

(7) Subsections (1) to (6) of this section do not apply to the movement of a manufactured structure described under ORS 446.576 (1)(a) or (b) or 446.736. [2003 c.655 §22; 2005 c.22 §321]

Note: See note under 446.561.

446.635 [1967 c.598 §2; 1971 c.588 §6; repealed by 1973 c.833 §48]

446.636 Manufactured structure trip permits. (1) For a new manufactured structure, the manufactured structure dealer must obtain the trip permit on behalf of the owner. If the dealer fails to obtain the trip permit prior to the scheduled moving date, the vehicle transporter must obtain the trip permit on behalf of the owner.

(2) For a used manufactured structure, the owner must obtain a trip permit from the county assessor for the county in which the manufactured structure is sited.

(3) Notwithstanding subsections (1) and (2) of this subsection, if a dealer or vehicle transporter refuses to obtain a trip permit as required by subsection (1) of this section, or if a county assessor refuses to issue a trip permit to an owner who has complied with ORS 446.631, the owner may apply directly to the Department of Consumer and Business Services for a trip permit.

(4) The department may issue trip permits in bulk to a manufactured structure dealer or vehicle transporter. [2003 c.655 §22a]

Note: See note under 446.561.

446.640 [1959 c.314 §17; repealed by 1973 c.833 §48]

446.641 Sale of manufactured structure having ownership document or that is exempt structure. (1) If a person sells an ownership interest in a manufactured structure for which there is an ownership document issued under ORS 446.611 or a structure described in ORS 446.621 (1) to (6), the seller shall give notice of the sale to the county assessor for the county in which the structure is sited.

(2) The seller's notice must be on a form approved by the Department of Consumer and Business Services. Information required by the form must include, but need not be limited to:

(a) The identities of the seller and the purchaser;

(b) Any change in the security interest in the structure resulting from the transaction; and

(c) For each holder of an unreleased security interest:

(A) A signed statement recorded on the ownership document for the manufactured structure acknowledging that the interest holder is aware of the sale; or

(B) Documentation satisfactory to the department showing that acknowledgment by the holder was requested but the holder has not responded.

(3) The seller shall submit the following with the notice:

(a) The ownership document or other document evidencing ownership of the manufactured structure.

(b) A copy of the bill of sale.

(c) Documentation satisfactory to the county assessor that all taxes, special assessments and other charges placed on the tax roll that have been certified for collection under ORS 311.105 and 311.110, all taxes in homestead deferral as described under ORS 311.666 to 311.701 and all delinquent taxes and special assessments for past years are paid or have been canceled.

(4) The county assessor shall forward the information contained in the notice and the ownership document or other document evidencing ownership to the department. The department shall update the ownership document for the manufactured structure or, if no ownership document exists, enter the information in the department's records and issue an ownership document for the structure.

(5) The department shall deliver an ownership document updated or issued under subsection (4) of this section to the holder of the earliest perfected unreleased security interest in the manufactured structure or, if none, to the owner of the structure. The department shall also send a copy of the ownership document to the county assessor.

(6) A transfer of ownership of a manufactured structure by operation of law is a sale of the manufactured structure for purposes of this section.

(7) Notice given to a county assessor under subsection (1) of this section is not an instrument of conveyance.

(8) If a seller does not give a notice of sale to the county assessor within 30 days after closing of the sale of a manufactured structure, a buyer may submit a notice of sale to the assessor if the notice is accompanied by proof of sale acceptable to the department as provided by rule. Upon receipt of a notice of sale and acceptable proof of sale, the assessor shall forward the information to the department as provided in subsection (4) of this section. Submission of a notice of sale by a buyer does not excuse a seller from civil penalty under ORS 455.895 for a violation of subsection (1) of this section. [2003 c.655 §23; 2007 c.502 §4]

Note: See note under 446.561.

(k) Wall sheathing nailing. [2001 c.406 §4; 2003 c.675 §40]

Note: See note under 455.800.

455.820 Plan review and verification; documentation; duties of building official; effect of waiver revocation. (1) A master builder must perform all plan review and required verifications for which government review or inspection has been waived by a building official. The master builder shall maintain copies of all documents and reports required by the government granting the waiver and provide those copies to the building official.

