

Chapter 693

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Plumbers

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OCCUPATIONS AND PROFESSIONS

GENERAL PROVISIONS

693.010 Definitions. As used in this chapter, unless the context requires otherwise:

(1) "Apprentice plumber" means any person who is an apprentice under ORS chapter 660 and who is employed by a holder of a registration to conduct a plumbing business for the purpose of assisting the journeyman plumber and learning the plumbing trade.

(2) "Board" means the State Plumbing Board.

(3) "Journeyman plumber" means any person holding a valid journeyman plumber's certificate of competency issued under this chapter.

(4) "Plumbing" has the meaning given that term in ORS 447.010.

(5) The holder of a certificate of "registration to conduct a plumbing business" is one who has made application and paid a registration fee to engage in the business of furnishing labor and material, or labor only, to install, alter and repair plumbing. This registration does not entitle the holder to work as a journeyman plumber. [Amended by 1971 c.753 §33; 1981 c.438 §10]

693.020 Application. (1) Subject to the following described conditions, this chapter does not prevent:

(a) Except as provided in paragraph (d) of this subsection, a person from doing the person's own work on the person's own building on the person's own premises, whether or not the person holds a certificate of competency under this chapter, if the person complies with all the rules adopted under this chapter and ORS 447.010 to 447.160 and ORS chapter 455.

(b) A person from testing, repairing, servicing, maintaining, installing or replacing new or existing potable water pump equipment not exceeding seven and one-half horsepower on residential property and piping between such pumps and storage tanks for such pumps, whether or not the person holds any certificate of competency under this chapter.

(c) A person from installing exterior storm drains. This exception does not apply to exterior storm drains that are connected to a sanitary sewer or combination sanitary storm sewer.

(d) A person who owns, leases or operates residential property, from repairing or using regular employees to repair existing plumbing on property owned, leased or operated by the employer, whether or not the employee holds a certificate of competency

under this chapter. As used in this paragraph:

(A) "Repair" or "maintenance" means the act of replacing or putting together plumbing parts that restore the existing plumbing system to a safe and sanitary operating condition.

(B) "Regular employee" means a person subject to the provisions of ORS 316.162 to 316.212 and who has completed a withholding exemptions certificate required by the provisions of ORS 316.162 to 316.212.

(2) This section applies to any person, including but not limited to individuals, corporations, associations, firms, partnerships, joint stock companies, public and municipal corporations, political subdivisions, this state and any agencies thereof and the Federal Government and any agencies thereof.

(3)(a) Notwithstanding the exceptions in subsection (1) of this section, only an individual certified as provided by ORS 693.060 may install, remodel or alter plumbing in a commercial or industrial building being constructed or being offered for sale, exchange, rent or lease.

(b) Nothing in paragraph (a) of this subsection shall limit the right of a person to repair property as set forth in paragraph (d) of subsection (1) of this section.

(4) For the purpose of subsection (3) of this section, "install, remodel or alter" means activities which involve installation or changes to the plumbing inside a wall, floor, crawl space or ceiling, or a change in the configuration of a plumbing system.

(5) Nothing in this chapter exempts a person from the plumbing inspection requirements of ORS 447.010 to 447.160. [Amended by 1981 c.438 §11; 1985 c.590 §5, 1987 c.604 §16]

LICENSING

693.030 Certificate requirements for plumbers, journeymen and apprentices. (1) No person shall engage in the trade or business of journeyman plumber without a certificate of competency as provided by this chapter.

(2) No person registered to conduct a plumbing business shall:

(a) Employ any person to work as a journeyman plumber who does not hold a valid journeyman plumber's certificate of competency.

(b) Employ as an apprentice plumber a person not an apprentice under ORS chapter 660.

(c) Employ an apprentice on any plumbing work, representing the apprentice to be a journeyman plumber.

(d) Charge for the services of an apprentice a journeyman plumber's wage. [Amended by 1981 c 438 §12]

693.040 Registration of apprentices. (1) Every apprentice must:

(a) Register with the board, giving the length of time the apprentice has served and with whom the apprentice has been employed; and

(b) Pay the registration fee provided in ORS 693.135.

(2) The board shall issue to such apprentice an identification card. The apprentice may work at the trade of plumbing so long as the apprentice works under the supervision of a certified journeyman plumber. [Amended by 1981 c.438 §13]

693.050 Application for certificate; examination. (1) Applications for examination for a journeyman plumber's certificate of competency shall be made on forms furnished by the Building Codes Agency. The form shall state the applicant's full name, address and plumbing experience.

