Director of the Department of Con-
8 sumer and Business Services may not require that:

9 “(a) The [*prefabricated*] structure conform to the state building code.

10 “(b) An inspector provide plan approvals and inspections pursuant to ORS
11 455.715 to 455.740.

12 “(c) A person licensed under ORS 479.630, 693.060 or 693.103 perform
13 electrical or plumbing installations in the [*prefabricated*] structure.

14 “[*(2) Nothing in subsection (1) of this section exempts a person that is*
15 *renting, leasing, selling, exchanging, installing or offering for rent, lease, sale,*
16 *exchange or installation a residential prefabricated structure from meeting the*
17 *insignia of compliance or certification stamp requirements prescribed under*
18 *ORS 455.705 if the prefabricated structure is delivered in or relocated to this*
19 *state.*”]

20 **“(2) If a structure described in subsection (1) of this section is de-**
21 **livered in this state or following delivery is relocated to this state, a**

1 **person renting, leasing, selling, exchanging or installing the structure**
2 **or offering the structure for rent, lease, sale or exchange or offering**
3 **to install the structure shall:**

4 **“(a) Ensure that the structure meets the state building code stan-**
5 **dards, inspection requirements and plan review requirements applica-**
6 **ble on the date of manufacture to structures intended for delivery in**
7 **this state; and**

8 **“(b) Ensure that the installation of the structure complies with**
9 **applicable licensing laws.**

10 **“SECTION 18.** ORS 455.705 is amended to read:

11 **“455.705. (1) Except as provided in this subsection,** a manufacturer of
12 prefabricated structures or manufacturer of prefabricated structure compo-
13 nents may not contract with a municipality or a person to perform prefab-
14 ricated structure plan approvals or inspections unless the person providing
15 the plan approvals or inspections is certified or approved under subsection
16 (2) of this section. [*or is providing plan approvals or inspections for a resi-*
17 *dential prefabricated*] **A manufacturer may contract with a municipality**
18 **or person for plan approval or inspections to be performed by a person**
19 **who is not certified or approved under subsection (2) of this section**
20 **for a structure that is intended for delivery in another state.**

21 **“(2)(a) A person may not engage in [*prefabricated structure*] plan ap-**
22 **provals or inspections without being certified under ORS 455.715 to 455.740**
23 **or 479.810 unless the person is providing plan approvals or inspections for**
24 **a [*residential prefabricated*] structure that is intended for delivery in another**
25 **state.**

26 **“(b) A person may not engage in the business of providing [*prefabricated***
27 ***structure*] plan approvals or inspections without an approval issued by the**
28 **Department of Consumer and Business Services unless the business pro-**
29 **vides plan approvals or inspections only for a structure that is in-**
30 **tended for delivery in another state.**

1 “(c) In accordance with any applicable provisions of ORS chapter
2 183, the Director of the Department of Consumer and Business Ser-
3 vices shall adopt rules for plan review and inspection of structures
4 that are subject to plan review or inspection under ORS 455.312 (2) that
5 are not prefabricated structures covered under the system described
6 in subsection (3) of this section.

7 “(3) In accordance with any applicable provisions of ORS chapter 183, the
8 director [*of the Department of Consumer and Business Services*] shall estab-
9 lish by rule a system for approval and regulation of businesses and persons
10 who perform prefabricated structure plan approvals or inspections **for pre-**
11 **fabricated structures that are intended for delivery in this state or**
12 **that are manufactured in this state and following delivery are relo-**
13 **cated to this state.** The system shall include but not be limited to the fol-
14 lowing provisions:

15 “(a) Prescribing the form and content of and the times and procedures for
16 submitting an application for the issuance or renewal of an approval.

17 “(b) Prescribing the term of the approval and the fee for the original issue
18 and renewal in an amount that does not exceed the cost of administering the
19 approval system. The charge for review and approval of a third party in-
20 spection service shall not exceed, for the original issue, \$400 and for the re-
21 newal, \$200.

22 “(c) Prescribing the conditions for initial issuance, renewal and mainte-
23 nance of the approval for a person certified under ORS 455.715 to 455.740 or
24 479.810, including but not limited to the following provisions:

25 “(A) Procedures and reports for plan approvals and inspections;

26 “(B) Ethical practices and prohibitions of conflicts of interests with
27 manufacturers of prefabricated structures and manufacturers and suppliers
28 of parts and services;

29 “(C) Insurance compliance requirements;

30 “(D) Procedures for use and application of insignia of compliance; and

1 “(E) Fees for and procedures for use and application of certification
2 stamps.

