Chapter 479

1985 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 ORS 479 990 (4)

(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 a 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 firefighter'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 firefighter'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 firefighter'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 extending 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 establishing minimum safety standards for the

construction, use and occupancy of public garages No person shall establish, construct or operate a public garage, as defined in ORS 479 010, unless the building complies with the rules 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 or deputies or assistants of the State Fire Marshal 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 or deputies or assistants of the State Fire Marshal 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 kalamin or standard fire door, normally kept closed unless the entire building complies with State Fire Marshal rules established pursuant to ORS 476 030

(4) There shall be at all times maintained in every such building used for a public garage fire extinguishing equipment in accordance with State Fire Marshal rules

(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 rules of the State Fire Marshal, unless of an approved explosion-proof type which meets or exceeds such rules

(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, 1983 c 740 §191]

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 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 ORS 456 790 (1)

(2) Prior to construction or alteration of a hospital, public building as defined in ORS 479 010 (1)(i), 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 authorized assistant

(4) The administrator or 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 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 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 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, the officer 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 is 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, the person 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 the State Fire Marshal 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 the State Fire Marshal 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 the State Fire Marshal, the State Fire Marshal 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, the complaintant or appellant 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 the principal office of the State Fire Marshal 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 the State Fire Marshal, and together with all the evidentiary matter filed in the office of the State Fire Marshal 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 whose person or property is injured 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 the State Fire Marshal, 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

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 ORS 476 030 (4) 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 deputies, assistants as defined in ORS 476.060, or the approved authority, as proved by ORS 476 030 (4), 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 deputies, assistants as defined in ORS 476 060, or the approved authority, as provided in ORS 476 030 (4), 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, deputies, or approved authority, as provided by ORS 476 030 (4) [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 ORS 479.010 (1)(i), 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 firefighting 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 418 185, 418 205 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, 442 320, 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]

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 an 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, 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 noncompliance 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 deputy, or the approved authority notifies the Health Division in writing that an institution is not in substantial compliance 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 418 185, 418 205 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, 442 320, 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 the State Fire Marshal or 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

479.250 Definitions for ORS 479.250 to 479.300. As used in ORS 479 250 to 479 300 and 479 990 (6), 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 at trial and on appeal 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, 1981 c 897 §56]

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 479 990 (6) 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 located in a part of the dwelling unit that the tenant is entitled to occupy to the exclusion of others 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, 1981 c 309 §2]

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 479 990 (6) 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 investigation, the State Fire Marshal or local fire official may issue a citation which shall substantially conform to the requirements for a citation under ORS 153 710 to 153 725

(3) In the absence of a complaint from the tenant, the State Fire Marshal or an appropriate local fire official may initiate the citation process by presenting the owner with a written notice of the deficiency and specifying a period of not less than 10 days for compliance [1979 c 642 §7, 1981 c 309 §1]

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 [1979 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 479 990 (6) [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 479 990 (6) [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 479 990 (6) [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

479.510 Short title. ORS 479 510 to 479 855 and 479 990 (5) may be cited as the Electrical Safety Law [1959 c 406 §1, 1981 c 815 §2]

479.520 Purpose. The purpose of the Electrical Safety Law 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 where electrical products are 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 the Electrical Safety Law by the Department of Commerce and by the Electrical Board

(5) By which the cost of administering and enforcing the Electrical Safety Law is defrayed by the collection of fees in connection with the issuing of permits and electrical licenses and the collection of fines and civil penalties [1959 c 406 §2, 1981 c 815 §3]

479.525 Application of Electrical Safety Law; uniformity. Except as provided in ORS 479 854, the Electrical Safety Law shall be applicable and uniform throughout this state and in all municipalities, and no municipality shall enact or enforce any ordinance, rule or regulation relating to the same matters encompassed by the Electrical Safety Law [1983 c 580 §3]

479.527 Exemption from Electrical Safety Law. The provisions of ORS 479 510 to 479 855 and 479 990 (5) shall not apply to electrical installations in prefabricated structures, as defined in ORS 456 750, that are manufactured to the purchaser's specifications and for use solely outside this state [1985 c 826 §2]

479.530 Definitions for ORS 479.510 to 479.855. As used in ORS 479 510 to 479 855, unless the context requires otherwise

(1) "Approved testing laboratory" means a testing laboratory that meets criteria for electrical product evaluation established by the Director of Commerce with the approval of the board under ORS 479 730

(2) "Board" means the Electrical Board appointed under ORS 479 800

(3) "Certified electrical product" means an electrical product that is certified under ORS 479 760 and that is not decertified

(4) "Competent inspection service" means an electrical inspection service of a city or county administered under ORS 456 800 that employs electrical inspectors who are certified to meet standards under ORS 479 810

(5) "Commercial electrical air conditioning equipment" means heating, cooling, refrigeration, dehumidifying, humidifying and filtering equipment used for climatizing or moving of air if used in commerce, industry or government and if installed in a place not accessible to the general public other than the switches regulating the operation of the equipment

(6) "Department" means the Department of Commerce

(7) "Dwelling unit" means one or more rooms for the use of one or more persons as a housekeep-

ing unit with space for eating, living and sleeping and permanent provisions for cooking and sanitation

