



---

**Exemption from engineering  
requirements**

---

**Opportunity for public input:**

Those who would like to provide public testimony may attend a public hearing on December 16, 2008 at 10:00 a.m. The hearing will be located at the Building Codes Division, Conference Room A. Written comments may also be submitted to the contact below. The last day to submit written comments is 5:00 p.m. December 19, 2008.

**Live broadcast via the internet:**

To view the public hearing live, click on "[View live meetings](#)"

**Purpose of the rule:**

This proposed rule allows a General Supervising Electrician, General Journeyman Electrician, and a Class A Limited Energy Technician, if employed by an electrical contractor, to design, plan and layout the electrical portions of a fire protection system. This rule will exempt these license types from the engineering requirements of the Oregon State Board of Examiners for Engineering and Land Surveying (OSBEELS).

This proposed rule would be effective January 1, 2009.

**Citation:**

Adopt: OAR 918-261-0015.

**History:**

Concerns regarding who can design, plan and layout the electrical portions of fire protection systems began to surface approximately five years ago. Prior to that time it was common practice for licensed electrical contractors to design and install noncomplex electrical systems, including the electrical portions of fire protection systems, without additional requirements for design or review by a registered professional engineer. These concerns were addressed by the Legislature in 2005 with the passage of House Bill 2596, which created an exemption in ORS 479.860 for certain electrical licensees from engineering requirements when designing noncomplex installations.

In May of 2008, the OSBEELS issued a statement that attempted to clarify that "unless an exception to the engineering laws apply, the design of fire protection systems must be performed under the supervision and control of a registered professional engineer or licensed architect."

After OSBEELS issued its statement, the division was contacted by representatives of both industry and local government, who requested the division clarify and address this issue.

At the July 24, 2008 meeting of the Electrical and Elevator Board, the board provided input to the division regarding adopting a temporary rule that would allow licensed employees of electrical contractors to design, plan, and lay out the electrical portions of fire protection systems. A temporary rule was filed effective July 25, 2008.

In October 2008 a committee meeting was held to review the temporary rule and discuss permanent rule language. These proposed rules will be discussed at the November 2008 Electrical and Elevator Board as well as with OSBEELS.

**Contact:**

If you have questions or need further information, please contact Hearing Office Matt Barber at 503-373-1227, or [Matthew.E.Barber@state.or.us](mailto:Matthew.E.Barber@state.or.us).



Secretary of State  
**NOTICE OF PROPOSED RULEMAKING HEARING\***  
A Statement of Need and Fiscal Impact accompanies this form.

Department of Consumer and Business Services, Building Codes Division	918
Agency and Division	Administrative Rules Chapter Number
Shauna M. Parker	PO Box 14470, Salem, OR 97309
Rules Coordinator	Address
	(503) 373-7438
	Telephone

**RULE CAPTION**

Provides an exemption from engineering requirements for design of fire protection systems.

**Not more than 15 words that reasonably identifies the subject matter of the agency's intended action.**

December 16, 2008	10:00 a.m.	1535 Edgewater Street NW, Salem, OR 97304	Matthew Barber
Hearing Date	Time	Location	Hearings Officer

*Auxiliary aids for persons with disabilities are available upon advance request.*

**RULEMAKING ACTION**

Secure approval of new rule numbers (Adopted or Renumbered rules) with the Administrative Rules Unit prior to filing.

**ADOPT:** 918-261-0015

**AMEND:**

**REPEAL:** 918-261-0015(T)

**RENUMBER:**

**AMEND & RENUMBER:**

Stat. Auth.: ORS 479.860

Other Auth.:

Stats. Implemented: ORS 479.860

**RULE SUMMARY**

The proposed rule provides an exemption allowing general supervising electrician, general journeyman electrician, and class "A" limited energy technician licensees to design, plan, and lay out the electrical portions of a fire protection system if employed by a licensed electrical contractor and acting as the contractor's signing supervisor. Allows employing contractor to provide another contractor with designs and parts if the other contractor is installing all or part of the electrical portion of a fire protection system.

The Agency requests public comment on whether other options should be considered for achieving the rule's substantive goals while reducing the negative economic impact of the rule on business.

Friday, December 19, 2008 by 5:00 p.m.

**Last Day for Public Comment** (Last day to submit written comments to the Rules Coordinator)

Mark Long	
Signature	Date
	Printed name

\*Hearing Notices published in the Oregon Bulletin must be submitted by 5:00 pm on the 15<sup>th</sup> day of the preceding month unless this deadline falls on a weekend or legal holiday, upon which the deadline is 5:00 pm the preceding workday. ARC 920-2005

**STATEMENT OF NEED AND FISCAL IMPACT**

A Notice of Proposed Rulemaking Hearing or a Notice of Proposed Rulemaking accompanies this form.