3 “(d) Prescribing other actions or circumstances that constitute failure to
4 achieve or maintain approval competency or that otherwise constitute a
5 danger to the public health or safety and for which the director may refuse
6 to issue or renew or may suspend or revoke a certification, permit or certifi-
7 cate.

8 “(e) Prescribing the authority of the department to perform oversight
9 monitoring including but not limited to:

10 “(A) Right of entry and access to third party records and information;

11 “(B) Frequency, type and extent of the oversight monitoring and in-
12 spection of third party agencies and manufacturing facilities; and

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

15 “(f) Prescribing fees for monitoring conducted by the department at the
16 manufacturing plant site or at third party inspection service locations, which
17 fees shall not exceed \$60 per hour.

18 “(4)(a) The department shall establish by rule a manufacturer compliance
19 program to allow for plan approvals or inspections of prefabricated struc-
20 tures or prefabricated structure components at the facility at which the
21 prefabrication takes place, including but not limited to the following pro-
22 visions:

23 “(A) Quality assurance programs;

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

25 “(C) Fees for and procedures for use and application of certification
26 stamps.

27 “(b) A manufacturer of prefabricated structures shall provide the depart-
28 ment with written notice at least 60 days before a manufacturer may provide
29 for plan approval or inspection service as allowed under subsection (2) of
30 this section.

1 “(c) The department is not required to provide plan approval for or in-
2 spection of any prefabricated structure or prefabricated structure compo-
3 nents unless the department has been notified in writing by the manufacturer
4 of the prefabricated structure 180 days in advance of the proposed assump-
5 tion of department inspections.

6 “(5) A person may not rent, lease, sell, exchange, install or offer for rent,
7 lease, sale, exchange or installation within this state a prefabricated struc-
8 ture constructed on or after July 1, 1991, unless it bears an insignia of
9 compliance or certification stamp issued by the department or a third party
10 indicating compliance with this state’s building regulations and standards
11 for prefabricated structures. The prohibition in this subsection does not ap-
12 ply to a [*residential*] prefabricated structure intended for delivery in another
13 state [*unless the residential prefabricated structure is installed or offered for*
14 *installation in this state*] **or to a prefabricated structure that is subject**
15 **to ORS 455.312 (2)**. A prefabricated structure with an insignia of compliance
16 or certification stamp shall be acceptable to municipalities as meeting the
17 state building code regulations. Prefabricated structures constructed prior
18 to July 1, 1991, are subject to the building code regulations in effect at the
19 time of original construction.

20 “(6) The provisions of this section do not apply to employees of the De-
21 partment of Consumer and Business Services and testing laboratories ap-
22 proved under ORS chapters 447 and 479.

23 “(7) For purposes of this section, ‘insignia of compliance’ means the plate
24 affixed to a structure by the Department of Consumer and Business Services
25 or a third party to signify compliance with all state building code require-
26 ments for which the structure was inspected.

27 “(8) Prefabricated structures or components found by the department or
28 a third party to represent a danger to public health or safety shall be
29 brought into compliance with building code regulations or removed from the
30 state.

1 “(9) All plan approvals and inspections of prefabricated structures and
2 prefabricated components constructed at manufacturing plants outside of
3 Oregon but intended for delivery into Oregon shall be performed by the de-
4 partment or conducted under ORS 455.430.

5 **“SECTION 19.** ORS 479.540 is amended to read:

6 “479.540. (1) Except as otherwise provided in this subsection, a person is
7 not required to obtain a license to make an electrical installation on resi-
8 dential or farm property that is owned by the person or a member of the
9 person’s immediate family if the property is not intended for sale, exchange,
10 lease or rent. The following apply to the exemption established in this sub-
11 section:

12 “(a) The exemption established for a person under this subsection does
13 not exempt the work performed by the person from having to comply with
14 the requirements for such work under ORS chapter 455 or this chapter and
15 rules adopted thereunder.

16 “(b) If the property is a building used as a residence and is for rent, lease,
17 sale or exchange, this subsection establishes an exemption for work on, al-
18 terations to or replacement of parts of electrical installations as necessary
19 for maintenance of the existing electrical installations on that property, but
20 does not exempt new electrical installations or substantial alterations to
21 existing electrical installations on that property. As used in this paragraph,
22 ‘new electrical installations or substantial alterations’ does not include the
23 replacement of an existing garbage disposal, dishwasher or electric hot water
24 heater with a similar appliance of 30 amps or less, single phase, by a land-
25 lord, landlord’s agent or the employee of the landlord or landlord’s agent.