(8) "Electrical installations" means the construction or installation of electrical wiring and the permanent attachment or installation of electrical products in or on any structure that is not itself an electrical product "Electrical installation" also means the maintenance or repair of installed electrical wiring and permanently attached electrical products

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

(10) "Equipment" means any material, fittings, devices, appliances, fixtures, apparatus or the like that are used as part of or in connection with an electrical installation

(11) "Industrial electrical equipment" means electrical products used in industry or government that utilizes electric energy for mechanical, chemical, heating, lighting or similar purposes, that is designed to service or produce a product and that is used directly in the production of the service or product "Industrial electrical equipment" does not include

(a) Wiring to be connected to industrial electrical products

(b) Any other electrical product that is not an original part of industrial electrical equipment

(12) "License" means an annual permit issued by the department 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

(13) "Minimum safety standards" means safety standards prescribed by the department under ORS 479 730

(14) "Multifamily dwelling" means a building containing more than one dwelling unit

(15) "Permit" means an official document or card issued by the enforcing agency to authorize performance of a specified electrical installation

(16) "Single family dwelling" means a building consisting solely of one dwelling unit

(17) "Uncertified product" means any electrical product that is not an electrical product certified under ORS 479 760. [1959 c 406 §3, 1971 c 753 §55, 1973 c 834 §35, 1981 c 815 §4, 1983 c 733 §1, 1985 c 826 §3]

479.540 Exemptions. (1) Except as otherwise provided in this subsection, no person is required to obtain a license to make an electrical installation on property that is owned by the person or a member of the person's immediate family if the property is not intended for sale, exchange, lease or rent The following apply to the exemption established in this subsection.

(a) The exemption established for a person under this subsection does not exempt the work performed by the person from having to comply with the requirements for such work under ORS 456 730 to 456 885 and 456.915 to 456 950 and rules adopted thereunder

(b) If the property is a building used as a residence and is for rent, lease, sale or exchange, this subsection establishes an exemption for work on, alterations to or replacement of parts of electrical installations as necessary for maintenance of the existing electrical installations on that property, but does not exempt new electrical installations or substantial alterations to existing electrical installations on that property

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

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

(b) Of ignition or lighting systems for motor vehicles

(c) To be made by a person on the person's property in connection with the person's 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 license to transform, transmit or distribute electricity from its source to the service head of the premises to be supplied thereby

(4) No license is required for temporary demonstrations

(5) The provisions of ORS 479 510 to 479 855 do not apply

(a) To electrical products owned by, supplied to or to be supplied to public utilities as defined in ORS 757 005,

(b) To electrical installations made by or for such a public utility where the electrical installa-

tions are an integral part of the equipment or electrical products of such utility, or

(c) To any electrical generation plant owned or operated by a municipality to the same extent as a public utility under paragraphs (a) and (b) of this subsection

(6) No permit is required for the repair, alteration or replacement of existing electrical products at an industrial plant

(7) In cases of emergency in industrial plants no permit is required in advance for electrical installation made by a person licensed as a general supervising electrician, a general journeyman electrician or an electrical apprentice under ORS 479 630 if an application accompanied by appropriate fee for a permit is submitted to the department within five days after the commencement of such electrical work

(8) No person is required to obtain a license or permit to set in place and connect a certified electrical product as long as the work performed is not an electrical installation as defined in ORS 479 530

(9) The provisions of ORS 479 510 to 479 855 do not apply to electrical installations involving

(a) Communication and signal systems of railroad companies

(b) Telephone terminal equipment and communications systems including all grandfathered or registered telephone terminal equipment and communications systems identified in the Federal Communications Commission rules and regulations, Volume X, part 68, and all terminal equipment and communications systems that are utilized in conjunction with private line communications services

(10) The board may exempt, by rule, any electrical product from the provisions of ORS 479 510 to 479 855 if the board determines that the electrical product does not present a danger to the health and safety of the people of this state

(11) ORS 479 760 does not apply to products described in this subsection that comply with the minimum electrical installation safety code This subsection does not exempt any products used in locations determined to be hazardous in the electrical code of this state The following apply to this subsection

(a) Except as provided in paragraph (b) of this subsection, the exemption under this subsection applies to

(A) Industrial electrical equipment

(B) The rotating equipment portion of power generation equipment

(C) Testing equipment used in a laboratory or hospital

(D) Commercial electrical air conditioning equipment

(E) Prefabricated work performed by an electrical contractor with licensed electrical personnel in the contractor's place of business for assembly on the job site if the work is composed of parts that are certified electrical products

(b) Notwithstanding paragraph (a) of this subsection, the board may require any of the products described in paragraph (a) of this subsection to be subject to the certification requirements under ORS 479 760 if the board determines that the product or class of products has presented a fire or life safety hazard in use A determination under this paragraph shall be effective as to any such product or class of products sold or offered for sale after the date of the determination becomes final The board may reinstate any exemption removed under this paragraph if the board determines that the reasons for the removal of the exemption have been corrected

(12) ORS 479 760 does not apply to electrical equipment that has been in use for one year or more and that is offered for sale.