(2) When waiving government performance of plan review or required inspections, a building official shall require the master builder to sign a form that specifically identifies each waiver and states that the master builder accepts the duty of performing the review and verifications. A master builder who accepts the duty of performing a review or verification remains responsible for that duty unless released by written and signed permission of the building official. A building official may release a master builder from a review or verification duty by a written and signed assumption of the review or inspection duty by the building official or written and signed assumption of the review and verification duty by another master builder.

(3) A building official for a government that has a master builder program:

(a) Must conduct inspections of at least 10 percent of projects that are built under a master builder program;

(b) May revoke a waiver for a plan review or required inspection if the master builder fails to properly perform, or document performance of, review or verification duties; and

(c) Must notify the Department of Consumer and Business Services when the official revokes a waiver pursuant to paragraph (b) of this subsection.

(4) When revoking a waiver, a building official shall provide the master builder with a release under subsection (2) of this section from future performance of review or verification duties. A release does not relieve a master builder from liability for the failure to perform, or document performance of, review or verification duties prior to the revocation of the waiver.

(5) A government having a master builder program has no legal duty with regard to plan review or required inspections properly waived under ORS 455.815 and accepted by a master builder in a signed form described under subsection (2) of this section. This subsection does not release a government from a duty arising due to a waiver revoca-

tion under subsection (3) of this section or an assumption under subsection (2) of this section.

(6) A local government may refuse to grant recognition to a certified master builder if a waiver granted to the master builder under that government's master builder program has been revoked pursuant to subsection (3)(b) of this section. If a waiver is revoked pursuant to subsection (3)(b) of this section, a local government or building official may send a recommendation to the department for action against the master builder who was granted the waiver. The local government or building official may also send the department any information supporting the recommendation. [2001 c.406 §5]

Note: See note under 455.800.

455.840 [Formerly 705.700; repealed by 2003 c.675 §49]

455.842 [Formerly 705.705; 2003 c.675 §41; 2005 c.833 §5; renumbered 455.044 in 2005]

455.844 [Formerly 705.710; 2003 c.675 §42; 2005 c.833 §§6,10; renumbered 455.046 in 2005]

455.846 [Formerly 705.715; 2003 c.675 §43; renumbered 455.048 in 2005]

455.848 [Formerly 705.720; repealed by 2003 c.675 §49]

PENALTIES

455.895 Civil penalties. (1)(a) The State Plumbing Board may impose a civil penalty against a person as provided under ORS 447.992 and 693.992. Amounts recovered under this paragraph are subject to ORS 693.165.

(b) The Electrical and Elevator Board may impose a civil penalty against a person as provided under ORS 479.995. Amounts recovered under this paragraph are subject to ORS 479.850.

(c) The Board of Boiler Rules may impose a civil penalty against a person as provided under ORS 480.670. Amounts recovered under this paragraph are subject to ORS 480.670.

(2) The Director of the Department of Consumer and Business Services, in consultation with the appropriate board, if any, may impose a civil penalty against any person who violates any provision of ORS 446.003 to 446.200, 446.225 to 446.285, 446.395 to 446.420, 446.566 to 446.646, 446.666 to 446.746, 479.510 to 479.945, 479.950 and 480.510 to 480.670 and this chapter and ORS chapters 447, 460 and 693, or any rule adopted or order issued for the administration and enforcement of those provisions. Except as provided in subsections (3), (4) and (9) of this section or ORS 446.995, a civil penalty imposed under this section must be in an amount determined by the appropriate

board or the director of not more than \$5,000 for each offense or, in the case of a continuing offense, not more than \$1,000 for each day of the offense.

(3) Each violation of ORS 446.003 to 446.200 or 446.225 to 446.285, or any rule or order issued thereunder, constitutes a separate violation with respect to each manufactured structure or with respect to each failure or refusal to allow or perform an act required thereby, except that the maximum civil penalty may not exceed \$1 million for any related series of violations occurring within one year from the date of the first violation.

(4) The director may impose a civil penalty of not more than \$25,000 against a public body responsible for administering and enforcing a building inspection program. As used in this subsection, "public body" has the meaning given that term in ORS 174.109.

