Chapter 480

1973 REPLACEMENT PART

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EXPLOSIVES GENERALLY

480.010 Labels for blasting powder and fuse. All blasting powder and fuse shipped into this state for use, or manufactured in this state for use in this state, shall have stamped or printed upon the outside of the original package, box, case or wrapper the date of manufacture of the contents.

480.020 Powder deemed bad; prohibition of sale. Whenever any blasting powder shows a state of disintegration or decomposition sufficient so that it remains in a soft condition in a temperature of 32 degrees Fahrenheit, or is in a state of crystallization, which is revealed by some portions being in a hard condition and surrounded by other portions in a soft condition, it shall be deemed bad and dangerous powder, and its sale and use is prohibited.

480.030 Fuse unfit for use and sale; prohibition of use. Whenever any fuse shows by its appearance to have been overheated, or if it is in a hard and brittle condition, which is seen by breaks and cracks in the wrapper around the outside of the fuse, the same shall be declared unfit for use and sale, and its use is forbidden.

480.040 Sale, exchange or possession, when unlawful. No person shall sell or exchange, or offer or expose for sale or exchange, or have in possession for use by his employes:

(1) Any blasting powder or fuse which has not been stamped or printed upon as required in ORS 480.010.

(2) Any blasting powder of which the sale and use is prohibited by ORS 480.020.

(3) Any fuse declared to be unfit for use as prohibited by ORS 480.030.

480.050 Intrastate transportation of explosives in passenger vehicle operated by common carrier. No person shall transport, carry or convey, or have transported, carried or conveyed, any dynamite, gunpowder or other like explosives, between any places in Oregon, on any car or other vehicle of any description operated by a common carrier which car or vehicle is carrying passengers for hire. However, it shall be lawful to transport on any such car or vehicle small arms, ammunition in any quantity, such fuses, torpedoes, rockets or other signal devices as may be essential to promote safety in operation, and properly packed and marked samples of explosives for laboratory examination, not exceeding a net weight of one-half pound each and not exceeding 20 samples at one time in a single car or vehicle. Such samples shall not be carried in that part of a car or vehicle which is intended for the transportation of passengers for hire. Nothing in this section shall be construed to prevent the transportation of military or naval forces, with their accompanying munitions of war, on passenger equipment, cars or vehicles.

480.060 Transportation of certain explosives prohibited. No person shall transport, carry or convey, or have transported, carried or conveyed, liquid nitroglycerine, fulminate in bulk in dry condition, or other like explosives, between any places in Oregon, on any car or other vehicle of any description operated by a common carrier in the transportation of passengers.

480.070 Fire bombs prohibited; exceptions. (1) No person shall possess a fire bomb. For the purpose of this section a "fire bomb" is a breakable container containing a flammable liquid with a flash point of 150 degrees Fahrenheit or less, having an integral wick or similar device capable of being ignited, but no device commercially manufactured primarily for the purpose of illuminating shall be deemed to be a fire bomb for the purpose of this section.

(2) This section shall not prohibit the authorized use or possession of such fire bomb by a member of the Armed Forces of the United States or by any member of a regularly organized public fire or police department.
[1967 c.417 §21]

480.080 [1961 c.722 §1; repealed by 1963 c.384 §4]

480.085 Liability of user for nonremoval of unused explosives from work area. (1) In addition to any other legal requirements, all users of explosives shall be responsible for the removal of all unused explosives from any area of use after the work for which the explosive was required is completed or when the user is absent for more than 30 days from the area of use, unless the explosives are stored in a manner meeting the safety requirements promulgated by the State Fire Marshal pursuant to ORS 476.030.

(2) As used in this section:

(a) "Explosives" means dynamite, blasting powder, black powder, nitroglycerin, detonators, nitro-jelly, prima-cord and detonating fuse.

(b) "User" means any person using explosives for any purpose whatsoever, and regardless of whether such person is being compensated for such use.
[1963 c.384 §1]

480.090 [1961 c.722 §2; repealed by 1963 c.384 §4]

480.095 Liability of persons violating ORS 480.085. Persons violating ORS 480.085 shall be liable to the penalty provided in subsection (4) of ORS 480.990 and shall also be liable in civil action for damages to any person suffering injury from handling or otherwise coming in contact with unused explosives which are left in an area of use in violation of ORS 480.085, regardless of any negligence or lack of negligence on the part of the defendant.
[1963 c.384 §2]

FIREWORKS

480.110 Definitions for Oregon Fireworks Law. For the purposes of ORS 480.110 to 480.160, which sections may be cited as the Oregon Fireworks Law, and unless otherwise required by the context:

(1) "Fireworks" means any combustible or explosive composition or substance, or any combination of such compositions or substances, or any other article which was prepared for the purpose of providing a visible or audible effect by combustion, explosion, deflagration or detonation, and includes blank cartridges or toy cannons in which explosives are used, balloons which require fire underneath to propel the same, firecrackers, torpedoes, skyrockets, Roman candles, bombs, rockets, wheels, colored

fires, fountains, mines, serpents or any other article of like construction or any article containing any explosive or inflammable compound, or any tablets or other device containing any explosive substances or inflammable compound; but does not include:

(a) Sparklers, toy pistol paper caps, toy pistols, toy canes, toy guns or other devices in which paper caps containing .25 grains or less of explosive compound are used, and when, the rate of burning and the explosive force of the materials in such devices are not greater than an equivalent weight of F.F.F.G. black powder, and when such devices are so constructed that the hand cannot come in contact with the cap when in place for explosion, and the major explosive force is contained or dispelled within the housing or shell of the device, there is no visible flame during discharge, there is no flaming or smoldering of any of the components or parts of the device after discharge, and the device does not produce sufficient heat to readily ignite combustible materials upon which the device may be placed. The sale and use of such devices shall be permitted at all times.

(b) Snakes or similar smoke-producing material containing not more than 100 grains of combustible substances when there is no visible flame during discharge, there is no aftersmoldering, and the devices do not produce sufficient heat to readily ignite combustible materials upon which the devices may be placed. The sale and use of such devices shall be permitted at all times.

(2) "Fire protection district" means any district created under the laws of Oregon or the United States, including rural fire protection districts and any federal, state or private forest patrol areas.

(3) For purposes of this section "sparklers" means materials of a character that will, when ignited, sparkle without throwing or dropping hot residue capable of igniting combustible materials, attached to a wire or other noncombustible central support, with such materials arranged in a cylindrical shape not more than 10 inches in length nor more than one-quarter inch in diameter and which shall not burn more rapidly than one inch in 10 seconds, but not including materials incased within a container of any character. "Explosive substance" or "explosive mixture" as used in this section shall mean any substance so arranged as to burn in less than one second. "Combustible substance" shall mean any substance so arranged as to burn in more than one second.

[Amended by 1967 c.417 §23]

480.120 Sale and use of fireworks prohibited; exceptions; enforcement. (1) No person shall sell, keep or offer for sale, expose for sale, use, explode or have exploded any fireworks within Oregon, except as follows:

(a) Sales by manufacturers and wholesalers for direct out-of-state shipment.

(b) Sales to persons or organizations having obtained a permit from the State Fire Marshal for supervised public display.

(c) Sales to railroads, boats, motor vehicle or other transportation agencies, to be used for signal, warning or illumination purposes in connection with such business.

(d) Sale or use of blank cartridges for licensed shows or theatres or for signal or ceremonial purposes in athletics or sports.

(e) Experimental purposes by a manufacturer of explosives at such places where such experiments are normally conducted.

(f) Sale of blank cartridges for use by the militia or any organization of war veterans or other organization authorized by law to parade in public a color guard armed with firearms.

(g) Sale of shells, cartridges, gunpowder or explosives for use in legally permitted firearms.

(2) Law enforcement officers of the state, county or municipality shall enforce the provisions of ORS 480.110 to 480.160.

480.122 Use for repelling birds or animals permitted. (1) Notwithstanding the provisions of ORS 480.110 to 480.150 and ORS 480.170, an owner or lessee of property located outside of an incorporated city may purchase, maintain, use and explode fireworks on his own or leased property for the purpose of scaring away or repelling birds or animals which are or may be injurious or destructive to forest or agricultural products or crops.

(2) Any person described in subsection (1) of this section desiring to use and explode fireworks to scare or repel birds or animals shall first secure a permit from the State Fire Marshal for that purpose. The State Fire Marshal, upon receipt of application for such permit, shall determine if the proposed purchase and use conforms to law and any rules or regulations promulgated by his office. If he finds that the applicant is

qualified to use the fireworks and the proposed use is in accordance with the law and rules and regulations, he shall issue a permit; otherwise he shall refuse to issue it.