(13) A person who holds a limited maintenance specialty contractor license or a limited pump installation specialty contractor license issued under ORS 479 510 to 479 855 or a person who is the employe of such license holder and who is listed with the board as an employe is not required to have a journeyman license or supervising electrician's license to perform work authorized under the person's license

(14) No person is required to obtain a permit for work on, alterations to or replacement of parts of electrical installations as necessary for maintenance of existing electrical installations on residential property owned by the person or by a member of the person's immediate family This subsection does not establish an exemption for new electrical installations or substantial alterations to existing electrical installations [1959 c 406 §4, 1973 c 834 §36, 1977 c 633 §1, 1981 c 815 §5]

479.545 License required of state employe; letter of authority. (1) No person is exempted by ORS 479 540 from the requirements under ORS 479 510 to 479 855 to have a license to make electrical installations solely on the basis the person is employed by an agency of this state

(2) However, the electrical division of the department shall issue a letter of authority in lieu of any license otherwise required by the board to

any person who makes application to the department before January 1, 1986, and who, on January 1, 1982, was employed by an agency of this state to make electrical installations in the course of the official duties of the person as an employe

(3) Any person issued a letter of authority may continue to make electrical installations under ORS 479 510 to 479 855 on property owned or controlled by an agency of the state [1981 c 815 §7, 1985 c 568 §1]

479.550 No work on new electrical installation until permit issued. Except as provided in ORS 479 540, no person shall work on any new electrical installation for which a permit has not been issued [1959 c 406 §5, 1981 c 815 §9]

479.560 Issuance of permit; when permit becomes void; industrial plant electrical inspection permit in lieu of permit. (1) The department or a designated agent shall issue a permit to

(a) Any applicant who has complied with ORS 479 510 to 479 855 and the rules issued thereunder, covering an electrical installation to be made on the applicant's own property as allowed under ORS 479 540 (1)

(b) A licensed electrical contractor or an agent the contractor has designated to the department or the department's designated agent in a record signed by the electrical contractor The department or department's designated agent shall only issue a permit under this subsection if the application for the permit is accompanied by a signed statement that the electrical contractor's general supervising electrician of record will sign the permit before an inspection of the electrical work is requested A contractor or the contractor's general supervisor will promptly request an inspection of electrical work performed under a permit issued under this subsection A permit issued under this subsection shall state the name of the electrical contractor

(2) A permit issued to an electrical contractor upon the request of the contractor's 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 permit, may apply to the department 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 in accordance with ORS 183.310 to 183 550 for

(a) The issuance of the industrial plant electrical inspection permit,

(b) The conduct of the inspections on the industrial plant's electrical installations and electrical products,

(c) The granting of a waiver of payment of permit fees other than for the industrial plant electrical inspection permit, and

(d) 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, 1981 c 815 §10]

479.570 Installation approved by inspector; exceptions. (1) Except as provided in subsection (2) of this section, a person who sells electricity shall not energize an electrical installation unless the installation is first approved by an inspector authorized to perform inspections under ORS 479 510 to 479 855

(2) Subsection (1) of this section does not apply to

(a) An installation for which a written request to energize has been made by a licensed supervising electrician qualified pursuant to ORS 479 630 (2) and to which the appropriate electrical permit has been attached,

(b) A temporary installation of less than 480 volts made to provide service to a construction site or irrigation pump if the installation is properly grounded and the appropriate electrical permit is attached thereto, or

(c) An installation within a plant or system of a person who sells electricity As used in this paragraph, "person who sells electricity" does not include small power production facilities as defined in ORS 758 500

(3) Electrical installations energized without inspection pursuant to paragraphs (a) and (b) of subsection (2) of this section must receive final inspection as required by ORS 479 510 to 479 855 [1959 c 406 §8, 1981 c 815 §11, 1983 c 580 §1]

479.610 Sale or disposal of uncertified electrical product prohibited. Except as provided under ORS 479 540, no person shall sell or dispose of by gift or otherwise in connection with the person's business an uncertified electrical product [1959 c 406 §9, 1981 c 815 §12]

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) Except as provided in subsection (5) of this section, 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) Make any electrical installation on a single or multifamily dwelling unit not exceeding three floors above grade, as provided in ORS 479 630 (13), without a limited residential electrician's license

(6) Permit or suffer any electrical installation on property which the person owns, controls, manages or supervises to be made by a person not licensed to make such an installation [1959 c 406 §10, 1983 c 733 §2]

479.630 Requirements for obtaining licenses. Upon payment of applicable examination and license fees required under ORS 479 840, the department 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 479 855 and the rules issued thereunder

(2) A general supervising electrician's license to a person who

(a) Has complied with ORS 479 510 to 479 855 and the rules issued thereunder,

(b) Passes a written examination prepared by the Electrical Board and administered by the department, and

(c) Submits proof satisfactory to the Electrical Board that the person has had at least four years of experience as a general journeyman electrician installing, maintaining and repairing electrical wires and equipment

(3) A limited supervising electrician's license to a person who qualifies under this subsection A person licensed under this subsection is authorized to supervise the class of electrical work included in the branch of the electrical trade and for which the person has passed the examination administered by the department A person qualifies under this subsection if the person

(a) Has complied with ORS 479 510 to 479 855 and the rules issued thereunder,

(b) Passes a written examination prepared by the Electrical Board and administered by the department, and

(c) Submits proof satisfactory to the board that the person has had at least four years of specialized experience in a recognized branch of the electrical trade on the journeyman level.

(4) A general journeyman electrician's license to a person who.