(5) The maximum penalty established by this section for a violation may be imposed only upon a finding that the person has engaged in a pattern of violations. The Department of Consumer and Business Services, by rule, shall define what constitutes a pattern of violations. Except as provided in subsections (1) and (10) of this section, moneys received from any civil penalty under this section are appropriated continuously for and shall be used by the director for enforcement and administration of provisions and rules described in subsection (2) of this section.

(6) Civil penalties under this section shall be imposed as provided in ORS 183.745.

(7) A civil penalty imposed under this section may be remitted or reduced upon such terms and conditions as the director or the appropriate board considers proper and consistent with the public health and safety. In any judicial review of a civil penalty im-

posed under this section, the court may, in its discretion, reduce the penalty.

(8) Any officer, director, shareholder or agent of a corporation, or member or agent of a partnership or association, who personally participates in or is an accessory to any violation by the partnership, association or corporation of a provision or rule described in subsection (2) of this section is subject to the penalties prescribed in this section.

(9) In addition to the civil penalty set forth in subsection (1) or (2) of this section, any person who violates a provision or rule described in subsection (2) of this section may be required by the director or the appropriate board to forfeit and pay to the General Fund of the State Treasury a civil penalty in an amount determined by the director or board that shall not exceed five times the amount by which such person profited in any transaction that violates a provision or rule described in subsection (2) of this section.

(10) If a civil penalty is imposed for a violation of a provision of ORS 446.566 to 446.646 and the violation relates to a filing or failure to file with a county assessor functioning as agent of the department, the department, after deducting an amount equal to the department's procedural, collection and other related costs and expenses, shall forward one-half of the remaining civil penalty amount to the county in which the manufactured structure is located at the time of the violation. [1991 c.792 §4; 1991 c.734 §111; 1999 c.1045 §19; 2001 c.411 §21; 2003 c.14 §286; 2003 c.655 §76; 2007 c.549 §6; 2007 c.898 §1]

455.897 Criminal penalties. Violation of ORS 455.455 or 455.459 is a Class A misdemeanor. [1999 c.1045 §9]

455.990 [Formerly 456.885 (2); repealed by 1995 c.553 §16; 1995 c.675 §6]

Manufactured Home Transaction Scenarios

Adding a Existing Home/Creating Lois Account

***Note: Homes are more than likely already in the Lois System. If you are unable to locate a home please contact BCD to help you search**

***The \$55.00 fee does not apply if the owners choose to exempt the home**

Creating Existing Home Into Lois (no ownership change)

- ☐ Affidavit to Establish Ownership
- ☐ Notice of Sale/Change of Ownership form
- ☐ Supplemental Information form
- ☐ Ownership Document/DMV Title (if available)
- ☐ \$55.00 Ownership Document fee

Creating Existing Home Into Lois (ownership change)

- ☐ Affidavit to Establish Ownership (completed by current owners)
- ☐ Notice of Sale/Change of Ownership form
 - If there is a secured party already of record, they must sign acknowledging the transfer or releasing their interest before ownership can transfer
- ☐ Supplemental Information form
- ☐ Bill of Sale
- ☐ Ownership Document/DMV Title (if available)
- ☐ \$55.00 Ownership Document fee

MH Sale/Ownership Change

***Note: the \$55.00 fee does not apply if the owners choose to exempt the home**

Transferring Ownership

- ☐ Notice of Sale/Change of Ownership form
 - If there is a secured party already of record, they must sign acknowledging the transfer or releasing their interest before ownership can transfer
- ☐ Supplemental Information form
- ☐ Bill of Sale (if sold)
- ☐ Ownership Document/DMV Title (if available)
- ☐ \$55.00 Ownership Document fee

Ownership Transfers by Death of Owner

*Note: the \$55.00 fee does not apply if the owners choose to exempt the home

Death of Single Owner

Probate

- ☐ Probate – Copies of Probate Docs. (personal rep/claiming successor will be listed & can sign paperwork)
- ☐ Copy of Death Certificate
- ☐ Ownership Document/DMV Title (if available)
- ☐ Notice of Sale/Change of Ownership form
 - If there is a secured party, they must sign acknowledging or releasing their interest before ownership can transfer
- ☐ Supplemental Information form
- ☐ Bill of Sale (if sold)
- ☐ \$55.00 Ownership Document fee

