

Chapter 479

1979 REPLACEMENT PART

Protection of Buildings from Fire; Electrical Safety Law

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**PROTECTION OF BUILDINGS
FROM FIRE**

479.010 Definitions for ORS 479.020 to 479.190. (1) For the purpose of ORS 479.170 to 479.190 and subsection (4) of ORS 479.990:

(a) "Alter" in its various modes and tenses and its participial forms refers to an alteration as defined herein.

(b) "Alterations," as applied to a building or structure, means any change, addition or modification in construction or occupancy.

(c) "Construction" means the making, building, alteration, erection, reconstruction, rebuilding or production of a building or addition or extension thereto, or enlargement thereof, in any manner not included in the term "repair" as defined in this section.

(d) "Family" means an individual or two or more persons related by blood or marriage or a group of not more than five persons, excluding servants, who need not be related by blood or marriage, living together in a dwelling unit.

(e) "Hospital" means a building of any sort in which sick or injured persons are received or kept for medical, surgical or nursing purposes.

(f) "Occupancy" means the purpose for which a building or structure is used or intended to be used. Change of occupancy is not intended to include change of tenants or proprietors.

(g) "Owner" includes his duly authorized agent or attorney, a purchaser, devisee, fiduciary and a person having a vested or contingent interest in the property in question.

(h) "Private residence" means that part of a single, double or multiple dwelling house or building occupied as living or sleeping quarters by one or more family units, exclusive of any portion of such house or building devoted to commercial, processing or manufacturing use.

(i) "Public building" means a building in which persons congregate for civic, political, educational, religious, social or recreational purposes, including among others, state buildings, courthouses, schools, colleges, libraries, museums, exhibit buildings, lecture halls, churches, assembly halls, lodge rooms, dance halls, theatres, skating rinks, bath houses, armories, recreation piers, grandstands and bleachers in exhibition parks or fields, and jails.

(j) "Repair" means restoration of an existing thing to its former state, to refit, to mend, to make good. It does not include construction, reconstruction, alteration or rebuilding of a building or any part thereof.

(2) For the purposes of ORS 479.020, 479.030, 479.060 and 479.080, "story" is that portion of a building included between the upper surface of any floor and the upper surface of the floor next above, except that the topmost story is that portion of a building included between the upper surface of the topmost floor and the ceiling or roof above. If the finished floor level directly above a basement, cellar or unused under-floor space is more than six feet above the ground surrounding the building for more than 50 percent of the total perimeter or is more than 12 feet above the ground surrounding the building at any point the basement, cellar or unused under-floor space shall be considered a story.

(3) As used in ORS 479.100:

(a) "Private garage" is a building or portion of a building in which one or more vehicles or other self-propelled vehicles or wheeled machines using volatile inflammable liquid for fuel or power are housed or kept for private use and in which no business or industry connected with motor vehicles is carried on.

(b) "Public garage" is any garage to which the public is invited or has access to for a purpose within the scope of the business that is carried on therein, or where there are housed for rent, care, repair, demonstration, storage or sale, four or more motor vehicles or self-propelled vehicles or other wheeled machines using volatile inflammable liquid for fuel or power.

(4) As used in ORS 479.110, "picture machine" means any machine or device operated by or with the aid of electricity or other illuminant, and adapted or used to project upon a screen or other surface pictorial representations, using an inflammable film.

(5) For the purpose of subsection (3) of this section and ORS 479.100, 479.110 and 479.160:

(a) "Apartment house" means any building, or portion thereof which is rented, leased, let or hired out to be occupied, or which is occupied as the home or residence of three or more families living independently of each other and with facilities for doing their own cooking in said building, and shall include flats, tenements and apartments.

(b) "Concrete" means, except when otherwise specifically provided, a mixture of one part of cement and not more than three parts of sand and five parts of coarse aggregate, proportioned by volume.

(c) "Hotel" means any building containing six or more guest rooms intended or designed to be used or which are used, rented or hired out to be occupied, or which are occupied, for sleeping purposes by guests.

(d) "Inflammable liquids" means any liquid having a flash point below 187 degrees Fahrenheit or 86 degrees Centigrade closed cup tester.

(e) "Masonry" means plain monolithic concrete as well as that form of construction composed of stone, brick, concrete, hollow clay tile, concrete blocks or tile, or other similar building units or materials or a combination of these materials laid up unit by unit and set in mortar.

(f) "Permit" means the written authority of the State Fire Marshal, to have, keep, store, use, manufacture, sell or handle certain kinds of goods or materials or to operate and maintain a certain establishment or to do any act or thing requiring a permit from the fire marshal. [Subsection (6) enacted as 1953 c.569 §1; 1963 c.120 §1, 1979 c.359 §1; 1979 c 764 §1a]

479.015 Smoking in public elevator prohibited; penalty. (1) It shall be unlawful for any person to smoke cigars, cigarettes or tobacco in any form or to ignite any substance in an elevator used by the public.

(2) A "No Smoking" sign shall be posted and maintained in a conspicuous place on or within any elevator operated in accordance with subsection (1) of this section, pursuant to rules of the State Fire Marshal.

(3) Any person who violates subsection (1) of this section shall incur a penalty of \$10 for each such violation.

(4) Any person who violates subsection (2) of this section shall be punished upon conviction by a fine of \$100. [1975 c.474 §2]

479.020 Buildings requiring fire escapes; exceptions. (1) Subject to subsection (2) of this section, all buildings, except private residences, erected after May 28, 1925, or any building then erected, having three stories or more where the stories above the second story are actually used, shall be equipped with not less than one standard fire escape or one exterior stairway for each 10,000 square feet of lot

or ground space, or fraction thereof, occupied by the building.

(2) If the approval of the State Fire Marshal is secured with respect to a particular building, the requirements of subsection (1) of this section do not apply to such building if it:

(a) Is constructed with two-hour fire-resistive structural elements of steel, iron, concrete or masonry; and

(b) Has incombustible fire-resistive walls and permanent partitions; and

(c) Is provided with not less than two inclosed smokeproof stairwells with fireman's access to each floor and to the roof, or is provided with other fire protection and escape which the State Fire Marshal finds adequate for the use of the building. [Amended by 1959 c.651 §2; 1965 c.602 §15]

479.030 Hospital escape exits. Every building erected, maintained or occupied after May 28, 1925, for hospital purposes and not of fireproof construction or provided with adequate means of egress from the floors above the first floor, shall have sufficient means of exit other than interior stairway or elevator, whereby the inmates or other occupants of the building shall have adequate means of escape from the floors above the first floor. Such arrangement of exterior exit shall have the approval of the State Fire Marshal.

479.040 Specifications for construction of fire escapes. Fire escapes installed after May 28, 1925, on the outside of buildings shall be constructed in accordance with the specifications prescribed in this section, any deviation from which shall only be made by permission of the State Fire Marshal. Each fire escape shall consist of balconies, stairs and fireman's ladder, as follows:

(1) Each balcony shall not be less than 12 feet long and 3 feet 8 inches wide, and have a well hole of not more than 6 feet long nor more than 2 feet 3 inches wide. The outside of the floor shall be made of 2 inch by 2 inch by 1/4 inch angle iron and the corners bent on a radius of not less than 6 inches. Slats for the floor shall be 1 1/2 inch by 1/4 inch mild steel and spaced 1 inch between slats, and reinforced by 1/4 inch by 2 inch mild steel not over 3 feet apart, securely riveted to the slats. Railing for the balcony shall be not less than 30 inches high and be extended on each end and front of balcony, and shall have one top and one center rail 1/4 inch by 2 inch bent to conform to platform and securely bolted to the

building, and connected to floor of balcony by not less than five upright irons, 1/4 inch by 1/2 inch, twisted to conform to each rail and angle iron, and securely riveted thereto. Screws or lagscrews shall not be used in the construction of fire escapes.

(2) The stairs shall be made of 1/4 inch by 4 inch flat mild steel bars, and the steps shall be 20 inches long and not over 10 inch rise. Stairs shall have a railing made of 1 inch pipe and be 20 inches from stairs, and securely fastened by means of 1 inch pipe supports not over 7 feet apart.

(3) The fireman's ladder shall consist of 5/16 inch by 2 inch mild steel bars for sides, and have 3/4 inch round mild steel rungs, spaced not over 14 inches apart, tenoned on each end and riveted to each side of ladder. Ladders shall extend from within 14 feet of the ground to not less than 5 feet above the roof of the building. Each balcony shall be securely bolted to building and supported by means of 1 1/2 inch square braces, four in number, securely anchored into the wall, as may be directed by the building inspector or fire chief. Fire escapes, when finished, shall be painted with at least one coat of red lead.