(3) Such permit may be revoked by the State Fire Marshal at any time he verifies there is a violation of the provisions of the permit or the rules and regulations under which it is issued.

(4) The State Fire Marshal is authorized to promulgate rules and regulations relating to the use of fireworks to scare or repel birds or animals which are injurious to or destructive to forest or agricultural crops or products.

[1961 c.293 §2]

480.124 Use for control of predatory animals permitted. Notwithstanding the provisions of ORS 480.110 to 480.170, fireworks may be purchased, maintained, used and exploded by federal or state agencies authorized and required by ORS 610.002 to 610.020 to eradicate and control predatory animals. Such purchase and use shall be in compliance with rules and regulations promulgated by the State Fire Marshal, with the approval of the state agencies authorized and required by ORS 610.002 to 610.020 to eradicate and control predatory animals.

[1961 c.293 §3]

480.130 Permit of State Fire Marshal required for sale or use of fireworks for public display. (1) All persons, municipalities, associations or organizations or groups of individuals desiring to sell, discharge, fire off, explode or display fireworks for a public display, shall apply in writing to the State Fire Marshal for a permit at least 15 days in advance of the proposed sale or date of the display. The State Fire Marshal, upon receipt of such application, shall determine if the proposed sale or display will conform to law and any rules or regulations promulgated thereunder. If he finds that the applicant is qualified to conduct such sale or display and that the proposed sale or display is in accordance with the law and all rules and regulations, he shall issue a permit; otherwise he shall refuse to issue it.

(2) The fee for a permit for the public display of fireworks shall be $5 for each such display permit and $5 for each permit for sale of fireworks. All fees collected shall be deposited to the credit of the State Fire Marshal Fund.

(3) Fireworks sales permits shall not be valid for more than one year from date of issue. Public display permits shall not be valid for more than 10 days from date of initial display.

(4) At the close of each calendar year fireworks permit fees collected by the State Fire Marshal shall be paid by him out of the State Fire Marshal Fund to the fire departments within whose jurisdiction the permits were issued less 10 percent to be retained by the State Fire Marshal for costs of administration.

(5) The permit fees required by this section shall not apply to the sale or use of approved model rocket devices.

[Amended by 1967 c.417 §24]

480.140 Fireworks displays to be under supervision of police and fire department chiefs or county court. (1) Every such display held within the boundaries of any municipality shall be under the supervision of the chiefs of police and fire departments of the municipalities in which the display is to be held and shall be of such character, and so located, discharged or fired as, in the opinion of the chief of the fire department, after proper inspection, shall not be hazardous to property or endanger any person.

(2) Every such display held outside the boundaries of any municipality or fire protection district shall be under the supervision of the county court of the county in which the display is to be held and shall be of such character, and so located, discharged or fired as, in the opinion of the county court or of a county official duly authorized by the county court, after proper inspection, shall not be hazardous to property or endanger any person.

480.150 Permits for fireworks sales or displays; rules and regulations; bond. (1) The State Fire Marshal may adopt reasonable rules and regulations for granting permits for supervised public displays or sales of fireworks by municipalities, fair associations, amusement parks, and other persons, organizations or groups of individuals. The governing body of any municipality, or of any county, may require liability insurance or other form of indemnity deemed adequate by the municipality, or the county, from any person, in a sum not less than $500, conditioned for payment of all damages which may be caused either to a person or property by reason of the authorized display or sale and arising from any acts of any person, his agents, employes or subcontractors.

(2) The State Fire Marshal or the approving authority of any governmental subdivision may revoke permits for display or sale of fireworks when in his or its opinion the sale or display of fireworks is not in compliance with applicable statutes and regulations governing such sale or displays.

(3) Permit fees required by ORS 480.130 shall not be refunded in the event such permits are revoked.

[Amended by 1967 c.417 §25]

480.160 Local regulation and effect thereon of state law. Nothing in ORS 480.110 to 480.150, nor in any permit issued thereunder, shall authorize the manufacture, sale, use or discharge of fireworks in any city or county in which such manufacture, sale, use or discharge is otherwise prohibited by law or municipal ordinance; nor shall any city or county authorize the sale or use of any fireworks prohibited by the provisions of ORS 480.110 to 480.150.

480.170 Oversized firecrackers prohibited. No person shall sell, offer to sell, give away or in any manner dispose of to another, fire, explode or discharge in any manner, any cannon cracker, giant cracker, or other firecracker over two and one-half inches in length, exclusive of the fuse, and over five-eighths inch in diameter.

MANUFACTURE, SALE, POSSESSION AND TRANSFER OF EXPLOSIVES

480.200 Definitions for ORS 480.200 to 480.280. As used in ORS 480.200 to 480.275 and subsection (2) of ORS 480.280 unless the context requires otherwise:

(1) "Dealer in explosives" means a person registered as required by ORS 480.245.

(2) "Explosive" means a chemical compound, mixture or device that is commonly used or intended for the purpose of producing a chemical reaction resulting in a substantially instantaneous release of gas and heat, including but not limited to dynamite, blasting powder, nitroglycerin, blasting caps and nitrojelly, but excluding fireworks as defined by subsection (1) of ORS 480.110, black powder, smokeless powder, small arms ammunition and small arms ammunition primers.

(3) "Fire marshal" means the State Fire Marshal.

(4) "Issuing authority" means the State Fire Marshal or an assistant appointed by the fire marshal under subsection (2) of ORS 480.280.

(5) "Manufacturer of explosives" means a person registered as required by ORS 480.240.

(6) "Small arms ammunition" means a shotgun, rifle, pistol or revolver cartridge.

(7) "Small arms ammunition primers" means small percussion-sensitive explosive charges encased in a cup and used to ignite propellant powder.

[1971 c.518 §1]

480.205 Application. ORS 480.200 to 480.275, subsection (2) of ORS 480.280 and subsection (7) of ORS 480.990 do not apply to:

(1) The possession of an explosive by a member of the Armed Forces of the United States while he is on active duty and engaged in the performance of his official duties or by a member of a regularly organized fire or police department of a public agency while he is engaged in the performance of his official duties.

(2) The possession of an explosive in the course of transportation by way of railroad, water, highway or air while under the jurisdiction of, or in conformity with, regulations adopted by the United States Department of Transportation.

(3) The possession, sale, transfer or manufacture of an explosive by a person acting in accordance with the provisions of any applicable federal law or regulation that provides substantially the same requirements as the comparable provisions of ORS 480.200 to 480.275 and subsection (2) of ORS 480.280.

[1971 c.518 §2]

480.210 Certificate of possession required; exceptions; display of certificate upon demand; defenses. (1) Except as otherwise provided by ORS 480.255, a person may not have an explosive in his possession on or after September 9, 1971, unless:

(a) He has in his immediate possession at all times during the possession of the explosive a valid certificate of possession issued to him under ORS 480.235; or

(b) He is a manufacturer of explosives or a dealer in explosives.

(2) A person in possession of an explosive shall display his certificate of possession upon the demand of an issuing authority, a magistrate or a peace officer of this state.

(3) It is a defense to a charge under subsection (1) of this section that the person so charged produce in court:

(a) A certificate described in paragraph (a) of subsection (1) of this section that was valid at the time of his arrest; or

(b) Proof that he is a manufacturer in explosives, a dealer in explosives, the authorized agent of such a manufacturer or dealer or a transferee under ORS 480.255 at the time of his arrest.
[1971 c.518 §3]

480.215 Transfer of explosives limited. Except as otherwise provided by ORS 480.255, possession of an explosive shall not be transferred on or after September 9, 1971, unless:

(1) The transferee holds a certificate of possession under ORS 480.235 and the certificate is valid at the time of the transfer; or

(2) The transferee is a manufacturer of explosives or a dealer in explosives; or

(3) The transferee is a consignee of explosives which have been transported under the jurisdiction of or in conformity with regulations adopted by the United States Department of Transportation.
[1971 c.518 §4]

480.220 Manufacture or possession of destructive device with intent to use unlawfully prohibited; intent presumed in certain cases. (1) A person shall not assemble, produce or otherwise manufacture or possess a destructive device with the intent to use the destructive device or knowing that some other person intends to use the destructive device unlawfully against the person or property of another.

(2) The possession of a destructive device by a person while committing or attempting or threatening to commit a felony or a breach of the peace or an act of violence against the person or property of another is presumptive evidence that the person possesses the destructive device in violation of subsection (1) of this section.

