

Requested by Representative HOLVEY

**PROPOSED AMENDMENTS TO
HOUSE BILL 2333**

1 On page 1 of the printed bill, line 2, after the semicolon delete the rest
2 of the line and insert “creating new provisions; and amending ORS 90.100,
3 90.425, 197.492, 215.010, 319.550, 446.003, 446.155, 446.170, 446.561, 446.661,
4 455.010, 455.117, 456.594, 469.155, 469.631, 469.649, 469.710, 480.432, 480.450 and
5 801.409.”.

6 Delete lines 4 through 32 and delete pages 2 through 4 and insert:

7

8

“PARK MODEL OPTIONAL TITLES

9

10 **“SECTION 1. Section 2 of this 2019 Act is added to and made a part**
11 **of ORS chapter 803.**

12 **“SECTION 2. (1) As used in this section:**

13 **“(a) ‘Mobile home park’ has the meaning given that term in ORS**
14 **446.003.**

15 **“(b) ‘Park Model Recreational vehicle’ means a recreational vehicle,**
16 **as defined in section 6 of this 2019 Act, that:**

17 **“(A) Is designed for use as temporary living quarters;**

18 **“(B) Is built on a single chassis mounted on wheels;**

19 **“(C) Has a gross trailer area that does not exceed 400 square feet;**

20 **“(D) Is more than eight and one-half feet wide;**

21 **“(E) Complies with any manufacturing standards that the Director**

1 of Transportation recognizes as being in widespread use and applicable
2 to park model recreational vehicles; and

3 “(F) Meets any other requirements imposed by the director by rule.

4 “(2) The Department of Transportation, by rule, may provide for
5 optional titling under ORS 803.035. The department may not issue a
6 registration for a park model recreational vehicle.

7 “(3) The department may require an applicant for optional titling
8 to:

9 “(a) Provide a manufacturer certificate or other information the
10 department deems adequate for ensuring that the vehicle was con-
11 structed in compliance with manufacturing standards described in
12 subsection (1)(b)(C) of this section; and

13 “(b) Attest that the vehicle:

14 “(A) Is not permanently affixed to land for use as a permanent
15 dwelling; or

16 “(B) Is located within a mobile home park.

17

18 “RECREATIONAL VEHICLE CONVERSION

19

20 “SECTION 3. Section 4 of this 2019 Act is added to and made a part
21 of ORS chapter 455.

22 “SECTION 4. (1) A recreational vehicle that has a title issued by the
23 Department of Transportation does not qualify as a structure. If a
24 recreational vehicle is being converted to use as a structure, at the
25 time of commencing the conversion the owner shall surrender the title
26 and any registration issued for the recreational vehicle to the depart-
27 ment for cancellation. A recreational vehicle that is converted to use
28 as a structure is subject to the state building code.

29 “(2) There is a rebuttable presumption that a recreational vehicle
30 has been converted to use as a structure if the recreational vehicle is

1 located outside of a mobile home park as defined in ORS 446.003 and:

2 “(a) Has been rendered structurally immobile; or

3 “(b) Has direct attachment to utilities.

4
5 “WARRANTY STATEMENT

6
7 “SECTION 5. (1) As used in this section:

8 “(a) ‘Living area components’ means flooring, roofing, building en-
9 velope, plumbing systems, electrical systems and heating and air con-
10 ditioning systems.

11 “(b) ‘Recreational vehicle’ has the meaning given that term in sec-
12 tion 6 of this 2019 Act.

13 “(2) The seller of a new recreational vehicle shall provide the buyer
14 with written information listing each living area component item or
15 system mentioned in subsection (1)(a) of this section, stating whether
16 the component item or system is covered by a warranty and, if so, the
17 extent and length of the warranty.

18
19 “NEW DEFINITION OF RECREATIONAL VEHICLE

20
21 “SECTION 6. As used in the statutes of this state:

22 “(1) ‘Recreational vehicle’ has the meaning given that term in this
23 section only if the statute using ‘recreational vehicle’ makes specific
24 reference to this section and indicates that the term has the meaning
25 given in this section.

26 “(2) ‘Recreational vehicle,’ subject to subsection (1) of this section,
27 means a vehicle with or without motive power, that is designed for
28 use as temporary living quarters and as further defined by rule by the
29 Director of Transportation.

1 **“REMOVAL OF RECREATIONAL VEHICLES**
2 **FROM DEPARTMENT OF CONSUMER AND BUSINESS**
3 **SERVICES REGULATION**

4
5 **“SECTION 7.** ORS 446.003 is amended to read:

6 “446.003. As used in ORS 446.003 to 446.200 and 446.225 to 446.285, and for
7 the purposes of ORS chapters 195, 196, 197, 215 and 227, the following defi-
8 nitions apply, unless the context requires otherwise, or unless administration
9 and enforcement by the State of Oregon under the existing or revised Na-
10 tional Manufactured Housing Construction and Safety Standards Act would
11 be adversely affected, and except as provided in ORS 446.265:

12 “(1) ‘Accessory building or structure’ means any portable, demountable
13 or permanent structure established for use of the occupant of the manufac-
14 tured structure and as further defined by rule by the Director of the De-
15 partment of Consumer and Business Services.

16 “(2)(a) ‘Alteration’ means any change, addition, repair, conversion, re-
17 placement, modification or removal of any equipment or installation that
18 may affect the operation, construction or occupancy of a manufactured
19 structure.

20 “(b) ‘Alteration’ does not include:

21 “(A) Minor repairs with approved component parts;

22 “(B) Conversion of listed fuel-burning appliances in accordance with the
23 terms of their listing;

24 “(C) Adjustment and maintenance of equipment; or

25 “(D) Replacement of equipment or accessories in kind.

26 “(3) ‘Approved’ means approved, licensed or certified by the Department
27 of Consumer and Business Services or its designee.

28 “(4) ‘Board’ means the Residential and Manufactured Structures Board.

29 “(5) ‘Cabana’ means a stationary, lightweight structure that may be pre-
30 fabricated, or demountable, with two or more walls, used adjacent to and in

1 conjunction with a manufactured structure to provide additional living
2 space.

3 “(6) ‘Certification’ means an evaluation process by which the department
4 verifies a manufacturer’s ability to produce manufactured structures to the
5 department rules and to the department approved quality control manual.

6 “(7) ‘Conversion’ or ‘to convert’ means the process of changing a manu-
7 factured structure in whole or in part from one type of vehicle or structure
8 to another.

9 “(8) ‘Dealer’ means any person engaged in the business of selling, leasing
10 or distributing manufactured structures or equipment, or both, primarily to
11 persons who in good faith purchase or lease manufactured structures or
12 equipment, or both, for purposes other than resale.

13 “(9) ‘Department’ means the Department of Consumer and Business Ser-
14 vices.

15 “(10) ‘Director’ means the Director of the Department of Consumer and
16 Business Services.

17 “(11) ‘Distributor’ means any person engaged in selling and distributing
18 manufactured structures or equipment for resale.

19 “(12) ‘Equipment’ means materials, appliances, subassembly, devices, fix-
20 tures, fittings and apparatuses used in the construction, plumbing, mechan-
21 ical and electrical systems of a manufactured structure.

22 “(13) ‘Federal manufactured housing construction and safety standard’
23 means a standard for construction, design and performance of a manufac-
24 tured dwelling promulgated by the Secretary of Housing and Urban Devel-
25 opment pursuant to the federal National Manufactured Housing
26 Construction and Safety Standards Act of 1974 (Public Law 93-383).

27 “(14) ‘Fire Marshal’ means the State Fire Marshal.

28 “(15) ‘Imminent safety hazard’ means an imminent and unreasonable risk
29 of death or severe personal injury.

30 “(16) ‘Insignia of compliance’ means:

1 “(a) For a manufactured dwelling built to HUD standards for such
2 dwellings, the HUD label; or

3 “(b) For all other manufactured structures, the insignia issued by this
4 state indicating compliance with state law.

5 “(17) ‘Inspecting authority’ or ‘inspector’ means the Director of the De-
6 partment of Consumer and Business Services or representatives as appointed
7 or authorized to administer and enforce provisions of ORS 446.111, 446.160,
8 446.176, 446.225 to 446.285, 446.310 to 446.350, 446.990 and this section.

9 “(18) ‘Installation’ in relation to:

10 “(a) Construction means the arrangements and methods of construction,
11 fire and life safety, electrical, plumbing and mechanical equipment and sys-
12 tems within a manufactured structure.

13 “(b) Siting means the manufactured structure and cabana foundation
14 support and tiedown, the structural, fire and life safety, electrical, plumbing
15 and mechanical equipment and material connections and the installation of
16 skirting and temporary steps.

17 “(19) ‘Installer’ means any individual licensed by the director to install,
18 set up, connect, hook up, block, tie down, secure, support, install temporary
19 steps for, install skirting for or make electrical, plumbing or mechanical
20 connections to manufactured dwellings or cabanas or who provides consul-
21 tation or supervision for any of these activities, except architects registered
22 under ORS 671.010 to 671.220 or engineers registered under ORS 672.002 to
23 672.325.

24 “(20) ‘Listed’ means equipment or materials included in a list, published
25 by an organization concerned with product evaluation acceptable to the de-
26 partment that maintains periodic inspection of production of listed equip-
27 ment or materials, and whose listing states either that the equipment or
28 materials meets appropriate standards or has been tested and found suitable
29 in a specified manner.

30 “(21) ‘Lot’ means any space, area or tract of land, or portion of a manu-

1 factured dwelling park, mobile home park or recreation park that is desig-
2 nated or used for occupancy by one manufactured structure.

3 “(22)(a) ‘Manufactured dwelling’ means a residential trailer, mobile home
4 or manufactured home.

5 “(b) ‘Manufactured dwelling’ does not include any building or structure
6 constructed to conform to the State of Oregon Structural Specialty Code or
7 the Low-Rise Residential Dwelling Code adopted pursuant to ORS 455.100 to
8 455.450 and 455.610 to 455.630 [*or any unit identified as a recreational vehicle*
9 *by the manufacturer*].

10 “(23) ‘Manufactured dwelling park’ means any place where four or more
11 manufactured dwellings are located within 500 feet of one another on a lot,
12 tract or parcel of land under the same ownership, the primary purpose of
13 which is to rent or lease space or keep space for rent or lease to any person
14 for a charge or fee paid or to be paid for the rental or lease or use of facil-
15 ities or to offer space free in connection with securing the trade or patronage
16 of such person. ‘Manufactured dwelling park’ does not include a lot or lots
17 located within a subdivision being rented or leased for occupancy by no more
18 than one manufactured dwelling per lot if the subdivision was approved by
19 the local government unit having jurisdiction under an ordinance adopted
20 pursuant to ORS 92.010 to 92.192.

21 “(24)(a) ‘Manufactured home,’ except as provided in paragraph (b) of this
22 subsection, means a structure constructed for movement on the public high-
23 ways that has sleeping, cooking and plumbing facilities, that is intended for
24 human occupancy, that is being used for residential purposes and that was
25 constructed in accordance with federal manufactured housing construction
26 and safety standards and regulations in effect at the time of construction.

27 “(b) For purposes of implementing any contract pertaining to manufac-
28 tured homes between the department and the federal government, ‘manufac-
29 tured home’ has the meaning given the term in the contract.

30 “(25)(a) ‘Manufactured structure’ means a [*recreational vehicle,*] manufac-

1 tured dwelling or recreational structure.

2 “(b) ‘Manufactured structure’ does not include any building or structure
3 regulated under the State of Oregon Structural Specialty Code or the Low-
4 Rise Residential Dwelling Code.

5 “(26) ‘Manufacturer’ means any person engaged in manufacturing, build-
6 ing, rebuilding, altering, converting or assembling manufactured structures
7 or equipment.

8 “(27) ‘Manufacturing’ means the building, rebuilding, altering or con-
9 verting of manufactured structures that bear or are required to bear an
10 Oregon insignia of compliance.

11 “(28) ‘Minimum safety standards’ means the plumbing, mechanical, elec-
12 trical, thermal, fire and life safety, structural and transportation standards
13 prescribed by rules adopted by the director.

14 “(29) ‘Mobile home’ means a structure constructed for movement on the
15 public highways that has sleeping, cooking and plumbing facilities, that is
16 intended for human occupancy, that is being used for residential purposes
17 and that was constructed between January 1, 1962, and June 15, 1976, and
18 met the construction requirements of Oregon mobile home law in effect at
19 the time of construction.

