

House Bill 2457

Sponsored by COMMITTEE ON BUSINESS AND LABOR (at the request of United Association of Plumbers, Steamfitters, and Marine Fitters Local 290)

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure as introduced.

Allows State Plumbing Board to authorize journeyman plumber who obtains training and certification from board-recognized provider to design fire sprinkler systems in one and two family dwellings and appurtenances. Provides that journeyman plumber designing fire sprinkler system within scope of board authorization is not engaged in practice of architecture or practice of engineering.

A BILL FOR AN ACT

1
2 Relating to the designing of residential fire sprinkler systems; creating new provisions; and amend-
3 ing ORS 671.030 and 672.060.

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

5 **SECTION 1. Section 2 of this 2009 Act is added to and made a part of ORS chapter 693.**

6 **SECTION 2. (1) As used in this section, "design" includes the preparation of plans,
7 specifications, drawings and recommendations.**

8 **(2) The State Plumbing Board may authorize a journeyman plumber to design fire sprin-
9 kler systems in one and two family dwellings, and in appurtenances to one and two family
10 dwellings, if the plumber has successfully obtained training and certification from a provider
11 recognized by the board. A journeyman plumber holding a board authorization may design
12 fire sprinkler systems for any one or two family dwellings or for any appurtenances to one
13 or two family dwellings, regardless of the number of levels, ground area, height or car ca-
14 pacity of the dwelling or appurtenance.**

15 **(3) The board may adopt rules the board considers reasonable for regulating the practice
16 of fire sprinkler system design by journeyman plumbers. The board shall consult with the
17 State Fire Marshal before adopting rules under this section for the recognition of a fire
18 sprinkler system design training and certification provider. The board may establish a fee for
19 the issuance of an authorization to a journeyman plumber under this section.**

20 **SECTION 3. ORS 671.030 is amended to read:**

21 **671.030. (1) ORS 671.010 to 671.220 do not apply to the practice of naval or landscape architec-
22 ture or of engineering by a registered professional engineer or a person engaged in architecture or
23 engineering work as an employee of an architect or registered professional engineer.**

24 **(2) ORS 671.010 to 671.220 do not prohibit:**

25 **(a) Draftsmen, clerks of the work, superintendents and other employees of registered architects
26 and registered professional engineers from acting under the instructions, control or supervision of
27 their employers. A draftsman, clerk, superintendent or other employee may not use the designation
28 "architect," "architectural" or "architecture" unless licensed under the provisions of ORS 671.010
29 to 671.220, or unless a title containing the designation is provided by rule of the State Board of**

NOTE: Matter in **boldfaced** type in an amended section is new; matter *[italic and bracketed]* is existing law to be omitted. New sections are in **boldfaced** type.

1 Architect Examiners.

2 (b) A person from making plans or specifications for, or supervising the erection, enlargement
3 or alteration of, a building, or an appurtenance thereto, if the building:

4 (A) Is to be used for a single family residential dwelling or farm building; or

5 (B) Is a structure used in connection with or auxiliary to a single family residential dwelling
6 or farm building, including but not limited to a three-car garage, barn or shed or a shelter used for
7 the housing of domestic animals or livestock.

8 (c) A person from making plans or specifications for, or supervising the erection, enlargement
9 or alteration of, a building, or an appurtenance thereto, if the building has a ground area of 4,000
10 square feet or less and is not more than 20 feet in height from the top surface of lowest flooring to
11 the highest interior overhead finish of the structure.

12 **(d) A journeyman plumber holding an authorization issued by the State Plumbing Board**
13 **under section 2 of this 2009 Act from designing a fire sprinkler system for any one or two**
14 **family dwelling or any appurtenance to a one or two family dwelling.**

15 [(d)] (e) A person from planning, designing, specifying or supervising the alterations or repairs
16 to a building if:

17 (A) The structural part of the building, including but not limited to the foundation walls, floors,
18 roof, footings, bearing partitions, beams, columns and joists, is not involved;

19 (B) The building code classification by use or occupancy of the building is not changed; and

20 (C) The building code classification by type of construction of the building is not changed.