(a) Has complied with ORS 479 510 to 479 855 and the rules issued thereunder,

(b) Passes a written examination prepared by the Electrical Board and administered by the department, and

(c) Submits proof satisfactory to the board that·

(A) The person has had at least four years of general experience as an apprentice or its equivalent, as determined by the board by rule, in installing, maintaining and repairing electrical wires and equipment, including not fewer than 1,000 hours in wiring on single or multifamily dwelling units, or

(B) If the person is licensed as a limited residential electrician under subsection (13) of this section, subsequent to receiving that license, the person has worked for at least two years as a limited residential electrician and subsequent to those two years has completed an additional two years' experience as an apprentice or its equivalent, as determined by the board by rule, for that period of apprenticeship time worked exclusively in installing, maintaining and repairing electrical wires and equipment in the commercial and industrial branches of the electrical trade under the supervision of a licensed electrical contractor

(5) A limited journeyman electrician's license to a person who qualifies under this subsection A person licensed under this subsection is authorized to perform the class of electrical work included in the branch of the electrical trade for which the person has passed the examination administered by the department A person qualifies under this subsection if the person

(a) Has complied with ORS 479 510 to 479 855 and the rules issued thereunder,

(b) Passes a written examination prepared by the Electrical Board and administered by the department, and

(c) Submits proof satisfactory to the board that the person has had at least four years of specialized experience as an apprentice or its equivalent, as determined by the board by rule, in a recognized branch of the electrical trade

(6) A limited elevator journeyman license to a person who qualifies under this subsection A person licensed under this subsection is author-

ized to install, maintain and repair elevators A person qualifies under this subsection if the person has completed a three-year elevator apprenticeship program approved by the Elevator Safety Board and approved by the Electrical Board by rule and the person submits an application for licensure to the board in writing

(7) An electrical apprentice's license to a person who

(a) Has complied with ORS chapter 660 as an electrical apprentice, and

(b) Has complied with ORS 479.510 to 479 855 and the rules issued thereunder

(8) An electrical apprentice's license to a trainee toward a limited residential electrician's license who

(a) Has complied with ORS chapter 660 as an electrical apprentice, and

(b) Has complied with ORS 479 510 to 479 855 and the rules issued thereunder.

(9) 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

(a) Employs a holder of either a general journeyman electrician's license or a limited journeyman electrician's license, and

(b) Conducts an electrical training program in such a recognized branch of the electrical trade approved by the Electrical 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 479 855 and the rules issued thereunder

(10) A limited maintenance electrician's license to a person who qualifies under this subsection A person licensed under this subsection is authorized to maintain and repair electrical installations required on the premises of industrial plants The following apply to this subsection

(a) A person qualifies under this subsection if the person

(A) Has complied with ORS 479 510 to 479 855 and the rules issued thereunder,

(B) Passes a written examination prepared by the Electrical 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

(C) Submits proof satisfactory to the board that the person has had sufficient experience in the repair and maintenance of electrical wiring and equipment of the type and nature used in an industrial plant

(b) No more than one person licensed under this subsection shall engage in such maintenance and repair work on any one work shift No worker 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 the electrical inspector for an annual fee determined by the board by rule, based upon the time required for the inspection, payable to the department

(11) A limited maintenance specialty contractor license to a person who qualifies under this subsection A person licensed under this subsection is authorized to engage in the electrical work related to the repair, service, maintenance, installation or replacement of existing, built-in or permanently connected appliances, fluorescent ballasts or similar equipment and to employ individuals to engage in such work Nothing in this subsection allows the installation of appliances, ballasts or other equipment if there is no existing installation of similar equipment. A person qualifies under this subsection if the person submits

(a) Proof satisfactory to the board that the person has had sufficient experience in the type of work permitted under the license issued under this subsection, and

(b) Maintains with the board a current list of all individuals employed by the person to engage in work permitted under this subsection.

(12) A limited pump installation specialty contractor license to a person who qualifies under this section A person licensed under this subsection is authorized to engage in electrical work related to the testing, repair, service, maintenance, installation or replacement of new or existing pump equipment for potable or irrigation water systems on residential property and to employ individuals to engage in such work. A person qualifies under this subsection if the person submits

(a) Proof satisfactory to the board that the person has had sufficient experience in the type of work permitted under the license issued under this subsection, and

(b) Maintains with the board a current list of all individuals employed by the person to engage in work permitted under this subsection

(13) A limited residential electrician's license to a person who qualifies under this subsection A person licensed under this subsection is authorized to perform the class of electrical work included in the branch of the electrical trade for which the person has passed the examination administered by the department and approved by the board However, a person licensed under this subsection shall perform the electrical work allowed by the license only on single and multifamily dwelling units not exceeding three floors above grade For purposes of this subsection, the first floor of a building shall be that floor which is designed for human habitation and which has 50 percent or more of its perimeter level with or above finished grade of the exterior wall line A person qualifies under this subsection if the person

(a) Has complied with ORS 479.510 to 479 855 and rules issued under those sections,

(b) Has received the same number of hours of electrical safety training as required by rule for an electrical apprentice or its equivalent and who has received training in electrical theory,

(c) Submits documented proof to the board of at least two years of apprenticeship or trainee experience in residential wiring of single and multifamily dwelling units or its equivalent, as determined by the board by rule; and