(3) As used in this section, "destructive device" has the same meaning given in subsection (2) of ORS 166.360.
[1971 c.518 §5]

480.225 Eligibility for certificate of possession or certificate of registration as manufacturer or dealer. A person is eligible for a certificate of possession under ORS 480.235 or a certificate of registration as a manufacturer of explosives or as a dealer in explosives under ORS 480.250, if:

(1) He has not been convicted of a crime involving the use or threatened use of force, violence or a dangerous or deadly weapon. A person who has been so convicted is eligible under this subsection following the expiration of seven years after the date of his final and unconditional discharge from all imprisonment, probation and parole resulting from the conviction.

(2) He has not been convicted of a crime involving the unlawful manufacture, sale, possession or use of an explosive in any state or federal jurisdiction. A person who has been so convicted is eligible under this subsection following the expiration of seven years after the date of his final and unconditional discharge from all imprisonment, probation and parole resulting from the conviction.

(3) He has not been adjudged to be mentally ill or mentally deficient pursuant to ORS chapter 426 or 427. A person who previously has been so adjudged is eligible under this subsection if, at the time of his application for such a certificate, he produces a certified copy of a full discharge from the proper state hospital.

(4) He is at least 18 years of age.

(5) He does not use a fictitious name or make a material misrepresentation in his application for such a certificate.
[1971 c.518 §6]

480.230 Application for certificate of possession; fee. A person desiring a certificate of possession shall apply in person, or if such person is other than an individual, through its authorized representative or agent. The applicant shall provide at the time of such application:

(1) His name and address and, if the applicant is other than an individual, the name and address of the individual completing the application and his relationship to or position with the applicant;

(2) If the applicant is an individual, his age;

(3) A statement by the applicant that he is eligible for a certificate of possession under ORS 480.225;

(4) Any other information that the issuing authority may require to readily identify the applicant;

(5) A verification, signed by the applicant or the individual completing the application, that the information contained in the application is true; and

(6) An application fee of $5.
[1971 c.518 §7]

480.235 Waiting period for issuance of certificate of possession; investigation of applicant; term of certificate; assignment or transfer of certificate prohibited. (1) A certificate of possession may not be issued before the expiration of seven days after the

date of the application or the conclusion of the investigation conducted by the issuing authority pursuant to subsection (2) of this section, whichever occurs first.

(2) The issuing authority shall investigate the qualifications of the applicant for a certificate of possession. Unless the issuing authority finds that the applicant is ineligible under ORS 480.225, he shall issue a certificate of possession to the applicant at the end of the seven-day period or at the conclusion of his investigation, whichever occurs first.

(3) A certificate of possession is valid until suspended or revoked.

(4) A certificate of possession may not be assigned or transferred.
[1971 c.518 §8]

480.240 Manufacture of explosives without certificate of registration as manufacturer prohibited; application for registration; fee. (1) No person may compound, mix, fabricate, produce, process or otherwise manufacture an explosive in this state unless he is registered with an issuing authority as a manufacturer of explosives.

(2) A person desiring to register as a manufacturer of explosives shall apply for such registration in person or, if such person is other than an individual, through its authorized representative or agent. The applicant shall provide at the time of such registration:

(a) His name and business address, and if the applicant is other than an individual, the name and address of the individual completing the application and his representative capacity with the applicant;

(b) The location and nature of his manufacturing operation;

(c) Any other information that the fire marshal may require to readily identify the applicant; and

(d) An application fee of $5.
[1971 c.518 §11]

480.245 Dealing in explosives without certificate of registration as dealer prohibited; application for registration; fee. (1) No person may engage in the business of selling, bartering or otherwise transferring possession of explosives in this state unless he is registered with an issuing authority as a dealer in explosives.

(2) Each person desiring to register as a dealer in explosives shall apply in person or, if such person is other than an individual, through its authorized representative or agent. The applicant shall provide at the time of such registration:

(a) His name and business address and, if the applicant is other than an individual, the name and address of the individual completing the application;

(b) The nature of the business conducted by him;

(c) A statement of the type of explosives to be transferred by him in the regular course of his business;

(d) Any other information that the issuing authority may require to readily identify the applicant; and

(e) An application fee of $5.
[1971 c.518 §12]

480.250 Waiting period for issuance of certificate of registration as manufacturer or dealer; investigation of applicants; term of registration; assignment or transfer of registration prohibited. (1) A certificate of registration as a manufacturer of explosives or as a dealer in explosives may not be issued before the expiration of seven days after the date of the application therefor or the conclusion of the investigation by the issuing authority pursuant to subsection (2) of this section, whichever occurs first.

(2) The issuing authority shall investigate the qualifications of the applicant for the certificate of registration. Unless the issuing authority finds that the applicant is ineligible under ORS 480.225, he shall issue the certificate of registration to the applicant at the end of the seven-day period or at the conclusion of his investigation, whichever occurs first.

(3) A certificate of registration as a manufacturer of explosives or as a dealer in explosives is valid until suspended or revoked.

(4) A certificate of registration as a manufacturer or as a dealer in explosives may not be assigned or transferred.
[1971 c.518 §13]

480.255 Transfer of explosives to person not holding certificate of possession; transfer receipts. (1) On or after September 9, 1971, possession of an explosive may be transferred to an individual who does not hold a valid certificate of possession issued to him under ORS 480.235, if:

(a) The individual is an employe, agent, contractor or subcontractor of the transferor of the explosive; and

(b) The transferor holds a valid certificate of possession issued to him under ORS

480.235 or he is a manufacturer of explosives or a dealer in explosives; and

(c) The transferor complies with subsection (2) of this section.

(2) At the time of the transfer of possession of the explosive, the transferor of the explosive shall complete, upon forms supplied by the fire marshal, a transfer receipt in duplicate. Each transfer receipt shall include:

(a) The name, address and signature of the transferor of the explosive;

(b) The name and signature of the transferee of the explosive and his relationship to or position with the transferor;

(c) The location where possession of the explosive was transferred and the location where the explosive will be delivered; and

(d) The type and quantity of the explosive transferred.

(3) The transferee of the explosive shall keep his copy of the transfer receipt on his person at all times while the explosive is in his possession. The transferee shall display his copy of the transfer receipt upon the demand of an issuing authority, a magistrate or a peace officer of this state.
[1971 c.518 §14]

480.260 Recording transfers of explosives by dealers; transfer register; examination of register. At the time of a transfer of the possession of an explosive by a dealer in explosives:

(1) The dealer shall enter in duplicate in a transfer register supplied by the fire marshal:

(a) The date of the transfer;

(b) His name and address and the number of his certificate of registration as a dealer in explosives;

(c) The name, address and signature of the transferee and, if the transferee is other than an individual, the name, address and signature of the individual receiving possession of the explosive and his representative capacity with the transferee;

(d) The number of the certificate of possession issued to the transferee; and

(e) The type and quantity of the explosive transferred.

(2) The transferee shall show his certificate of possession to the dealer.

(3) The dealer shall deliver the copy of the entry in the transfer register to the individual receiving possession of the explosive and retain the original of the entry in the transfer register.

(4) A dealer in explosives shall keep each transfer register maintained by him pursuant to subsections (1), (2) and (3) of this section for a period of three years from the date of the last entry therein and permit an issuing authority or any peace officer of this state to examine the entries in the transfer register upon request.
[1971 c.518 §§16, 17]

480.265 Report of loss, theft or unlawful removal of explosives required. The loss, theft or unlawful removal of an explosive from the possession of any person shall be reported by the person immediately to an issuing authority or a peace officer of this state. The report shall include the type and quantity of the explosive.
[1971 c.518 §18]

480.270 Revocation or suspension for violations; surrender of certificate. (1) An issuing authority may suspend or revoke a certificate of possession or a certificate of registration as a manufacturer of explosives or as a dealer in explosives if he finds that the person to whom the certificate was issued is ineligible for the certificate under ORS 480.225 or that the person has been convicted of a violation under subsection (7) of ORS 480.990.

(2) A certificate suspended or revoked under subsection (1) of this section shall be void from the date of the suspension or revocation. The person to whom the certificate was issued shall surrender the suspended or revoked certificate to an issuing authority upon the demand of the issuing authority.
[1971 c.518 §19]

480.275 Hearings; notice; representation by counsel; decision; judicial review. (1) An applicant who has been denied a certificate of possession or a certificate of registration as a manufacturer of explosives or as a dealer in explosives, or a person whose certificate has been suspended or revoked is entitled to be represented by counsel at a hearing before the issuing authority under ORS 183.310 to 183.500. At least 20 days before the date of the hearing the issuing authority shall notify the applicant or certificate holder of the matters to be considered at the hearing. Within 30 days after the date of the hearing, the issuing authority shall send written notice of its decision to the applicant or certificate holder.