479.050 Certain fire escapes to extend to ground or have approved counterbalanced stairways. The fire escape shall extend clear to the ground or have an approved counterbalanced stairway, when the State Fire Marshal deems such to be necessary, as in the case of schools, factories, hotels, hospitals, detention homes and buildings of public assembly.

479.060 Location of fire escapes; accessibility; freedom from obstructions; buildings of three or more stories. (1) Fire escapes installed after May 28, 1925, shall be located on buildings so as to be as remote from stairways as possible.

(2) In all buildings erected after May 28, 1925, which are occupied at night for sleeping purposes and which require fire escapes, the public corridors shall extend to all fire escapes.

(3) In all buildings existing on May 28, 1925, and in all buildings erected after that date, except those covered by the regulations of subsection (2) of this section, not more than one room shall intervene between a corridor and any fire escape. When a room intervenes between a corridor and the fire escape, the corridor door shall have a glass panel extend-

ing from the top rail to the doorknob and the glass shall be of a kind that is easily broken. Any lock on the corridor door shall be of the night latch type which can be opened from the inside without a key. Close to the door, on the corridor side, shall be kept at all times an adequate instrument for breaking the glass, with explanatory label, subject to approval of the State Fire Marshal.

(4) All fire escapes, ladders, stairs, hallways and platforms shall be kept free from encumbrances or obstructions at all times.

(5) In all buildings consisting of three or more stories, except private residences, and which are occupied for sleeping purposes, all unprotected openings such as open stairways, open elevator shafts, dumbwaiters, chutes, light wells or any other unprotected opening shall be effectively inclosed in a manner subject to approval of the State Fire Marshal to prevent the dangerous spread of fire, smoke, gas or heat to corridors leading to fire escapes.

479.070 [Repealed by 1965 c.602 §30]

479.080 Red or green lights to show location of fire escapes; fire warning system. (1) An electric red or green exit light of a type approved by the State Fire Marshal shall be placed in full view of hallways showing location of fire escapes. Each light must be kept burning from sundown to sunrise when such building is occupied. The light must not at any time be permitted to be out of order and when out of order must be immediately repaired.

(2) All hotels, factories, workshops, schools and any other building shall be equipped with a fire warning system in accordance with rules and regulations of the State Fire Marshal. [Amended by 1955 c 453 §1, 1965 c 602 §17]

479.090 Stationary ladders; standpipe specifications; hospital requirements. (1) All buildings requiring fire escapes shall have stationary iron ladders to scuttle holes. A standpipe shall be erected with all fire escapes, with hose attachments at each story, with Siamese connection not less than 18 inches nor more than four feet above sidewalk grade, on all buildings more than three stories in height as follows:

STANDPIPE TABLE

	4-story	5-story	6- or 7-story
Size of standpipe.....	4-inch	4-inch	5-inch
Size of valves	2 1/2-inch	2 1/2-inch	2 1/2-inch
Siamese inlet	2-way	3-way	4-way
Size of inlet.....	2 1/2-inch	2 1/2-inch	2 1/2-inch
Roof outlet.....	2-way	2-way	3-way
Size of outlet.....	2 1/2-inch	2 1/2-inch	2 1/2-inch

(2) Whenever a water supply is available of sufficient pressure, interior standpipes of not less than 1 1/2 inches in size shall be installed in such building described in ORS 479.030, with valve and hose attached to standpipe on each floor, the hose to be of sufficient length to reach any part of the floor. One 2 1/2 gallon fire extinguisher shall be installed and maintained on each floor. The extinguisher shall be kept in good working order at all times. [Amended by 1965 c.602 §17a]

479.100 Public garage regulations; permit for exhibition of automobiles; prohibited occupancy. (1) The State Fire Marshal shall from time to time adopt and enforce rules and regulations establishing minimum safety standard for the construction, use and occupancy of public garages. No person shall, after September 1, 1965, establish, construct or operate a public garage, as defined in ORS 479.010, unless the building complies with the rules and regulations of the State Fire Marshal. No enlargement, extension, alteration, replacement or reconstruction of any building or any part thereof, occupied as a public garage, other than repairs to the building, shall be made except in conformity with the provisions of ORS 479.020 to 479.100. The State Fire Marshal, his deputies or assistants may issue a permit for the exhibition or use of automotive vehicles in buildings other than public garages when such precautions and safety plans as designed and declared by the State Fire Marshal have been complied with by the applicant for such permit. The permit shall state the place and period of time for such exhibition and shall specifically provide that during such period the State Fire Marshal, his deputies or assistants shall direct all matters in regard to the safety of human life and property in such place of exhibition and its entrances and exits.

(2) All wiring shall be installed in accordance with minimum safety standards as defined in ORS 479.530.

(3) No part of any building which is used as a hospital, assembly hall, including theatre or moving picture house, hotel, lodging house, tenement or apartment house shall be used as

a public garage unless the garage portion is located on the ground with a cement floor and with the floor above of fireproof construction, and with masonry walls at least eight inches thick and the only openings that shall be permitted in the partitions or walls of the garage portion leading to other portions of the buildings shall be protected by a single self-closing kalamín or standard fire door, normally kept closed unless the entire building complies with State Fire Marshal regulations established pursuant to ORS 476.030.

(4) There shall be at all times maintained in every such building used for the aforesaid purpose fire extinguishing equipment in accordance with State Fire Marshal regulations.

(5) No gasoline shall be put into or taken out of any automobile in the presence of an open flame or while an engine is running.

(6) No lights of any kind other than electricity shall be used for illuminating purposes in any automobile garage when electricity is available.

(7) All electric equipment and any flame or spark-producing devices not actually a part of an automobile shall be installed, located and used in accordance with State Fire Marshal regulations, unless of approved explosion-proof type.

(8) All repair shops shall be kept clean and the floor free from oily waste or rags. All such rags and waste and combustible rubbish shall be kept in metal cans or receptacles covered with tight-fitting covers. [Amended by 1959 c.651 §1; 1965 c.602 §18]

479.110 [Amended by 1963 c.317 §1; repealed by 1965 c.602 §30]

479.120 [Repealed by 1963 c.120 §2 (479.121 enacted in lieu of 479 120)]

479.121 [1963 c.120 §3 (enacted in lieu of 479.120); 1969 c.314 §52; repealed by 1979 c.764 §2]

479.130 Tents or canvas-covered structures for public assembly to be flame resistant. No person shall erect, maintain or use within Oregon any tent or canvas-covered structure with the intent that such a tent or structure be used for a place of public assembly unless the tent and canvas-covered parts of the structure and all combustible decorative materials have been rendered flame resistant.

479.140 School fire regulations. (1) The State Fire Marshal and his deputies and assistants shall require teachers of public and private schools and educational institutions to

have one fire drill each month and to keep all doors and exits unlocked during school hours.

(2) After July 1, 1965, all painting or finish applied to interior combustible surfaces, except floors and trim, of public and private school buildings and educational institutions shall be of a fire-retardant material meeting flame spread regulations for interior finish established by the State Fire Marshal pursuant to ORS 476.030. [Amended by 1965 c.602 §19]

479.150 Outward-swinging doors required in public buildings. (1) The outside doors, doors serving as exits from hazardous areas and all doors located in the path of exit leading thereto, in every theater, church, school building, public hall, and every other building used for public purposes where people congregate, shall be so swung and hinged that they will open outward as determined in accordance with rules adopted by the State Fire Marshal pursuant to ORS 476.030. Revolving, sliding and overhead doors shall not constitute any part of the door width required for exit facilities as determined in accordance with rules adopted by the State Fire Marshal pursuant to ORS 476.030.

(2) No owner, lessee, tenant or person having control of any building enumerated in subsection (1) of this section shall fail to provide doors opening outward as required therein. [Amended by 1979 c.660 §1]

479.155 Plan of proposed construction or alteration; declaration of value; fee; approval of plan; effect of approval.

(1) As used in this section:

(a) "Director" means the Director of Commerce.

(b) "Administrator" means the state building code administrator appointed pursuant to subsection (1) of ORS 456.790.

(2) Prior to construction or alteration of a hospital, public building as defined in paragraph (i) of subsection (1) of ORS 479.010, public garage, dry cleaning establishment, apartment house, hotel, bulk oil storage plant, school, institution as defined in ORS 479.210, or any other building or structure regulated by the State Fire Marshal for use and occupancy or requiring approval by the State Fire Marshal pursuant to statute, the owner shall submit to the administrator two copies of a plan or sketch showing the location of the building or structure with relation to the premises, distances, lengths and details of

construction as the director shall require. Such filing shall not be required with respect to any such building or structure in any area exempted by order of the State Fire Marshal pursuant to ORS 476.030. Approval of such plans by the administrator shall be considered approval by the State Fire Marshal and shall satisfy any statutory provision requiring approval by the State Fire Marshal.