20 “(30) ‘Mobile home park’ means any place where four or more manufac-
21 tured structures, **recreational vehicles as defined in section 6 of this 2019**
22 **Act, or a combination thereof**, are located within 500 feet of one another
23 on a lot, tract or parcel of land under the same ownership, the primary
24 purpose of which is to rent space or keep space for rent to any person for
25 a charge or fee paid or to be paid for the rental or use of facilities or to offer
26 space free in connection with securing the trade or patronage of such person.
27 ‘Mobile home park’ does not include a lot or lots located within a subdivi-
28 sion being rented or leased for occupancy by no more than one manufactured
29 dwelling per lot if the subdivision was approved by the municipality unit
30 having jurisdiction under an ordinance adopted pursuant to ORS 92.010 to

1 92.192.

2 “(31) ‘Municipality’ means a city, county or other unit of local govern-
3 ment otherwise authorized by law to enact codes.

4 “(32) ‘Recreational structure’ means a campground structure with or
5 without plumbing, heating or cooking facilities intended to be used by any
6 particular occupant on a limited-time basis for recreational, seasonal, emer-
7 gency or transitional housing purposes and may include yurts, cabins, fabric
8 structures or similar structures as further defined, by rule, by the director.

9 “[33] *‘Recreational vehicle’ means a vehicle with or without motive power,*
10 *that is designed for human occupancy and to be used temporarily for recre-*
11 *ational, seasonal or emergency purposes and as further defined, by rule, by the*
12 *director.*]

13 “[34] **(33)** ‘Residential trailer’ means a structure constructed for move-
14 ment on the public highways that has sleeping, cooking and plumbing facil-
15 ities, that is intended for human occupancy, that is being used for residential
16 purposes and that was constructed before January 1, 1962.

17 “[35] **(34)** ‘Sale’ means rent, lease, sale or exchange.

18 “[36] **(35)** ‘Skirting’ means a weather resistant material used to enclose
19 the space below the manufactured structure.

20 “[37] **(36)** ‘Tiedown’ means any device designed to anchor a manufac-
21 tured structure securely to the ground.

22 “[38] **(37)** ‘Transitional housing accommodations’ means accommodations
23 described under ORS 446.265.

24 “[39] **(38)** ‘Utilities’ means the water, sewer, gas or electric services
25 provided on a lot for a manufactured structure.

26 **“SECTION 8.** ORS 446.155 is amended to read:

27 “446.155. (1) A person may not sell or offer for sale within this state a
28 manufactured dwelling manufactured after January 1, 1962, that contains:

29 “(a) Plumbing equipment, unless such equipment meets the requirements
30 of the Department of Consumer and Business Services;

1 “(b) Heating equipment, unless such equipment meets the requirements
2 of the State Fire Marshal; or

3 “(c) Electrical equipment, unless such equipment meets the requirements
4 of the department.

5 “(2) A person may not rent, lease, sell or offer for rent, lease or sale
6 within this state a manufactured structure manufactured after September 1,
7 1969, unless the manufactured structure bears an insignia of compliance and
8 contains:

9 “(a) Plumbing, mechanical and electrical equipment or installations that
10 meet the minimum safety standards of the department;

11 “(b) Thermal, fire and life safety equipment, material and installations
12 that meet the minimum safety standards of the department; or

13 “(c) Structural and transportation equipment, materials, installations and
14 construction that meet the minimum safety standards of the department.

15 “[(3) A person may not rent, lease, sell or offer for rent, lease or sale within
16 this state a recreational vehicle unless the recreational vehicle:]

17 “[(a) Bears an insignia of compliance;]

18 “[(b) Has previously been lawfully registered and titled within the United
19 States;]

20 “[(c) Has previously been issued an ownership document under ORS 446.571
21 or recorded under ORS 446.626; or]

22 “[(d) Is exempt from registration, title or ownership document requirements
23 because of United States government ownership.]

24 “[(4)] (3) Persons manufacturing, remanufacturing, converting, altering
25 or repairing manufactured structures or equipment within the state or for
26 use within the state shall comply with all applicable construction and safety
27 rules of the department and the following:

28 “(a) Alterations performed on a manufactured dwelling by the manufac-
29 turer or dealer before or at the time of sale to the first consumer shall be
30 performed in conformance with the National Manufactured Housing Con-

1 construction and Safety Standards Act.

2 “(b) After the initial sale to a consumer by a manufacturer or dealer, all
3 alterations to a manufactured dwelling, except as identified by the Director
4 of the Department of Consumer and Business Services by rule, shall be in
5 conformance with the specialty codes as described in ORS 455.010 to 455.740
6 and 479.855.

7 “(c) Solid fuel burning appliances shall be in conformance with the Na-
8 tional Manufactured Housing Construction and Safety Standards Act and
9 standards adopted by the department.

10 “(d) Notwithstanding subsections (1) and (2) of this section, a previously
11 owned manufactured dwelling may be sold ‘as is’ provided that the seller
12 discloses in the bill of sale that the manufactured dwelling is being sold on
13 an ‘as is’ or ‘with all faults’ basis, and that the entire risk as to the quality
14 and performance of the manufactured dwelling is with the buyer. If the
15 manufactured dwelling is found to be defective after purchase, the buyer
16 shall assume the entire cost of all servicing and repair. The seller, man-
17 ufacturer, distributor or retailer is not responsible for any cost for servicing
18 and repair.

19 “[~~(5)~~] (4) Installations of manufactured structures shall be in conformance
20 with the standards adopted by the department for site preparation, founda-
21 tion support, anchoring, structural and utility connections, electrical and
22 plumbing tests, underfloor enclosures, ventilation, vapor barriers and steps
23 used for access and egress.

24 **“SECTION 9.** ORS 446.170 is amended to read:

25 “446.170. (1) Manufactured structures subject to the provisions of ORS
26 446.155 to 446.200, and manufactured structures upon which additions, con-
27 versions or alterations of installations of equipment or material are made
28 shall have affixed to the manufactured structures insignia of compliance.

29 “(2) A person may not place an insignia of compliance on a manufactured
30 structure except as provided by ORS 446.155 to 446.200 and the rules adopted

1 under ORS 446.155 to 446.200.

2 “(3) Insignia of compliance may be issued in bulk only to manufacturers,
3 remanufacturers or converters certified and registered with the Department
4 of Consumer and Business Services.

5 “(4) Insignia of compliance are not transferable, and the department may
6 not make a refund representing any unused insignia.

7 “[5] *Subsection (1) of this section does not apply to a recreational vehicle*
8 *described in ORS 446.155 (3)(b) to (d).*]

9 **“SECTION 10.** ORS 446.561 is amended to read:

10 “446.561. As used in ORS 446.566 to 446.646:

11 “(1) Except as provided in subsection (2) of this section, ‘manufactured
12 structure’ means:

13 “(a) A manufactured dwelling. As used in this paragraph, ‘manufactured
14 dwelling’ has the meaning given that term in ORS 446.003 and also includes
15 a structure that would meet the definition in ORS 446.003 except that the
16 structure is being used for other than residential purposes.

17 “(b) A prefabricated structure, as defined in ORS 455.010, that is relocat-
18 able and more than eight and one-half feet wide.

19 “[c] *A recreational vehicle, as defined in ORS 446.003, that is more than*
20 *eight and one-half feet wide.*]

21 “(2) ‘Manufactured structure’ does not include a mobile modular unit as
22 defined in ORS 308.866 or an implement of husbandry as defined in ORS
23 801.310.

24 **“SECTION 11.** ORS 446.661 is amended to read:

25 “446.661. As used in ORS 446.661 to 446.756:

26 “(1) ‘Dealer’ has the meaning given that term in ORS 446.003.

27 “(2) ‘Insured institution’ has the meaning given that term in ORS 706.008.

28 “(3) ‘Manufactured dwelling’ has the meaning given that term in ORS
29 446.003.

30 “(4) ‘Manufactured structure’ [*has the meaning given that term in ORS*

1 446.561.] means:

2 “(a) A manufactured structure, as defined in ORS 455.561; or

3 “(b) A recreational vehicle, as defined in section 6 of this 2019 Act,
4 that is more than eight and one-half feet wide.

5 “SECTION 12. ORS 455.010 is amended to read:

6 “455.010. As used in this chapter, unless the context requires otherwise:

7 “(1)(a) ‘Advisory board’ means the board with responsibility for assisting
8 in the adoption, amendment or administration of a specialty code, specif-
9 ically:

10 “(A) The Building Codes Structures Board established under ORS 455.132;

11 “(B) The Electrical and Elevator Board established under ORS 455.138;

12 “(C) The State Plumbing Board established under ORS 693.115;

13 “(D) The Board of Boiler Rules established under ORS 480.535;

14 “(E) The Residential and Manufactured Structures Board established un-
15 der ORS 455.135;

16 “(F) The Mechanical Board established under ORS 455.140; or

17 “(G) The Construction Industry Energy Board established under ORS
18 455.492.

19 “(b) ‘Appropriate advisory board’ means the advisory board that has ju-
20 risdiction over a particular code, standard, license, certification or matter.

21 “(2) ‘Department’ means the Department of Consumer and Business Ser-
22 vices.

23 “(3) ‘Director’ means the Director of the Department of Consumer and
24 Business Services.

25 “(4) ‘Low-Rise Residential Dwelling Code’ means the adopted specialty
26 code prescribing standards for the construction of residential dwellings that
27 are three stories or less above grade and have an exterior door for each
28 dwelling unit, but are not facilities or homes described in ORS 443.400 or
29 transient lodging.

30 “(5) ‘Municipality’ means a city, county or other unit of local government

1 otherwise authorized by law to administer a building code.

2 “(6) ‘Prefabricated structure’ means a building or subassembly that has
3 been in whole or substantial part manufactured or assembled using closed
4 construction at an off-site location to be wholly or partially assembled on-
5 site. ‘Prefabricated structure’ does not include a manufactured dwelling[,]
6 **or** recreational structure [*or recreational vehicle*], as those terms are defined
7 in ORS 446.003.

8 “(7) ‘Specialty code’ means a code of regulations adopted under ORS
9 446.062, 446.185, 447.020 (2), 455.020 (2), 455.496, 455.610, 455.680, 460.085,
10 460.360, 479.730 (1) or 480.545, but does not include regulations adopted by
11 the State Fire Marshal pursuant to ORS chapter 476 or ORS 479.015 to
12 479.200 and 479.210 to 479.220.

13 “(8) ‘State building code’ means the combined specialty codes.

14 “(9) ‘Structural code’ means the specialty code prescribing structural
15 standards for building construction.

16 “(10) ‘Unsafe condition’ means a condition caused by earthquake which
17 is determined by the department or any representative of the department to
18 be dangerous to life and property. ‘Unsafe condition’ includes but is not
19 limited to:

20 “(a) Any portion, member or appurtenance of a building that has become
21 detached or dislodged or appears likely to fail or collapse and thereby injure
22 persons or damage property; or

23 “(b) Any portion, of a building or structure that has been damaged by
24 earthquake, or by fire or explosion resulting from an earthquake, to the ex-
25 tent that the structural strength or stability of the building is substantially
26 less than it was prior to the earthquake.

27 **“SECTION 13.** ORS 455.117 is amended to read:

28 “455.117. (1) Except as provided in subsection (3) of this section, a regu-
29 latory body listed in subsection (2) of this section may adopt rules to ad-
30 minister the licensing, certification or registration of persons regulated by

1 the body. The rules adopted under this section may include, but need not be
2 limited to:

3 “(a) The form and content of an application for issuance or renewal of a
4 license, certificate or registration;

5 “(b) Training and continuing education requirements to maintain a li-
6 cense, certificate or registration;

7 “(c) The form and content of and the process for preparing and adminis-
8 tering examinations and examination reviews;

9 “(d) The term of a license, certificate or registration; and

10 “(e) The creation of a system for combining two or more licenses, certifi-
11 cates or registrations issued to an individual by an advisory board or the
12 Department of Consumer and Business Services into a single license, certifi-
13 cate, registration or other authorization.

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

15 “(a) Subject to ORS 446.003 to 446.200, 446.225 to 446.285 and 446.395 to
16 446.420, with the approval of the Residential and Manufactured Structures
17 Board, the Department of Consumer and Business Services for purposes of
18 licenses, certificates and registrations issued under ORS 446.003 to 446.200,
19 446.225 to 446.285 and 446.395 to 446.420.

20 “(b) Subject to ORS 447.010 to 447.156 and ORS chapter 693, the State
21 Plumbing Board for purposes of licenses issued under ORS 447.010 to 447.156
22 and ORS chapter 693.

23 “(c) Subject to ORS 460.005 to 460.175, after consultation with the Elec-
24 trical and Elevator Board, the department for purposes of licenses issued
25 under ORS 460.005 to 460.175.

26 “(d) Subject to ORS 479.510 to 479.945, the Electrical and Elevator Board
27 for purposes of licenses issued under ORS 479.510 to 479.945.