21 [(e)] (f) A contractor or duly appointed superintendent or foreman from directing the work of
22 erecting, enlarging or altering a building, or an appurtenance thereto, under the supervision of a
23 registered architect or registered professional engineer.

24 [(f)] (g) A person practicing marine, naval or landscape architecture from purporting to be a
25 marine, naval or landscape architect if the work is confined and limited to those classifications.

26 [(g)] (h) A construction contractor licensed under ORS chapter 701 from offering services con-
27 stituting the practice of architecture if:

28 (A) The services are appurtenant to construction services to be provided by the contractor;

29 (B) The services constituting the practice of architecture are performed by an architect or ar-
30 chitects registered under ORS 671.010 to 671.220; and

31 (C) The offer by the construction contractor discloses in writing that the contractor is not an
32 architect and identifies the registered architect or architects who will perform the services consti-
33 tuting the practice of architecture.

34 **SECTION 4.** ORS 672.060 is amended to read:

35 672.060. ORS 672.002 to 672.325 do not apply to:

36 (1) A registered architect practicing architecture.

37 (2) A registered environmental health specialist or registered environmental health specialist
38 trainee working under the supervision of a registered environmental health specialist practicing
39 environmental sanitation, or a registered waste water specialist or registered waste water specialist
40 trainee working under the supervision of a registered waste water specialist practicing waste water
41 sanitation.

42 (3) A person working as an employee or a subordinate of a registered professional engineer if:

43 (a) The work of the person does not include final engineering designs or decisions;

44 (b) The work of the person is done under the supervision and control of and is verified by a
45 registered professional engineer; and

1 (c) The person does not purport to be an engineer or registered professional engineer by any
2 verbal claim, sign, advertisement, letterhead, card or title.

3 (4) A person practicing land surveying under the supervision of a registered professional land
4 surveyor or registered professional engineer. The exemption in this subsection does not allow an
5 engineer to supervise a land surveying activity the engineer could not personally perform under
6 ORS 672.025.

7 (5) An individual, firm, partnership or corporation practicing engineering or land surveying:

8 (a) On property owned or leased by the individual, firm, partnership or corporation, or on
9 property in which the individual, firm, partnership or corporation has an interest, estate or
10 possessory right; and

11 (b) That affects exclusively the property or interests of the individual, firm, partnership or cor-
12 poration, unless the safety or health of the public, including employees and visitors, is involved.

13 (6) The performance of engineering work by a person, firm or corporation, or by full-time em-
14 ployees thereof, provided:

15 (a) The work is in connection with or incidental to the operations of the persons, firms or cor-
16 porations; and

17 (b) The engineering work is not offered directly to the public.

18 (7) A person executing engineering work designed by a professional engineer or supervising the
19 construction of engineering work as a foreman or superintendent.

20 (8) A landowner performing land surveying within the boundaries of the landowner's land or the
21 landowner's regular employee performing land surveying services as part of the employee's official
22 duties within the boundaries of the land of the employer.

23 (9) An individual, firm, partnership or corporation offering to practice engineering or land sur-
24 veying if:

25 (a) The individual, firm, partnership or corporation holds a certificate of registration to engage
26 in the practice of professional engineering or land surveying issued by the proper authority of any
27 other state, a territory or possession of the United States, or a foreign country; and

28 (b) The offer includes a written statement that the offeror is not registered to practice engi-
29 neering or land surveying in the State of Oregon, but will comply with ORS 672.002 to 672.325 by
30 having a person holding a valid certificate of registration in this state in responsible charge of the
31 work prior to performing any engineering or land surveying work within this state.