(3) A declaration of the value of the proposed construction or alteration and the appropriate fee required under ORS 456.760 shall accompany the plan or sketch. However, the determination of value or valuation shall be made by the director or his authorized assistant.

(4) The administrator or his staff shall be furnished with not less than two accurate copies of the plan or sketch and details for the purpose of ascertaining compliance with applicable fire prevention and protection statutes and regulations. The plan examiner shall indicate on the plan or sketch and in writing his approval or disapproval and conditions for approval of the construction or alteration. One copy of the plan or sketch shall be retained by the administrator and one copy shall be returned to the applicant. No building or structure referred to in subsection (2) of this section shall be erected or constructed without approval by the administrator if the building or structure requires approval by the State Fire Marshal. After such approval or issuance of the required permit, construction or alteration shall comply with the plan or sketch in all respects unless modified by subsequent permit or order of the director or his authorized assistant.

(5) The approval of a plan or sketch shall not be construed to be a permit for, or an approval of, any violation of any statute or regulation or the applicable ordinances and regulations of any governmental subdivision of the state. The approval of a plan or sketch shall not be construed as an approval for noncompliance with fire marshal regulations. Any condition upon approval or disapproval shall be deemed an order subject to appeal as other orders are appealable.

(6) Notwithstanding the requirements of subsections (2) and (4) of this section, the State Fire Marshal may, by rule, require an additional copy of a plan or sketch for local government use and may specify that plans or sketches submitted for review be drawn clearly and to scale. [1965 c 602 §14; 1967 c.417 §20; 1973 c.834 §33; 1977 c.821 §4]

479.160 Existing nonconforming buildings; permit for use and occupancy.

The owner, lessee or agent of any building established, occupied and defined, as of May 28, 1925, as coming within the provisions of ORS 479.020 to 479.120, which does not conform to the requirements of these provisions, but which, after an inspection by the State Fire Marshal, is found to be reasonably safe, or which can be made reasonably safe, shall be granted a permit by the State Fire Marshal for the continued use and occupancy of the building after the changes, if any, have been made.

479.170 Ordering repair of, or removal of material from, buildings. (1) If the State Fire Marshal, or his deputies, upon an examination or inspection finds a building or other structure which for want of proper repairs, by reason of age and dilapidated conditions, or poorly installed electric wiring and equipment, defective chimneys, defective gas connection, defective heating apparatus or for any other cause or reason, is especially liable to fire, and which is so situated or occupied as to endanger other buildings or property or human life, the officer shall order the building to be repaired and all dangerous conditions remedied.

(2) If the officer finds in any building or upon any premises any combustible or explosive material, rubbish, rags, waste, oils, gasoline or inflammable condition of any kind, dangerous to the safety of the buildings or premises or human life, he shall order such materials removed or remedied.

(3) The order shall be made against and served personally or by registered letter upon the owner, lessee or occupant of the building or premises. Thereupon it shall be complied with by the owner, lessee, agent or occupant within the time fixed in the order. Upon failure to comply, the State Fire Marshal may close the building or premises for use or occupancy until compliance has been made.

479.180 Appeal from order to comply with fire prevention statutes. (1) If the owner, lessee, agent or occupant deems himself aggrieved by the order of an officer under the provisions of ORS 476.030, 479.020 to 479.130, 479.170, 479.210 to 479.220, 480.122 to 480.170, 480.330, 480.340, 480.420 to 480.434 or 480.450 and desires a hearing, he may complain or appeal in writing to the State Fire Marshal within 10 days from the service of the order. The complaint or appeal

shall set forth the specific grounds of the complaint or appeal and no other ground shall be considered thereafter. The complaint or appeal shall be accompanied by a fee of \$40 payable to the State Fire Marshal, and the State Fire Marshal may refer the complaint or appeal to the regional appeal advisory board established for that region by notifying the chairman of that board and sending a copy of the notice to the complainant or appellant. The board shall fix a time for hearing and notify the complainant or appellant of the time and place thereof, which shall be within 10 days after such referral by the State Fire Marshal. If he does not refer the matter to a regional appeal advisory board, the State Fire Marshal shall fix a time and place, not less than five and not more than 10 days thereafter, when and where the complaint or appeal will be heard by him. Within 10 days after receiving a recommendation from the regional appeal advisory board, or if no referral was made to such board, within 10 days after the hearing before him, he may affirm, modify, revoke or vacate the order complained of or appealed from. Unless the order is modified, revoked or vacated by the State Fire Marshal, it shall remain in force and be complied with by the owner, lessee, agent or occupant, and within the time fixed in the order or fixed by the State Fire Marshal. If the State Fire Marshal vacates or revokes the order complained of or appealed from, or modified it in any particular other than extending time for compliance, the fee paid with the complaint or appeal shall be refunded. Otherwise, it shall be credited to appropriate state funds, and the State Fire Marshal shall so notify the State Treasurer.

(2) If the complainant or appellant under subsection (1) of this section is aggrieved by the final order of the State Fire Marshal, and if such order necessitates the expenditure of money or involves statutory interpretation, he may, within 10 days thereafter, appeal to the circuit court of the county in which the property is situated, notifying the State Fire Marshal of the appeal within 10 days thereafter, which notice shall be in writing and delivered personally or by registered letter to the marshal, or left at his principal office at the state capital. The party so appealing shall, within two days after filing the appeal, file with the circuit court in which appeal is made a bond in an amount to be fixed by the court or judge, but in no case less than \$100, with two sufficient sureties possessing the qualification of

bail on arrest, the bond to be approved by the court and conditioned to pay all the costs on the appeal in case the appellant fails to sustain it or it is dismissed for any cause. In the case of an appeal involving an order under ORS 479.170, the circuit court shall hear and determine the appeal within 10 days after the date of filing the same.

(3) The State Fire Marshal shall make or have made a certified summary of the proceedings at the hearing before the regional appeal advisory board or before him, and together with all the evidentiary matter filed in his office or presented to the regional appeal advisory board, transmit them to the circuit court at least three days prior to the date fixed by the court for hearing when it shall be tried de novo. [Amended by 1965 c.602 §20; 1973 c.832 §9]

479.190 Liability in damages for failure to comply with order under ORS 479.170. Anyone injured in his person or property by reason of the failure of the owner or occupant to comply with any order under ORS 479.170 not appealed from, or with any such order of the State Fire Marshal upon appeal to him, or by any fire originating in the building or premises while the order is in effect and not complied with, may recover from the owner or occupant the actual damage suffered by him.

479.195 Certain public places to post notice of maximum allowable number of persons; closure of buildings; judicial review. (1) After January 1, 1968, all dance halls, clubs, amusement halls, auditoriums and every place of public assembly not having fixed seats and having a capacity of more than 100 persons shall post and keep posted a notice of the maximum number of persons allowed at any one time as established by regulations of the State Fire Marshal or by the approved authority when such public assemblies are located within the jurisdiction of a governmental subdivision granted the exemption provided by subsection (4) of ORS 476.030. All such capacity notices shall be on a form approved or provided by the State Fire Marshal and shall be securely fixed and posted in a conspicuous place so as to be readily visible to the occupants of such place of assembly.

(2) If the State Fire Marshal, or his deputies, assistants as defined in ORS 476.060, or the approved authority, as proved by subsection (4) of ORS 476.030, upon examination or

inspection finds a building or other structure described in subsection (1) of this section, to be occupied by a number of persons in excess of the maximum number of persons allowed at any one time as set forth in the capacity notice, the State Fire Marshal, or his deputies, assistants as defined in ORS 476.060, or the approved authority, as provided in subsection (4) of ORS 476.030, may close the building or other structure for use or occupancy until compliance has been made.

(3) The owner of any building or other structure closed under subsection (2) of this section shall have immediate access to the circuit court for the county in which the building or other structure is located for review of the order of exclusion or removal. Such access may be in the form of any appropriate judicial proceeding and shall be given priority over all other cases on the docket of the circuit court.