28 “(e) Subject to ORS 480.510 to 480.670, the Board of Boiler Rules for
29 purposes of licenses issued under ORS 480.510 to 480.670.

30 “(3) This section does not authorize the adoption of rules regulating:

1 “(a) Building officials, inspectors, plan reviewers or municipalities;

2 “(b) Persons engaged in the manufacture, conversion or repair of prefab-
3 ricated structures[,] **or** prefabricated components [*or recreational vehicles*];
4 or

5 “(c) Master builders certified under ORS 455.800 to 455.820.

6 “**SECTION 14.** ORS 480.432 is amended to read:

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

13 “(2) A person may not do any LP gas fitting or gas venting work, install,
14 repair or remodel any piping or venting or do any installation, repair service,
15 connection or disconnection of any LP gas appliance that is subject to in-
16 spection under ORS 480.410 to 480.460 unless the person has received an LP
17 gas fitter license from the State Fire Marshal in accordance with ORS
18 480.410 to 480.460.

19 “(3) A person may not operate any LP gas delivery equipment installed
20 on a motorized vehicle unless the person has received an LP gas truck
21 equipment license from the State Fire Marshal in accordance with ORS
22 480.410 to 480.460.

23 “(4) Any person under the terms of this section who is required to have
24 an LP gas fitter or LP gas truck equipment license is also required to have
25 an LP gas installation license, unless the person is an employee of an em-
26 ployer who has an LP gas installation license as provided by this section.

27 “(5) A person who holds a valid journeyman plumber license under ORS
28 693.060 or who is in an approved journeyman plumber apprenticeship estab-
29 lished under ORS 660.002 to 660.210 is exempt from the licensing require-
30 ments of subsections (1) and (2) of this section, except that the apprentice

1 or journeyman plumber may not install an LP gas tank or make any con-
2 nection to an LP gas tank unless the apprentice or journeyman plumber is
3 licensed as required under this section.

4 “(6) A person who holds a license issued by the Department of Consumer
5 and Business Services under ORS 480.630 of a class that authorizes the per-
6 son to fabricate, install, alter or repair pressure piping and to install boilers
7 and pressure vessels by attachment of piping connector is exempt from the
8 licensing requirements of subsections (1) and (2) of this section, except that
9 the person may not install an LP gas tank or make any connection to an
10 LP gas tank unless the person is licensed as required under this section.

11 “(7) Subsections (1) to (4) of this section do not apply to LP gas instal-
12 lations in a manufactured dwelling [*or recreational vehicle*] performed during
13 the construction of the manufactured dwelling [*or recreational vehicle*], or the
14 alteration or repair of an LP gas installation in a manufactured dwelling
15 [*or recreational vehicle*] made pursuant to the manufacturer’s warranty.

16

17 **“MISCELLANEOUS REFERENCE CHANGES IN**
18 **OREGON REVISED STATUTES**

19

20 **“SECTION 15.** ORS 90.100 is amended to read:

21 “90.100. As used in this chapter, unless the context otherwise requires:

22 “(1) ‘Accessory building or structure’ means any portable, demountable
23 or permanent structure, including but not limited to cabanas, ramadas,
24 storage sheds, garages, awnings, carports, decks, steps, ramps, piers and
25 pilings, that is:

26 “(a) Owned and used solely by a tenant of a manufactured dwelling or
27 floating home; or

28 “(b) Provided pursuant to a written rental agreement for the sole use of
29 and maintenance by a tenant of a manufactured dwelling or floating home.

30 “(2) ‘Action’ includes recoupment, counterclaim, setoff, suit in equity and

1 any other proceeding in which rights are determined, including an action for
2 possession.

3 “(3) ‘Applicant screening charge’ means any payment of money required
4 by a landlord of an applicant prior to entering into a rental agreement with
5 that applicant for a residential dwelling unit, the purpose of which is to pay
6 the cost of processing an application for a rental agreement for a residential
7 dwelling unit.

8 “(4) ‘Building and housing codes’ includes any law, ordinance or govern-
9 mental regulation concerning fitness for habitation, or the construction,
10 maintenance, operation, occupancy, use or appearance of any premises or
11 dwelling unit.

12 “(5) ‘Carbon monoxide alarm’ has the meaning given that term in ORS
13 105.836.

14 “(6) ‘Carbon monoxide source’ has the meaning given that term in ORS
15 105.836.

16 “(7) ‘Conduct’ means the commission of an act or the failure to act.

17 “(8) ‘DBH’ means the diameter at breast height, which is measured as the
18 width of a standing tree at four and one-half feet above the ground on the
19 uphill side.

20 “(9) ‘Dealer’ means any person in the business of selling, leasing or dis-
21 tributing new or used manufactured dwellings or floating homes to persons
22 who purchase or lease a manufactured dwelling or floating home for use as
23 a residence.

24 “(10) ‘Domestic violence’ means:

25 “(a) Abuse between family or household members, as those terms are de-
26 fined in ORS 107.705; or

27 “(b) Abuse, as defined in ORS 107.705, between partners in a dating re-
28 lationship.

29 “(11) ‘Drug and alcohol free housing’ means a dwelling unit described in
30 ORS 90.243.

1 “(12) ‘Dwelling unit’ means a structure or the part of a structure that is
2 used as a home, residence or sleeping place by one person who maintains a
3 household or by two or more persons who maintain a common household.
4 ‘Dwelling unit’ regarding a person who rents a space for a manufactured
5 dwelling or recreational vehicle or regarding a person who rents moorage
6 space for a floating home as defined in ORS 830.700, but does not rent the
7 home, means the space rented and not the manufactured dwelling, recre-
8 ational vehicle or floating home itself.

9 “(13) ‘Essential service’ means:

10 “(a) For a tenancy not consisting of rental space for a manufactured
11 dwelling, floating home or recreational vehicle owned by the tenant and not
12 otherwise subject to ORS 90.505 to 90.850:

13 “(A) Heat, plumbing, hot and cold running water, gas, electricity, light
14 fixtures, locks for exterior doors, latches for windows and any cooking ap-
15 pliance or refrigerator supplied or required to be supplied by the landlord;
16 and

17 “(B) Any other service or habitability obligation imposed by the rental
18 agreement or ORS 90.320, the lack or violation of which creates a serious
19 threat to the tenant’s health, safety or property or makes the dwelling unit
20 unfit for occupancy.

21 “(b) For a tenancy consisting of rental space for a manufactured dwelling,
22 floating home or recreational vehicle owned by the tenant or that is other-
23 wise subject to ORS 90.505 to 90.850:

24 “(A) Sewage disposal, water supply, electrical supply and, if required by
25 applicable law, any drainage system; and

26 “(B) Any other service or habitability obligation imposed by the rental
27 agreement or ORS 90.730, the lack or violation of which creates a serious
28 threat to the tenant’s health, safety or property or makes the rented space
29 unfit for occupancy.

30 “(14) ‘Facility’ means a manufactured dwelling park or a marina.

1 “(15) ‘Fee’ means a nonrefundable payment of money.

2 “(16) ‘First class mail’ does not include certified or registered mail, or any
3 other form of mail that may delay or hinder actual delivery of mail to the
4 recipient.

5 “(17) ‘Fixed term tenancy’ means a tenancy that has a fixed term of ex-
6 istence, continuing to a specific ending date and terminating on that date
7 without requiring further notice to effect the termination.

8 “(18) ‘Floating home’ has the meaning given that term in ORS 830.700.
9 ‘Floating home’ includes an accessory building or structure.

10 “(19) ‘Good faith’ means honesty in fact in the conduct of the transaction
11 concerned.

12 “(20) ‘Hazard tree’ means a tree that:

13 “(a) Is located on a rented space in a manufactured dwelling park;
14 “(b) Measures at least eight inches DBH; and
15 “(c) Is considered, by an arborist licensed as a landscape construction
16 professional pursuant to ORS 671.560 and certified by the International So-
17 ciety of Arboriculture, to pose an unreasonable risk of causing serious
18 physical harm or damage to individuals or property in the near future.

19 “(21) ‘Hotel or motel’ means ‘hotel’ as that term is defined in ORS 699.005.

20 “(22) ‘Informal dispute resolution’ means, but is not limited to, consulta-
21 tion between the landlord or landlord’s agent and one or more tenants, or
22 mediation utilizing the services of a third party.

23 “(23) ‘Landlord’ means the owner, lessor or sublessor of the dwelling unit
24 or the building or premises of which it is a part. ‘Landlord’ includes a per-
25 son who is authorized by the owner, lessor or sublessor to manage the
26 premises or to enter into a rental agreement.

27 “(24) ‘Landlord’s agent’ means a person who has oral or written authority,
28 either express or implied, to act for or on behalf of a landlord.

29 “(25) ‘Last month’s rent deposit’ means a type of security deposit, however
30 designated, the primary function of which is to secure the payment of rent

1 for the last month of the tenancy.

2 “(26) ‘Manufactured dwelling’ means a residential trailer, a mobile home
3 or a manufactured home as those terms are defined in ORS 446.003. ‘Manu-
4 factured dwelling’ includes an accessory building or structure. [*Manufac-
5 tured dwelling’ does not include a recreational vehicle.*]

6 “(27) ‘Manufactured dwelling park’ means a place where four or more
7 manufactured dwellings are located, the primary purpose of which is to rent
8 space or keep space for rent to any person for a charge or fee.

9 “(28) ‘Marina’ means a moorage of contiguous dwelling units that may
10 be legally transferred as a single unit and are owned by one person where
11 four or more floating homes are secured, the primary purpose of which is to
12 rent space or keep space for rent to any person for a charge or fee.

13 “(29) ‘Marina purchase association’ means a group of three or more ten-
14 ants who reside in a marina and have organized for the purpose of eventual
15 purchase of the marina.

16 “(30) ‘Month-to-month tenancy’ means a tenancy that automatically re-
17 news and continues for successive monthly periods on the same terms and
18 conditions originally agreed to, or as revised by the parties, until terminated
19 by one or both of the parties.

20 “(31) ‘Organization’ includes a corporation, government, governmental
21 subdivision or agency, business trust, estate, trust, partnership or associ-
22 ation, two or more persons having a joint or common interest, and any other
23 legal or commercial entity.

24 “(32) ‘Owner’ includes a mortgagee in possession and means one or more
25 persons, jointly or severally, in whom is vested:

26 “(a) All or part of the legal title to property; or

27 “(b) All or part of the beneficial ownership and a right to present use and
28 enjoyment of the premises.

29 “(33) ‘Person’ includes an individual or organization.

30 “(34) ‘Premises’ means:

1 “(a) A dwelling unit and the structure of which it is a part and facilities
2 and appurtenances therein;

3 “(b) Grounds, areas and facilities held out for the use of tenants generally
4 or the use of which is promised to the tenant; and

5 “(c) A facility for manufactured dwellings or floating homes.

6 “(35) ‘Prepaid rent’ means any payment of money to the landlord for a
7 rent obligation not yet due. In addition, ‘prepaid rent’ means rent paid for
8 a period extending beyond a termination date.

9 “(36) ‘Recreational vehicle’ has the meaning given that term in [ORS
10 446.003.] **section 6 of this 2019 Act.**

11 “(37) ‘Rent’ means any payment to be made to the landlord under the
12 rental agreement, periodic or otherwise, in exchange for the right of a tenant
13 and any permitted pet to occupy a dwelling unit to the exclusion of others
14 and to use the premises. ‘Rent’ does not include security deposits, fees or
15 utility or service charges as described in ORS 90.315 (4) and 90.532.

16 “(38) ‘Rental agreement’ means all agreements, written or oral, and valid
17 rules and regulations adopted under ORS 90.262 or 90.510 (6) embodying the
18 terms and conditions concerning the use and occupancy of a dwelling unit
19 and premises. ‘Rental agreement’ includes a lease. A rental agreement shall
20 be either a week-to-week tenancy, month-to-month tenancy or fixed term
21 tenancy.

22 “(39) ‘Roomer’ means a person occupying a dwelling unit that does not
23 include a toilet and either a bathtub or a shower and a refrigerator, stove
24 and kitchen, all provided by the landlord, and where one or more of these
25 facilities are used in common by occupants in the structure.

26 “(40) ‘Screening or admission criteria’ means a written statement of any
27 factors a landlord considers in deciding whether to accept or reject an ap-
28 plicant and any qualifications required for acceptance. ‘Screening or admis-
29 sion criteria’ includes, but is not limited to, the rental history, character
30 references, public records, criminal records, credit reports, credit references

1 and incomes or resources of the applicant.

2 “(41) ‘Security deposit’ means a refundable payment or deposit of money,
3 however designated, the primary function of which is to secure the perform-
4 ance of a rental agreement or any part of a rental agreement. ‘Security de-
5 posit’ does not include a fee.