(d) Passes a written examination prepared by the Electrical Board and administered by the department

(14) Notwithstanding any other provision of this chapter, the board shall not administer an examination nor issue any license to a person whose practical experience qualification for the license is based upon training or experience in another state if the board determines that such training or experience is not equivalent to the standards for electrical training programs prescribed in this state [1959 c 406 §11, 1961 c 693 §2, 1963 c 151 §1, 1971 c 753 §19, 1981 c 815 §15, 1983 c 733 §3]

479.635 Examination requirements; right to review prior examination. (1) The Electrical Board shall prepare examinations for purposes of ORS 479 630 that meet the following requirements

(a) The examinations shall be prepared by persons expert in examination preparation and validation

(b) The examinations shall be standardized In standardizing examinations under this paragraph, the board may adopt standardized examinations prepared by nationally recognized testing bodies

(2) The board and the department shall allow any person who takes an examination under ORS 479 630 to review the examination of that person and to review any grade sheets used in connection with the examination [1981 c 815 §17]

479.640 Issue and expiration dates of licenses. (1) All licenses issued under ORS 479 510 to 479 855 shall bear the date of issuance

(2) All electrical contractor, limited energy contractor, limited sign contractor, pump specialty contractor, elevator contractor and limited maintenance specialty contractor licenses issued under ORS 479 510 to 479.855 shall expire on October 1 of each year

(3) All other licenses issued under ORS 479 510 to 479 855 shall expire on October 1 no later than three years after the date of issuance [1959 c 406 §12, 1975 c 429 §4, 1977 c 873 §1, 1981 c 815 §18, 1985 c 646 §1]

Note Section 6, chapter 646, Oregon Laws 1985, provides

Sec 6 (1) Notwithstanding the provisions of ORS 479 640 (3) and 479 840

(a) A general journeyman license issued under ORS 479 510 to 479 855 before October 1, 1985, shall expire one year following the date of issuance The amount of the fee for such license shall be the same as that charged before the effective date of this 1985 Act [July 13, 1985]

(b) A general supervising electrician license, limited supervising industrial electrician license or a limited supervising manufacturing plant electrician license issued under ORS 479 510 to 479 855 before October 1, 1986, shall expire one year following the date of issuance The amount of the fee for such license shall be the same as that charged before the effective date of this 1985 Act

(c) Any of the following licenses issued under ORS 479 510 to 479 855 before October 1, 1987, shall expire one year following the date of issuance and the amount of the fee for such license shall be the same as that charged before the effective date of this 1985 Act

(A) Limited journeyman elevator electrician,

(B) Limited journeyman elevator service electrician,

(C) Limited journeyman industrial electrician,

(D) Limited journeyman limited energy electrician,

(E) Limited maintenance industrial electrician,

(F) Limited maintenance mobile home or recreational vehicle electrician,

(G) Limited journeyman manufacturing plant electrician,

(H) Limited journeyman railroad electrician,

(I) Limited journeyman sign electrician,

(J) Limited journeyman sign service electrician, and

(K) Limited journeyman stage electrician

(2) The department shall make adjustments in the expiration date and prorate the fee charged for licenses

described in this section to bring them into conformance with ORS 479 640 (3) and 479 840 as of October 1, 1985, October 1, 1986, or October 1, 1987, whichever is applicable

(3) The amendments to ORS 479 650 by section 2 of this 1985 Act apply only to licenses that expire on October 1 of the applicable year ORS 479 650 (1983 Replacement Part) applies to licenses that expire on any other date

479.650 Renewal of licenses. (1) The holder of a license is entitled to renewal of the license upon its expiration if the person

(a) Pays the fee required by ORS 479 840,

(b) Complies with ORS 479 510 to 479.855 and the rules issued thereunder, and

(c) Complies with any requirement for continuing education established by the board by rule

(2) The department shall issue a renewal notice by regular mail, no later than August 15, to each person whose license expires on October 1 of that year

(3) After October 1, but not later than October 15, the department shall issue a second notice of renewal by registered or certified mail to each person whose license expired on October 1 of that year and has not been renewed

(4) On or about December 1, the department shall issue a third notice of renewal by regular mail to each person whose license expired on October 1 of that year and has not been renewed

(5) The renewal notices required by subsections (2) to (4) of this section shall advise the licensee of the provisions of subsections (6) and (7) of this section

(6) A person who renews an electrical license after October 1 and on or before December 31 of the year in which the license expires shall pay twice the amount of the regular license fee required by ORS 479 840

(7) If a person fails to renew a license by December 31 of the year in which the license expires or otherwise fails to qualify for renewal of a license under this section, the person may only receive a license if the person makes application for, qualifies for and is issued a license in the same manner as a person who has not been previously licensed [1959 c 406 §13, 1963 c 151 §2, 1981 c 815 §19, 1985 c 646 §2]

479.655 Renewal of license expiring after January 1, 1982; revocation. (1) Notwithstanding the requirements of ORS 479 650 (2), any person licensed under ORS 479 510 to 479.855 whose license expired after January 1, 1982, and was not renewed, may renew the license by

(a) Applying for renewal within 90 days after July 13, 1985,

(b) Paying a fee in an amount equal to two times the fee required by ORS 479 840; and

