

Enrolled
House Bill 3093

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

CHAPTER

AN ACT

Relating to water systems; amending ORS 448.279 and 455.110.

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

SECTION 1. ORS 448.279 is amended to read:

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

- (a) Conduct a cross connection inspection; and
- (b) Test a backflow prevention device assembly.

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

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

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

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

(a) Not be refundable; and

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

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

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

SECTION 2. ORS 455.110 is amended to read:

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

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

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

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

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

Passed by House May 17, 2005

Received by Governor:

Repassed by House August 1, 2005

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

Approved:

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Chief Clerk of House

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

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Speaker of House

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Governor

Passed by Senate July 12, 2005

Filed in Office of Secretary of State:

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

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President of Senate

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Secretary of State