(2) Within 60 days after the receipt of the written notice of the decision of the issuing authority under subsection (1) of this section, the applicant or certificate holder may seek judicial review of the decision under ORS 183.480, 183.490 and 183.500.
[1971 c.518 §20]

480.280 Administration and enforcement by State Fire Marshal; rules and regulations; appointment of assistants. (1) The State Fire Marshal shall administer and enforce ORS 480.200 to 480.275, subsection (2) of ORS 480.280 and subsection (7) of ORS 480.990 and may, in accordance with the applicable provisions of ORS chapter 183, adopt rules and regulations considered by him to be necessary in carrying out ORS 480.200 to 480.275, subsection (2) of ORS 480.280 and subsection (7) of ORS 480.990.

(2) The State Fire Marshal may appoint an individual, designated as his assistant by subsection (1) of ORS 476.060, or any other individual to act as his assistant in the administration and enforcement of this subsection and ORS 480.200 to 480.275, and subsection (7) of ORS 480.990.
[1971 c.518 §§21, 23]

480.285 [1971 c.518 §24; repealed by 1973 c.832 §14]

REGULATION OF GASOLINE DISPENSING

480.310 Definition of "Class 1 flammable liquids." As used in ORS 480.320 to 480.340, "Class 1 flammable liquids" means liquids with a flash point below 25 degrees Fahrenheit, closed cup tester.

480.320 Use of coin-operated or self-service gasoline pumps declared hazardous. The installation and use of coin-operated dispensing devices for Class 1 flammable liquids and the dispensing of Class 1 flammable liquids by self-service, are declared hazardous.
[Amended by 1959 c.73 §1]

480.330 Operation of gasoline dispensing device by public prohibited. No owner, operator or employe of any filling station, service station, garage or other dispensary where Class 1 flammable liquids are dispensed at retail, shall permit any person other than the owner, operator or employe to use or manipulate any pump, hose, pipe or other device for dispensing such liquids into the fuel tank of a motor vehicle or other retail container.

480.340 Coin-operated or self-service gasoline pumps prohibited; automatic shut-off devices regulated. No owner, operator or employe of any filling station, service station, garage or other dispensary where Class 1 flammable liquids are dispensed at retail, shall install or use, or permit the use of, any coin-operated or self-service dispensing device for such liquids. No owner, operator or employe of any filling station, service station, garage or other dispensary where Class 1 flammable liquids are dispensed at retail, shall install or use, or permit the use of, any device which permits the dispensing of such liquids when the hand of the operator of the discharge nozzle is removed from the control lever, except one equipped with an automatic nozzle of a type which has been approved by the State Fire Marshal, and which has a latch-open device as an integral part of the assembly, capable of shutting off the flow of such liquids reliably when the tank is filled or when the nozzle falls or slips from the filling neck of the tank. Such automatic nozzle shall not be used for the dispensing of such liquids unless such owner, operator or employe is in the immediate vicinity of the tank being filled.
[Amended by 1959 c.73 §2]

LIQUID PETROLEUM GAS

480.410 Definitions. As used in ORS 480.420 to 480.460, "LP gas" or "liquid petroleum gas" means any liquid composed predominately of any of the following hydrocarbons or mixtures of the same: Propane, propylene, butanes (normal butane or isobutane) and butylenes.
[Amended by 1957 c.712 §1]

480.420 Liquid petroleum gas rules and regulations; conformity with standards of National Fire Protection Association. (1) The State Fire Marshal shall make, promulgate and enforce regulations establishing minimum general standards for the design, construction, location, installation and operation of equipment for storing, handling, transporting by tank truck or tank trailer and utilizing liquid petroleum gases and specifying the degree of odorization of the gases, and shall establish standards and rules for the issuance, suspension and revocation of

licenses and permits provided in ORS 480.410 to 480.460.

(2) The regulations required shall be such as are reasonably necessary for the protection of the health, welfare and safety of the public and of persons using or handling such materials, and shall be in substantial conformity with the generally accepted standards of safety relating to the same matter. Regulations in substantial conformity with the published standards of the National Fire Protection Association pamphlet No. 58 and pamphlet No. 59 for the design, installation and construction of containers and equipment thereto pertaining, for the storage and handling of liquefied petroleum gases, including utility gas plants, as recommended by the National Fire Protection Association, and the published standards of the National Fire Protection Association pamphlet No. 54 for liquefied petroleum gas piping and appliance installations in buildings, shall be deemed to be in substantial conformity with the generally accepted standards of safety relating to the same subject matter.

[Amended by 1957 c.712 §2; 1961 c.477 §1; 1967 c.417 §26]

480.430 Liquefied petroleum gas containers; certain uses prohibited. No person other than the owner of the container or receptacle and those authorized by the owner so to do, shall sell, fill, refill, deliver or permit to be delivered or used in any manner any liquefied petroleum gas container or receptacle for any gas or compound or for any other purpose.

[Amended by 1965 c.602 §25]

480.432 Licenses required. (1) No person shall engage in or work at the business of installing, extending, altering or repairing any LP gas appliance or piping, vent or flue connection pertaining to or in connection with LP gas installations within the state, either as employer or individual, unless such person has received an LP gas installation license from the State Fire Marshal in accordance with ORS 480.410 to 480.460.

(2) No person shall do any LP gas fitting or gas venting work, install, repair or remodel any piping or venting nor any installation, repair service, connection or disconnection of any LP gas appliance which is subject to inspection under ORS 480.410 to 480.460 unless he has received an LP gas fitter license from the State Fire Marshal in accordance with ORS 480.410 to 480.460.

(3) No person shall operate any LP gas delivery equipment installed on a motorized vehicle unless he has received an LP gas truck equipment license from the State Fire Marshal in accordance with ORS 480.410 to 480.460.

(4) Any person under the terms of this section who is required to have an LP gas fitter or LP gas truck equipment license is also required to have an LP gas installation license, unless he is an employe of an employer who has an LP gas installation license as provided by this section.

[1957 c.712 §4; 1967 c.417 §27]

480.434 Examination of applicants for licenses; issuance of license. (1) The State Fire Marshal shall examine applicants for licenses required under ORS 480.410 to 480.460 as to their practical and theoretical knowledge of LP gas fittings, appliance installation and adjustment, and shall submit the applicant to some satisfactory form of practical test and if satisfied of the competency of the applicant, shall issue the appropriate license or licenses to the applicant, according to the terms of ORS 480.410 to 480.460. The examination of one member of a firm or an executive of a corporation applying for an LP gas installation license shall fulfill the requirements of this section.

(2) LP gas fitters and drivers shall be examined and a license obtained after a 60-day probationary period of on-the-job training under licensed supervision.

[1957 c.712 §5; 1967 c.417 §28]

480.436 License fees; renewal of licenses; delinquency penalty. (1) The annual fee for the LP gas installation license shall be $55 each year, except when the LP gas operation is conducted by business firms located outside the state, in which case the annual fee shall be $220.

(2) The annual fee for an LP gas fitter license or an LP gas truck equipment license shall be $5.

(3) All licenses shall be renewed on or before January 15 of each year. Unless revoked or suspended by the State Fire Marshal for failure to comply with the provisions of ORS 480.410 to 480.460, a license shall continue in force from January 15 of one year to January 15 of the succeeding year and shall not be transferable.

(4) If the fees provided for in this section are due and payable and are not paid within 30 days after service of written notice by the State Fire Marshal therefor, the fees

shall be delinquent; and a penalty equal to the amount of the fee hereby is imposed for such delinquency.
[1957 c.712 §6; 1967 c.417 §29; 1973 c.832 §15]

480.440 Annual inspection of certain storage tanks. An installation of storage tanks located at dealers' plants and an installation of tanks used for delivery purposes shall be inspected annually. The State Fire Marshal shall collect a fee of $57.50 for each such plant inspection and $24 for each such delivery unit inspection.
[Amended by 1953 c.228 §4; 1957 c.712 §7; 1967 c.417 §30; 1973 c.832 §16]

480.450 Notice of new installations; inspection fees; inspections after original inspection; notice of changes; correction of improper installations required. (1) The State Fire Marshal shall be notified prior to the 10th of each month by the installer of all new installations made during the preceding month of containers or receptacles for liquid petroleum gas, including installations for private homes and apartments. The installer shall certify on a form provided by the State Fire Marshal that all such new installations are duly and properly reported. The State Fire Marshal may require that the notification include the location and description of the installation and the name of the user. All fees due and payable shall accompany the notification. The replacement of empty containers or receptacles with other containers constructed in accordance with Interstate Commerce Commission specifications shall not be considered such new installation or change in the original installation as to require notification to the State Fire Marshal or necessitate further inspection of the installation. The State Fire Marshal shall collect from the installer an installation fee of $14 for an installation of a tank of more than 1,000 gallons capacity and $8 for an installation of a tank with a capacity of 1,000 gallons or less or all tanks at the installation if the total combined capacity is 200 gallons or less. The State Fire Marshal or his deputies or assistants shall inspect a reasonable number of such installations and maintain a record of these inspections in the office of the State Fire Marshal.