(4) The closure provided for in subsection (2) of this section shall not exclude any other remedies available to the State Fire Marshal, his deputies, or the approved authority, as provided by subsection (4) of ORS 476.030. [1967 c.417 §18; 1971 c.689 §1; 1979 c.772 §25]

479.200 Water supply required for certain public buildings. (1) Any public building, as defined in paragraph (i) of subsection (1) of ORS 479.010, erected after July 1, 1967, that exceeds 5,000 square feet in usable or occupied floor area or is more than two stories in height and exceeds 2,000 square feet in usable or occupied ground floor area shall have a readily available water supply within 500 feet of such building of sufficient capacity to allow fire-fighting apparatus to pump 500 gallons per minute for a period of 10 minutes for each 5,000 square feet of occupied or usable floor area or fraction thereof, up to 500 gallons per minute for 30 minutes.

(2) Required water supplies may be provided by underground cisterns or surface ponds, lakes or streams when approved and readily accessible standpipes of not less than four inches inside diameter with not less than two two-and-one-half-inch outlets or equivalent are provided. [1967 c.417 §19]

INSPECTION OF INSTITUTIONS

479.210 "Institution" defined for ORS 479.215 to 479.220. As used in ORS 479.215 to 479.220, unless the context requires otherwise, "institution" means:

(1) A child-caring facility which provides residential care and which receives state aid under ORS 418.005 to 418.025, 418.035 to 418.315, 418.355 to 418.370, 418.405 to 418.470, 418.505 to 418.565, 418.610 to 418.685 and 418.705 to 418.730.

(2) An inpatient care facility required to be licensed under ORS 441.015 to 441.087, 441.525 to 441.595, 441.810 to 441.820, 441.990, 442.300, 442.320, 442.330, 442.340 to 442.350 and 442.400 to 442.450; or

(3) A residential facility subject to licensure under ORS 443.400 to 443.455 and 443.994. [1961 c.316 §1; 1963 c.202 §1; 1969 c.641 §18; 1973 c.832 §10; 1977 c.717 §18]

Note: 479.210 first becomes operative July 1, 1978. See section 26, chapter 717, Oregon Laws 1977. Until then, 479.210 (1975 Replacement Part) remains operative.

479.215 Institution not to be licensed or certificated unless in compliance with fire safety requirements; inspection; list of licensed or approved institutions. (1) Except as provided in subsection (3) of this section or in ORS 479.217, the Health Division shall not issue an initial license or an initial certificate of approval to any institution when the State Fire Marshal, or his approved representative as provided in subsection (3) of this section, notifies in writing that the institution is not in substantial compliance with all applicable laws and rules relating to safety from fire established pursuant to ORS 476.030.

(2) On January 1st of each year or as soon thereafter as practicable the Health Division shall furnish the State Fire Marshal with a complete list of all institutions licensed or approved by it within the State of Oregon.

(3) The State Fire Marshal, his deputy or the approved authority shall make or have made at least once each year an inspection of any such licensed or approved institution to determine its substantial compliance with the laws and rules as provided in subsection (1) of this section. If any required corrective measures are not completed within the reasonable time fixed or an extension thereof made by order of the inspecting authority, the Health Division shall be notified of the fact of non-compliance and appropriate action shall be initiated in accordance with provisions of ORS 476.030 and 479.170. Except as provided in ORS 479.217, if, at any time, the State Fire Marshal, or his deputy, or the approved authority notifies the Health Division in writing that an institution is not in substantial com-

pliance with all applicable laws and rules as provided in subsection (1) of this section, the Health Division shall deny, withhold, suspend or revoke the license or certificate of approval of the institution.

(4) When an area has been exempted by the State Fire Marshal under ORS 476.030, certification, annual inspection and notification of noncompliance when appropriate, shall be made and performed by the approved authority of the governmental subdivision having jurisdiction in such area. [1961 c.316 §2; 1963 c.202 §2; 1965 c.602 §21; 1973 c.832 §11]

479.217 Temporary permit in lieu of inspection approval under ORS 479.215; cancellation; extension or renewal. (1) In lieu of an inspection approval by the State Fire Marshal or the approved authority of a governmental subdivision having jurisdiction in an area exempted by the State Fire Marshal, under ORS 479.215 for institutions licensed under ORS 418.005 to 418.025, 418.035 to 418.315, 418.355 to 418.370, 418.405 to 418.470, 418.505 to 418.565, 418.610 to 418.685, 418.705 to 418.730, 441.015 to 441.087, 441.525 to 441.595, 441.810 to 441.820, 441.990, 442.300, 442.320, 442.330, 442.340 to 442.350 and 442.400 to 442.450 or licensed by the Department of Human Resources in accordance with ORS 443.400 to 443.455 and 443.994, the State Fire Marshal or the approved authority may issue a temporary permit which meets the requirements of ORS 479.215 for licensing of such institutions. The temporary permit may be issued only when it appears that:

(a) The facilities for protection from fire in an institution are adequate so that the institution can operate without jeopardizing the health or safety of its residents or patients; and

(b) The institution can comply with all applicable laws and rules relating to safety from fire within a period of two years from the date of issuance of the temporary permit.

(2) In issuing the temporary permit, the State Fire Marshal or approved authority of the governmental subdivision having jurisdiction in an exempt area may require that during the two-year period in which the temporary permit is in effect:

(a) Plans for compliance with all applicable laws and rules relating to safety from fire be submitted with the application for a temporary permit;

(b) Periodic reports be submitted on the progress of the plans for compliance; and

(c) Special temporary provisions specified by the State Fire Marshal or the approved authority be maintained for the protection from fire of the residents or patients of the institution.

(3) If at any time, the State Fire Marshal or the approved authority determines that the facilities for protection from fire at the institution are no longer adequate to protect the residents or patients or that the requirements imposed under subsection (2) of this section are not being maintained, the State Fire Marshal or the approved authority shall cancel the temporary permit and shall notify the Health Division of such cancellation.

(4) Extensions and renewals may be granted on the temporary permit. [1963 c.202 §5; 1965 c.602 §22; 1973 c.832 §12; 1977 c.717 §21]

479.220 Institution inspection by State Fire Marshal; notification to Health Division of noncompliance. When application is made for the initial issuance or reinstatement of a license or certificate of approval to operate and maintain an institution, or for an enlargement or addition to a licensed or approved institution, the Health Division shall notify in writing the State Fire Marshal, and he or his deputy, or the approved authority in the case of an institution located in an area exempted under ORS 476.030, shall within 30 days inspect the institution as authorized by ORS 476.080 and within that time shall notify the Health Division in writing when the institution is not substantially in compliance with all applicable laws and rules. [1961 c.316 §3; 1963 c.202 §3; 1965 c.602 §23; 1967 c.89 §9; 1973 c.832 §13]

SMOKE DETECTORS

Note: Section 13, chapter 642, Oregon Laws 1979, provides.

Sec. 13. Sections 2 to 9, 11 and 12 of this Act [ORS 479.255 to 479.290, 479.300 and subsection (6) of 479.990] do not become operative until July 1, 1980.

479.250 Definitions for ORS 479.250 to 479.300. As used in ORS 479.250 to 479.300 and subsection (6) of 479.990, unless the context requires otherwise:

(1) "Approved smoke detector" means a detection device for products of combustion other than heat which conforms to State Building Code requirements and is listed by

Underwriters Laboratories or any other nationally recognized testing laboratory.

(2) " Dwelling unit" means a structure or part of a structure providing complete, independent living facilities for one or more persons including permanent provisions for sleeping, eating, cooking and sanitation.

(3) "Hotel" means any building containing six or more guest rooms which are rented, hired out or made available on a regular basis for sleeping purposes.

(4) "Landlord" means the owner, lessor or sublessor of the rental dwelling unit or guest room in the building of which it is a part.

(5) "Lodging house" is any building or portion thereof containing not more than five guest rooms used for sleeping purposes where rent is paid in money, goods, labor or other tender.

(6) "Tenant" means a person entitled to occupy a dwelling unit on a rental or lease basis. [1979 c.642 §1]

479.255 Smoke detectors required in certain structures. Every dwelling unit occupied by a tenant, every lodging house and every hotel guest room shall contain an approved and properly functioning smoke detector installed in accordance with the rules of the State Fire Marshal adopted under ORS 479.295. [1979 c.642 §2]

479.260 Transfer of dwelling unit without smoke detector prohibited. No person shall convey fee title to any real property which includes a dwelling unit, or transfer possession of any dwelling unit pursuant to a land sale contract, unless there is installed in the dwelling unit an approved smoke detector installed in accordance with the rules of the State Fire Marshal adopted under ORS 479.295. [1979 c.642 §3]

479.265 Action for unlawful transfer of dwelling unit; damages; attorney fees. Any purchaser or transferee of a dwelling unit who is aggrieved by a violation of ORS 479.260 may bring an individual action in an appropriate court to recover actual damages or \$50, whichever is greater. In any action brought by a person under this section, the court may award, in addition to the relief provided in this section, reasonable attorney fees and costs. Actions brought under this section shall be commenced within one year of the date of sale or transfer. Notwithstanding the provisions of this section, violation of ORS

479.260 shall not affect the transfer of the title or possession of the dwelling unit. [1979 c.642 §4]

479.270 Owner of rental dwelling unit to install smoke detector; instructions for testing to be provided. (1) The owner of any rental dwelling unit or the owner's authorized agent shall be responsible for supplying and installing the required smoke detector and shall provide a notice containing instructions for testing of the device. The notice shall be posted on the premises or brought to the attention of the tenant at the time the tenant takes possession of the premises.