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

28 “(a) Of meters and similar devices for measuring electricity by a person
29 principally engaged in the business of generating or selling electricity in
30 connection with the construction or maintenance of electrical lines, wires

1 or equipment.

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

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

5 “(d) To be made by a public utility, consumer-owned utility as defined in
6 ORS 757.270, telecommunications carrier as defined in ORS 133.721, compet-
7 itive telecommunications provider as defined in ORS 759.005 or municipality
8 for generation, transmission or distribution of electricity on property that
9 the utility, carrier, provider or municipality owns or manages.

10 “(3) A person whose sole business is generating or selling electricity in
11 connection with the construction or maintenance of electrical lines, wires
12 or equipment, is not required to obtain a license to transform, transmit or
13 distribute electricity from its source to the service head of the premises to
14 be supplied thereby.

15 “(4)(a) A person is not required to obtain a license for the repair or re-
16 placement of light fixtures, light switches, lighting ballast, electrical outlets
17 or smoke alarms in a building used for housing purposes that is owned,
18 leased, managed or operated by a housing authority and the person doing the
19 repair or replacement is a member of the housing authority’s regular main-
20 tenance staff.

21 “(b) A license is not required for:

22 “(A) Temporary demonstrations;

23 “(B) A street lighting system located on a public street or in a right of
24 way if the system is similar to a system provided by a public utility and the
25 installation or maintenance, or both, is performed by a qualified employee
26 of a licensed electrical contractor principally engaged in the business of in-
27 stalling and maintaining such systems; or

28 “(C) An outdoor transmission or distribution system, whether overhead
29 or underground, if the system is similar to a system provided by a public
30 utility and the installation or maintenance, or both, is performed by a qual-

1 ified employee of a licensed electrical contractor principally engaged in the
2 business of installing and maintaining such systems.

3 “(c) For the purposes of this subsection, ‘qualified employee’ means an
4 employee who has registered with or graduated from a State of Oregon or
5 federally approved apprenticeship course designed for the work being per-
6 formed. The supervising electrician signature required under ORS 479.560
7 (1)(b) does not apply to contractors working under this subsection.

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

9 “(a) To electrical products owned by, supplied to or to be supplied to a
10 public utility as defined in ORS 757.005, consumer-owned utility as defined
11 in ORS 757.270, telecommunications carrier as defined in ORS 133.721 or
12 competitive telecommunications provider as defined in ORS 759.005;

13 “(b) To electrical installations made by or for a public utility, consumer-
14 owned utility, telecommunications carrier or competitive telecommunications
15 provider if the electrical installations are an integral part of the equipment
16 or electrical products of the utility, carrier or provider; or

17 “(c) To any electrical generation plant owned or operated by a munici-
18 pality to the same extent that a utility, telecommunications carrier or com-
19 petitive telecommunications provider is exempted under paragraphs (a) and
20 (b) of this subsection.

21 “(6) A permit is not required:

22 “(a) For the repair or replacement of light fixtures, light switches, light-
23 ing ballast, electrical outlets or smoke alarms in a building used for housing
24 purposes that is owned, leased, managed or operated by a housing authority;
25 or

26 “(b) For the repair, alteration or replacement of existing electrical pro-
27 ducts or electrical installations authorized by ORS 479.560 (3) at an indus-
28 trial plant, a commercial office building, a building that is owned, leased,
29 managed or operated by the state or a local government entity or other fa-
30 cilities designated by the Electrical and Elevator Board when the owner,

1 operating manager or electrical contractor of the facility meets the pro-
2 visions of ORS 479.630 (1) and (2) and:

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

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

5 “(7) In cases of emergency in industrial plants, a permit is not required
6 in advance for electrical installation made by a person licensed as a general
7 supervising electrician, a general journeyman electrician or an electrical
8 apprentice under ORS 479.630 if an application accompanied by appropriate
9 fee for a permit is submitted to the Department of Consumer and Business
10 Services within five days after the commencement of such electrical work.

11 “(8)(a) A license or permit is not required for the installation or assembly
12 of industrial electrical equipment by the duly authorized agents of the fac-
13 tory, vendor or owner.

