

**B-Engrossed**  
**House Bill 3093**

Ordered by the Senate July 6  
Including House Amendments dated May 9 and Senate Amendments dated  
July 6

Sponsored by Representative BROWN (at the request of Oregon Association of Plumbing-Heating-Cooling Contractors)

**SUMMARY**

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure.

Prohibits Department of Human Services from requiring that certain plumbers obtain department certification to [*inspect cross connections or*] test backflow prevention device assemblies. **Directs Director of Department of Consumer and Business Services to adopt rules requiring certain plumbers who test assemblies to complete state-approved training program for testing.**

**A BILL FOR AN ACT**

1  
2 Relating to water systems; amending ORS 448.279 and 455.110.

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

4 **SECTION 1.** ORS 448.279 is amended to read:

5 448.279. (1) The Department of Human Services by rule shall establish a certification program  
6 for persons who inspect cross connections or test backflow prevention device assemblies. The pro-  
7 gram shall include minimum qualifications necessary for a person to be certified to:

8 (a) Conduct a cross connection inspection; and

9 (b) Test a backflow prevention device assembly.

10 (2) Except for an employee of a water supplier as defined in ORS 448.115, a person certified  
11 under this section shall:

12 (a) Become licensed as a construction contractor with the Construction Contractors Board as  
13 provided under ORS chapter 701; or

14 (b) Become licensed as a landscape contractor as provided under ORS 671.510 to 671.710.

15 (3) In conjunction with the certification program established under subsection (1) of this section,  
16 the department may establish and collect a fee from an individual requesting certification under the  
17 program. A fee imposed under this subsection shall:

18 (a) Not be refundable; and

19 (b) Not exceed the cost of administering the certification program of the department for which  
20 purpose the fee is established, as authorized by the Legislative Assembly within the budget of the  
21 department and as the budget may be modified by the Emergency Board.

22 **(4) The department may not require a journeyman plumber who holds a certificate of**  
23 **competency issued under ORS chapter 693 or an apprentice plumber, as defined in ORS**  
24 **693.010, to obtain a certification for testing backflow prevention device assemblies under the**  
25 **program established under this section.**

**NOTE:** Matter in **boldfaced** type in an amended section is new; matter [*italic and bracketed*] is existing law to be omitted. New sections are in **boldfaced** type.

1        [~~4~~] (5) All moneys collected by the department under this section shall be deposited in the  
2 General Fund to the credit of an account of the department. Such moneys are continuously appro-  
3 priated to the department to pay the cost of administering the certification program established  
4 pursuant to subsections (1) and (3) of this section.

5        **SECTION 2.** ORS 455.110 is amended to read:

6        455.110. Except as otherwise provided by ORS chapters 446, 447, 460, 476, ORS 479.010 to  
7 479.220, 479.510 to 479.945, 479.990 and 479.995 and ORS chapter 480:

8        (1) The Director of the Department of Consumer and Business Services shall coordinate, inter-  
9 pret and generally supervise the adoption, administration and enforcement of the state building code.

10        (2) The director, with the approval of the appropriate advisory boards, shall adopt codes and  
11 standards, including regulations as authorized by ORS 455.020 governing the construction, recon-  
12 struction, alteration and repair of buildings and other structures and the installation of mechanical  
13 devices and equipment therein. The regulations may include rules for the administration and  
14 enforcement of a certification system for persons performing work under the codes and standards  
15 adopted under this subsection. However, this subsection does not authorize the establishment of a  
16 separate certification for performing work on low-rise residential dwellings.

17        (3) The director, with the approval of the appropriate advisory boards, may amend such codes  
18 from time to time. The codes of regulations and any amendment thereof shall conform insofar as  
19 practicable to model building codes generally accepted and in use throughout the United States. If  
20 there is no nationally recognized model code, consideration shall be given to the existing specialty  
21 codes presently in use in this state. Such model codes with modifications considered necessary and  
22 specialty codes may be adopted by reference. The codes so promulgated and any amendments thereof  
23 shall be based on the application of scientific principles, approved tests and professional judgment  
24 and, to the extent that it is practical to do so, the codes shall be promulgated in terms of desired  
25 results instead of the means of achieving such results, avoiding wherever possible the incorporation  
26 of specifications of particular methods or materials. To that end the codes shall encourage the use  
27 of new methods, new materials and maximum energy conservation.

28        **(4) The director shall adopt rules requiring a journeyman plumber who holds a certificate**  
29 **of competency issued under ORS chapter 693 or an apprentice plumber, as defined in ORS**  
30 **693.010, who tests backflow prevention device assemblies to complete a state-approved**  
31 **training program for the testing of those assemblies.**

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