(2) Supplying and maintaining a smoke detector under ORS 479.250 to 479.300 and subsection (6) of 479.990 shall not be considered an essential service under ORS 91.770 of the Residential Landlord and Tenant Act. [1979 c.642 §5]

479.275 Tenant of rental dwelling unit to test smoke detector. It shall be the responsibility of the tenant of any rental dwelling unit to perform such tests on the smoke detectors as are recommended by the manufacturer's instructions and immediately notify, in writing, the owner or authorized agent of any deficiencies. Testing intervals shall not exceed six months. The owner or authorized agent shall correct any reported deficiencies in the smoke detector. [1979 c.642 §6]

479.280 Lack of properly operating smoke detector; complaint; investigation by fire marshal; citation. (1) If a rental dwelling unit is not equipped with the required smoke detector, or if the detector is not operating properly and the owner or the owner's authorized agent has not installed a properly operating smoke detector within 10 days after receiving written notice from the tenant of the deficiency, the tenant may file a complaint with the State Fire Marshal or the appropriate official charged with the duty of providing fire protection services within the local jurisdiction.

(2) Upon receipt of a complaint filed under subsection (1) of this section, the State Fire Marshal or the appropriate local fire official shall investigate the alleged violation of ORS 479.250 to 479.300 and subsection (6) of 479.990. If the State Fire Marshal or appropriate local fire official finds that the landlord has failed to install a properly operating smoke detector in the unit under investiga-

tion, the State Fire Marshal or local fire official may issue a citation which shall substantially conform to the requirements for a citation under ORS 496.905, 496.915, 496.920 and 496.925. [1979 c.652 §7]

479.285 Owner to maintain and test certain smoke detectors. In those guest rooms used for sleeping purposes where the tenant holds possession for a term of less than a month to month basis or where the detector is located in a common area of a lodging house, the owner or the owner's authorized agent shall be responsible for maintenance of the required smoke detector and performing such tests as are recommended by the manufacturer and is not required to provide notice of instructions under ORS 479.270. Testing intervals shall not exceed six months. [1972 c.642 §8]

479.290 Certain persons not liable for damages resulting from mechanical failure of smoke detector. The owner, owner's authorized agent, tenant, contract seller or contract purchaser of a dwelling unit shall not be held liable in any civil action for damages for death or injury to persons or property resulting from the mechanical failure of a smoke detector required under ORS 479.250 to 479.300 and subsection (6) of 479.990. [1979 c.642 §9]

479.295 State Fire Marshal to adopt standards for installation of smoke detectors. Notwithstanding the provisions of ORS 476.030, the State Fire Marshal shall adopt, by rule, such standards for the installation of smoke detectors as the State Fire Marshal considers necessary to carry out the purposes of ORS 479.250 to 479.300 and subsection (6) of 479.990. [1979 c.642 §10]

479.300 Removing or tampering with smoke detector prohibited. No person shall remove or tamper with a properly functioning smoke detector installed in conformance with ORS 479.250 to 479.300 and subsection (6) of 479.990. [1979 c.642 §11]

479.410 [Repealed by 1959 c.406 §34]

479.420 [Repealed by 1959 c.406 §34]

479.430 [Repealed by 1959 c.406 §34]

479.440 [Amended by 1955 c.689 §1; 1957 c.429 §1; repealed by 1959 c.406 §34]

479.450 [Repealed by 1959 c.406 §34]

ELECTRICAL SAFETY LAW

Note: Section 11, chapter 842, Oregon Laws 1977, takes effect July 1, 1982, and provides:

Sec. 11. ORS 479.510, 479.520, 479.530, 479.540, 479.550, 479.560, 479.570, 479.610, 479.620, 479.630, 479.640, 479.650, 479.660, 479.670, 479.710, 479.720, 479.730, 479.740, 479.760, 479.800, 479.810, 479.820, 479.830, 479.840 and 479.850 relating to electrical safety are repealed.

479.510 Short title. ORS 479.510 to 479.850 may be cited as the Electrical Safety Law. [1959 c.406 §1]

479.520 Purpose. The purpose of ORS 479.510 to 479.850 and subsection (5) of 479.990 is to protect the health and safety of the people of Oregon from the danger of electrically caused shocks, fires and explosions and to protect property situated in Oregon from the hazard of electrically caused fires and explosions. To accomplish this purpose the Legislative Assembly intends to provide a procedure:

(1) For determining where and by whom electrical installations are being made and electrical products are being sold in this state.

(2) To assure the public that persons making electrical installations in this state are qualified by experience and training.

(3) To assure the public that electrical installations made and electrical products sold in this state meet minimum safety standards.

(4) For the administration and enforcement of ORS 479.510 to 479.850 and subsection (5) of 479.990 by the Department of Commerce.

(5) By which the cost of administering and enforcing ORS 479.510 to 479.850 and subsection (5) of 479.990 is defrayed by the collection of fees in connection with the issuing of labels, certificates of registration and electrical licenses and the collection of fines. [1959 c.406 §2]

479.530 Definitions for ORS 479.510 to 479.850. As used in ORS 479.510 to 479.850, unless the context requires otherwise:

(1) "Approved testing laboratory" means a testing laboratory making scientific safety tests of electrical products in its plant by testing individual samples, specimens and prototypes thereof, and maintaining an adequate system of follow-up inspections in this state of the class of electrical products tested in the laboratory and offered for sale or distributed in this state.

(2) "Board" means the Electrical Advisory Board appointed under ORS 479.800.

(3) "Certificate of registration" means a certificate issued by the Department of Commerce to a dealer in electrical products showing that the dealer has registered.

(4) "Certified electrical product" means:

(a) An electrical product listed in the published list of Underwriters Laboratories dated May 19, 1958, and the supplements thereto through December 1958 as an approved electrical product, and which has not been decertified.

(b) An electrical product certified by the Department of Commerce under subsection (2) of ORS 479.760 which has not been decertified.

(c) A gas using device, with electrical components, listed in the published list of American Gas Association Laboratories, dated January 1, 1959, as complying with American Standard Requirements and which has not been decertified.

(5) "Competent inspection service" means the electrical inspection service of a city or county.

(6) "Electrical installations" include construction, installation, maintenance and repair of electrical wiring and electrical equipment to be operated thereby, except communication and signal systems of railroad companies.

(7) "Electrical product" includes any electrical equipment, appliance, material, device or apparatus to convey or be operated by electrical current.

(8) "Household appliance label" includes labels for installation of farming irrigation pumps, household appliances and additions to electric wiring in residences.

(9) "Label" means a card signed by the Director of Commerce or a competent inspection service and issued to an electrical contractor or property owner indicating that the electrical installation proposed has been tentatively approved by the signer as meeting the minimum safety standards.

(10) "License" means an annual permit issued by the Department of Commerce under ORS 479.630 authorizing the person whose name appears as licensee thereon to act as an electrical contractor, supervising electrician, journeyman or apprentice electrician as indicated thereon.

(11) "Minimum safety standards" means safety standards prescribed by the Department of Commerce under ORS 479.730, except as provided in ORS 479.720.

(12) "Persons" includes individuals, corporations, associations, firms, partnerships and joint stock companies.

(13) "Serving agency" means a person principally engaged in the business of generating or selling electricity in connection with the construction or maintenance of electrical lines, wires or equipment.

(14) "Uncertified product" includes all electrical products which are not certified. [1959 c.406 §3; 1971 c.753 §55; 1973 c.834 §35]

479.540 Exemptions. (1) No person is required to obtain a license to make an electrical installation on property which is owned by himself or a member of his immediate family, and not presently intended for sale.

(2) No electrical contractor license is required in connection with an electrical installation:

(a) Of meters and similar devices by a serving agency for measuring electricity.

(b) Of ignition or lighting systems for motor vehicles.

(c) To be made by a person on his property in connection with his business.

(d) To be made by a public utility or municipality for generation, transmission or distribution of electricity on property which it owns or manages.

