

CITY OF ASHLAND



Policies / Interpretations / Procedures

BD-PP-0023

PLUMBING CONTRACTOR REGISTRATION AND LICENSING REQUIREMENTS

Interpretation Summary:

1. Outlines Construction Contractors Board registration exemptions for plumbing installations.
2. Outlines plumbing contractor registration exemptions.
3. Outlines plumbing certificate of competency (licensing) exemptions.
4. Clarifies the requirements for persons involved in sewer installations.
5. Defines the term "agent" as used in the permit application process.

Background:

Contractor registration statutes and rules are intended to increase the ability of the Construction Contractors Board (CCB) to monitor construction and bidding practices of contractors. Additional consumer safeguards are contained in statutes and rules related to plumbing contractor registrations and licenses. Several exemptions exist for each of the registrations and licenses.

Discussion:

The Construction Contractors Board (CCB) registration rules may be found in Oregon Revised Statute (ORS) 701, and exemptions are specifically listed in ORS 701.010. Plumbing contractor registration rules may be found in ORS 447, and exemptions are listed in ORS 447.060. Plumbing certificate of competency (licensing) rules may be found in ORS 693, and exemptions are listed in ORS 693.020.

The term "agent" is often used by permit applicants. These individuals are usually representing the legal owner of the property for convenience. This term has no legal standing in the statutes related to registration. A definition has been provided below for use by this office.

This interpretation describes exemptions relating to the issuance of a permit (1 and 2 below) and the work conducted on a jobsite (3 below).

Interpretation:

1. In order to be issued a plumbing permit, an applicant must be registered with the CCB unless exempted by ORS 701.010. These exemptions state that the following do not need to be registered with the CCB:

(a) A person who is constructing, altering, improving or repairing personal property.

(b) A person who is constructing, altering, improving or repairing a structure located within the boundaries of any site or reservation under the jurisdiction of the Federal Government.

(c) An owner who contracts for work to be performed by a licensed contractor. This subsection does not apply to a person who, in the pursuit of an independent business, constructs, remodels, repairs or for compensation and with the intent to sell the structure, arranges to have constructed, remodeled or repaired a structure with the intent of offering the structure for sale before, upon or after completion. It is prima facie evidence that there was an intent of offering the structure for sale if the person who constructed, remodeled or repaired the structure or arranged to have the structure constructed, remodeled or repaired does not occupy the structure after its completion.

(d) A person performing work on a property that person owns or performing work as the owner's employee, whether the property is occupied by the owner or not, or a person performing work on that person's residence, whether or not that person owns the residence. This subsection does not apply to a person performing work on a structure owned by that person or the owner's employee if such work is performed, in the pursuit of an independent business, with the intent of offering the structure for sale before, upon or after completion.

(e) A person licensed in one of the following trades or professions when operating within the scope of that license:

- An architect licensed by the State Board of Architect Examiners.
- A registered professional engineer licensed by the State Board of Examiners for Engineering and Land Surveying.
- A sewage disposal system installer licensed by the Department of Environmental Quality.
- A landscaping business licensed under ORS 671.510 to 671.710 that constructs fences, decks, arbors, driveways, walkways or retaining walls when:
 - > Performed in conjunction with landscaping work; or
 - > Not performed in conjunction with landscaping work and that has filed a bond under ORS 671.690 (1)(b).

2. In addition to the requirements of #1, a permit applicant must be registered as a plumbing contractor to obtain a plumbing permit unless exempted by ORS 447.060. There are several exemptions. A plumbing contractors license is not required for a person who is:

- (a) Engaging in plumbing work when not so engaged for hire.
- (b) Using the services of regular employees in performing plumbing work for the benefit of property owned, leased or operated by such employer.
- (c) Installing a building sewer (see 4 below).

These provisions apply 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.

It must be noted that even if the plumbing permit applicant qualifies for an exemption and is not required to have a plumbing contractors license, the permit may not be issued unless the applicant specifies that the work will be accomplished by an individual who possesses a plumbing certificate of competency (license) if one is required (see 3).

3. In addition to the requirements of #1 and 2 regarding the issuance of a permit, the person conducting the plumbing work at the site must possess a State of Oregon plumbing certificate of competency (license) unless exempted by ORS 693.020. Some key exceptions and other points:

(a) No license is required for a person doing the person's own work on the person's own building on the person's own premises. This means that the owner must occupy the premises. There is an exception related to **repairs** on **residential** property which clarifies that the owner does not have to occupy the premises - see (b) below. Additionally, if it is a commercial property, then the property cannot be for sale, rent or lease - see (c) below.

(b) No license is required for a person who owns, leases or operates residential property, who is repairing or using regular employees to repair existing plumbing on property owned, leased or operated by the employer. "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.

(c) A license is required for a person who is installing, remodeling or altering plumbing in a **commercial or industrial** building being constructed or being offered for sale, exchange, rent or lease. However, a person may **repair** plumbing in this same building without possessing a license.

Note: "installing, remodeling or altering" 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.

(d) No license is required for a person who is installing a building sewer (see 4 below).

These provisions apply 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.

4. Sewer installations “for hire” may be accomplished by anyone who is registered with the CCB.

ORS 701.138 states in part as follows:

Any person licensed under ORS 701.055 may install a building sewer after obtaining a permit for plumbing inspection under ORS 447.095. As used in this section, "building sewer" means that part of the system of drainage piping that conveys sewage into a septic tank, cesspool or other treatment unit that begins five feet outside the building or structure within which the sewage originates.

5. An "agent" of the owner is an individual who has written authorization to act in behalf of the legal owner in the application for and purchase of a permit.