(2) After the initial installation, liquid petroleum gas containers may be inspected once every 10 years except when changes have been made in the original installation. The State Fire Marshal shall be notified of such changes in the same manner provided in this section for new installations. The State Fire Marshal shall collect from the owner a fee of $14 for the inspection of each container. The manner of inspection, requirement of corrections, satisfaction of such requirements and collection of fees due and payable shall be in conformity with the provisions of ORS 480.410 to 480.460 for new installations. LP gas installation licensees shall furnish a list of the locations of 10-year old installations which they service upon request of the State Fire Marshal.

(3) When, upon inspection of any tank, the new installation does not comply with the requirements of the State Fire Marshal the State Fire Marshal shall instruct the installer as to what corrections are necessary for compliance with the State Fire Marshal's requirements. The installer of the new installation shall, within the time set by the State Fire Marshal which in no case shall be more than 60 days after notification, notify the State Fire Marshal that the new installation complies with his requirements. If the installer so fails to notify the State Fire Marshal, or the State Fire Marshal has reason to believe that the corrections have not been made, the State Fire Marshal shall reinspect the new installation and shall collect from the installer an additional fee of $10. The installer shall not be held responsible for the payment of such additional fee resulting from actions of the user which require correction to achieve compliance with the requirements of the State Fire Marshal. In such a case the user shall pay the additional fee.

(4) No person, after notice from the State Fire Marshal, shall fail to correct any improper installation within the time set by the State Fire Marshal which in no case shall be more than 60 days after receiving such notice.

(5) If the fees provided for in this section are due and payable and are not paid within 30 days after service of written notice by the State Fire Marshal therefor, or if the installer fails to notify the State Fire Marshal by the 10th of the month succeeding the month a new installation is made or a change is made requiring an inspection, the fees shall be delinquent; and a penalty equal to the amount of the fee hereby is imposed for such delinquency. All fees and penalties shall be collected by the State Fire Marshal in the name of the State of Oregon in the same manner that other debts are collected.

(6) The provisions of this section shall not apply to liquid petroleum gas installations made entirely within the jurisdiction of a governmental subdivision granted the exemption provided by subsection (4) of ORS 476.030 and when written evidence of the licensing of such installation by the approved authority is submitted to the State Fire Marshal. The provisions of this section shall not apply to LP gas installations when made in mobile homes, campers, or similar vehicles that are constructed or altered in accordance with applicable regulation of the Safety Division of the Department of Commerce.

[Amended by 1953 c.228 §4; 1957 c.712 §8; part renumbered 480.460; 1967 c.417 §31; 1973 c.832 §17]

480.460 Disposition of fees. All fees received by the State Fire Marshal under ORS 480.200 to 480.280 and 480.410 to 480.460 shall by him be paid to the State Treasurer monthly and shall constitute and be an appropriation available for the payment of salaries and expenses of deputies and clerical and other assistants of the State Fire Marshal.

[Formerly part of 480.450; 1973 c.832 §18]

BOILERS AND PRESSURE VESSELS

480.510 Short title. ORS 480.510 to 480.615 may be cited as the Boiler and Pressure Vessel Law.

[1961 c.485 §1; 1969 c.582 §1]

480.515 Definitions for ORS 480.510 to 480.615. As used in ORS 480.510 to 480.615, unless the context requires otherwise:

(1) "Related appurtenances" means any equipment instrumental to the safe operation of a boiler or pressure vessel.

(2) "Board" means the Board of Boiler Rules created under ORS 480.535.

(3) "Boiler" or "boilers" means:

(a) A closed vessel or vessels intended for the heating or vaporizing of liquids to be used externally to such vessel or vessels by the application of heat from combustible fuels, electricity or nuclear energy, and

(b) Related appurtenances including but not limited to pressure piping directly connected and related to the safe operation of a boiler, and

(c) Pressure piping beyond the second valve from the boiler.

(4) "Certificate of competency" means a certificate issued under the provisions of subsection (3) of ORS 480.565.

(5) "Department" means the Department of Commerce.

(6) "Minimum safety standards" means the rules, regulations, formulae, definitions and interpretations for the safe construction, installation, operation and repair of boilers and pressure vessels either adopted by ORS 480.510 to 480.615 or adopted by the board, under ORS 480.510 to 480.615 and approved by the department.

(7) "Permit" means a card issued and signed by the department authorizing the operation of a vessel but the permit does not signify that the vessel has been inspected or meets minimum safety standards until an actual inspection has been made and no deviation from the minimum safety standards exists.

(8) "Shop inspection" means the inspection and testing, to determine the meeting of minimum safety standards, of boilers and pressure vessels manufactured or in the process of manufacture, repair or alteration in the shop or on the job site.

(9) "Vessel" means both boilers and pressure vessels.

[1961 c.485 §3; 1969 c.582 §2; 1971 c.753 §58; 1973 c.830 §1]

480.520 Purpose of ORS 480.510 to 480.615. The purpose of ORS 480.510 to 480.615 is to protect the safety of the people of Oregon and to protect property situated in Oregon from the hazard of fires and explosions caused by boilers and pressure vessels. To accomplish this purpose the Legislative Assembly intends by ORS 480.510 to 480.615 to provide a system:

(1) For determining where and by whom boilers and pressure vessels are being constructed, repaired, used and operated.

(2) To assure that only qualified persons do welding on boilers and on pressure vessels.

(3) To assure that boilers and pressure vessels are manufactured, installed, repaired, operated, inspected and maintained so as to meet the minimum safety standards formulated and promulgated by the board.

(4) For the administration and enforcement of ORS 480.510 to 480.615 by the Department of Commerce and the board.

(5) To defray the cost of administration and the cost of enforcing ORS 480.510 to 480.615 by establishing fees to be charged for the issuing of permits, for giving welding examinations, and for the making of inspections.

[1961 c.485 §2; 1969 c.583 §3]

480.525 Exempt vessels. (1) ORS 480.510 to 480.615 do not apply to:

(a) Boilers and pressure vessels under federal safety regulations or control.

(b) Automatic utility hot water heaters, not used for space heating and equipped with an approved safety device and containing only water and which do not exceed 120 gallons in capacity, nor water temperature of 200 degrees F. nor pressure of 150 pounds per square inch gauge pressure nor a heat input in excess of 200,000 BTU per hour.

(c) Pressure vessels containing liquified petroleum gas, and which are under the jurisdiction of the State Fire Marshal; except that the construction and repair of such vessels shall be in compliance with ORS 480.510 to 480.615 and shall be under the jurisdiction of the Department of Commerce and the board.

(d) Air tanks used in the operation of brakes on self-propelled vehicles and trailers, which vehicles or trailers are used for transporting freight or passengers.

(e) Medical sterilizers that do not exceed one and one-half cubic feet in volume.

(2) The following boilers and pressure vessels are exempt from ORS 480.510 to 480.615, except as to all provisions relating to construction or installation and the inspections and fees in connection therewith:

(a) Boilers which are not operated at gauge pressures of more than 15 pounds per square inch and which are located on farms and used solely for agricultural purposes except when used in connection with a greenhouse.

(b) Air tanks located on farms and used solely for agricultural purposes.

(c) Any boiler or pressure vessel which is used in a single private residence shall have an installation inspection and be provided with a permit to operate but shall be exempt from subsequent inspection required in paragraphs (a) to (d) of subsection (1) of ORS 480.560.

(d) Pressure vessels that do not exceed one and one-half cubic feet in volume and which are not operated at gauge pressures of more than 150 pounds per square inch.

(e) Pressure vessels being operated at gauge pressures of less than 15 pounds per square inch and which are not located inside any structure.

[1961 c.485 §11; 1967 c.447 §1; 1969 c.582 §4; 1973 c.830 §2]

480.530 Powers and duties of department. The Department of Commerce may:

(1) Where it appears that a person is engaging in or is about to engage in an act or practice in violation of any provision of ORS 480.510 to 480.615, obtain without furnishing a bond, a restraining order and injunction from the circuit court in the county where the act or practice is occurring, or is threatened, enjoining the act or practice. However, before obtaining a restraining order and injunction, the Department of Commerce shall first notify the person concerned of its intentions. The notice shall be in writing and shall advise the person concerned of its intentions and shall advise the person concerned that he has a right to appeal in writing within 10 days and that the appeal will be heard by the Director of Commerce, or his deputy, in consultation with the board. In case there is a timely request for an appeal, proceedings will be stayed pending the appeal, unless the act or practice constitutes an immediate menace to health or safety or the person concerned fails to prosecute his appeal with diligence.