Department of Consumer and Business Services, Building Codes Division

918

Agency and Division

Administrative Rules Chapter Number

Provides an exemption from engineering requirements for design of fire protection systems.

Rule Caption (Not more than 15 words that reasonably identifies the subject matter of the agency's intended action.)

In the Matter of: Adopting 918-261-0015

Statutory Authority: ORS 479.860

Other Authority:

Stats. Implemented: ORS 479.860

Need for the Rule(s):

The Oregon State Board of Examiners for Engineering and Land Surveying (OSBEELS) recently stated that, contrary to current practice, electrical licensees may no longer design the electrical portions of fire protection systems. Stakeholders claim OSBEELS's statement has created confusion and unpredictability for building owners, developers, and contractors. The rule will exempt selected electrical licensees from engineering requirements, codifying the previously common practice, and allowing those licensees to continue designing the electrical portions of fire protection systems.

Documents Relied Upon, and where they are available:

Engineer Exemption Advisory Committee minutes from October 10, 2008 and draft rules are available from the division's rules coordinator, located at 1535 Edgewater Street NW, Salem, OR 97304 and are available on the division's Web site: <http://www.bcd.oregon.gov>.

Fiscal and Economic Impact:

Based on available information, the division has determined that the proposed rule will not have a significant fiscal or economic impact.

Statement of Cost of Compliance:

1. Impact on state agencies, units of local government and the public (ORS 183.335(2)(b)(E)):

By expanding the class of electrical licensees that can design, plan, and lay out electrical installations, the Building Codes Division and local building officials could potentially experience an insignificant increase in oversight costs, and members of the public contracting for those services will likely face lower costs resulting from an increase in competition among eligible service providers.

2. Cost of compliance effect on small business (ORS 183.336):

a. Estimate the number of small businesses and types of business and industries with small businesses subject to the rule: The proposed rule will affect the 2,346 general supervising electricians, 8,229 general journeyman electricians, and 2,426 class "A" limited energy technicians licensed by the division, and the businesses employing those licensees, by increasing the scope of work they can undertake to include designing, planning, and laying out the electrical portions of a fire protection system.

b. Projected reporting, record keeping and other administrative activities required for compliance, including costs of professional services:

The proposed rule does not impose any new reporting or record keeping requirements on small businesses. Those licensees subject to the rule, general supervising electricians, general journeyman electricians, and class "A" limited energy technicians, will not experience new costs related to applying for, or renewing, their licenses.

c. Equipment, supplies, labor and increased administration required for compliance:  
The division anticipates that compliance with the proposed rule will not require the purchase or acquisition of new equipment, supplies, or labor, or increased administration by small businesses.

How were small businesses involved in the development of this rule?

Small businesses were represented on both the rulemaking advisory committee and the Electrical and Elevator Board. The proposed rule implements amendments made to ORS 479.860 by House Bill 2596 (2005), which was supported by representatives of both industry and labor.

Administrative Rule Advisory Committee consulted?: Yes.

If not, why?:

---

	Mark Long	
Signature	Printed name	Date

Administrative Rules Unit, Archives Division, Secretary of State, 800 Summer Street NE, Salem, Oregon 97310. ARC 925-2007

**Engineer Exemption Rule  
Draft: 11-13-08**

**918-261-0015**

**Exemption from Engineering Requirements for Design of Fire Protection Systems**

**(1) As used in this rule:**

**(a) “Fire protection system” has the meaning given that term in OAR 918-305-0110.**

**(b) “Customer” means:**

**(i) A person who purchases the design and the service of having the electrical portion of a fire protection system installed; or**

**(ii) An electrical contractor who purchases the design and the parts or equipment for the electrical portion of a fire protection system, and installs all or part of the system.**

**(2) A general supervising electrician, general journeyman electrician, or class “A” limited energy technician licensee who is employed by a licensed electrical contractor and acting both within the scope of the licensee’s license and as a signing supervisor:**

**(a) May design, plan, and lay out the electrical portion of a fire protection system for the licensed electrical contractor’s customers.**

**(b) Is not subject to any requirements for an additional license, permit, certificate, or registration when designing, planning, or laying out the electrical portions of a fire protection system as authorized by this rule.**

**(3) The electrical design documents for a fire protection system that are prepared by a general supervising electrician, general journeyman electrician, or class “A” limited energy technician licensee under subsection (2) of this rule are exempt from ORS 671.025 and do not require the stamp of an Oregon registered architect or professional engineer.**

**(4) For the purposes of ORS 479.860(2), and the exemption created in subsection (2) of this rule, the electrical portion of any fire protection system is considered a noncomplex electrical installation.**

**Stat. Auth.: ORS 479.860**

**Stats. Implemented: ORS 479.860**

**Hist.: BCD 14-2008 (Temp), f. & cert. ef. 7-25-08;**