(c) Meeting all other conditions for renewal of the license under ORS 479.510 to 479 855

(2) The department shall revoke a license issued under subsection (1) of this section unless within 90 days of issuance of the license the licensee provides the department with satisfactory evidence that the licensee has completed all continuing education requirements for the period of time before the issuance of the license [1985 c 646 §7]

479.660 Revocation, cancellation or suspension of license. The Electrical Board shall revoke the license of any licensee who does not meet the minimum qualifications prescribed by ORS 479 510 to 479 855 for that license Subject to ORS 183 430, the board may summarily suspend or cancel any license issued under ORS 479 510 to 479 855 if the person in whose name it was issued·

(1) Deliberately falsifies the application for the license

(2) Allows the person to be held out falsely as the person directing, supervising or making an electrical installation

(3) Establishes a pattern of conduct that wilfully or negligently violates any provision of ORS 479 510 to 479.855 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 permits were issued on the person's 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 the person's 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 479 855

(7) As an electrical contractor, fails to obtain permits or arrange for inspections required by ORS 479 510 to 479 855 [1959 c 406 §14, 1971 c 753 §20, 1977 c 322 §1, 1981 c 815 §20]

479.670 Maintenance of action or suit by unlicensed person prohibited. Except to appeal from an act or determination of the Electrical Board, no person carrying on, conducting or transacting business regulated by ORS 479 510 to

479 855 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 the person was licensed to perform such work or transact such business. [1959 c 406 §15, 1971 c 753 §21, 1981 c 815 §21]

479.680 Continuing education program; rules; exemptions. The Electrical Board

(1) Shall establish, by rule, a program of continuing education necessary for renewal of licenses under ORS 479 650 The board may approve programs for continuing education that meet standards for continuing education established by the board under this subsection

(2) Shall adopt any rules necessary to carry out its duties under ORS 479 510 to 479 855

(3) Shall establish rules setting forth equivalent experience necessary to qualify for a journeyman license under ORS 479 630

(4) Shall establish, by rule, procedures and standards necessary to approve testing laboratories under ORS 479 730 and 479 760

(5) May establish exemptions by rule according to authority granted under ORS 479 540 [1981 c 815 §24]

479.710 Electrical installations must meet minimum safety standards. Except as provided in ORS 479 540, 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), 1981 c 815 §22]

479 720 [1959 c 406 §17, repealed by 1981 c 815 §40]

479.730 Matters to be covered by rules. In compliance with ORS 183.310 to 183 550 the Director of Commerce, with the approval of 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 Standards established under this subsection may include the certification of electrical products that a testing laboratory approved by the board under ORS 479.760 has tested and found to be safe within the minimum safety standards established under this section

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

(4) Prescribing times, places and circumstances that permits shall be exhibited for inspection

(5) Governing the internal organization and procedure for administering and enforcing ORS 479 510 to 479 855 and 479 990 (5)

(6) Establishing, altering, approving or revoking minimum standards for electrical training programs [1959 c 406 §19, 1963 c 151 §7, 1971 c 753 §24, 1981 c 815 §25]

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

(2) Any person may apply to have the department certify an electrical product The department shall certify an electrical product if it is shown to meet minimum safety standards by one of the following methods

(a) To have an electrical product certified, a person may submit a specimen, sample or prototype to the department within a reasonable time before the date on which certification will be required, together with a fee set by the department sufficient to defray the cost of shipment and evaluation The department shall evaluate the electrical product to determine whether it meets minimum safety standards ·Not later than six months after receipt of a specimen, prototype or sample the department shall complete the

required evaluation and give a decision certifying or rejecting the product The department may appoint a special deputy or enter into an appropriate contract with a testing laboratory approved by the Electrical Board under this section for the evaluation required under this paragraph

(b) To have an electrical product certified, a person may submit satisfactory proof to the department that a specimen, sample or prototype of the product requested to be certified has been inspected by a testing laboratory approved by the Electrical Board under this section and the tests of the laboratory show that the electrical product is safe within minimum safety standards

(3) The Director of Commerce with the approval of the board shall establish standards and procedures for the approval of testing laboratories to test electrical products in the certification process under this section Those procedures shall provide for the approval of any testing laboratory that meets those standards established for conducting scientific safety tests of electrical products and equipment [1959 c 406 §§16 (2) and (3), 22, 23, 1981 c 815 §26]

479.770 Approved electric ignition pilot required on certain appliances. No person shall sell or offer for sale in this state any new gas-fired, forced-air central space heating equipment, clothes dryer, domestic range or new gas-fired swimming pool heaters, unless such equipment, heater, dryer or range is equipped with an electric ignition pilot that complies with the rules of the department adopted pursuant to ORS 479 740 [1977 c 630 §2, 1979 c 197 §1, 1981 c 815 §27]

479.800 Electrical Board; members; appointment; confirmation; payment of expenses. (1) The Governor shall appoint an Electrical Board to administer the licensing program under ORS 479 630 Appointment of members to the board is subject to confirmation by the Senate of the Oregon Legislative Assembly pursuant to section 4, Article III, Oregon Constitution

(2) The board shall consist of 13 members including

(a) Two journeyman electricians,

(b) Two electrical contractors,

(c) One person representing the power and light industry,

(d) Two persons representing the industrial plants regularly employing licensed electricians,