Small Estate

- ☐ Small Estate Affidavit (must wait 120 days after filed; affiant will be listed & will sign paperwork)
- ☐ Copy of Death Certificate
- ☐ Ownership Document/DMV Title (if available)
- ☐ Notice of Sale/Change of Ownership form
 - If there is a secured party, they must sign acknowledging or releasing their interest before ownership can transfer
- ☐ Supplemental Information form
- ☐ Bill of Sale (if sold)
- ☐ \$55.00 Ownership Document fee

No Probate/Estate (with or without will)

- ☐ Affidavit of Transfer of Interest by Inheritance without Probate
- ☐ Copy of Death Certificate
- ☐ Notice of Sale/Change of Ownership form
 - If there is a secured party, they must sign acknowledging or releasing their interest before ownership can transfer
- ☐ Ownership Document/DMV Title (if available)
- ☐ Supplemental Information form
- ☐ Bill of Sale (if sold)
- ☐ \$55.00 Ownership Document fee

Death of Single Owner (2+ owners of record)

Right of Survivorship

- ☐ Copy of Death Certificate
- ☐ Notice of Sale/Change of Ownership form
 - If there is a secured party, they must sign acknowledging or releasing their interest before ownership can transfer
- ☐ Ownership Document/DMV Title (if available)
- ☐ Supplemental Information form
- ☐ Bill of Sale (if sold)
- ☐ \$55.00 Ownership Document fee

No Right of Survivorship

- ☐ Follow steps of Probate, Small Estate, or No Probate/Estate as provided above
- ☐ Copy of Death Certificate
- ☐ Notice of Sale/Change of Ownership form
 - If there is a secured party, they must sign acknowledging or releasing their interest before ownership can transfer
 - Other owners listed on the home must sign acknowledging or releasing their interest before ownership can transfer
- ☐ Ownership Document/DMV Title (if available)
- ☐ Supplemental Information form
- ☐ Bill of Sale (if sold)
- ☐ \$55.00 Ownership Document fee

Moving a Home

*Note: the \$55.00 fee does not apply if the owners choose to exempt the home

Moving a Home (with ownership change)

- ☐ Notice of Sale/Change of Ownership form
 - If there is a secured party already of record, they must sign acknowledging the transfer or releasing their interest before ownership can transfer
- ☐ Supplemental Information form
- ☐ Bill of Sale (if sold)
- ☐ Ownership Document/DMV Title (if available)
- ☐ \$55.00 Ownership Document fee
- ☐ \$5 per section trip permit fee

Moving a Home (no ownership change)

- ☐ Multipurpose Change form
- ☐ Supplemental Information form
- ☐ Bill of Sale (if sold)
- ☐ Ownership Document/DMV Title (if available)
- ☐ \$55.00 Ownership Document fee
- ☐ \$5.00 per section trip permit fee

Security Interest Holder

*Note: If ownership transfer is being performed during the same transaction, security interest holder can be added or released on the Notice of Sale/Change of Ownership Form

Adding a Secured Party

- ☐ Security Interest Change form
 - ☐ Owners and security interest holders must sign form
- ☐ Supplemental Information form
- ☐ \$55.00 Ownership Document fee
- ☐ Ownership Document/DMV Title (if available)

Assigning/Subordinating Secured Party

- ☐ Security Interest Change form
- ☐ Supplemental Information form
- ☐ \$55.00 Ownership Document fee
- ☐ Ownership Document/DMV Title (if available)

Releasing Secured Party

*Note: No fee required to release secured party

- ☐ Security Interest Change form (not required is secured party has released their interest on DMV Title/Ownership Document)
- ☐ Ownership Document/DMV Title (if available)
- ☐ Supplemental Information form

Duplicate Ownership Document

*Note: the \$55.00 fee does not apply if the owners choose to exempt the home

Requesting Duplicate Ownership Document (by owners)

- ☐ Multipurpose Change form (signed by all owners)
- ☐ Supplemental Information form
- ☐ \$55.00 Ownership Document fee

Requesting Duplicate Ownership Document (by secured party)

