

Enrolled
House Bill 2352

Sponsored by Representative BROWN (at the request of Shawn Miller)

CHAPTER

AN ACT

Relating to recreational vehicles; amending ORS 446.155 and 446.170.

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

SECTION 1. ORS 446.155 is amended to read:

446.155. (1) [No] **A** person may **not** sell or offer for sale within this state a manufactured dwelling manufactured after January 1, 1962, that contains:

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

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

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

(2) [No] **A** person may **not** rent, lease, sell or offer for rent, lease or sale within this state a manufactured structure manufactured after September 1, 1969, unless [it] **the manufactured structure** bears an insignia of compliance and contains:

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

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

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

[3] *No person may rent, lease or offer for rent or lease within this state a recreational vehicle built after January 1, 1990, unless it bears an insignia of compliance and contains:]*

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

[(b) Thermal, fire and life safety equipment, material and installations that meet the minimum safety standards of the department.]

[(4) No person may sell or offer for sale a recreational vehicle built within five years of the time the recreational vehicle is sold or offered for sale, unless it bears an insignia of compliance and contains:]

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

[(b) Thermal, fire and life safety equipment, material and installations that meet the minimum safety standards of the department.]

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

- (a) Bears an insignia of compliance;
- (b) Has previously been lawfully registered and titled within the United States;
- (c) Has previously been issued an ownership document under ORS 446.571 or recorded under ORS 446.626; or
- (d) Is exempt from registration, title or ownership document requirements because of United States government ownership.

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

(a) Alterations performed on a manufactured dwelling by the manufacturer or dealer before or at the time of sale to the first consumer shall be performed in conformance with the National Manufactured Housing Construction and Safety Standards Act.

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

(c) Solid fuel burning appliances shall be in conformance with the National Manufactured Housing Construction and Safety Standards Act and standards adopted by the department.

(d) Notwithstanding subsections (1) and (2) of this section, a previously owned manufactured dwelling may be sold "as is" provided that the seller discloses in the bill of sale that the manufactured dwelling is being sold on an "as is" or "with all faults" basis, and that the entire risk as to the quality and performance of the manufactured dwelling is with the buyer. If the manufactured dwelling is found to be defective after purchase, the buyer shall assume the entire cost of all servicing and repair. The seller, manufacturer, distributor or retailer is not responsible for any cost for servicing and repair.

[6] (5) Installations of manufactured structures shall be in conformance with the standards adopted by the department for site preparation, foundation support, anchoring, structural and utility connections, electrical and plumbing tests, underfloor enclosures, ventilation, vapor barriers and steps used for access and egress.

SECTION 2. ORS 446.170 is amended to read:

446.170. (1) Manufactured structures subject to the provisions of ORS 446.155 to 446.200, and manufactured structures upon which additions, conversions or alterations of installations of equipment or material are made shall have affixed *[thereto an]* **to the manufactured structures** insignia of compliance.

(2) *[No]* **A person** *[shall]* **may not** place an insignia of compliance on a manufactured structure except as provided by ORS 446.155 to 446.200 and the rules *[and regulations promulgated thereunder]* **adopted under ORS 446.155 to 446.200.**

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

(4) Insignia of compliance *[shall not be]* **are not** transferable, and *[no]* **the department may not make a refund** representing any unused insignia *[shall be made by the department]*.

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

Passed by House February 7, 2005

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Chief Clerk of House

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Speaker of House

Passed by Senate May 6, 2005

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President of Senate

Received by Governor:

.....M,....., 2005

Approved:

.....M,....., 2005

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Governor

Filed in Office of Secretary of State:

.....M,....., 2005

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Secretary of State