(e) One member from the electrical equipment manufacturing industry who otherwise qualifies by experience and training in electricity,

(f) One local building official,

(g) One other local government official,

(h) One member of the public,

(i) One electrical equipment supplier who otherwise qualifies by experience in the industry, and

(j) One fire underwriter

(3) Expenses incurred by the board shall be paid from the Building Code Account. [1971 c 753 §23, 1977 c 748 §3, 1981 c 815 §28, 1983 c 740 §192]

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 479 855 by legislative action See Preface to Oregon Revised Statutes for further explanation

479.810 Administration and enforcement. (1) The Electrical Board shall administer and enforce ORS 479 510 to 479 855 and 479 990 (5) The Director of Commerce shall appoint an adequate staff of competent persons experienced and trained to serve as electrical inspectors The board shall assist the director 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 Governor [1959 c 406 §18, 1961 c 693 §3, 1969 c 314 §53, 1971 c 753 §22, 1977 c 748 §4, 1981 c 815 §30]

479.820 Duties and powers in enforcing law. (1) The department shall

(a) Check the authenticity, appropriateness and expiration dates of licenses issued under ORS 479.510 to 479.855.

(b) Inspect electrical installations and products for which a permit or license is required by ORS 479 510 to 479 855

(c) Inspect permits attached to electrical installations or products for which a permit is required by ORS 479 510 to 479 855

(2) If the department 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 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 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 479 855 or exercising authority conferred hereby the department may enter, during reasonable hours, 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

(6) No person shall obstruct or interfere with the department 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, 1981 c 815 §31]

479.830 Enjoining violations; civil penalties. (1) When it appears to the department that any person is engaged or about to engage in an act or practice which constitutes a violation of ORS 479 510 to 479 855 or the rules issued thereunder, the department may, without bond, obtain an order from an appropriate circuit court enjoining such act or practice

(2) The Electrical Board may impose a civil penalty against any person who violates any provision of ORS 479 510 to 479 855 or any rule adopted thereunder A civil penalty imposed under this subsection shall be in an amount determined by the board of not more than $1,000 for each offense Moneys received from any civil penalty under this subsection shall be disposed of according to ORS 479 850 The Attorney General shall bring an action in the name of the State of Oregon in a court of appropriate jurisdiction to enforce any civil penalty imposed under this subsection The following apply to the imposition of a civil penalty under this subsection·

(a) Except as provided in paragraph (b) of this subsection, hearing and any review upon the civil penalty is subject to ORS 183 310 to 183 550

(b) Notwithstanding ORS 183 310 to 183 550, a person upon whom the board imposes a civil penalty under this subsection, in lieu of other appeals, may appeal imposition of the penalty to the circuit court for the county in which the person resides by filing a petition for review with that court within 20 days after the person receives notice of imposition of the penalty The court, upon receipt of the petition, shall set the matter for trial upon 10 days' notice to the board and to the appellant The trial in the circuit court shall be de novo The court shall award reasonable attorney fees and costs to the prevailing party in an appeal under this paragraph [1959 c 406 §26, 1981 c 815 §32]

479.835 Recovery of purchase price of product in violation of ORS 479.610; complaint; investigation. (1) Any person who purchases an electrical product sold or disposed of in violation of ORS 479 610 may recover from a person violating ORS 479 610 an amount equal to the purchase price of the electrical product if the purchaser returns the electrical product within 90 days from the date of purchase

(2) Any person may complain to the board in writing of any violation of ORS 479 610. The board shall consider the complaint at the next regular meeting of the board and may make a determination under ORS 479 830 The board may authorize an investigation necessary to complete its duties under this subsection [1981 c 815 §14]

479.840 Fees. Upon receipt of the following fee, the department shall issue or renew a license or permit applied for under ORS 479 510 to 479 855

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

(2) $125 for a limited energy contractor or limited sign contractor license

(3) $25 for a pump specialty contractor or limited maintenance specialty contractor license

(4) $150 for an elevator contractor license

(5) $100 for a license for a

(a) General journeyman electrician,

(b) General supervising electrician,

(c) Limited supervising industrial electrician,

(d) Limited supervising manufacturing plant electrician,

(e) Limited journeyman industrial electrician,

(f) Limited maintenance industrial electrician,

(g) Limited maintenance mobile home or recreational vehicle electrician,

(h) Limited journeyman manufacturing plant electrician, or

(i) Limited journeyman railroad electrician

(6) $50 for a license for a

(a) Limited journeyman elevator electrician,

(b) Limited journeyman elevator service electrician,

(c) Limited journeyman limited energy electrician,

(d) Limited journeyman sign electrician,

(e) Limited journeyman sign service electrician, and

(f) Limited journeyman stage electrician

(7) $15 for a permit 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

(8) The fees in this subsection shall apply for a permit 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 479 855

(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.