(2) Keep a complete record of the types, dimensions, maximum allowable working pressures, age, location and date of the last recorded inspection of all boilers and pressure vessels to which ORS 480.510 to 480.615 apply.

(3) Publish and distribute copies of the rules and regulations.

[1961 c.485 §13; 1969 c.582 §5; 1971 c.753 §59]

480.535 Board of Boiler Rules; membership. (1) The Director of Commerce shall appoint a Board of Boiler Rules and may appoint alternate representatives which shall formulate and promulgate rules under ORS 480.510 to 480.615 for the safe construction, installation, inspection, operation, maintenance and repair of boilers and pressure vessels in this state and review determinations made by its staff concerning boilers and pressure vessels.

(2) Eight persons shall constitute the board, consisting of:

(a) One person who is an owner and user or who is a representative of an owner and user of a high pressure boiler in Oregon and who has had practical experience with high pressure boilers;

(b) One person who is a manufacturer or who is a representative of a manufacturer of boilers or of pressure vessels in Oregon;

(c) One person who is regularly engaged in the inspection of boilers and pressure vessels and who is employed by an insurer who may and does write policies of boiler and pressure vessel explosion insurance in Oregon;

(d) One person who is a mechanical engineer registered by the State of Oregon;

(e) One person who is a practical steam operating engineer or boiler mechanic in Oregon;

(f) One person who is the owner and user or who is a representative of an owner and user of a low pressure boiler in Oregon;

(g) One person who is the owner and user or who is a representative of an owner and user of a pressure vessel in Oregon and who has had practical experience with pressure vessels;

(h) One person who is a manufacturer, owner or user or who is a representative of a manufacturer, owner or user of nuclear vessels in Oregon.

[1961 c.485 §4; 1969 c.582 §6; 1971 c.753 §60]

480.540 Terms of board members; removal; meetings; compensation and expenses. (1) The term of office of a member is four years beginning on July 1 of the year of appointment. A member shall continue to serve until a successor has been appointed and qualified. Vacancies shall be filled by appointment for the unexpired term.

(2) In addition to ORS 480.545 and 480.615, the board shall be governed by the following rules:

(a) The board shall meet not less than four times a year.

(b) A representative of the Bureau of Labor shall serve without a vote as secretary of the board.

(c) The Department of Commerce may remove any member of the board for cause.

(3) Each member of the board is entitled to compensation and expenses as provided in ORS 292.495.

[1961 c.485 §5; 1969 c.314 §54]

480.545 Adoption and enforcement of rules and minimum safety standards. (1) The board may from time to time, under ORS 183.310 to 183.500, make, amend, promulgate and enforce rules and minimum safety standards to carry out ORS 480.510 to 480.615 and adopt standards for persons performing welding on boilers and pressure vessels.

(2) All proceedings in the administration of ORS 480.510 to 480.615 shall be conducted under ORS 183.310 to 183.500 and, additionally, where applicable, under ORS 480.615.

(3) In addition to the rules otherwise provided, and subject to ORS 183.310 to 183.500, the board shall establish rules concerning the times, dates, frequency and manner of giving notice to interested persons of intention to consider one or more of the things which the board may consider under this section.

(4) All rules and minimum safety standards adopted under this section shall be reasonable and in substantial conformity with generally accepted nation-wide engineering standards. In adopting rules the board shall consider the probability, extent and gravity of injuries to health and property which would result from the failure to adopt the standards being considered and the standards followed, proposed or approved by members of affected industries.

(5) No rules formulated and promulgated by the board under ORS 480.510 to 480.615 shall become effective until approved by the Department of Commerce.

[1961 c.485 §7; 1969 c.582 §7]

480.550 Certain minimum safety standards apply until different rules are adopted; effect on existing vessels; application of subsequent amendments. (1) Until different rules are adopted, there is adopted as the minimum safety standards for boilers and pressure vessels the published codification of standard engineering practices and formulae known as the "Boiler and Pressure Vessel Code of the American Society of Mechanical Engineers," together with the published revisions and interpretations thereof in effect as of January 1, 1969.

(2) Any vessel in use on July 1, 1961, or in use on the effective date of any adoption of different rules shall be deemed to meet the minimum safety standards so long as the same use continues and no change occurs which would reduce the safety of its operation. Provided that if the board finds that there is a variation from the minimum safety standards which is dangerous to health or safety, it may order that all vessels having a like variation be brought into conformity with the rules created under this section, or adopted after July 1, 1961, without variation.

(3) Until different rules are adopted, there is adopted as the minimum safety standards for pressure piping the published codification of standard engineering practices and

formulae known as the "Code for Pressure Piping" of the American Society of Mechanical Engineers, numbered B 31.1 (1955) and B 31.7 (1968), together with the published revisions and interpretations thereof in effect as of January 1, 1969.
[1961 c.485 §8; 1969 c.582 §8; 1973 c.830 §3]

480.555 Prohibitions relating to nonconforming vessels. Except as provided in ORS 480.590 and in subsection (1) of 480.525, no person shall:

(1) Make or direct the construction, installation, repair or alteration of a boiler or pressure vessel which does not meet the minimum safety standards, except to bring such vessel into conformity with the minimum safety standards.

(2) Lend, rent out, or offer to lend or to rent out, sell, offer for sale, or dispose of by gift or otherwise, for operation, a boiler or pressure vessel that does not meet the minimum safety standards.

(3) Use, or attempt to use, a boiler or pressure vessel that fails to meet the minimum safety standards.

(4) Make any installation of a boiler or pressure vessel or repair thereon affecting the strength or safety thereof without notifying the Department of Commerce as prescribed by rules promulgated under ORS 480.545.
[1961 c.485 §9; 1967 c.447 §5; 1969 c.582 §9]

480.560 Inspection requirements; additional exemptions permitted. (1) Each boiler and pressure vessel used or proposed to be used within this state, except as exempted under ORS 480.510 to 480.615, shall be thoroughly inspected as to its construction, installation, operation and condition as follows:

(a) Power boilers, meaning boilers used to produce steam or vapor at a pressure in excess of 15 pounds per square inch gauge, or a boiler used for heating liquid to a pressure in excess of 160 pounds per square inch gauge, shall be annually inspected both internally, where construction permits, and externally while not under pressure and if possible shall also be annually inspected externally while under pressure.

(b) Low pressure steam or vapor heating boilers, hot water heating boilers and hot water supply boilers shall be biennially inspected externally, and internally, where construction permits, except that cast iron heating boilers shall be inspected only externally unless the Department of Commerce has reason to believe that an internal inspection of an individual boiler is necessary to assure safe operation.

(c) Pressure vessels subject to internal corrosion or erosion shall be inspected biennially both internally and externally where construction permits.

(d) Pressure vessels, no part of which are subject to internal corrosion or erosion shall be biennially inspected externally, except that vessels containing anhydrous ammonia, intended for use as fertilizer, shall be inspected externally once every three years and fixed vessels, containing only air, not located at a place of public assembly, not exceeding 20 cubic feet in volume and which are operated at gauge pressures of not more than 200 pounds per square inch shall be inspected once every five years.

(e) Pressure piping beyond the second valve from the boiler shall be inspected on installation only and shall not thereafter be considered as part of the boiler for the purposes of any subsequent inspections required by this section. Fees for such inspections shall be as provided in subsection (1) of ORS 480.605.

(2) The board, upon presentation of satisfactory evidence that jeopardy to health and safety will not be substantially increased thereby, may:

(a) Broaden the intervals between inspections, eliminate types of inspections, and correspondingly reduce the fees charged where the use, contents or construction of the vessel warrant special consideration; or

(b) Exempt additional classes of vessels to the same extent vessels are exempted either under subsection (1) or (2) of ORS 480.525.

(3) If a hydrostatic test is necessary to determine the safety of a boiler or pressure vessel, the test shall be made by the owner or user of such boiler or pressure vessel.