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

18 “(c) As used in this subsection:

19 “(A) ‘Duly authorized agents’ means individuals trained by the factory or
20 a vendor or by experience and who are knowledgeable in the operation,
21 maintenance, repair and installation of industrial electrical equipment.

22 “(B) ‘Installation or assembly’ means the reassembly at a job site of
23 equipment that is wired and assembled at the factory and then disassembled
24 for shipping purposes or of existing equipment that is relocated. ‘Installation
25 or assembly’ does not include work involving field fabricated assemblies or
26 any other electrical product that is not an original part of the industrial
27 electrical equipment. ‘Installation or assembly’ does not include the con-
28 nection of industrial electrical equipment to a power source.

29 “(9) The provisions of ORS 479.510 to 479.945 and 479.995 do not apply to:

30 “(a) Electrical installations and repairs involving communication and

1 signal systems of railroad companies.

2 “(b) Electrical installations and repairs involving remote and permanent
3 broadcast systems of radio and television stations licensed by the Federal
4 Communications Commission if the systems are not part of the building’s
5 permanent wiring.

6 “(c) The installing, maintaining, repairing or replacement of telecommu-
7 nications systems on the provider side of the demarcation point by a tele-
8 communications service provider.

9 “(d) The maintaining, repairing or replacement of telecommunications
10 equipment on the customer side of the demarcation point by a telecommuni-
11 cations service provider.

12 “(e) Installations, by a telecommunications service provider or an appro-
13 priately licensed electrical contractor, of telecommunications systems on the
14 customer side of the demarcation point except:

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

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

18 “(f) Notwithstanding paragraph (e) of this subsection, installation of
19 telecommunications systems on the customer side of the demarcation point
20 in:

21 “(A) One and two family dwellings; and

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

24 “(g) Notwithstanding paragraph (e) of this subsection, installation or re-
25 placement of cord or plug connected telecommunications equipment on the
26 customer side of the demarcation point.

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

30 “(10)(a) The board may grant partial or complete exemptions by rule for

1 any electrical product from any of the provisions of ORS 455.610 to 455.630
2 or 479.510 to 479.945 and 479.995 if the board determines that the electrical
3 product does not present a danger to the health and safety of the people of
4 this state.

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

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

14 “(a) Except as provided in paragraph (b) of this subsection, the exemption
15 under this subsection applies to:

16 “(A) The rotating equipment portion of power generation equipment.

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

18 “(C) Commercial electrical air conditioning equipment.

19 “(D) Prefabricated work performed by an electrical contractor with li-
20 censed electrical personnel in the contractor’s place of business for assembly
21 on the job site if the work is composed of parts that meet the electrical
22 product safety standards established by concurrence of the board and the
23 director.

24 “(b) Notwithstanding paragraph (a) of this subsection, the board may re-
25 quire any of the products described in paragraph (a) of this subsection to be
26 subject to the certification requirements under ORS 479.760 if the board de-
27 termines that the product or class of products has presented a fire or life
28 safety hazard in use. A determination under this paragraph shall be effective
29 as to any such product or class of products installed after the date of the
30 determination becomes final. The board may reinstate any exemption re-

1 moved under this paragraph if the board determines that the reasons for the
2 removal of the exemption have been corrected.

3 “(12)(a) ORS 479.610 does not apply to installations of industrial electrical
4 equipment unless the board determines that the product or class of products
5 may present a fire or life safety hazard.

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

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

9 “(B) Equipment minimum safety standards established by concurrence of
10 the board and the director;

11 “(C) An evaluation by an approved field evaluation firm;

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

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

14 “(F) Any other method approved by the board.

15 “(13) ORS 479.760 does not apply to electrical equipment that has been
16 installed and in use for one year or more.

17 “(14) A person who holds a limited maintenance specialty contractor li-
18 cense or a limited pump installation specialty contractor license issued under
19 ORS 479.510 to 479.945 or a person who is the employee of such license holder
20 and who is listed with the board as an employee is not required to have a
21 journeyman license or supervising electrician’s license to perform work au-
22 thorized under the person’s license.

23 “(15) A person is not required to obtain a permit for work on, alterations
24 to or replacement of parts of electrical installations as necessary for main-
25 tenance of existing electrical installations on residential property owned by
26 the person or by a member of the person’s immediate family. This subsection
27 does not establish an exemption for new electrical installations or substan-
28 tial alterations to existing electrical installations.