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

(10) In addition to the fees provided for in subsection (7) of this section the following commercial and industrial fees shall apply for a permit 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 479 855

(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

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

(a) $10 for a permit 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 permit 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 permit for the installation of each electrical sign or outline lighting

(d) $10 for a permit 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 permit 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

(12) $10 for the right to take the written qualifying examination

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

(14) The fees provided for in this section shall not apply to persons paying inspection fees under the terms of ORS 479 560 (3) or ORS 479 630 (10)

(15) Each electrical contractor may furnish to the department a corporate surety bond to be approved by the department, or a cash bond under procedures approved by the department, in the sum of $2,000 guaranteeing the payment of all fees provided for under ORS 479 510 to 479 855. Before commencing any electrical job an electrical contractor who has a current bond under this subsection may apply to the department for a working permit which shall cost an amount established by the department by rule The working permit shall authorize the electrical contractor to commence work The total of all fees due for permits for each job, and the time such fees are payable, shall be determined by the department by administrative rule under ORS 479 730 The contractor shall keep the bond in force at all times Any cancellation or revocation of the bond shall revoke and suspend the license issued to the

principal until such time as a new bond shall be filed and approved The department may bring an action against the surety named in the bond with or without joining in such action the principal named in the bond [1959 c 406 §27, 1967 c 418 §1, 1969 c 436 §1, 1975 c 199 §1, 1977 c 874 §3, 1981 c 815 §33, 1983 c 733 §4, 1985 c 646 §3]

479.845 Local government fees; limitation; appeal of increase to Director of Commerce. (1) A city or county administering and enforcing the electrical specialty code under provisions of ORS 456 800 and 479 730 (1) shall not enact or enforce any ordinance or rule fixing any permit 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

(2) Any persons, within 30 days of city or county adoption of a fee increase, may appeal that increase to the Director of Commerce Within 60 days of the receipt of the appeal, the director 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 the director feels it is reasonable and necessary If the director does not approve the increase upon appeal, the fee increase shall not be effective.

(3) Fees collected by a city or county for the enforcement or administration of the electrical specialty code and rules under ORS 479 730 (1) shall be used only for the enforcement and administration of those laws [1977 c 874 §5, 1981 c 815 §34]

479.850 Disposition of receipts. All receipts from fees, charges, costs, expenses and fines provided for in ORS 479 510 to 479 855 and 479 990 when collected shall be

(1) Paid into the General Fund on the first day of each month and credited to the Building Code Account created by ORS 456 890

(2) Used only for the enforcement and administration of ORS 479 510 to 479 855 [1959 c 406 §28, 1971 c 753 §57, 1973 c 528 §18, 1973 c 834 §48, 1981 c 815 §35]

479.853 Appeal procedure. If any person is aggrieved by a decision made upon inspection under authority of ORS 456 800 or 479 510 to 479 855 of an electrical product or electrical inspection, the person may appeal the decision The following apply to an appeal under this section

(1) An appeal under this section shall be subject to ORS 183 310 to 183 550

(2) An appeal under this section shall be made first to the chief electrical inspector of the department The decision of the department chief inspector may be appealed to the Electrical Board. The decision of the Electrical Board may be appealed to the Director of Commerce

(3) Unless the department determines that the electrical product or electrical installation presents an immediate fire or life safety hazard, a person may operate an electrical product or electrical installation that is the subject of an appeal under this section until the appeal process is complete If the department determines that an immediate fire or life safety hazard exists and the product or installation may not be operated during appeal, the department shall provide the person with a written report detailing the problems found by the department If a determination is made under this subsection that products described in ORS 479 540 (11) may not be operated during appeal, that determination may be appealed immediately under the procedure established in subsection (2) of this section without first completing any appeal procedure established by a city or county [1981 c 815 §38]

479.854 Authority of municipality to require license; approval of ordinance. (1) A municipality may enact and enforce an ordinance requiring a municipal general supervising electrician's license upon the approval of the Electrical Board and the Director of Commerce

(2) The Electrical Board and Director of Commerce may approve an ordinance under subsection (1) of this section only if electrical installations within the municipality's jurisdiction are of a unique character beyond the education or experience of a general supervising electrician licensed under ORS 479 630 (2), and the ordinance applies only to such installations

(3) The Director of Commerce, after obtaining the opinion of the Electrical Board, shall revoke approval of an ordinance upon a finding that in issuing its general supervising electrician's license, a municipality has engaged in a pattern or practice of discrimination against electricians from outside the municipality [1983 c 580 §4]

479.855 City and county inspection and enforcement programs. (1) In addition to the provisions of ORS 456 730 to 456 915, any inspection and enforcement program established by a city or county under ORS 456 800 is subject to the provisions of this section Where the provisions of this section conflict with provisions under ORS 456 730 to 456 915, the provisions of this section shall control

(2) Except as otherwise provided in this section, any city or county that establishes a pro-

gram under ORS 456 800 to enforce and administer any specialty code including inspections and enforcement under ORS 479 510 to 479 855 must assume full responsibility allowed under ORS 456 730 to 456 915 for the enforcement, inspection and administration of the electrical safety laws under that specialty code and ORS 479 510 to 479 855 This subsection does not require a city or county to assume full responsibility for enforcement, inspection and administration of the electrical safety laws if the only enforcement performed by the city or county involves mobile home electrical utility connections

(3) The department, subject to ORS 183 310 to 183 550, may revoke any authority of a city or county to carry on inspections, enforcement or administration of electrical installations and electrical products under ORS 456 800 if the department determines that the city or county is not effectively carrying out duties assumed by the city or county under this section. [1981 c 815 §37]

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 the State Fire Marshal, 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 479 855 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 exceed $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]