- ☐ Multipurpose Change form (cross out owners signature and have secured part sign)
- ☐ Supplemental Information form
- ☐ \$55.00 Ownership Document fee

Exemption (detitle)

Exempting Home (with ownership transfer)

- ☐ Notice of Sale/Change of Ownership form
 - If there is a secured party already of record, they must sign acknowledging the transfer or releasing their interest before ownership can transfer
- ☐ Supplemental Information form
- ☐ Bill of Sale
- ☐ Ownership Document/DMV Title (if available)
- ☐ Lot Book Report
- ☐ Recorded Application & Certification Exempting MS from Ownership Document

Exempting Home (no ownership transfer)

- ☐ Multipurpose Change Application
- ☐ Supplemental Information form
- ☐ Bill of Sale
- ☐ Ownership Document/DMV Title (if available)
- ☐ Lot Book Report
- ☐ Recorded Application & Certification Exempting MS from Ownership Document

Unexemption (retitle)

Unexempting Home (owners different than in Lois)

- ☐ Notice of Sale/Change of Ownership form
- ☐ Supplemental Information form
- ☐ Bill of Sale
- ☐ Lot Book Report
- ☐ Recorded Application to Remove MS from Exempt Status
- ☐ \$55.00 Ownership Document fee

Unexempting Home (owners same in Lois)

- ☐ Multipurpose Change form
- ☐ Supplemental Information form
- ☐ Lot Book Report
- ☐ Recorded Application to Remove MS from Exempt Status
- ☐ \$55.00 Ownership Document fee

Destroyed/Damaged Home

*Note: the \$55.00 fee does not apply if the home is to be destroyed

Destroying Home (with ownership transfer)

- ☐ Notice of Sale/Change of Ownership form
 - If there is a secured party, they must sign releasing their interest before ownership can transfer and home be destroyed
- ☐ Bill of Sale
- ☐ Ownership Document/DMV Title (if available)
- ☐ \$5.00 trip permit fee if destroying at dump/landfill

Destroying Home (no ownership transfer)

- ☐ Multipurpose Change Application
 - If there is a secured party, they must sign releasing their interest before ownership can transfer and home be destroyed
- ☐ Ownership Document/DMV Title (if available)
- ☐ \$5.00 trip permit fee if destroying at dump/landfill

Altered Homes/Storage Unit

*Note: the \$55.00 fee does not apply if the home is to be altered or changed into a storage unit

Altering/Storage Unit (with ownership transfer)

- ☐ Notice of Sale/Change of Ownership form
 - If there is a secured party, they must sign releasing their interest before ownership can transfer and home be destroyed
- ☐ Bill of Sale
- ☐ Ownership Document/DMV Title (if available)
- ☐ All tags/labels on unit returned to BCD

Altering/Storage Unit (no ownership transfer)

- ☐ Multipurpose Change form
 - If there is a secured party, they must sign releasing their interest before ownership can transfer and home be destroyed
- ☐ Ownership Document/DMV Title (if available)
- ☐ All tags/labels on unit returned to BCD

Abandonment of Manufactured Home

*Note: the \$55.00 fee does not apply if the home is to be exempted, altered or destroyed

Abandonment of MH

- ☐ Abandonment Certification for Manufactured Structures
- ☐ Notice of Sale/Change of Ownership form
- ☐ Supplemental Information form
- ☐ Bill of Sale (if sold)
- ☐ \$55.00 Ownership Document fee

Repossession of Manufactured Home

*Note: the \$55.00 fee does not apply if the home is to be exempted, altered or destroyed

Repossession of MH

- ☐ Manufactured Structure Certificate of Repossession
- ☐ Notice of Sale/Change of Ownership form
- ☐ Supplemental Information form
- ☐ Bill of Sale (if sold)
- ☐ \$55.00 Ownership Document fee

Placing Home Dealer Hold on Home

Adding Dealer Hold onto Home

- ☐ Notice of Sale/Change of Ownership form to dealer
 - ☐ If there is a secured party already of record, they must sign acknowledging the transfer or releasing their interest before ownership can transfer
- ☐ Supplemental Information form
- ☐ Bill of Sale to dealer
- ☐ Ownership Document/DMV Title (if available)
- ☐ \$55.00 Ownership Document fee