(2) Application for examination for a journeyman plumber's certificate of competency shall be accompanied by:

(a) Proof satisfactory to the board that the applicant has had at least four years of general experience as an apprentice plumber or equivalent experience, as determined by the board by rule, in installing, altering or repairing plumbing; and

(b) The examination fee provided in ORS 693.135. [Amended by 1969 c 540 §3, 1975 c.429 §14, 1977 c.873 §13, 1981 c 438 §14; 1987 c.414 §50a]

693.060 Issue of journeyman's certificate; limitation on issue. (1) The board shall issue a certificate of competency to such persons as have by the examination provided for by this chapter shown themselves fit, competent and qualified to engage in the business, trade or calling of a journeyman plumber.

(2) No certificate of competency under this section shall be issued to any journeyman until the applicant therefor has complied with the rules and requirements of the board and has paid to the board the certificate fee provided in ORS 693.135. [Amended by 1973 c.734 §5; 1981 c 438 §15]

693.070 Certificate number; issue and expiration dates. All certificates of competency shall bear:

(1) The date of issue and date of expiration; and

(2) An identification number assigned by the board. [Amended by 1975 c.429 §15; 1981 c.438 §16]

693.075 Renewal of certificate. (1) The holder of a journeyman plumber's certificate

of competency is entitled to renewal of the certificate upon its expiration if the person pays the renewal fee provided in ORS 693.135 within 90 days after expiration of the certificate.

(2) If a person fails to qualify for renewal of a certificate under this section, the person only may receive a certificate if the person applies for, qualifies for and is issued a certificate in the same manner as a person who has not previously held a certificate. [1981 c.438 §23]

693.080 [Repealed by 1981 c 438 §46]

693.090 Grounds for discipline; hearing; application for new certificate after revocation. (1) The board may revoke or suspend any journeyman plumber's certificate of competency if it is obtained through error or fraud or if the holder of a certificate of competency has failed to comply with ORS 447.010 to 455.160 or the rules adopted thereunder or with ORS chapter 455 or the rules adopted thereunder or with ORS chapter 693.

(2) The board shall not deny any application for a certificate or revoke or suspend a certificate without first giving the applicant or certificate holder an opportunity for a hearing on the denial, suspension or revocation. Notice of a hearing shall be given in writing by receipted certificated mail or by personal service at least 10 days before the date of the hearing and shall state the place, date and hour of the hearing along with the grounds for the denial, suspension or revocation.

(3) Any person whose certificate of competency has been revoked may, after the expiration of one year from the date of revocation, but not before, apply for a new certificate of competency. [Amended by 1971 c 734 §152, 1981 c 438 §17]

693.095 Certification program for plumbers as supervisors. The board, by rule, may provide a program for the certification of journeyman plumbers who demonstrate to the satisfaction of the board competency in the supervision of plumbing work and in the laws, rules, ordinances and practices relating to plumbing. Any program established under this section may include the following:

(1) Issuance of a certificate of competency as a supervising plumber.

(2) Requirements that journeyman plumber applicants have experience, pass an examination or otherwise demonstrate skill as determined appropriate by the board.

(3) A requirement for the payment of fees established by the board consistent with ORS 693.135.

(4) Circumstances under which the board may revoke or suspend the supervising plumber's certificate of competency as the board determines necessary to protect the public health and safety.

(5) Annual or other renewal as the board determines necessary. [1981 c.438 §22]

693.100 Board power to issue certificates; power to make rules. (1) The board is empowered to grant and issue certificates of competency to persons desiring or intending to engage in the trade or calling of journeyman plumber, in the manner and upon the terms and conditions provided in this chapter.

(2) The board shall prescribe, amend and enforce rules consistent with this chapter for the examination and certification of journeymen plumbers. [Amended by 1981 c.438 §18]

693.103 Limited specialty plumbers; certification; fees. The board, by rule, may provide a program for the certification of limited specialty plumbers who demonstrate to the satisfaction of the board competency in the laws, rules, ordinances and practices relating to their plumbing specialty. A person certified under this section is authorized to perform the class of plumbing work included in the branch of the plumbing trade for which the person has been certified. Any program established under this section may include the following:

(1) Issuance of a certificate of competency as a limited specialty plumber.

(2) Requirements that limited plumbing specialty applicants have experience, pass an examination or otherwise demonstrate competency as determined appropriate by the board.

(3) A requirement for the payment of fees established by the board consistent with ORS 693.135.

(4) Circumstances under which the board may revoke or suspend the limited specialty plumber's certificate of competency as the board determines necessary to protect the public health and safety.

(5) Annual or other renewal as the board determines necessary. [1985 c.590 §4]

693.105 Certificate denial procedure; promulgation, review of rules and orders; hearing officers. (1) Where the board proposes to refuse to issue or renew any certificate under this chapter, or proposes to revoke or suspend any such certificate, opportunity for hearing shall be accorded as provided in ORS 183.310 to 183.550.