6 “(42) ‘Sexual assault’ has the meaning given that term in ORS 147.450.

7 “(43) ‘Squatter’ means a person occupying a dwelling unit who is not so
8 entitled under a rental agreement or who is not authorized by the tenant to
9 occupy that dwelling unit. ‘Squatter’ does not include a tenant who holds
10 over as described in ORS 90.427 (7).

11 “(44) ‘Stalking’ means the behavior described in ORS 163.732.

12 “(45) ‘Statement of policy’ means the summary explanation of information
13 and facility policies to be provided to prospective and existing tenants under
14 ORS 90.510.

15 “(46) ‘Surrender’ means an agreement, express or implied, as described in
16 ORS 90.148 between a landlord and tenant to terminate a rental agreement
17 that gave the tenant the right to occupy a dwelling unit.

18 “(47) ‘Tenant’:

19 “(a) Except as provided in paragraph (b) of this subsection:

20 “(A) Means a person, including a roomer, entitled under a rental agree-
21 ment to occupy a dwelling unit to the exclusion of others, including a
22 dwelling unit owned, operated or controlled by a public housing authority.

23 “(B) Means a minor, as defined and provided for in ORS 109.697.

24 “(b) For purposes of ORS 90.505 to 90.850, means only a person who owns
25 and occupies as a residence a manufactured dwelling or a floating home in
26 a facility and persons residing with that tenant under the terms of the rental
27 agreement.

28 “(c) Does not mean a guest or temporary occupant.

29 “(48) ‘Transient lodging’ means a room or a suite of rooms.

30 “(49) ‘Transient occupancy’ means occupancy in transient lodging that has

1 all of the following characteristics:

2 “(a) Occupancy is charged on a daily basis and is not collected more than
3 six days in advance;

4 “(b) The lodging operator provides maid and linen service daily or every
5 two days as part of the regularly charged cost of occupancy; and

6 “(c) The period of occupancy does not exceed 30 days.

7 “(50) ‘Vacation occupancy’ means occupancy in a dwelling unit, not in-
8 cluding transient occupancy in a hotel or motel, that has all of the following
9 characteristics:

10 “(a) The occupant rents the unit for vacation purposes only, not as a
11 principal residence;

12 “(b) The occupant has a principal residence other than at the unit; and

13 “(c) The period of authorized occupancy does not exceed 45 days.

14 “(51) ‘Victim’ means:

15 “(a) The person against whom an incident related to domestic violence,
16 sexual assault or stalking is perpetrated; or

17 “(b) The parent or guardian of a minor household member against whom
18 an incident related to domestic violence, sexual assault or stalking is per-
19 petrated, unless the parent or guardian is the perpetrator.

20 “(52) ‘Week-to-week tenancy’ means a tenancy that has all of the follow-
21 ing characteristics:

22 “(a) Occupancy is charged on a weekly basis and is payable no less fre-
23 quently than every seven days;

24 “(b) There is a written rental agreement that defines the landlord’s and
25 the tenant’s rights and responsibilities under this chapter; and

26 “(c) There are no fees or security deposits, although the landlord may
27 require the payment of an applicant screening charge, as provided in ORS
28 90.295.

29 **“SECTION 16.** ORS 90.425 is amended to read:

30 “90.425. (1) As used in this section:

1 “(a) ‘Current market value’ means the amount in cash, as determined by
2 the county assessor, that could reasonably be expected to be paid for a
3 manufactured dwelling or floating home by an informed buyer to an informed
4 seller, each acting without compulsion in an arm’s-length transaction occur-
5 ring on the assessment date for the tax year or on the date of a subsequent
6 reappraisal by the county assessor.

7 “(b) ‘Dispose of the personal property’ means that, if reasonably appro-
8 priate, the landlord may throw away the property or may give it without
9 consideration to a nonprofit organization or to a person unrelated to the
10 landlord. The landlord may not retain the property for personal use or ben-
11 efit.

12 “(c) ‘Goods’ includes those goods left inside a recreational vehicle, man-
13 ufactured dwelling or floating home or left upon the rental space outside a
14 recreational vehicle, manufactured dwelling or floating home, whether the
15 recreational vehicle, dwelling or home is located inside or outside of a fa-
16 cility.

17 “(d) ‘Lienholder’ means any lienholder of an abandoned recreational ve-
18 hicle, manufactured dwelling or floating home, if the lien is of record or the
19 lienholder is actually known to the landlord.

20 “(e) ‘Of record’ means:

21 “(A) For a recreational vehicle that is not [*a manufactured structure as*
22 *defined in ORS 446.561*] **more than eight and one-half feet wide**, that a
23 security interest has been properly recorded with the Department of Trans-
24 portation pursuant to ORS 802.200 (1)(a)(A) and 803.097.

25 “(B) For a manufactured dwelling or recreational vehicle that is [*a man-*
26 *ufactured structure as defined in ORS 446.561*] **more than eight and one-**
27 **half feet wide**, that a security interest has been properly recorded for the
28 manufactured dwelling or recreational vehicle in the records of the Depart-
29 ment of Consumer and Business Services pursuant to ORS 446.611 or on a
30 certificate of title issued by the Department of Transportation [*prior to May*

1 1, 2005].

2 “(C) For a floating home, that a security interest has been properly re-
3 corded with the State Marine Board pursuant to ORS 830.740 to 830.755 for
4 a home registered and titled with the board pursuant to ORS 830.715.

5 “(f) ‘Owner’ means any owner of an abandoned recreational vehicle,
6 manufactured dwelling or floating home, if different from the tenant and ei-
7 ther of record or actually known to the landlord.

8 “(g) ‘Personal property’ means goods, vehicles and recreational vehicles
9 and includes manufactured dwellings and floating homes not located in a
10 facility. ‘Personal property’ does not include manufactured dwellings and
11 floating homes located in a facility and therefore subject to being stored,
12 sold or disposed of as provided under ORS 90.675.

13 “(2) A landlord is responsible for abandoned personal property and shall
14 store, sell or dispose of abandoned personal property as provided by this
15 section. This section governs the rights and obligations of landlords, tenants
16 and any lienholders or owners in any personal property abandoned or left
17 upon the premises by the tenant or any lienholder or owner in the following
18 circumstances:

19 “(a) The tenancy has ended by termination or expiration of a rental
20 agreement or by relinquishment or abandonment of the premises and the
21 landlord reasonably believes under all the circumstances that the tenant has
22 left the personal property upon the premises with no intention of asserting
23 any further claim to the premises or to the personal property;

24 “(b) The tenant has been absent from the premises continuously for seven
25 days after termination of a tenancy by a court order that has not been exe-
26 cuted; or

27 “(c) The landlord receives possession of the premises from the sheriff
28 following restitution pursuant to ORS 105.161.

29 “(3) Prior to storing, selling or disposing of the tenant’s personal property
30 under this section, the landlord must give a written notice to the tenant that

1 must be:

2 “(a) Personally delivered to the tenant; or

3 “(b) Sent by first class mail addressed and mailed to the tenant at:

4 “(A) The premises;

5 “(B) Any post-office box held by the tenant and actually known to the
6 landlord; and

7 “(C) The most recent forwarding address if provided by the tenant or ac-
8 tually known to the landlord.

9 “(4)(a) In addition to the notice required by subsection (3) of this section,
10 in the case of an abandoned recreational vehicle, manufactured dwelling or
11 floating home, a landlord shall also give a copy of the notice described in
12 subsection (3) of this section to:

13 “(A) Any lienholder of the recreational vehicle, manufactured dwelling
14 or floating home;

15 “(B) Any owner of the recreational vehicle, manufactured dwelling or
16 floating home;

17 “(C) The tax collector of the county where the manufactured dwelling or
18 floating home is located; and

19 “(D) The assessor of the county where the manufactured dwelling or
20 floating home is located.

21 “(b) The landlord shall give the notice copy required by this subsection
22 by personal delivery or first class mail, except that for any lienholder, mail
23 service must be both by first class mail and by certified mail with return
24 receipt requested.

25 “(c) A notice to lienholders under paragraph (a)(A) of this subsection
26 must be sent to each lienholder at each address:

27 “(A) Actually known to the landlord;

28 “(B) Of record; and

29 “(C) Provided to the landlord by the lienholder in a written notice that
30 identifies the personal property subject to the lien and that was sent to the

1 landlord by certified mail with return receipt requested within the preceding
2 five years. The notice must identify the personal property by describing the
3 physical address of the property.

4 “(5) The notice required under subsection (3) of this section must state
5 that:

6 “(a) The personal property left upon the premises is considered aban-
7 doned;

8 “(b) The tenant or any lienholder or owner must contact the landlord by
9 a specified date, as provided in subsection (6) of this section, to arrange for
10 the removal of the abandoned personal property;

11 “(c) The personal property is stored at a place of safekeeping, except that
12 if the property includes a manufactured dwelling or floating home, the
13 dwelling or home must be stored on the rented space;

14 “(d) The tenant or any lienholder or owner, except as provided by sub-
15 section (18) of this section, may arrange for removal of the personal property
16 by contacting the landlord at a described telephone number or address on
17 or before the specified date;

18 “(e) The landlord shall make the personal property available for removal
19 by the tenant or any lienholder or owner, except as provided by subsection
20 (18) of this section, by appointment at reasonable times;

21 “(f) If the personal property is considered to be abandoned pursuant to
22 subsection (2)(a) or (b) of this section, the landlord may require payment of
23 removal and storage charges, as provided by subsection (7)(d) of this section,
24 prior to releasing the personal property to the tenant or any lienholder or
25 owner;

26 “(g) If the personal property is considered to be abandoned pursuant to
27 subsection (2)(c) of this section, the landlord may not require payment of
28 storage charges prior to releasing the personal property;

29 “(h) If the tenant or any lienholder or owner fails to contact the landlord
30 by the specified date, or after that contact, fails to remove the personal

1 property within 30 days for recreational vehicles, manufactured dwellings
2 and floating homes or 15 days for all other personal property, the landlord
3 may sell or dispose of the personal property. If the landlord reasonably be-
4 lieves that the personal property will be eligible for disposal pursuant to
5 subsection (10)(b) of this section and the landlord intends to dispose of the
6 property if the property is not claimed, the notice shall state that belief and
7 intent; and

8 “(i) If the personal property includes a recreational vehicle, manufactured
9 dwelling or floating home and if applicable, there is a lienholder or owner
10 that has a right to claim the recreational vehicle, dwelling or home, except
11 as provided by subsection (18) of this section.

12 “(6) For purposes of subsection (5) of this section, the specified date by
13 which a tenant, lienholder or owner must contact a landlord to arrange for
14 the disposition of abandoned personal property is:

15 “(a) For abandoned recreational vehicles, manufactured dwellings or
16 floating homes, not less than 45 days after personal delivery or mailing of
17 the notice; or

18 “(b) For all other abandoned personal property, not less than five days
19 after personal delivery or eight days after mailing of the notice.

20 “(7) After notifying the tenant as required by subsection (3) of this sec-
21 tion, the landlord:

22 “(a) Shall store any abandoned manufactured dwelling or floating home
23 on the rented space and shall exercise reasonable care for the dwelling or
24 home;

25 “(b) Shall store all other abandoned personal property of the tenant, in-
26 cluding goods left inside a recreational vehicle, manufactured dwelling or
27 floating home or left upon the rented space outside a recreational vehicle,
28 dwelling or home, in a place of safekeeping and shall exercise reasonable
29 care for the personal property, except that the landlord may:

30 “(A) Promptly dispose of rotting food; and

1 “(B) Allow an animal control agency to remove any abandoned pets or
2 livestock. If an animal control agency will not remove the abandoned pets
3 or livestock, the landlord shall exercise reasonable care for the animals
4 given all the circumstances, including the type and condition of the animals,
5 and may give the animals to an agency that is willing and able to care for
6 the animals, such as a humane society or similar organization;

7 “(c) Except for manufactured dwellings and floating homes, may store the
8 abandoned personal property at the dwelling unit, move and store it else-
9 where on the premises or move and store it at a commercial storage company
10 or other place of safekeeping; and

11 “(d) Is entitled to reasonable or actual storage charges and costs inci-
12 dental to storage or disposal, including any cost of removal to a place of
13 storage. In the case of an abandoned manufactured dwelling or floating
14 home, the storage charge may be no greater than the monthly space rent last
15 payable by the tenant.