(4) All boilers and pressure vessels to be installed in this state after July 1, 1961, shall be inspected during construction by an inspector authorized to inspect boilers in this state, or, if constructed outside of the state, by an inspector holding a certificate of competency issued by a state that has a standard of examination substantially equal to that of this state.
[1961 c.485 §17; 1969 c.582 §10; 1973 c.830 §3a]

480.565 Chief and deputy inspectors; special inspectors. The Director of Commerce shall:

(1) Appoint a chief inspector who has had practical experience in the construction, maintenance, repair or operation of high pressure boilers and pressure vessels as a mechanical engineer, practical steam operating engineer, boilermaker or boiler inspector and who either has passed a written examination which shall be confined to questions the answers to which will aid in determining the fitness and competency of the applicant to inspect boilers and pressure vessels, or who holds a certificate of competency as an inspector of boilers and pressure vessels which is issued by a state which has standards of examination equal to those of the State of Oregon and which recognizes certificates of competency issued by the State of Oregon.

(2) Appoint deputy inspectors who shall be responsible to the chief inspector and who shall have qualified as provided in subsection (1) of this section, except that less practical experience shall be required.

(3) Issue a certificate of competency as a special inspector to any individual who shall have qualified as provided in subsection (1) of this section, except that no more practical experience shall be required than is required of a deputy inspector, and who is continuously employed by:

(a) An insurer who may and does write policies of boiler and pressure vessel insurance in Oregon; or

(b) Any person operating pressure vessels in this state whose service, personnel, equipment and supervision meet the requirements prescribed by the board.

[1961 c.485 §12; 1969 c.582 §11; 1971 c.753 §61]

480.570 Authority of special inspectors. (1) A special inspector receiving a certificate of competency under paragraph (b) of subsection (3) of ORS 480.565 shall not inspect under ORS 480.510 to 480.615 any boiler; nor shall he inspect under ORS 480.510 to 480.615 any pressure vessel not used or not to be used by his employer.

(2) A special inspector's certificate of competency remains in force only while he is continuously employed by one of the persons mentioned in subsection (3) of ORS 480.565.

(3) A special inspector may inspect all boilers and pressure vessels insured or to be insured by his employer or all pressure vessels operated by his employer. When the vessel is to be so inspected, the owner or user of such boiler or pressure vessel is, during the inspection period, exempt from the payment of the permit fee except as provided for in subsection (2) of ORS 480.600.

(4) The Department of Commerce may cause a deputy inspector to inspect or reinspect all boilers and pressure vessels which could be inspected by a special inspector. However, there shall be no internal inspection or reinspection unless there is a question as to whether or not the boiler or pressure vessel meets the minimum safety standards and the special inspector who made the original inspection, or his employer, is given reasonable notice of the intention to make such inspection or reinspection so he can be present.

[1961 c.485 §14; 1969 c.582 §12]

480.575 Revocation of certificate of special inspector; reinstatement. (1) A special inspector's certificate of competency may be revoked by the board for incompetency, untrustworthiness or for any wilful falsehood in the special inspector's application or in any inspection report. No revocation ordered by the board shall become effective until approved by the Department of Commerce.

(2) No certificate of competency shall be revoked until after a hearing has been held before the board. The special inspector and his employer are entitled to appear at such hearings and to be heard.

(3) The Department of Commerce shall deliver to both the special inspector charged and to his employer, not less than 10 days prior to the hearing, a written notice of the charges and of the time and place of such hearing.

(4) A special inspector whose certificate of competency has been revoked may apply for the reinstatement thereof not less than 90 days after the time of revocation.

[1961 c.485 §15; 1969 c.582 §13]

480.580 Entrance to buildings and premises by inspectors. (1) The chief inspector or any deputy inspector may, at all reasonable hours, in performance of the duties imposed by the provisions of ORS 480.510 to 480.615, enter into all buildings and upon all premises, except private residences, for the purpose of inspecting any boiler or pressure vessel which is covered by ORS 480.510 to 480.615 and which he has reasonable cause to believe is located therein.

(2) No person shall interfere with or prevent any such inspection by such inspectors or deputy inspectors.
[1961 c.485 §16; 1969 c.582 §14]

480.585 Permits for operation of vessels. (1) Any person may apply to the Department of Commerce for a permit for a boiler or pressure vessel:

(a) By filing reports showing details of the proposed construction before construction is started; or

(b) By submitting satisfactory proof that the boiler or pressure vessel has been constructed in accordance with minimum safety standards and has been found to be safe.

Such permit shall bear the date of the inspection period and specify the maximum pressure under which the boiler or pressure vessel may be operated. Except as provided by regulation, permits shall be posted in the room containing the vessel for which it is issued.

(2) The board may at any time suspend or revoke a permit when, in its opinion, the boiler or pressure vessel for which it was issued is found not to comply with ORS 480.510 to 480.615. Suspension of any permit continues in effect until the vessel shall have been made to conform to ORS 480.510 to 480.615 and the permit reissued. However, before suspending or revoking a permit, the Department of Commerce shall first notify the person concerned of its intention. The notice shall be in writing and shall advise the person concerned that he has a right to appeal in writing within 10 days and that the appeal will be heard by the Department of Commerce, or its deputy, in consultation with the board. Provided, in case there is a timely appeal, the permit will not be suspended or revoked pending the appeal unless the reason for suspension or revocation constitutes an immediate menace to health or safety or the person concerned fails to prosecute his appeal with diligence. No suspension or revocation shall become effective until approved by the Department of Commerce.

(3) Except as provided in ORS 480.510 to 480.615, no person shall operate a boiler or pressure vessel unless a valid permit for its operation, issued under this section, is attached thereto or posted in a conspicuous place in the room where said boiler or pressure vessel is located; nor shall any person permit or suffer the operation of said boiler or pressure vessel on property which he owns, controls, manages or supervises unless a valid permit for its operation, issued under this section, is attached thereto or posted in a conspicuous place in the room where said boiler or pressure vessel is located; nor shall the owner or lessee or person having possession of a boiler or pressure vessel permit or suffer its operation unless a valid permit, issued under this section, is attached thereto or posted in a conspicuous place in the room where said boiler or pressure vessel is located. The board may waive by rule the provisions of this section.
[1961 c.485 §18; 1967 c.447 §2; 1969 c.582 §15]

480.590 Special permits for vessels not covered by minimum safety standards. A boiler or unfired pressure vessel of a special design or construction not governed by the minimum safety standards, but which is in no way inconsistent therewith, may be granted a special installation and operating permit at the discretion of the Department of Commerce.
[1961 c.485 §10]

480.595 Permit fees generally. (1) Upon receipt of a permit fee due on a date determined by the Department of Commerce and on the same day of each year thereafter in which an inspection is due, the Department of Commerce may issue or renew a permit before or after an inspection has been made pursuant to ORS 480.510 to 480.615.

(2) Permit fees may be prorated.

(3) Permit fees shall be determined as follows:

(a) Power boilers requiring internal inspection:

(A) No more than 50 square feet of heating surface $30

(B) 51 to 500 square feet of heating surface $40

(C) 501 to 1000 square feet of heating surface $45

(D) 1001 to 4000 square feet of heating surface $50

(E) More than 4000 square feet of heating surface $55

(b) Power boilers not requiring internal inspection:

(A) No more than 50 square feet of heating surface $30

(B) More than 50 square feet of heating surface $35

(c) A cast iron boiler $25

(d) Other boilers requiring internal inspections:

(A) 0 to 50 square feet of heating surface $30

(B) 51 to 500 square feet of heating surface $40
(C) 500 to 1000 square feet of heating surface $45
(D) More than 1000 square feet of heating surface $50

(e) Pressure vessels: Fees based on area of vessel, determined by the product of the maximum length and the maximum width or diameter:

(A) Maximum area of 50 square feet requiring internal and external inspection $25
(B) Maximum of 50 square feet requiring external inspection only.. $25
(C) For each additional 100 square feet of area in excess of 50 square feet ..... $ 6

(4) Reinspection fee of $6 shall be charged to defray the cost of a reinspection when deviations from the minimum safety standards are found during any inspection.
[1961 c.485 §19; 1967 c.447 §3; 1969 c.582 §16; 1973 c.830 §6; 1973 c.832 §18a]

480.600 Special provisions on permit fees. (1) The permit fee established under ORS 480.510 to 480.615, for a quantity of pressure vessels available for inspection at the same location, shall be fixed by the board at cost, in accordance with the time required to conduct the inspection and the inspector's mileage to the place of inspection. However, in no case shall the total payment be more than the total of the individual pressure vessel fees fixed by ORS 480.510 to 480.615.

(2) The owner or user of any vessel which is to be inspected during the inspection period under the provisions of subsection (3) of ORS 480.570 shall pay to the Department of Commerce a special permit fee of $10, except that the Department of Commerce may require payment of a permit fee as provided in ORS 480.595 where it finds the vessel to be in violation of the minimum safety standards during the inspection period.