(3) No person whose sole business is generating or selling electricity in connection with the construction or maintenance of electrical lines, wires or equipment, is required to obtain a certificate of registration or license to transform, transmit or distribute electricity from its source to the service head of the premises to be supplied thereby.

(4) No certificate of registration is required to sell, dispose of by gift or otherwise any electrical product within the limits of cities and counties maintaining a competent inspection service and making periodical inspections of electrical stock of dealers in electrical products.

(5) No certificate of registration or license is required for temporary demonstrations.

(6) The provisions of ORS 479.510 to 479.850 shall not apply to electrical products owned by, supplied to, or to be supplied to public utilities as defined in ORS 757.005, nor

to electrical installations made by or for such a public utility where the electrical installations are an integral part of the equipment of such utility.

(7) No label is required for the repair, alteration or replacement of existing electrical equipment of an industrial plant.

(8) In cases of emergency in industrial plants no label is required in advance for electrical installation made by a person licensed under subsections (2), (4) and (6) of ORS 479.630 if an application accompanied by appropriate fee for a label is submitted to the Department of Commerce within five days after the commencement of such electrical work.

(9) No person is required to obtain a license or label to set in place and connect a certified electrical product as long as the work performed is not an electrical installation as defined in subsection (6) of ORS 479.530. [1959 c.406 §4; 1973 c.834 §36; 1977 c.633 §1]

479.550 No work on new electrical installation until label issued. Except as provided in subsections (4), (8) and (9) of ORS 479.540, no person shall work on any new electrical installation for which a label has not been issued. [1959 c.406 §5]

479.560 Issuance of label; when label becomes void; industrial plant electrical inspection permit in lieu of label. (1) The Department of Commerce shall issue a label to:

(a) Any applicant who has complied with ORS 479.510 to 479.850 and the rules issued thereunder, covering an electrical installation to be made on the applicant's own property not intended for sale, lease or rent.

(b) A licensed electrical contractor whose application for such an inspection label is signed by a licensed supervising electrician and is accompanied by a statement that upon completing the electrical installation the supervising electrician will promptly notify the Department of Commerce of its location and time of completion.

(2) A label issued to an electrical contractor upon the request of his supervising electrician is void upon the end of the employment of such supervising electrician before completion of the electrical installation.

(3) Except for the installation or alteration of an electrical service, the owner or operating manager of an industrial plant, in

lieu of the requirement for an inspection label, may apply to the Department of Commerce for an industrial plant electrical inspection permit under which the department will cause an annual or semiannual inspection to be made of the electrical installations in the plant. The department shall promulgate rules and regulations in accordance with ORS 183.310 to 183.500 for the issuance of the permit and for the conduct of the inspections, including the granting of a waiver of payment of label fees and the fixing and collecting of inspection fees at the cost of making the inspection according to the time required of the inspector. [1959 c.406 §§6, 7; 1961 c.693 §1; 1971 c.753 §56]

479.570 Label must be countersigned before energizing or connecting electrical installation. Except in a plant or system of a public utility as defined in ORS 757.005, no electrical installation shall be energized or connected by a person who sells electricity unless a label is attached thereto which has been countersigned by either the owner of the property on which it is located or a licensed electrical contractor. [1959 c.406 §8]

479.610 Certificate of registration required for dealer in electrical products. Except as provided in ORS 479.540, no person shall engage in the business of selling electrical products or supplies without a certificate of registration as a dealer in electrical products. No person shall, without such a certificate of registration, sell or dispose of by gift or otherwise in connection with his business an electrical product. [1959 c.406 §9]

479.620 Certain electrical license required; electrical installations by unlicensed persons prohibited. Subject to ORS 479.540, no person shall:

(1) Engage in the business of making electrical installations without an electrical contractor's license.

(2) Direct, supervise or control the making of an electrical installation without a supervising electrician's license.

(3) Make any electrical installation without a supervising or journeyman electrician's license.

(4) Perform work on an electrical installation as an apprentice electrician without an electrical apprentice's license.

(5) Permit or suffer any electrical installation on property which he owns, controls,

manages or supervises to be made by a person not licensed to make such an installation. [1959 c.406 §10]

479.630 Requirements for obtaining licenses. Upon payment of the fee required by ORS 479.840, the Department of Commerce shall issue:

(1) An electrical contractor's license to a person engaging in or carrying on a business of making electrical installations who has complied with ORS 479.510 to 479.850 and the rules issued thereunder.

(2) A general supervising electrician's license to a person who has complied with ORS 479.510 to 479.850 and the rules issued thereunder, who passes a written examination prepared by the Electrical Advisory Board and administered by the department and who submits proof satisfactory to the Electrical Advisory Board that he has had at least four years of general experience installing, maintaining and repairing electrical wires and equipment as a journeyman electrician.

(3) A limited supervising electrician's license to a person who has complied with ORS 479.510 to 479.850 and the rules issued thereunder, who passes a written examination prepared by the Electrical Advisory Board and administered by the department and who submits proof satisfactory to the board that he has had at least four years of specialized experience in a recognized branch of the electrical trade on the journeyman level. A person licensed under this subsection shall be authorized to supervise the class of electrical work included in the branch of the electrical trade and for which he has passed an examination administered by the department.

(4) A general journeyman electrician's license to a person who has complied with ORS 479.510 to 479.850 and the rules issued thereunder, who passes a written examination prepared by the Electrical Advisory Board and administered by the department and who submits proof satisfactory to the board that he has had at least four years of general experience as an apprentice or its equivalent in installing, maintaining and repairing electrical wires and equipment.

(5) A limited journeyman electrician's license to a person who has complied with ORS 479.510 to 479.850 and the rules issued thereunder, who passes a written examination prepared by the Electrical Advisory Board and administered by the department and who submits proof satisfactory to the board that he

has had at least four years of specialized experience as an apprentice or its equivalent in a recognized branch of the electrical trade. A person licensed under this subsection shall be authorized to perform the class of electrical work included in the branch of the electrical trade for which he has passed an examination administered by the department.

(6) An electrical apprentice's license to a person who has complied with ORS chapter 660 as an electrical apprentice and who has complied with ORS 479.510 to 479.850 and the rules issued thereunder.

(7) An electrical apprentice's license to a trainee toward a limited journeyman's license in a recognized branch of the electrical trade who is employed by an employer who also employs a holder of either a general journeyman electrician's license or a limited journeyman electrician's license and who also conducts an electrical training program in such a recognized branch of the electrical trade approved by the Electrical Advisory Board as being a training program which will adequately prepare the trainee for such limited journeyman's license providing that such trainee has complied with ORS 479.510 to 479.850 and the rules issued thereunder.

(8) A limited maintenance electrician's license to a person who has complied with ORS 479.510 to 479.850 and the rules issued thereunder, who passes a written examination prepared by the Electrical Advisory Board and administered by the department on repair and maintenance of electric motors, control systems, switches and lighting systems and on the use of testing equipment, and who submits proof satisfactory to the board that he has had sufficient experience in the repair and maintenance of electrical wiring and equipment of the type and nature used in an industrial plant. A person licensed under this subsection and who has passed a written examination prepared by the Electrical Advisory Board and administered by the department shall be authorized to maintain and repair electrical installations required on the premises of industrial plants. No more than one person licensed under this subsection shall engage in such maintenance and repair work on any one work shift. No workman or applicant for license under this subsection shall be deemed in violation of this chapter by reason of electrical maintenance and repair work performed during the period of required experience whenever required prior to August 9, 1961. An annual inspection of the premises upon which

electrical work is performed by persons licensed under this subsection shall be made by a state electrical inspector for an annual fee of not less than \$15 nor more than \$40, based upon the time required for the inspection, payable to the department. [1959 c.406 §11; 1961 c.693 §2; 1963 c.151 §1; 1971 c.753 §19]

479.640 Issue and expiration dates of licenses and certificates. All licenses and certificates of registration issued under ORS 479.510 to 479.850 shall bear the date of issuance and shall expire one year following the date of issuance. [1959 c.406 §12; 1975 c.429 §4; 1977 c.873 §1]

479.650 Renewal of licenses and certificates. Upon payment of the fee required by ORS 479.840, the holder of a license or certificate of registration who has complied with ORS 479.510 to 479.850 and the rules issued thereunder is entitled to renewal at the expiration thereof. Any supervising electrician's license or journeyman electrician's license or renewal thereof issued by the Commissioner of the Bureau of Labor and Industries prior to January 1, 1963, shall be deemed to have been issued under lawful authority. [1959 c.406 §13; 1963 c.151 §2]

479.660 Revocation, cancellation or suspension of license or certificate. The Electrical Advisory Board shall revoke the license of any licensee who does not meet the minimum qualifications prescribed by ORS 479.510 to 479.850 for that license. Subject to ORS 183.430, the board may summarily suspend or cancel any license or certificate of registration issued under ORS 479.510 to 479.850 if the person in whose name it was issued:

- (1) Deliberately falsifies his application for the license or certificate of registration.
- (2) Allows himself to be held out falsely as the person directing, supervising or making an electrical installation.
- (3) Wilfully violates any provision of ORS 479.510 to 479.850 or any rule issued thereunder.
- (4) Serves as a supervising electrician for more than one employer.
- (5) Persistently fails promptly to notify the department of the location of installations for which labels were issued on his representation that such notice would be promptly given upon completion of the installations.