16 “(8) If a tenant, lienholder or owner, upon the receipt of the notice pro-
17 vided by subsection (3) or (4) of this section or otherwise, responds by actual
18 notice to the landlord on or before the specified date in the landlord’s notice
19 that the tenant, lienholder or owner intends to remove the personal property
20 from the premises or from the place of safekeeping, the landlord must make
21 that personal property available for removal by the tenant, lienholder or
22 owner by appointment at reasonable times during the 15 days or, in the case
23 of a recreational vehicle, manufactured dwelling or floating home, 30 days
24 following the date of the response, subject to subsection (18) of this section.
25 If the personal property is considered to be abandoned pursuant to subsection
26 (2)(a) or (b) of this section, but not pursuant to subsection (2)(c) of this sec-
27 tion, the landlord may require payment of removal and storage charges, as
28 provided in subsection (7)(d) of this section, prior to allowing the tenant,
29 lienholder or owner to remove the personal property. Acceptance by a land-
30 lord of such payment does not operate to create or reinstate a tenancy or

1 create a waiver pursuant to ORS 90.412 or 90.417.

2 “(9) Except as provided in subsections (18) to (20) of this section, if the
3 tenant, lienholder or owner of a recreational vehicle, manufactured dwelling
4 or floating home does not respond within the time provided by the landlord’s
5 notice, or the tenant, lienholder or owner does not remove the personal
6 property within the time required by subsection (8) of this section or by any
7 date agreed to with the landlord, whichever is later, the tenant’s, lienholder’s
8 or owner’s personal property is conclusively presumed to be abandoned. The
9 tenant and any lienholder or owner that have been given notice pursuant to
10 subsection (3) or (4) of this section shall, except with regard to the distrib-
11 ution of sale proceeds pursuant to subsection (13) of this section, have no
12 further right, title or interest to the personal property and may not claim
13 or sell the property.

14 “(10) If the personal property is presumed to be abandoned under sub-
15 section (9) of this section, the landlord then may:

16 “(a) Sell the personal property at a public or private sale, provided that
17 prior to the sale of a recreational vehicle, manufactured dwelling or floating
18 home:

19 “(A) The landlord may seek to transfer ownership of record of the per-
20 sonal property by complying with the requirements of the appropriate state
21 agency; and

22 “(B) The landlord shall:

23 “(i) Place a notice in a newspaper of general circulation in the county in
24 which the recreational vehicle, manufactured dwelling or floating home is
25 located. The notice shall state:

26 “(I) That the recreational vehicle, manufactured dwelling or floating
27 home is abandoned;

28 “(II) The tenant’s and owner’s name, if of record or actually known to the
29 landlord;

30 “(III) The address and any space number where the recreational vehicle,

1 manufactured dwelling or floating home is located, and any plate, registra-
2 tion or other identification number for a recreational vehicle or floating
3 home noted on the certificate of title, if actually known to the landlord;

4 “(IV) Whether the sale is by private bidding or public auction;

5 “(V) Whether the landlord is accepting sealed bids and, if so, the last date
6 on which bids will be accepted; and

7 “(VI) The name and telephone number of the person to contact to inspect
8 the recreational vehicle, manufactured dwelling or floating home;

9 “(ii) At a reasonable time prior to the sale, give a copy of the notice re-
10 quired by sub-subparagraph (i) of this subparagraph to the tenant and to any
11 lienholder and owner, by personal delivery or first class mail, except that for
12 any lienholder, mail service must be by first class mail with certificate of
13 mailing;

14 “(iii) Obtain an affidavit of publication from the newspaper to show that
15 the notice required under sub-subparagraph (i) of this subparagraph ran in
16 the newspaper at least one day in each of two consecutive weeks prior to the
17 date scheduled for the sale or the last date bids will be accepted; and

18 “(iv) Obtain written proof from the county that all property taxes and
19 assessments on the manufactured dwelling or floating home have been paid
20 or, if not paid, that the county has authorized the sale, with the sale pro-
21 ceeds to be distributed pursuant to subsection (13) of this section;

22 “(b) Destroy or otherwise dispose of the personal property if the landlord
23 determines that:

24 “(A) For a manufactured dwelling or floating home, the current market
25 value of the property is \$8,000 or less as determined by the county assessor;
26 or

27 “(B) For all other personal property, the reasonable current fair market
28 value is \$1,000 or less or so low that the cost of storage and conducting a
29 public sale probably exceeds the amount that would be realized from the sale;

30 or

1 “(c) Consistent with paragraphs (a) and (b) of this subsection, sell certain
2 items and destroy or otherwise dispose of the remaining personal property.

3 “(11)(a) A public or private sale authorized by this section must:

4 “(A) For a recreational vehicle, manufactured dwelling or floating home,
5 be conducted consistent with the terms listed in subsection (10)(a)(B)(i) of
6 this section. Every aspect of the sale including the method, manner, time,
7 place and terms must be commercially reasonable; or

8 “(B) For all other personal property, be conducted under the provisions
9 of ORS 79.0610.

10 “(b) If there is no buyer at a sale of a manufactured dwelling or floating
11 home, the personal property is considered to be worth \$8,000 or less, re-
12 gardless of current market value, and the landlord shall destroy or otherwise
13 dispose of the personal property.

14 “(12) Notwithstanding ORS 446.155 (1) and (2), unless a landlord inten-
15 tionally misrepresents the condition of a manufactured dwelling or floating
16 home, the landlord is not liable for the condition of the dwelling or home
17 to:

18 “(a) A buyer of the dwelling or home at a sale pursuant to subsection
19 (10)(a) of this section, with or without consideration; or

20 “(b) A person or nonprofit organization to whom the landlord gives the
21 dwelling or home pursuant to subsection (1)(b), (10)(b) or (11)(b) of this sec-
22 tion.

23 “(13)(a) The landlord may deduct from the proceeds of the sale:

24 “(A) The reasonable or actual cost of notice, storage and sale; and

25 “(B) Unpaid rent.

26 “(b) If the sale was of a manufactured dwelling or floating home, after
27 deducting the amounts listed in paragraph (a) of this subsection, the landlord
28 shall remit the remaining proceeds, if any, to the county tax collector to the
29 extent of any unpaid property taxes and assessments owed on the dwelling
30 or home.

1 “(c) If the sale was of a recreational vehicle, manufactured dwelling or
2 floating home, after deducting the amounts listed in paragraphs (a) and (b)
3 of this subsection, if applicable, the landlord shall remit the remaining pro-
4 ceeds, if any, to any lienholder to the extent of any unpaid balance owed on
5 the lien on the recreational vehicle, dwelling or home.

6 “(d) After deducting the amounts listed in paragraphs (a), (b) and (c) of
7 this subsection, if applicable, the landlord shall remit to the tenant or owner
8 the remaining proceeds, if any, together with an itemized accounting.

9 “(e) If the tenant or owner cannot after due diligence be found, the
10 landlord shall deposit the remaining proceeds with the county treasurer of
11 the county in which the sale occurred. If not claimed within three years, the
12 deposited proceeds revert to the general fund of the county and are available
13 for general purposes.

14 “(14) The county tax collector shall cancel all unpaid property taxes and
15 assessments owed on a manufactured dwelling or floating home, as provided
16 under ORS 311.790, only under one of the following circumstances:

17 “(a) The landlord disposes of the manufactured dwelling or floating home
18 after a determination described in subsection (10)(b) of this section.

19 “(b) There is no buyer of the manufactured dwelling or floating home at
20 a sale described under subsection (11) of this section.

21 “(c)(A) There is a buyer of the manufactured dwelling or floating home
22 at a sale described under subsection (11) of this section;

23 “(B) The current market value of the manufactured dwelling or floating
24 home is \$8,000 or less; and

25 “(C) The proceeds of the sale are insufficient to satisfy the unpaid prop-
26 erty taxes and assessments owed on the dwelling or home after distribution
27 of the proceeds pursuant to subsection (13) of this section.

28 “(d)(A) The landlord buys the manufactured dwelling or floating home at
29 a sale described under subsection (11) of this section;

30 “(B) The current market value of the manufactured dwelling or floating

1 home is more than \$8,000;

2 “(C) The proceeds of the sale are insufficient to satisfy the unpaid prop-
3 erty taxes and assessments owed on the manufactured dwelling or floating
4 home after distribution of the proceeds pursuant to subsection (13) of this
5 section; and

6 “(D) The landlord disposes of the manufactured dwelling or floating home.

7 “(15) The landlord is not responsible for any loss to the tenant, lienholder
8 or owner resulting from storage of personal property in compliance with this
9 section unless the loss was caused by the landlord’s deliberate or negligent
10 act. In the event of a deliberate and malicious violation, the landlord is lia-
11 ble for twice the actual damages sustained by the tenant, lienholder or
12 owner.

13 “(16) Complete compliance in good faith with this section shall constitute
14 a complete defense in any action brought by a tenant, lienholder or owner
15 against a landlord for loss or damage to such personal property disposed of
16 pursuant to this section.

17 “(17) If a landlord does not comply with this section:

18 “(a) The tenant is relieved of any liability for damage to the premises
19 caused by conduct that was not deliberate, intentional or grossly negligent
20 and for unpaid rent and may recover from the landlord up to twice the actual
21 damages sustained by the tenant;

22 “(b) A lienholder or owner aggrieved by the noncompliance may recover
23 from the landlord the actual damages sustained by the lienholder or owner.
24 ORS 90.255 does not authorize an award of attorney fees to the prevailing
25 party in any action arising under this paragraph; and

26 “(c) A county tax collector aggrieved by the noncompliance may recover
27 from the landlord the actual damages sustained by the tax collector, if the
28 noncompliance is part of an effort by the landlord to defraud the tax col-
29 lector. ORS 90.255 does not authorize an award of attorney fees to the pre-
30 vailing party in any action arising under this paragraph.

1 “(18) In the case of an abandoned recreational vehicle, manufactured
2 dwelling or floating home, the provisions of this section regarding the rights
3 and responsibilities of a tenant to the abandoned vehicle, dwelling or home
4 also apply to any lienholder except that the lienholder may not sell or re-
5 move the vehicle, dwelling or home unless:

6 “(a) The lienholder has foreclosed its lien on the recreational vehicle,
7 manufactured dwelling or floating home;

8 “(b) The tenant or a personal representative or designated person de-
9 scribed in subsection (20) of this section has waived all rights under this
10 section pursuant to subsection (26) of this section; or

11 “(c) The notice and response periods provided by subsections (6) and (8)
12 of this section have expired.

13 “(19)(a) In the case of an abandoned manufactured dwelling or floating
14 home but not including a dwelling or home abandoned following a termi-
15 nation pursuant to ORS 90.429 and except as provided by subsection (20)(d)
16 and (e) of this section, if a lienholder makes a timely response to a notice
17 of abandoned personal property pursuant to subsections (6) and (8) of this
18 section and so requests, a landlord shall enter into a written storage agree-
19 ment with the lienholder providing that the dwelling or home may not be
20 sold or disposed of by the landlord for up to 12 months. A storage agreement
21 entitles the lienholder to store the personal property on the previously
22 rented space during the term of the agreement, but does not entitle anyone
23 to occupy the personal property.

24 “(b) The lienholder’s right to a storage agreement arises upon the failure
25 of the tenant, owner or, in the case of a deceased tenant, the personal rep-
26 resentative, designated person, heir or devisee to remove or sell the dwelling
27 or home within the allotted time.

28 “(c) To exercise the right to a storage agreement under this subsection,
29 in addition to contacting the landlord with a timely response as described
30 in paragraph (a) of this subsection, the lienholder must enter into the pro-

1 posed storage agreement within 60 days after the landlord gives a copy of the
2 agreement to the lienholder. The landlord shall give a copy of the proposed
3 storage agreement to the lienholder in the same manner as provided by sub-
4 section (4)(b) of this section. The landlord may include a copy of the pro-
5 posed storage agreement with the notice of abandoned property required by
6 subsection (4) of this section. A lienholder enters into a storage agreement
7 by signing a copy of the agreement provided by the landlord and personally
8 delivering or mailing the signed copy to the landlord within the 60-day pe-
9 riod.

10 “(d) The storage agreement may require, in addition to other provisions
11 agreed to by the landlord and the lienholder, that:

12 “(A) The lienholder make timely periodic payment of all storage charges,
13 as described in subsection (7)(d) of this section, accruing from the com-
14 mencement of the 45-day period described in subsection (6) of this section.
15 A storage charge may include a utility or service charge, as described in
16 ORS 90.532, if limited to charges for electricity, water, sewer service and
17 natural gas and if incidental to the storage of personal property. A storage
18 charge may not be due more frequently than monthly;

19 “(B) The lienholder pay a late charge or fee for failure to pay a storage
20 charge by the date required in the agreement, if the amount of the late
21 charge is no greater than for late charges described in the rental agreement
22 between the landlord and the tenant; and

23 “(C) The lienholder maintain the personal property and the space on
24 which the personal property is stored in a manner consistent with the rights
25 and obligations described in the rental agreement between the landlord and
26 the tenant.