(3) If there is a lengthened inspection interval under subsection (2) of ORS 480.560, the permit fee interval shall be lengthened correspondingly.

(4) No permit issued for an insured boiler or pressure vessel shall be valid after the boiler or pressure vessel for which it was issued shall cease to be insured by a company duly authorized by this state to provide such insurance. Whenever an insurance company notifies its insured that it will no longer insure a vessel, or that insurance on the vessel is no longer in force, the notice shall contain a statement that the insured must apply to the Department of Commerce for a new permit to operate the vessel.

(5) Whenever an owner or user of a boiler or pressure vessel fails to pay any fee required by this chapter within 60 days after the date of depositing written notification in the United States mail, postage prepaid, and addressed to the last-known address of said owner or user, the fee shall be considered delinquent and the fee shall be doubled. If court action is taken the Department of Commerce shall be awarded by the court or judge a reasonable attorney fee, in addition to its other costs and disbursements, if it prevails.
[1961 c.485 §21; 1967 c.447 §4; 1969 c.582 §17; 1973 c.830 §7; 1973 c.832 §18b]

480.605 Miscellaneous fees. The Department of Commerce may:

(1) Collect fees for shop inspections, inspections of vessels and for inspection of vessels which have been changed in installation location after primary use and for any other type of inspection of boilers, pressure vessels or pressure piping which may be required by any person or persons, including any governmental units, all such inspections to be at the cost of inspection, in accordance with the time required to make the inspection, plus the expense of the inspector including lodging and travel. The hourly charge, or portion thereof, shall be fixed by the board.

(2) Collect a fee for welding and inspectors' examinations and for annual renewal of inspectors' certifications. The amount of the fee shall be fixed by the board.

(3) Collect an additional fee from the owner or user when it is necessary to make a special trip to witness the application of a hydrostatic or other test. The amount of the fee shall be fixed by the board.
[1961 c.485 §22; 1969 c.582 §18; 1973 c.830 §8]

480.610 Disposition of fees. All receipts from fees, charges, costs and expenses under ORS 480.510 to 480.615 shall be collected by the Department of Commerce and paid into the State Treasury on the first day of each month for the preceding month, and credited by the State Treasurer to the Building Code Account created by ORS 456.890 for purposes authorized by law.
[1961 c.485 §23; 1973 c.834 §42]

480.615 Appeals. (1) The Department of Commerce shall hear the appeal of an appellant who has filed a timely written request

and who (a) has received notice that a restraining order or injunction will be sought, or (b) has received notice that a permit will be suspended or revoked, or (c) is affected by either of such notices. The Department of Commerce shall likewise hear the appeal of an appellant who has filed a written request and who has reason to desire a change in the minimum safety standards or the rules.

(2) The Department of Commerce shall set the time and place for hearing and give the appellant 10 days' written notice.

(3) All appeals shall be heard within three months of receipt of the request. Provided, if immediate menace to health or safety is involved, the appeal shall be heard within 20 days of receipt of the request.

(4) (a) Two or more appeals may be consolidated for hearing, if based upon substantially the same facts.

(b) The Department of Commerce and the appellant may subpena witnesses who shall receive the same compensation and mileage pay as circuit court witnesses.

(c) The appeal shall be heard by the Department of Commerce, or its deputy, before the board.

(d) A written record shall be kept.

(e) The Department of Commerce shall determine the appeal after consultation with and giving consideration to the views of the board.

[1961 c.485 §26]

480.630 Licensing and certification of persons installing, altering or repairing boilers or pressure vessels; examination; fee. (1) No person shall engage in the business of installing, repairing or altering boilers or pressure vessels unless he first obtains a license therefor from the Department of Commerce.

(2) No person shall install, repair or alter boilers or pressure vessels as an employe of a business engaged in the installing, repairing or altering of boilers or pressure vessels unless he first obtains certification therefor from the Department of Commerce.

(3) The board may conduct examinations for certification of an employe or agent of a business to establish the competency of the applicant.

(4) Licenses and certification shall be issued by the Department of Commerce upon recommendation of the board and upon payment of a fee of $10 for each application for an employe or agent's certification and $100 for each application for a business license.

(5) The licenses and certifications shall be renewed annually upon payment of the fees in subsection (4) of this section.

(6) Until July 1, 1974, the board shall recommend for certification without examination an applicant who submits evidence satisfactory to the board that he has the experience required in the class of boiler and pressure vessel installation or repair for which he is applying for a certification.

(7) No person shall install, alter or repair a boiler or pressure vessel without first securing a permit therefor from the boiler section of the Safety Division of the Department of Commerce unless the person is not subject to licensure or certification. Permits shall be issued only to the persons licensed. A permit fee of $10 shall be paid directly to the boiler section of the Safety Division of the Department of Commerce.

(8) In the case of an emergency, a permit is not required in advance for boiler installations as required under subsection (7) of this section, if an application accompanied by the appropriate fee for a permit is submitted to the boiler section of the Safety Division within five days after the commencing of the boiler work.

[1973 c.830 §4]

480.635 Procedure for suspension of certification; reinstatement. (1) An alterer's, repairer's or installer's certification may be suspended by the chief inspector for the incompetence of the holder thereof or for wilful falsification of any matter or statement contained in his application or in a report of any inspection made by him. Written notice of the suspension shall be given by the chief inspector within not more than 10 days to the person certified, his employer and the board. A person whose certification has been suspended may appeal to the board as provided and be present in person and be represented by counsel at the hearing of the appeal.

(2) If the board has reason to believe that a person certified is no longer qualified to hold his certification, the board, upon not less than 10 days' written notice to the person certified and his employer, shall hold a hearing at which the person certified and his employer shall have an opportunity to be heard. If, as a result of the hearing, the board finds that the person certified is no longer qualified to hold his certification, the

board shall recommend to the Department of Commerce that the certification be revoked and the department shall thereupon revoke such certification forthwith.

(3) A person whose certification has been suspended may apply, after 90 days from the date of the suspension, for reinstatement of the certification.

[1973 c.830 §5]

PENALTIES

480.990 Penalties. (1) Violation of any provision of ORS 480.010 to 480.040 is punishable, upon conviction, by a fine of not less than $10 nor more than $100 for each offense.

(2) Violation of any provision of ORS 480.050 or 480.060 is punishable, upon conviction, by a fine of not less than $25 nor more than $200, or by imprisonment in the county jail for a period not to exceed six months, or both.

(3) Violation of ORS 480.070 is a misdemeanor.

(4) Violation of ORS 480.085 is punishable, upon conviction, by a fine of not more than $500.

(5) Violation of any provision of ORS 480.110 to 480.160 is punishable, upon conviction, by a fine of not more than $500, or by imprisonment in the county jail for not more than six months, or both. Violations thereof may be prosecuted in state or municipal courts when violations occur within the municipality served thereby. Justice and district courts shall have concurrent jurisdiction with circuit courts in all proceedings arising within ORS 480.110 to 480.160.

(6) Violation of any provision of ORS 480.170 is punishable, upon conviction, by a fine of not less than $25 nor more than $50.

(7) Violation of any provision of ORS 480.210 to 480.220 and 480.235 to 480.265 or of any rule or regulation adopted under subsection (1) of ORS 480.280 is punishable, upon conviction, by a fine of not more than $250 or by imprisonment in the county jail for not more than one year, or by both.

(8) Any violation of ORS 480.320 to 480.340 is punishable, upon conviction, by a fine of not more than $500, or by imprisonment in the county jail for not more than six months, or both.

(9) Violation of any provision of ORS 480.420 to 480.460 is punishable, upon conviction, by a fine of not less than $25 nor more than $50. Each day's violation shall be deemed a separate offense.

(10) Violation of any part of ORS 480.555, of subsection (1) of ORS 480.570, of subsection (2) of ORS 480.580 or of subsection (3) of ORS 480.585 is a misdemeanor.

[Subsection (4) of 1963 Replacement Part enacted as 1961 c.722 §3; subsection (10) enacted as 1961 c.485 §24; subsection (4) enacted as 1963 c.384 §3; 1965 c.602 §24; subsection (3) enacted as 1967 c.417 §22; subsection (7) enacted as 1971 c.518 §25]

CERTIFICATE OF LEGISLATIVE COUNSEL

Pursuant to ORS 173.170, I, Thomas G. Clifford, **Legislative Counsel**, do hereby certify that I have compared each section printed in this chapter with the original section in the enrolled bill, and that the sections in this chapter are correct copies of the enrolled sections, with the exception of the changes in form permitted by ORS 173.160 and other changes specifically authorized by law.

Done at Salem, Oregon,
on November 1, 1973.

Thomas G. Clifford
Legislative Counsel