29 “(16) A permit is not required for those minor electrical installations for
30 which the board has authorized an installation label.

1 “(17) A residential home, as defined in ORS 443.580, and an adult foster
2 home, as defined in ORS 443.705, is not a multifamily dwelling and only
3 electrical installation standards and safety requirements applicable to single
4 family dwellings apply to such homes.

5 “(18) The permit requirements of ORS 479.550 and the license require-
6 ments of ORS 479.620 do not apply to cable television installations.

7 “(19) The provisions of any electrical products code or rule adopted pur-
8 suant to ORS 479.510 to 479.945 and 479.995 apply to cable and such products
9 installed as part of a cable television installation.

10 “(20) A person is not required to obtain a license to make an electrical
11 installation in a [*prefabricated structure, as defined in ORS 455.010, that is*
12 *designed for residential use and*] **structure** intended for delivery in another
13 state **unless the structure is subject to ORS 455.312 (2)**.

14 “(21) A person is not required to obtain a license to make electrical in-
15 stallations, repairs or replacements in a recreational vehicle as defined by
16 the board by rule.

17 “(22) As used in this section, ‘smoke alarm’ has the meaning given that
18 term under ORS 479.250.

19 **“SECTION 20.** ORS 693.020 is amended to read:

20 “693.020. (1) Except as provided in subsection (2) of this section, this
21 chapter does not apply to:

22 “(a) A person working on a building or premises owned by the person,
23 regardless of whether the person holds a license under this chapter, if the
24 person complies with all the rules adopted under this chapter and ORS
25 447.010 to 447.156 and ORS chapter 455.

26 “(b) A person testing, repairing, servicing, maintaining, installing or re-
27 placing new or existing potable water pump equipment not exceeding seven
28 and one-half horsepower on residential property and piping between the
29 pumps and storage tanks for the pumps, regardless of whether the person
30 holds any license under this chapter.

1 “(c) A person installing exterior storm drains that are not connected to
2 a sanitary sewer or combination sanitary storm sewer.

3 “(d) An employee or contractor of a utility, energy service provider or
4 water supplier who is installing an approved low-flow showerhead or faucet
5 aerator in existing plumbing fixtures. The devices installed under this para-
6 graph are exempt from the certification, permit and inspection requirements
7 of this chapter and ORS 447.010 to 447.156.

8 “(e) A person who owns, leases or operates residential property and who
9 repairs, or uses regular employees to repair, existing plumbing on property
10 owned, leased or operated by the person, regardless of whether the person
11 or employee holds a license under this chapter. As used in this paragraph:

12 “(A) ‘Repair’ means the act of replacing or putting together plumbing
13 parts that restore the existing plumbing system to a safe and sanitary oper-
14 ating condition.

15 “(B) ‘Regular employee’ means a person who is subject to the provisions
16 of ORS 316.162 to 316.221 and who has completed a withholding exemptions
17 certificate required by the provisions of ORS 316.162 to 316.221.

18 “(f) A person installing plumbing in a [*prefabricated structure, as defined*
19 *in ORS 455.010, that is designed for residential use and*] **structure** intended
20 for delivery in another state **unless the structure is subject to ORS**
21 **455.312 (2).**

22 “(g) A person making plumbing installations, repairs or replacements in
23 a recreational vehicle as defined by the State Plumbing Board by rule.

24 “(2) Subsection (1)(a) to (d) of this section does not allow a person other
25 than a journeyman plumber or apprentice plumber to install, remodel or alter
26 plumbing in a commercial or industrial building being constructed or offered
27 for sale, exchange, rent or lease. As used in this subsection, ‘install, remodel
28 or alter’ means activities that involve installations or changes to the
29 plumbing inside a wall, floor, crawl space or ceiling, or a change in the
30 configuration of a plumbing system.

1 “(3) This section applies to any person, including but not limited to indi-
2 viduals, corporations, associations, firms, partnerships, joint stock compa-
3 nies, public and municipal corporations, political subdivisions, this state and
4 any agencies thereof and the federal government and any agencies thereof.

5 “(4) Except as provided in subsection (1)(d) of this section, nothing in this
6 section exempts a person from the plumbing inspection requirements of ORS
7 447.010 to 447.156.”.

8 In line 40, delete “17” and insert “21”.

9 In line 42, delete “18” and insert “22”.

10