27 “(e) During the term of an agreement described under this subsection, the
28 lienholder has the right to remove or sell the property, subject to the pro-
29 visions of the lien. Selling the property includes a sale to a purchaser who
30 wishes to leave the dwelling or home on the rented space and become a

1 tenant, subject to any conditions previously agreed to by the landlord and
2 tenant regarding the landlord's approval of a purchaser or, if there was no
3 such agreement, any reasonable conditions by the landlord regarding ap-
4 proval of any purchaser who wishes to leave the dwelling or home on the
5 rented space and become a tenant. The landlord also may condition approval
6 for occupancy of any purchaser of the property upon payment of all unpaid
7 storage charges and maintenance costs.

8 “(f)(A) If the lienholder violates the storage agreement, the landlord may
9 terminate the agreement by giving at least 90 days' written notice to the
10 lienholder stating facts sufficient to notify the lienholder of the reason for
11 the termination. Unless the lienholder corrects the violation within the no-
12 tice period, the agreement terminates as provided and the landlord may sell
13 or dispose of the dwelling or home without further notice to the lienholder.

14 “(B) After a landlord gives a termination notice pursuant to subparagraph
15 (A) of this paragraph for failure of the lienholder to pay a storage charge
16 and the lienholder corrects the violation, if the lienholder again violates the
17 storage agreement by failing to pay a subsequent storage charge, the land-
18 lord may terminate the agreement by giving at least 30 days' written notice
19 to the lienholder stating facts sufficient to notify the lienholder of the reason
20 for termination. Unless the lienholder corrects the violation within the no-
21 tice period, the agreement terminates as provided and the landlord may sell
22 or dispose of the property without further notice to the lienholder.

23 “(C) A lienholder may terminate a storage agreement at any time upon
24 at least 14 days' written notice to the landlord and may remove the property
25 from the rented space if the lienholder has paid all storage charges and other
26 charges as provided in the agreement.

27 “(g) Upon the failure of a lienholder to enter into a storage agreement
28 as provided by this subsection or upon termination of an agreement, unless
29 the parties otherwise agree or the lienholder has sold or removed the man-
30 ufactured dwelling or floating home, the landlord may sell or dispose of the

1 property pursuant to this section without further notice to the lienholder.

2 “(20) If the personal property is a manufactured dwelling or floating home
3 and is considered abandoned as a result of the death of a tenant who was
4 the only tenant and who owned the dwelling or home, this section applies,
5 except as follows:

6 “(a) The following persons have the same rights and responsibilities re-
7 garding the abandoned dwelling or home as a tenant:

8 “(A) Any personal representative named in a will or appointed by a court
9 to act for the deceased tenant.

10 “(B) Any person designated in writing by the tenant to be contacted by
11 the landlord in the event of the tenant’s death.

12 “(b) The notice required by subsection (3) of this section must be:

13 “(A) Sent by first class mail to the deceased tenant at the premises; and

14 “(B) Personally delivered or sent by first class mail to any personal rep-
15 resentative or designated person, if actually known to the landlord.

16 “(c) The notice described in subsection (5) of this section must refer to
17 any personal representative or designated person, instead of the deceased
18 tenant, and must incorporate the provisions of this subsection.

19 “(d) If a personal representative, designated person or other person enti-
20 tled to possession of the property, such as an heir or devisee, responds by
21 actual notice to a landlord within the 45-day period provided by subsection
22 (6) of this section and so requests, the landlord shall enter into a written
23 storage agreement with the representative or person providing that the
24 dwelling or home may not be sold or disposed of by the landlord for up to
25 90 days or until conclusion of any probate proceedings, whichever is later.
26 A storage agreement entitles the representative or person to store the per-
27 sonal property on the previously rented space during the term of the agree-
28 ment, but does not entitle anyone to occupy the personal property. If such
29 an agreement is entered, the landlord may not enter a similar agreement
30 with a lienholder pursuant to subsection (19) of this section until the

1 agreement with the personal representative or designated person ends.

2 “(e) If a personal representative or other person requests that a landlord
3 enter into a storage agreement, subsection (19)(c), (d) and (f)(C) of this sec-
4 tion applies, with the representative or person having the rights and re-
5 sponsibilities of a lienholder with regard to the storage agreement.

6 “(f) During the term of an agreement described under paragraph (d) of
7 this subsection, the representative or person has the right to remove or sell
8 the dwelling or home, including a sale to a purchaser or a transfer to an heir
9 or devisee where the purchaser, heir or devisee wishes to leave the dwelling
10 or home on the rented space and become a tenant, subject to any conditions
11 previously agreed to by the landlord and tenant regarding the landlord’s
12 approval for occupancy of a purchaser, heir or devisee or, if there was no
13 such agreement, any reasonable conditions by the landlord regarding ap-
14 proval for occupancy of any purchaser, heir or devisee who wishes to leave
15 the dwelling or home on the rented space and become a tenant. The landlord
16 also may condition approval for occupancy of any purchaser, heir or devisee
17 of the dwelling or home upon payment of all unpaid storage charges and
18 maintenance costs.

19 “(g) If the representative or person violates the storage agreement, the
20 landlord may terminate the agreement by giving at least 30 days’ written
21 notice to the representative or person stating facts sufficient to notify the
22 representative or person of the reason for the termination. Unless the rep-
23 resentative or person corrects the violation within the notice period, the
24 agreement terminates as provided and the landlord may sell or dispose of the
25 dwelling or home without further notice to the representative or person.

26 “(h) Upon the failure of a representative or person to enter into a storage
27 agreement as provided by this subsection or upon termination of an agree-
28 ment, unless the parties otherwise agree or the representative or person has
29 sold or removed the manufactured dwelling or floating home, the landlord
30 may sell or dispose of the property pursuant to this section without further

1 notice to the representative or person.

2 “(21) If the personal property is other than a manufactured dwelling or
3 floating home and is considered abandoned as a result of the death of a
4 tenant who was the only tenant and who owned the personal property, this
5 section applies except as follows:

6 “(a) The following persons have the same rights and responsibilities re-
7 garding the abandoned personal property as a tenant:

8 “(A) An heir or devisee.

9 “(B) Any personal representative named in a will or appointed by a court
10 to act for the deceased tenant.

11 “(C) Any person designated in writing by the tenant to be contacted by
12 the landlord in the event of the tenant’s death.

13 “(b) The notice required by subsection (3) of this section must be:

14 “(A) Sent by first class mail to the deceased tenant at the premises;

15 “(B) Personally delivered or sent by first class mail to any heir, devisee,
16 personal representative or designated person, if actually known to the land-
17 lord; and

18 “(C) Sent by first class mail to the attention of an estate administrator
19 of the Department of State Lands.

20 “(c) The notice described in subsection (5) of this section must refer to
21 the heir, devisee, personal representative, designated person or estate ad-
22 ministrator of the department, instead of the deceased tenant, and must in-
23 corporate the provisions of this subsection.

24 “(d) The landlord shall allow a person that is an heir, devisee or personal
25 representative of the tenant, or an estate administrator of the department,
26 to remove the personal property if the person contacts the landlord within
27 the period provided by subsection (6) of this section, complies with the re-
28 quirements of this section and provides the landlord with reasonable evi-
29 dence that the person is an heir, devisee or personal representative, or an
30 estate administrator of the department.

1 “(e) If neither an heir, devisee nor personal representative of the tenant,
2 nor an estate administrator of the department, contacts the landlord within
3 the time period provided by subsection (6) of this section, the landlord shall
4 allow removal of the personal property by the designated person of the ten-
5 ant, if the designated person contacts the landlord within that period and
6 complies with the requirements of this section and provides the landlord with
7 reasonable evidence that the person is the designated person.

8 “(f) A landlord who allows removal of personal property under this sub-
9 section is not liable to another person that has a claim or interest in the
10 personal property.

11 “(22) If a governmental agency determines that the condition of a manu-
12 factured dwelling, floating home or recreational vehicle abandoned under
13 this section constitutes an extreme health or safety hazard under state or
14 local law and the agency determines that the hazard endangers others in the
15 immediate vicinity and requires quick removal of the property, the landlord
16 may sell or dispose of the property pursuant to this subsection. The landlord
17 shall comply with all provisions of this section, except as follows:

18 “(a) The date provided in subsection (6) of this section by which a tenant,
19 lienholder, owner, personal representative or designated person must contact
20 a landlord to arrange for the disposition of the property must be not less
21 than 15 days after personal delivery or mailing of the notice required by
22 subsection (3) of this section.

23 “(b) The date provided in subsections (8) and (9) of this section by which
24 a tenant, lienholder, owner, personal representative or designated person
25 must remove the property must be not less than seven days after the tenant,
26 lienholder, owner, personal representative or designated person contacts the
27 landlord.

28 “(c) The notice required by subsection (3) of this section must be as pro-
29 vided in subsection (5) of this section, except that:

30 “(A) The dates and deadlines in the notice for contacting the landlord and

1 removing the property must be consistent with this subsection;

2 “(B) The notice must state that a governmental agency has determined
3 that the property constitutes an extreme health or safety hazard and must
4 be removed quickly; and

5 “(C) The landlord shall attach a copy of the agency’s determination to the
6 notice.

7 “(d) If the tenant, a lienholder, owner, personal representative or desig-
8 nated person does not remove the property within the time allowed, the
9 landlord or a buyer at a sale by the landlord under subsection (11) of this
10 section shall promptly remove the property from the facility.

11 “(e) A landlord is not required to enter into a storage agreement with a
12 lienholder, owner, personal representative or designated person pursuant to
13 subsection (19) of this section.

14 “(23)(a) If an official or agency referred to in ORS 453.876 notifies the
15 landlord that the official or agency has determined that all or part of the
16 premises is unfit for use as a result of the presence of an illegal drug man-
17 ufacturing site involving methamphetamine, and the landlord complies with
18 this subsection, the landlord is not required to comply with subsections (1)
19 to (22) and (24) to (27) of this section with regard to personal property left
20 on the portion of the premises that the official or agency has determined to
21 be unfit for use.

22 “(b) Upon receiving notice from an official or agency determining the
23 premises to be unfit for use, the landlord shall promptly give written notice
24 to the tenant as provided in subsection (3) of this section. The landlord shall
25 also attach a copy of the notice in a secure manner to the main entrance of
26 the dwelling unit. The notice to the tenant shall include a copy of the
27 official’s or agency’s notice and state:

28 “(A) That the premises, or a portion of the premises, has been determined
29 by an official or agency to be unfit for use due to contamination from the
30 manufacture of methamphetamine and that as a result subsections (1) to (22)

1 and (24) to (27) of this section do not apply to personal property left on any
2 portion of the premises determined to be unfit for use;

3 “(B) That the landlord has hired, or will hire, a contractor to assess the
4 level of contamination of the site and to decontaminate the site;

5 “(C) That upon hiring the contractor, the landlord will provide to the
6 tenant the name, address and telephone number of the contractor; and

7 “(D) That the tenant may contact the contractor to determine whether
8 any of the tenant’s personal property may be removed from the premises or
9 may be decontaminated at the tenant’s expense and then removed.

10 “(c) To the extent consistent with rules of the Department of Human
11 Services, the contractor may release personal property to the tenant.

12 “(d) If the contractor and the department determine that the premises or
13 the tenant’s personal property is not unfit for use, upon notification by the
14 department of the determination, the landlord shall comply with subsections
15 (1) to (22) and (24) to (27) of this section for any personal property left on
16 the premises.

17 “(e) Except as provided in paragraph (d) of this subsection, the landlord
18 is not responsible for storing or returning any personal property left on the
19 portion of the premises that is unfit for use.

20 “(24) In the case of an abandoned recreational vehicle, manufactured
21 dwelling or floating home that is owned by someone other than the tenant,
22 the provisions of this section regarding the rights and responsibilities of a
23 tenant to the abandoned vehicle, dwelling or home also apply to that owner,
24 with regard only to the vehicle, dwelling or home, and not to any goods left
25 inside or outside the vehicle, dwelling or home.

26 “(25) In the case of an abandoned motor vehicle, the procedure authorized
27 by ORS 98.830 for removal of abandoned motor vehicles from private property
28 may be used by a landlord as an alternative to the procedures required in
29 this section.

30 “(26)(a) A landlord may sell or dispose of a tenant’s abandoned personal

1 property without complying with subsections (1) to (25) and (27) of this sec-
2 tion if, after termination of the tenancy or no more than seven days prior
3 to the termination of the tenancy, the following parties so agree in a writing
4 entered into in good faith:

5 “(A) The landlord;

6 “(B) The tenant, or for an abandonment as the result of the death of a
7 tenant who was the only tenant, the personal representative, designated
8 person or other person entitled to possession of the personal property, such
9 as an heir or devisee, as described in subsection (20) or (21) of this section;
10 and

11 “(C) In the case of a manufactured dwelling, floating home or recreational
12 vehicle, any owner and any lienholder.