(6) As an electrical contractor, employs or causes to be employed under his license, any person to make electrical installations for which the person does not have such licenses for the installations as are required by ORS 479.510 to 479.850. [1959 c.406 §14; 1971 c.753 §20; 1977 c.322 §1]

479.670 Maintenance of action or suit by unlicensed person prohibited. Except to appeal from an act or determination of the Electrical Advisory Board, no person carrying on, conducting or transacting business regulated by ORS 479.510 to 479.850 is entitled to maintain a suit or action in the courts of this state involving such business or work in connection therewith, without alleging and proving that he was licensed to perform such work or transact such business. [1959 c.406 §15; 1971 c.753 §21]

479.710 Electrical installations must meet minimum safety standards. Except as provided in ORS 479.540 and 479.720, no person shall make, supervise or direct the making of an electrical installation which does not meet minimum safety standards. [1959 c.406 §16(1)]

479.720 Certain minimum safety standards applicable until different ones adopted. Until different standards are adopted by the Department of Commerce under ORS 479.730, the standards now used by Underwriters Laboratories for the purpose of approving electrical products and referred to in General List of Standards dated October 1958, the standards now used by American Gas Association Laboratories for the purpose of testing gas using devices with electrical components and approved by American Standards Association, in effect on January 1, 1959, and standards adopted by the American Standards Association for electrical installations on September 4, 1956, appearing in Pamphlet NBFU—70, pages 9 through 345, under the title of National Electrical Code are considered minimum safety standards. [1959 c.406 §17]

479.730 Matters to be covered by rules. In compliance with ORS 183.310 to 183.500 the Department of Commerce, in consultation with the board, shall adopt reasonable rules:

(1) Establishing, altering or revoking minimum safety standards for workmanship and materials in various classifications of electrical installations.

(2) Establishing, altering or revoking minimum safety standards for design and construction of electrical products to be sold or disposed of in this state.

(3) Relating to the procedure for certifying and decertifying electrical products to be sold or disposed of in this state.

(4) Governing the application and examination for certificates of registration issued under ORS 479.510 to 479.850.

(5) Governing the issuance, renewal, suspension and revocation of certificates of registration issued under ORS 479.510 to 479.850.

(6) Prescribing times, places and circumstances that labels and certificates of registration shall be exhibited for inspection.

(7) Governing the internal organization and procedure for administering and enforcing ORS 479.510 to 479.850 and subsection (5) of 479.990.

(8) Establishing, altering, approving or revoking minimum standards for electrical training programs. [1959 c.406 §19; 1963 c.151 §7; 1971 c.753 §24]

479.740 Factors to be considered in adopting rules; incorporation of standards by reference. (1) In adopting rules under ORS 479.730 the Department of Commerce shall consider:

(a) Technological advances in the electrical industry.

(b) The practicability of following the standards under consideration, if adopted.

(c) The probability, extent and gravity of the injury to the public or property which would result from failure to follow the standards under consideration.

(d) Safety standards followed, proposed or approved by responsible members of the electrical industry.

(2) After considering the factors in subsection (1) of this section, the Department of Commerce may incorporate by reference proposed safety standards of the electrical industry or independent organizations. The Department of Commerce may formulate and adopt independent safety standards if standards proposed by the industry and independent organizations are not acceptable to it. [1959 c.406 §§20, 21]

479.760 Certification of electrical products. (1) Except as provided in ORS 479.540 and 479.720:

(a) No person shall sell, offer for sale or dispose of by gift or otherwise any uncertified electrical product.

(b) No electrical product shall be certified unless it meets minimum safety standards.

(2) Any person may apply to the Department of Commerce to have an electrical product certified:

(a) By submitting a specimen, sample or prototype to the Department of Commerce for testing within a reasonable time before the date on which certification will be required, together with a fee set by the Department of Commerce sufficient to defray the cost of shipment and testing. Not later than six months after receipt of a specimen, prototype or sample the Department of Commerce shall complete the required testing and give his decision certifying or rejecting the product; or

(b) By submitting satisfactory proof to the Department of Commerce that a specimen, sample or prototype of the product requested to be certified has been inspected by an approved testing laboratory using the same standard used by the Department of Commerce and has been found to be safe.

(3) For the purpose of making the test provided in paragraph (a) of subsection (2) of this section, the Department of Commerce may appoint a special deputy or enter into an appropriate contract with an approved testing laboratory. [1959 c.406 §16 (2) and (3), 22, 23]

479.770 Approved electric ignition pilot required on certain appliances. On or after January 1, 1979, no person shall sell or offer for sale in this state any new gas-fired, forced-air central space heating equipment, clothes dryer or domestic range and on or after January 1, 1981, new gas-fired swimming pool heaters, unless such equipment, heater, dryer or range is equipped with an electric ignition pilot which complies with the applicable standards of the American Gas Association in effect on October 4, 1977, and which complies with the rules of the Department of Commerce adopted pursuant to ORS 479.740. [1977 c.630 §2; 1979 c.197 §1]

Note: Section 3, chapter 630, Oregon Laws 1977, as amended by section 2, chapter 197, Oregon Laws 1979, provides:

Sec. 3. (1) Nothing in ORS 479.770 prohibits on or before October 1, 1979, the offer to sell or the sale at retail of any equipment, heater, dryer or range described in ORS 479.770 if such equipment, heater, dryer or range was held in the vendor's retail inventory on January 1, 1979.

(2) Nothing in ORS 479.770 applies to:

(a) Gas appliances used in recreational vehicles;

(b) Portable gas appliances used for outdoor recreational purposes; or

(c) Gas appliances used in a structure which is not served by electric power.

(3) As used in subsection (2) of this section, "recreational vehicles" has the meaning for that term provided in ORS 446.003.

479.800 Electrical Advisory Board; members; appointment; payment of expenses. (1) The Director of Commerce shall appoint an Electrical Advisory Board to administer the licensing program under ORS 479.630.

(2) The board shall consist of 13 members and shall include two journeyman electricians, two electrical contractors, two persons representing the power and light industry, two persons representing the industrial plants regularly employing licensed electricians, two fire underwriters, one local building official, one other local government official and one member of the public.

(3) Expenses incurred by the board shall be paid from the Electrical Regulation Account. [1971 c.753 §23; 1977 c.748 §3]

Note: 479.800 was enacted into law by the Legislative Assembly and was added to and made a part of ORS chapter 479 but not to 479.510 to 479.850 by legislative action. See the Preface to Oregon Revised Statutes for further explanation.

479.810 Administration and enforcement. (1) The Electrical Advisory Board shall administer and enforce ORS 479.510 to 479.850 and subsection (5) of 479.990. The Director of Commerce shall appoint an adequate staff of competent persons experienced and trained to serve as electrical inspectors. The advisory board shall assist him in reviewing determinations made by the staff involving electrical installations or products and to assist in formulating rules under ORS 479.730.

(2) A representative of the department staff of electrical inspectors shall serve ex officio as secretary of the board. The members of the board shall serve at the pleasure of the Director of Commerce. [1959 c.406 §18; 1961 c.693 §3; 1969 c.314 §53; 1971 c.753 §22; 1977 c.748 §4]

479.820 Duties and powers in enforcing law. (1) The Department of Commerce shall:

(a) Check the authenticity, appropriate-

ness and expiration dates of licenses and certificates of registration issued under ORS 479.510 to 479.850.

(b) Inspect electrical installations and products for which a label, license or certificate of registration is required by ORS 479.510 to 479.850.

(c) Inspect labels attached to electrical installations or products for which a label is required by ORS 479.510 to 479.850.

(2) If the Department of Commerce finds that the electrical installation or product fails to comply with minimum safety standards, it may disconnect or order the disconnection of service thereto.

(3) If the Department of Commerce finds that the condition of an electrical installation or product constitutes an immediate hazard to life or property, it may cut or disconnect any wire necessary to remove such hazard.