32 (10) A person making plans or specifications for, or supervising the erection, enlargement or
33 alteration of, a building, or an appurtenance thereto, if the building is to be used for a single family
34 residential dwelling or farm building or is a structure used in connection with or auxiliary to a
35 single family residential dwelling or farm building, including but not limited to a three-car garage,
36 barn or shed or a shelter used for the housing of domestic animals or livestock. ORS 672.002 to
37 672.325 do not prevent a person from making plans or specifications for, or supervising the erection,
38 enlargement or alteration of, a building, or an appurtenance thereto, if the building has a ground
39 area of 4,000 square feet or less and is not more than 20 feet in height from the top surface of lowest
40 flooring to the highest interior overhead finish of the structure.

41 **(11) A journeyman plumber holding an authorization issued by the State Plumbing Board**
42 **under section 2 of this 2009 Act who designs a fire sprinkler system for any one or two family**
43 **dwelling or any appurtenance to a one or two family dwelling.**

44 [(11)] (12) A construction contractor licensed under ORS chapter 701 that offers services con-
45 stituting the practice of engineering if:

1 (a) The services are appurtenant to construction services to be provided by the contractor;

2 (b) The services constituting the practice of engineering are performed by an engineer or engi-
3 neers registered under ORS 672.002 to 672.325; and

4 (c) The offer by the construction contractor discloses in writing that the contractor is not an
5 engineer and identifies the registered engineer or engineers that will perform the services consti-
6 tuting the practice of engineering.

7 ~~[(12)]~~ (13) A person transcribing existing georeferenced data into a Geographic Information
8 System or Land Information System format by manual or electronic means, and the maintenance of
9 that data, if the data are clearly not intended to indicate the authoritative location of property
10 boundaries, the precise shape or contour of the earth or the precise location of fixed works of hu-
11 mans.

12 ~~[(13)]~~ (14) A person carrying out activities under ORS 306.125 or 308.245. This exemption applies
13 to the transcription of tax maps, zoning maps and other public data records into Geographic Infor-
14 mation System or Land Information System formatted cadastre and the maintenance of those
15 cadastre, if:

16 (a) The data are not modified for other than graphical purposes; and

17 (b) The data are clearly not intended to authoritatively represent property boundaries.

18 ~~[(14)]~~ (15) A person preparing maps or compiling databases depicting the distribution of natural
19 or cultural resources, features or phenomena, if the maps or data are not intended to indicate the
20 authoritative location of property boundaries, the precise shape or contour of the earth or the pre-
21 cise location of fixed works by humans.

22 ~~[(15)]~~ (16) A federal agency or its contractors, in the preparation of military maps, quadrangle
23 topographic maps, satellite imagery or other maps or images that do not define real property
24 boundaries.

25 ~~[(16)]~~ (17) A federal agency or its contractors, in the preparation or transcription of documents
26 or databases into a Geographical Information System or Land Information System format, including
27 but not limited to the preparation or transcription of federal census and other demographic data.

28 ~~[(17)]~~ (18) A law enforcement agency or its contractors, in the preparation of documents or maps
29 for traffic accidents, crime scenes or similar purposes depicting physical features or events or gen-
30 erating or using georeferenced data involving crime statistics or criminal activities.

31 ~~[(18)]~~ (19) A peace officer, as defined in ORS 161.015, or a fire service professional, as defined
32 in ORS 181.610, conducting, reporting on or testifying about or otherwise performing duties regard-
33 ing an official investigation.

34 ~~[(19)]~~ (20) A person creating general maps prepared for private firms or governmental agencies:

35 (a) For use as guides to motorists, boaters, aviators or pedestrians;

36 (b) For publication in a gazetteer or an atlas as an educational tool or reference publication;

37 (c) For use in the curriculum of any course of study;

38 (d) If produced by any electronic or print media, for use as an illustrative guide to the ge-
39 ographic location of any event; or

40 (e) If prepared for conversational or illustrative purposes, including but not limited to for use
41 as advertising material or user guides.

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