13 “(b) A landlord may not, as part of a rental agreement, require a tenant,
14 a personal representative, a designated person or any lienholder or owner to
15 waive any right provided by this section.

16 “(27) Until personal property is conclusively presumed to be abandoned
17 under subsection (9) of this section, a landlord does not have a lien pursuant
18 to ORS 87.152 for storing the personal property.

19 **“SECTION 17. ORS 215.010 is amended to read:**

20 “215.010. As used in this chapter:

21 “(1) The terms defined in ORS 92.010 shall have the meanings given
22 therein, except that ‘parcel’:

23 “(a) Includes a unit of land created:

24 “(A) By partitioning land as defined in ORS 92.010;

25 “(B) In compliance with all applicable planning, zoning and partitioning
26 ordinances and regulations; or

27 “(C) By deed or land sales contract, if there were no applicable planning,
28 zoning or partitioning ordinances or regulations.

29 “(b) Does not include a unit of land created solely to establish a separate
30 tax account.

1 “(2) ‘Tract’ means one or more contiguous lots or parcels under the same
2 ownership.

3 “(3) The terms defined in ORS chapter 197 shall have the meanings given
4 therein.

5 “(4) ‘Farm use’ has the meaning given that term in ORS 215.203.

6 “(5) **‘Recreational vehicle’ has the meaning given that term in sec-**
7 **tion 6 of this 2019 Act.**

8 “[5] (6) ‘The Willamette Valley’ is Clackamas, Linn, Marion,
9 Multnomah, Polk, Washington and Yamhill Counties and the portion of
10 Benton and Lane Counties lying east of the summit of the Coast Range.”.

11 **“SECTION 18.** ORS 197.492 is amended to read:

12 “197.492. As used in this section and ORS 197.493:

13 “(1) ‘Manufactured dwelling park[,]’ **and** ‘mobile home park’ [*and ‘recre-*
14 *ational vehicle’*] have the meaning given those terms in ORS 446.003.

15 “(2) **‘Recreational vehicle’ has the meaning given that term in sec-**
16 **tion 6 of this 2019 Act.**

17 “[2] (3) ‘Recreational vehicle park’:

18 “(a) Means a place where two or more recreational vehicles are located
19 within 500 feet of one another on a lot, tract or parcel of land under common
20 ownership and having as its primary purpose:

21 “(A) The renting of space and related facilities for a charge or fee; or

22 “(B) The provision of space for free in connection with securing the
23 patronage of a person.

24 “(b) Does not mean:

25 “(A) An area designated only for picnicking or overnight camping; or

26 “(B) A manufactured dwelling park or mobile home park.

27 **“SECTION 19.** ORS 319.550 is amended to read:

28 “319.550. (1) Except as provided in this section, a person may not use fuel
29 in a motor vehicle in this state unless the person holds a valid user’s license.

30 “(2) A nonresident may use fuel in a motor vehicle not registered in

1 Oregon for a period not exceeding 30 days without obtaining a user's license
2 or the emblem issued under ORS 319.600, if, for all fuel used in a motor ve-
3 hicle in this state, the nonresident pays to a seller, at the time of the sale,
4 the tax provided in ORS 319.530.

5 “(3) A user's license is not required for a person who uses fuel in a motor
6 vehicle with a combined weight of 26,000 pounds or less if, for all fuel used
7 in a motor vehicle in this state, the person pays to a seller, at the time of
8 the sale, the tax provided in ORS 319.530.

9 “(4)(a) A user's license is not required for a person who uses fuel as de-
10 scribed in ORS 319.520 (7) in the vehicles specified in this subsection if the
11 person pays to a seller, at the time of the sale, the tax provided in ORS
12 319.530.

13 “(b) Paragraph (a) of this subsection applies to the following vehicles:

14 “(A) Motor homes as defined in ORS 801.350.

15 “(B) Recreational vehicles as defined in [ORS 446.003] **section 6 of this**
16 **2019 Act.**

17 “(5) A user's license is not required for a person who uses fuel in a motor
18 vehicle:

19 “(a) Metered use by which is subject to the per-mile road usage charge
20 imposed under ORS 319.885; and

21 “(b) That also uses fuels subject to ORS 319.510 to 319.880.

22 “(6) A user's license is not required for a person who uses fuel in a motor
23 vehicle on which an emblem issued for the motor vehicle pursuant to ORS
24 319.535 is displayed.

25 **“SECTION 20.** ORS 456.594 is amended to read:

26 “456.594. As used in ORS 456.594 to 456.599:

27 “(1) ‘Cash payment’ means a payment made by the Housing and Commu-
28 nity Services Department to the dwelling owner or to the contractor on be-
29 half of the dwelling owner for energy conservation measures.

30 “(2) ‘Contractor’ means a person that installs or assists a dwelling owner

1 to install energy conservation measures in a dwelling.

2 “(3)(a) ‘Dwelling’ means real or personal property within the state in-
3 habited as the principal residence of a dwelling owner or a tenant.

4 “(b) ‘Dwelling’ includes a manufactured dwelling as defined in ORS
5 446.003, a floating home as defined in ORS 830.700 and a single unit in
6 multiple-unit residential housing.

7 “(c) ‘Dwelling’ does not include a recreational vehicle as defined in [ORS
8 446.003] **section 6 of this 2019 Act.**

9 “(4) ‘Dwelling owner’ means the person:

10 “(a) Who has legal title to a dwelling, including the mortgagor under a
11 duly recorded mortgage of real property, the trustor under a duly recorded
12 deed of trust or a purchaser under a duly recorded contract for the purchase
13 of real property; and

14 “(b) Whose dwelling receives space heating primarily from a fuel oil
15 dealer.

16 “(5) ‘Energy conservation items’ includes but is not limited to air sealing,
17 weatherstripping, ceiling and wall insulation, crawl space insulation, vapor
18 barrier materials, programmable thermostats, insulation of heating ducts and
19 water pipes in unheated spaces, and replacement windows.

20 “(6)(a) ‘Energy conservation measures’ includes the installation of energy
21 conservation items and the energy conservation items installed, where the
22 items are primarily designed to improve the space heating and energy utili-
23 zation efficiency of a dwelling.

24 “(b) ‘Energy conservation measures’ does not include the dwelling owner’s
25 own labor.

26 “(7) ‘Fuel oil dealer’ means a person, association, corporation or other
27 form of organization that supplies fuel oil at retail for the space heating of
28 dwellings.

29 “(8) ‘Person’ means an individual, partnership, joint venture, private or
30 public corporation, association, firm, public service company, political sub-

1 division, municipal corporation, government agency, people’s utility district,
2 or any other entity, public or private, however organized.

3 “(9) ‘Petroleum supplier’ means a petroleum refiner in this state or any
4 person engaged in the wholesale distribution of distillate fuel oil in this
5 state.

6 “(10) ‘Residential customer’ means a dwelling owner or tenant who is
7 billed by a fuel oil dealer for fuel oil service received at the dwelling.

8 “(11) ‘Space heating’ means the heating of living space within a dwelling.

9 “(12) ‘Tenant’ means a tenant as defined in ORS 90.100 or any other ten-
10 ant.

11 **“SECTION 21.** ORS 469.155 is amended to read:

12 “469.155. (1) As used in this section:

13 “(a) ‘Dwelling’ means real or personal property inhabited as the principal
14 residence of an owner or renter. ‘Dwelling’ includes a manufactured dwelling
15 as defined in ORS 446.003, a floating home as defined in ORS 830.700 and
16 multiple unit residential housing. ‘Dwelling’ does not include a recreational
17 vehicle as defined in [ORS 446.003] **section 6 of this 2019 Act.**

18 “(b) ‘Energy conservation standards’ means standards for the efficient use
19 of energy for space and water heating in a dwelling.

20 “(2) The Director of the State Department of Energy shall establish ad-
21 visory energy conservation standards for existing dwellings. The standards
22 shall be adopted by rule in accordance with ORS 183.310 to 183.410. The
23 standards:

24 “(a) Shall take cost-effectiveness into account; and

25 “(b) Shall be compatible with and further the state’s incentive programs
26 for residential energy conservation.

27 “(3) The director shall publicize the energy conservation standards and
28 encourage home owners to voluntarily comply with the standards.

29 **“SECTION 22.** ORS 469.631 is amended to read:

30 “469.631. As used in ORS 469.631 to 469.645:

1 “(1) ‘Cash payment’ means a payment made by the investor-owned utility
2 to the dwelling owner or to the contractor on behalf of the dwelling owner
3 for energy conservation measures.

4 “(2) ‘Commercial lending institution’ means any bank, mortgage banking
5 company, trust company, savings bank, savings and loan association, credit
6 union, national banking association, federal savings and loan association or
7 federal credit union maintaining an office in this state.

8 “(3) ‘Commission’ means the Public Utility Commission of Oregon.

9 “(4) ‘Cost-effective’ means that an energy conservation measure that pro-
10 vides or saves a specific amount of energy during its life cycle results in the
11 lowest present value of delivered energy costs of any available alternative.
12 However, the present value of the delivered energy costs of an energy con-
13 servation measure shall not be treated as greater than that of a nonconser-
14 vation energy resource or facility unless that cost is greater than 110 percent
15 of the present value of the delivered energy cost of the nonconservation en-
16 ergy resource or facility.

17 “(5) ‘Dwelling’ means real or personal property within the state inhabited
18 as the principal residence of a dwelling owner or a tenant. ‘Dwelling’ in-
19 cludes a manufactured dwelling as defined in ORS 446.003, a floating home
20 as defined in ORS 830.700 and a single unit in multiple-unit residential
21 housing. ‘Dwelling’ does not include a recreational vehicle as defined in
22 **[ORS 446.003] section 6 of this 2019 Act.**

23 “(6) ‘Dwelling owner’ means the person:

24 “(a) Who has legal title to a dwelling, including the mortgagor under a
25 duly recorded mortgage of real property, the trustor under a duly recorded
26 deed of trust or a purchaser under a duly recorded contract for the purchase
27 of real property; and

28 “(b) Whose dwelling receives space heating from the investor-owned util-
29 ity.

30 “(7) ‘Energy audit’ means:

1 “(a) The measurement and analysis of the heat loss and energy utilization
2 efficiency of a dwelling;

3 “(b) An analysis of the energy savings and dollar savings potential that
4 would result from providing energy conservation measures for the dwelling;

5 “(c) An estimate of the cost of the energy conservation measures that
6 includes:

7 “(A) Labor for the installation of items designed to improve the space
8 heating and energy utilization efficiency of the dwelling; and

9 “(B) The items installed; and

10 “(d) A preliminary assessment, including feasibility and a range of costs,
11 of the potential and opportunity for installation of:

12 “(A) Passive solar space heating and solar domestic water heating in the
13 dwelling; and

14 “(B) Solar swimming pool heating, if applicable.

15 “(8) ‘Energy conservation measures’ means measures that include the in-
16 stallation of items and the items installed to improve the space heating and
17 energy utilization efficiency of a dwelling. These items include, but are not
18 limited to, caulking, weatherstripping and other infiltration preventative
19 materials, ceiling and wall insulation, crawl space insulation, vapor barrier
20 materials, timed thermostats, insulation of heating ducts, hot water pipes
21 and water heaters in unheated spaces, storm doors and windows, double
22 glazed windows and dehumidifiers. ‘Energy conservation measures’ does not
23 include the dwelling owner’s own labor.

24 “(9) ‘Investor-owned utility’ means an electric or gas utility regulated by
25 the commission as a public utility under ORS chapter 757.

26 “(10) ‘Residential customer’ means a dwelling owner or tenant who, either
27 directly or indirectly, pays a share of the cost for service billed by an
28 investor-owned utility for electric or natural gas service received at the
29 dwelling.

30 “(11) ‘Space heating’ means the heating of living space within a dwelling.

1 “(12) ‘Tenant’ means a tenant as defined in ORS 90.100 or any other ten-
2 ant.

3 **“SECTION 23.** ORS 469.649 is amended to read:

4 “469.649. As used in ORS 469.649 to 469.659:

5 “(1) ‘Cash payment’ means a payment made by the publicly owned utility
6 to the dwelling owner or to the contractor on behalf of the dwelling owner
7 for energy conservation measures.

8 “(2) ‘Commercial lending institution’ means any bank, mortgage banking
9 company, trust company, savings bank, savings and loan association, credit
10 union, national banking association, federal savings and loan association or
11 federal credit union maintaining an office in this state.