(4) Upon written request of appropriate municipal personnel, the Department of Commerce may make inspections of electrical installations and products within cities and counties. Such inspections shall be made at cost, in accordance with local municipal ordinances, payable on a monthly basis.

(5) For the purpose of discharging any duty imposed by ORS 479.510 to 479.850 or exercising authority conferred hereby the Department of Commerce may, during reasonable hours, enter any building, enclosure, or upon any premises where electrical work is in progress, where an electrical installation has been made or where electrical equipment or products may be located. No person shall obstruct or interfere with the Department of Commerce in performance of any of its duties or the exercise of any authority conferred under this section. [1959 c.406 §§24, 25; 1973 c.834 §37]

479.830 Enjoining violations. When it appears to the Department of Commerce that any person is engaged or about to engage in an act or practice which constitutes a violation of ORS 479.510 to 479.850 or the rules issued thereunder, the Department of Commerce may, without bond, obtain an order from an appropriate circuit court enjoining such act or practice. [1959 c.406 §26]

479.840 Fees. Subject to ORS 479.560, 479.630 and 479.650, upon receipt of the following fee the Department of Commerce shall issue or renew a license, label or certificate of

registration applied for under ORS 479.510 to 479.850:

(1) \$125 for an electrical contractor's license for each place of business operated by the applicant.

(2) \$25 for a general or limited supervising electrician's license.

(3) \$15 for a general journeyman or limited journeyman electrician's license.

(4) \$10 for a limited maintenance electrician's license.

(5) \$15 for a label for residence wiring of not more than 1,000 square feet; \$25 for such wiring in excess of 1,000 but not more than 2,000 square feet; and \$35 for such wiring in excess of 2,000 square feet.

(6) The fees in this subsection shall apply for a label for the installation, alteration or relocation of a temporary, multifamily with a central service, commercial or industrial service and shall be deemed to include any other fees that may be required under ORS 479.510 to 479.850:

(a) \$10 for each temporary construction service for lighting or power.

(b) \$15 for each multifamily, commercial or industrial service not over 100 amperes; \$25 for each such installation in excess of 100 but not more than 200 amperes; \$35 for each such installation in excess of 200 but not more than 400 amperes; \$50 for each such installation in excess of 400 but not more than 600 amperes; \$65 for each such installation in excess of 600 amperes. However, only one fee shall be charged for each class of service under this subsection. Where the service constitutes a load center, and no feeders are involved, the only fee applicable shall be the service fee in this subsection.

(c) \$150 for each service exceeding 600 volts. Where a fee is charged under this subsection no charge shall be made under paragraph (b) of this subsection.

(7) "Service," for the sole purpose of determining fees in accordance with subsection (6) of this section, includes all conductors and equipment not individually protected by over-current devices, but does not include conductors or equipment for delivering energy from a serving agency.

(8) In addition to the fees provided for in subsection (6) of this section the following commercial and industrial fees shall apply for a label for installation, alteration or relocation of distribution feeders and shall be

deemed to include any other fees that may be required under ORS 479.510 to 479.850:

(a) \$10 for each feeder not more than 100 amperes.

(b) \$15 for each feeder in excess of 100 amperes but not more than 200 amperes.

(c) \$25 for each feeder in excess of 200 amperes but not more than 400 amperes.

(d) \$30 for each feeder in excess of 400 amperes.

(e) \$40 for each feeder in excess of 600 volts.

(9) The miscellaneous fees in this subsection shall apply to all situations not covered by other subsections of this section.

(a) \$10 for a label for each trailer or mobile home space at which an electrical outlet or outlets of any capacity are installed, and \$10 for each supply to each mobile home.

(b) \$10 for a label for each farm irrigation pump, farm building or structure, excluding farm dwellings which are classified as a single or multifamily residence.

(c) \$10 for a label for the installation of each electrical sign or outline lighting.

(d) \$10 for a label for each new circuit, circuit alteration or circuit extension (of over 50 volts) where the service and feeder installations are existing. However, the maximum fee shall not exceed \$15 for all circuits attached to distribution feeders.

(e) \$10 for a label for each residential unit heat installation in an existing residence where no new or altered service is required and where the installation will furnish the predominant source of heat for such unit.

(10) \$25 for a regular certificate of registration for each place of business of a dealer in electrical products or supplies. However, those dealers who can show the Department of Commerce that their sales of electrical products or supplies are sporadic or do not account for a material part of their income shall be exempt from the provisions of this subsection.

(11) The actual cost incurred by the department for travel time and special inspections in extraordinary circumstances or under special agreement between the Department of Commerce and any person requesting a special inspection.

(12) The fees provided for in this section shall not apply to persons paying inspection fees under the terms of subsection (3) of ORS 479.560 or subsection (8) of ORS 479.630.

(13) Each electrical contractor may furnish to the Department of Commerce a corporate surety bond to be approved by the Department of Commerce, or a cash bond under procedures approved by the Department of Commerce, in the sum of \$2,000 guaranteeing the payment of all fees provided for under ORS 479.510 to 479.850. Before commencing any electrical job an electrical contractor who has a current bond under this subsection may apply to the Department of Commerce for a working label which shall cost \$5. The working label shall authorize the electrical contractor to commence work. The total of all fees due for labels for each job, and the time such fees are payable, shall be determined by the Department of Commerce by administrative rule under subsection (8) of ORS 479.730. The bond shall at all times be kept in force and any cancellation or revocation thereof shall revoke and suspend the license issued to the principal until such time as a new bond shall be filed and approved. The Department of Commerce may bring an action against the surety named therein, with or without joining in such action the principal named in such bond. [1959 c.406 §27; 1967 c.418 §1; 1969 c.436 §1; 1975 c.199 §1; 1977 c.874 §3]

479.845 Local government fees; limitation; appeal of increase to Director of Commerce. A city or county administering and enforcing the electrical specialty code under provisions of ORS 456.800 and subsection (1) of 479.730 shall not enact or enforce any ordinance, rule or regulation fixing any permit or label fee for electrical installations that is higher than is necessary to pay for the costs of the city or county in administering and enforcing the electrical specialty code. Any persons may, within 30 days of city or county adoption of a fee increase, appeal that increase to the Director of Commerce. Within 60 days of the receipt of the appeal, the Director of Commerce shall, after notice to affected parties and hearing, review the city or county costs of administering and enforcing the electrical specialty code and approve the increase if he feels it is reasonable and necessary. If the director does not approve the increase upon appeal, the fee increase shall not be effective. [1977 c.874 §5]

479.850 Disposition of receipts. All receipts from fees, charges, costs, expenses and fines provided for in ORS 479.510 to 479.850 and 479.990 when collected shall be paid into the General Fund on the first day of

each month and credited to the Building Code Account created by ORS 456.890. [1959 c.406 §28; 1971 c.753 §57; 1973 c.528 §18; 1973 c.834 §48]

PENALTIES

479.990 Penalties. (1) Violation of any provision of ORS 479.020 to 479.130 or 479.160, or failure, neglect or refusal to comply with any requirements in these sections, is punishable, upon conviction, by a fine of not more than \$50. Each day's violation of or failure to comply with these provisions shall be deemed a separate offense.

(2) Violation of any provision of ORS 479.130 is punishable, upon conviction, by a fine of not more than \$50. Each day's violation shall be deemed a separate offense.

(3) Violation of ORS 479.150 is punishable, upon conviction, by a fine of not less than \$10 nor more than \$100, or by imprisonment in the county jail not less than 10 days nor more than six months, or both. Each day of failure to comply with the provisions of ORS 479.150 shall be deemed a separate offense.

(4) Any owner or occupant of any building or premises who fails to comply with any order provided for in ORS 479.170 and not appealed from, or with any such order of the State Fire Marshal upon appeal to him, shall be punished by a fine of not less than \$10 nor more than \$50 for each day's neglect. Actions therefor shall be brought in the name of the state by the Attorney General or district attorney in any court of competent jurisdiction in the county where the building or premises are located. All penalties, fees or forfeitures collected under the provisions of this subsection shall be paid into the State Treasury.

(5) Violation of any provision of ORS 479.510 to 479.850 is punishable, upon conviction, by a fine of not less than \$100 nor more than \$5,000.

(6) Violation of ORS 479.255, 479.260, 479.270 or 479.300 is punishable by a fine of not to exceeds \$250. [Amended by 1959 c.406 §30; subsection (5) enacted as 1959 c.406 §29; 1977 c.619 §1; subsection (6) enacted as 1979 c.642 §12]

Note: See note above 479.250.

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,
October 1, 1979.

Thomas G. Clifford
Legislative Counsel