(2) Promulgation of rules, conduct of hearings, issuance of orders and judicial re-

view of rules and orders shall be in accordance with ORS 183.310 to 183.550.

(3) The board may appoint, by an order in writing, its secretary or any competent person to preside at the hearing. [1971 c.734 §154]

STATE BOARD

693.110 [Amended by 1971 c.753 §34; repealed by 1981 c.438 §46]

693.115 State Plumbing Board; membership; term; compensation and expenses. (1) The State Plumbing Board is established in the Building Codes Agency, consisting of seven members appointed by the Governor. The appointment of a member of the board is subject to confirmation by the Senate pursuant to section 4, Article III of the Oregon Constitution.

(2) The members of the board shall be as follows:

(a) One journeyman plumber with 10 or more years' experience in the trade or calling of journeyman plumber;

(b) One person who is registered to conduct a plumbing business;

(c) One local plumbing inspector who is a journeyman plumber;

(d) One registered professional mechanical engineer;

(e) One officer or employee of the Health Division of the Department of Human Resources;

(f) One plumbing equipment supplier who otherwise qualifies by experience in the industry or one building official; and

(g) One member of the general public.

(3) The term of office of each member is four years, but a member serves at the pleasure of the Governor. Before the expiration of the term of a member, the Governor shall appoint a successor whose term begins on July 1 next following. A member is eligible for reappointment. If there is a vacancy for any cause, the Governor shall make an appointment to become immediately effective for the unexpired term.

(4) A member of the board shall receive compensation and expenses as provided in ORS 292.495. [1981 c.438 §§4, 5, 9; 1987 c.414 §51]

693.120 Duties of board to examine plumbers. (1) The board shall examine for fitness and qualifications all persons applying for certificates to engage in the business, trade or calling of a journeyman plumber.

(2) The examination for a certificate as a journeyman plumber shall consist of the following two parts:

(a) A written examination; and

(b) A practical examination requiring the demonstration of mechanical plumbing skills. [Amended by 1971 c.753 §35; 1981 c.438 §19]

693.125 Officers; quorum; meetings. (1) The board shall select one of its members as chairperson and another as vice-chairperson, for terms and with duties and powers necessary for the performance of the functions of such offices as the board determines.

(2) A majority of the members of the board constitutes a quorum for the transaction of business.

(3) The board shall meet as the board determines necessary, but not less than once every other month, at a place, day and hour determined by the board. The board also may meet at other times and places specified by the call of the chairperson or of a majority of the members of the board. [1981 c.438 §7, 8]

693.130 [Amended by 1971 c.753 §36, repealed by 1981 c.438 §46]

693.135 Fees. The board, by rule, shall establish fees to be charged by and paid to the board under this chapter. The following fees shall be the maximum fees established under this section:

(1) For issuance of an apprentice plumber's identification card, \$10.

(2) For an examination for a journeyman plumber's certificate of competency, \$100.

(3) For a journeyman plumber's certificate of competency, original and annual renewal, \$50.

(4) For registration to conduct a plumbing business, original and annual renewal, \$150.

(5) For examination for supervising plumber's certificate of competency, \$50.

(6) For registration as a supervising plumber, original and annual renewal, \$50. [1981 c.438 §24]

693.140 [Amended by 1969 c.314 §94; repealed by 1971 c.753 §74]

693.150 [Repealed by 1971 c.753 §74]

693.160 [1973 c.834 §44; repealed by 1981 c.438 §46]

693.165 Disposition of receipts. All moneys received by the Building Codes Agency or the State Plumbing Board under ORS 447.010 to 447.160 and this chapter shall be paid into the State Treasury and deposited in the General Fund to the credit of the Building Code Account created by ORS 455.230. Such moneys shall be used only for the administration and enforcement of ORS 447.010 to 447.160 and this chapter. [1981 c.438 §26]

ENFORCEMENT

693.180 Denial of right to court action for uncertified plumber or unregistered apprentice. No person who provides services connected with plumbing, as defined in ORS 447.010, may bring or maintain an action in the courts of this state to recover for such services unless the person alleges and proves that, at the time the services were performed, the person performing them either:

(1) Held a valid journeyman plumber's certificate of competency; or

(2) Was duly registered as an apprentice under ORS 693.040. [1981 c.438 §25]

CIVIL PENALTIES

693.190 Civil penalties. (1) The board, after hearing and any review under ORS 183.310 to 183.550, may impose a civil penalty against any person who violates any provision of this chapter or any rule adopted thereunder. A civil penalty imposed under this section shall be in an amount determined by the board of not more than \$1,000 for each offense.

(2) All amounts recovered under this section are subject to ORS 693.165.

(3) 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 section. [1981 c.438 §27]

693.990 [Repealed by 1981 c.438 §46]