12 “(3) ‘Cost-effective’ means that an energy conservation measure that pro-
13 vides or saves a specific amount of energy during its life cycle results in the
14 lowest present value of delivered energy costs of any available alternative.
15 However, the present value of the delivered energy costs of an energy con-
16 servation measure shall not be treated as greater than that of a nonconser-
17 vation energy resource or facility unless that cost is greater than 110 percent
18 of the present value of the delivered energy cost of the nonconservation en-
19 ergy resource or facility.

20 “(4) ‘Dwelling’ means real or personal property within the state inhabited
21 as the principal residence of a dwelling owner or a tenant. ‘Dwelling’ in-
22 cludes a manufactured dwelling as defined in ORS 446.003, a floating home
23 as defined in ORS 830.700 and a single unit in multiple-unit residential
24 housing. ‘Dwelling’ does not include a recreational vehicle as defined in
25 **[ORS 446.003] section 6 of this 2019 Act.**

26 “(5) ‘Dwelling owner’ means the person:

27 “(a) Who has legal title to a dwelling, including the mortgagor under a
28 duly recorded mortgage of real property, the trustor under a duly recorded
29 deed of trust or a purchaser under a duly recorded contract for the purchase
30 of real property; and

1 “(b) Whose dwelling receives space heating from the publicly owned util-
2 ity.

3 “(6) ‘Energy audit’ means:

4 “(a) The measurement and analysis of the heat loss and energy utilization
5 efficiency of a dwelling;

6 “(b) An analysis of the energy savings and dollar savings potential that
7 would result from providing energy conservation measures for the dwelling;

8 “(c) An estimate of the cost of the energy conservation measures that
9 includes:

10 “(A) Labor for the installation of items designed to improve the space
11 heating and energy utilization efficiency of the dwelling; and

12 “(B) The items installed; and

13 “(d) A preliminary assessment, including feasibility and a range of costs,
14 of the potential and opportunity for installation of:

15 “(A) Passive solar space heating and solar domestic water heating in the
16 dwelling; and

17 “(B) Solar swimming pool heating, if applicable.

18 “(7) ‘Energy conservation measures’ means measures that include the in-
19 stallation of items and the items installed to improve the space heating and
20 energy utilization efficiency of a dwelling. These items include, but are not
21 limited to, caulking, weatherstripping and other infiltration preventative
22 materials, ceiling and wall insulation, crawl space insulation, vapor barrier
23 materials, timed thermostats, insulation of heating ducts, hot water pipes
24 and water heaters in unheated spaces, storm doors and windows, double
25 glazed windows and dehumidifiers. ‘Energy conservation measures’ does not
26 include the dwelling owner’s own labor.

27 “(8) ‘Publicly owned utility’ means a utility that:

28 “(a) Is owned or operated in whole or in part, by a municipality, cooper-
29 ative association or people’s utility district; and

30 “(b) Distributes electricity.

1 “(9) ‘Residential customer’ means a dwelling owner or tenant who is billed
2 by a publicly owned utility for electric service received at the dwelling.

3 “(10) ‘Space heating’ means the heating of living space within a dwelling.

4 “(11) ‘Tenant’ means a tenant as defined in ORS 90.100 or any other ten-
5 ant.

6 **“SECTION 24.** ORS 469.710 is amended to read:

7 “469.710. As used in ORS 469.710 to 469.720, unless the context requires
8 otherwise:

9 “(1) ‘Annual rate’ means the yearly interest rate specified on the note,
10 and is not the annual percentage rate, if any, disclosed to the applicant to
11 comply with the federal Truth in Lending Act.

12 “(2) ‘Commercial lending institution’ means any bank, mortgage banking
13 company, trust company, savings bank, savings and loan association, credit
14 union, national banking association, federal savings and loan association or
15 federal credit union maintaining an office in this state.

16 “(3) ‘Cost-effective’ means that an energy conservation measure that pro-
17 vides or saves a specific amount of energy during its life cycle results in the
18 lowest present value of delivered energy costs of any available alternative.
19 However, the present value of the delivered energy costs of an energy con-
20 servation measure may not be treated as greater than that of a nonconser-
21 vation energy resource or facility unless that cost is greater than 110 percent
22 of the present value of the delivered energy cost of the nonconservation en-
23 ergy resource or facility.

24 “(4) ‘Dwelling’ means real or personal property within the state inhabited
25 as the principal residence of a dwelling owner or a tenant. ‘Dwelling’ in-
26 cludes a manufactured dwelling as defined in ORS 446.003, a floating home
27 as defined in ORS 830.700 and a single unit in multiple-unit residential
28 housing. ‘Dwelling’ does not include a recreational vehicle as defined in
29 [ORS 446.003] **section 6 of this 2019 Act.**

30 “(5) ‘Dwelling owner’ means the person who has legal title to a dwelling,

1 including the mortgagor under a duly recorded mortgage of real property, the
2 trustor under a duly recorded deed of trust or a purchaser under a duly re-
3 corded contract for purchase of real property.

4 “(6) ‘Energy audit’ means:

5 “(a) The measurement and analysis of the heat loss and energy utilization
6 efficiency of a dwelling;

7 “(b) An analysis of the energy savings and dollar savings potential that
8 would result from providing energy conservation measures for the dwelling;

9 “(c) An estimate of the cost of the energy conservation measures that
10 includes:

11 “(A) Labor for the installation of items designed to improve the space
12 heating and energy utilization efficiency of the dwelling; and

13 “(B) The items installed; and

14 “(d) A preliminary assessment, including feasibility and a range of costs,
15 of the potential and opportunity for installation of:

16 “(A) Passive solar space heating and solar domestic water heating in the
17 dwelling; and

18 “(B) Solar swimming pool heating, if applicable.

19 “(7) ‘Energy conservation measures’ means measures that include the in-
20 stallation of items and the items installed that are primarily designed to
21 improve the space heating and energy utilization efficiency of a dwelling.
22 These items include, but are not limited to, caulking, weatherstripping and
23 other infiltration preventative materials, ceiling and wall insulation, crawl
24 space insulation, vapor barrier materials, timed thermostats, insulation of
25 heating ducts, hot water pipes and water heaters in unheated spaces, storm
26 doors and windows, double glazed windows and dehumidifiers. ‘Energy con-
27 servation measures’ does not include the dwelling owner’s own labor.

28 “(8) ‘Finance charge’ means the total of all interest, loan fees and other
29 charges related to the cost of obtaining credit and includes any interest on
30 any loan fees financed by the lending institution.

1 “(9) ‘Fuel oil dealer’ means a person, association, corporation or any other
2 form of organization that supplies fuel oil at retail for the space heating of
3 dwellings.

4 “(10) ‘Residential fuel oil customer’ means a dwelling owner or tenant
5 who is billed by a fuel oil dealer for fuel oil service for space heating re-
6 ceived at the dwelling.

7 “(11) ‘Space heating’ means the heating of living space within a dwelling.

8 “(12) ‘Wood heating resident’ means a person whose primary space heat-
9 ing is provided by the combustion of wood.

10 **“SECTION 25.** ORS 480.450 is amended to read:

11 “480.450. (1) The installer shall notify the State Fire Marshal, before the
12 last day of each month, of all new installations made during the preceding
13 month of containers or receptacles for liquefied petroleum gas, including in-
14 stallations for private homes and apartments. The installer shall certify on
15 a form provided by the State Fire Marshal that all of the new installations
16 are duly and properly reported. The State Fire Marshal may require that the
17 notification include the location and description of the installation and the
18 name of the user. All fees due and payable must accompany the notification.
19 The replacement of empty containers or receptacles with other containers
20 constructed in accordance with United States Department of Transportation
21 specifications is not a new installation or change in the original installation
22 that requires notification to the State Fire Marshal or necessitates further
23 inspection of the installation. The State Fire Marshal shall collect from the
24 installer an installation fee of \$50 for each tank installed or for all tanks
25 at the installation if the total combined capacity is 200 gallons or less. The
26 State Fire Marshal or deputies of the fire marshal or assistants shall inspect
27 a reasonable number of the installations and maintain a record of the in-
28 spections in the office of the State Fire Marshal.

29 “(2) In addition to any installation or inspection fee, the State Fire
30 Marshal may charge a plan review fee, not to exceed \$100, for any liquefied

1 petroleum gas container and receptacle plan review required under a uniform
2 fire code prescribed by the State Fire Marshal by rule.

3 “(3) After the initial installation, liquefied petroleum gas containers may
4 be inspected once every 10 years except when changes have been made in the
5 original installation. An installer making changes must notify the State Fire
6 Marshal of the changes in the same manner provided in this section for new
7 installations. The State Fire Marshal shall collect from the owner a fee of
8 \$50 for the inspection of each container. The manner of inspection, require-
9 ment of corrections, satisfaction of requirements and collection of fees due
10 and payable must conform with the provisions of ORS 480.410 to 480.460 for
11 new installations. Upon request of the State Fire Marshal, LP gas installa-
12 tion licensees shall furnish a list of the locations of 10-year old installations
13 that they service.

14 “(4) If, upon inspection of any tank, the new installation does not comply
15 with the requirements of the State Fire Marshal, the State Fire Marshal
16 shall instruct the installer as to what corrections are necessary for compli-
17 ance with the State Fire Marshal’s requirements. The installer of the new
18 installation shall, within the time set by the State Fire Marshal, not to ex-
19 ceed 60 days after notification, notify the State Fire Marshal that the new
20 installation complies with the requirements of the fire marshal. If the in-
21 staller fails to notify the State Fire Marshal, or the State Fire Marshal has
22 reason to believe that the corrections have not been made, the State Fire
23 Marshal shall reinspect the new installation and shall collect from the in-
24 staller an additional fee of \$125. The user, not the installer, shall pay the
25 additional fee resulting from actions of the user that require correction to
26 achieve compliance with the requirements of the State Fire Marshal.

27 “(5) A person who receives notice from the State Fire Marshal must cor-
28 rect any improper installation within the time set by the State Fire Marshal,
29 not to exceed 60 days after receipt of the notice.

30 “(6) If the fees provided for in this section are due and payable and are

1 not paid within 30 days after service of written notice by the State Fire
2 Marshal therefor, or if the installer fails to notify the State Fire Marshal
3 by the last day of the month succeeding the month a new installation is made
4 or a change is made requiring an inspection, the fees are delinquent and a
5 penalty equal to the greater of 10 percent of the fee amount or \$30, is im-
6 posed for the delinquency. The State Fire Marshal shall collect all fees and
7 penalties in the name of the State of Oregon in the same manner that other
8 debts are collected.

9 “(7) The provisions of this section do not apply to liquefied petroleum gas
10 installations if made entirely within the jurisdiction of a governmental sub-
11 division granted the exemption provided by ORS 476.030 (3) and written evi-
12 dence of the licensing of the installation by the approved authority is
13 submitted to the State Fire Marshal. The provisions of this section do not
14 apply to LP gas installations made in manufactured dwellings [*or recreational*
15 *vehicles*] that are constructed or altered in accordance with applicable rules
16 of the Department of Consumer and Business Services. **The provisions of**
17 **this section do not apply to LP gas installations in a recreational ve-**
18 **hicle as defined in section 6 of this 2019 Act.**

19 **“SECTION 26.** ORS 801.409 is amended to read:

20 “801.409. ‘Recreational vehicle’ has the meaning given in [*ORS 446.003*]
21 **section 6 of this 2019 Act.**

22

23 **“TRANSITIONAL PROVISIONS**

24

25 **“SECTION 27.** Notwithstanding section 6 of this 2019 Act and the
26 amendments to ORS 446.003 by section 7 of this 2019 Act, a rule
27 adopted by the Director of the Department of Consumer and Business
28 Services under ORS 446.003 prior to the effective date of this 2019 Act
29 defining a recreational vehicle shall continue in effect and be treated
30 as a rule adopted by the Director of Transportation under section 6

1 of this 2019 Act until repealed or amended by the Director of Trans-
2 portation.

3 **“SECTION 28.** Section 6 of this 2019 Act and the amendments to
4 **ORS 446.003, 446.155, 446.170, 446.561, 455.010, 455.117, 480.432 and 480.450**
5 **by sections 7 to 10, 12 to 14 and 25 of this 2019 Act do not divest the**
6 **Department of Consumer and Business Services or a municipality of**
7 **the authority over a violation of ORS 480.420 to 480.460 or ORS chap-**
8 **ters 446 or 455 committed prior to the effective date of this 2019 Act.**

9

10

“CAPTIONS

11

12 **“SECTION 29.** The unit captions used in this 2019 Act are provided
13 **only for the convenience of the reader and do not become part of the**
14 **statutory law of this state or express any legislative intent in the**
15 **enactment of this 2019 Act.”.**

16
