

Senate Bill 760

Sponsored by Senator GORSEK; Representative RUIZ (Presession filed.)

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**. The statement includes a measure digest written in compliance with applicable readability standards.

Digest: Makes new rules about fire safety systems in public buildings. Sets penalties. Takes effect on the 91st day after the session ends. (Flesch Readability Score: 68.6).

Requires the owner of a public building to periodically conduct inspections and testing of fire dampers, smoke dampers, combination fire and smoke dampers and smoke control systems in the public building. Specifies qualifications for inspectors. Requires an inspector to issue a certificate of compliance if the public building complies with the applicable standards or to issue a deficiency report if the public building does not comply. Specifies a time period within which the public building owner must return the public building to compliance.

Directs a building owner that receives public moneys for the purpose of replacing or repairing fire dampers, smoke dampers, combination fire and smoke dampers and smoke control systems to require a contractor to provide certain benefits to workers in connection with an installation or repair of equipment that fails an inspection or test or is otherwise deficient.

Punishes violation of the Act with a civil penalty equivalent to five cents for each square foot of occupied space in the public building. Authorizes additional civil penalties for a continuing failure to comply.

Takes effect on the 91st day following adjournment sine die.

A BILL FOR AN ACT

Relating to fire safety systems in public buildings; and prescribing an effective date.

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

SECTION 1. Section 2 of this 2025 Act is added to and made a part of ORS 479.168 to 479.190.

SECTION 2. (1) As used in this section:

(a) **“Combination fire and smoke damper” means a device that meets requirements and standards that apply to both fire damper and smoke damper devices.**

(b) **“Fire damper” means a device installed in ducts and air transfer openings that is designed to close automatically upon detecting heat and to resist the passage of flame.**

(c) **“Local authority” means a fire department or code official with authority in a jurisdiction to conduct inspections and issue citations for violations or infractions.**

(d) **“Smoke control system” means an engineered system that includes all methods that can be used singly or in combination to modify smoke movement, including mechanical fans that produce pressure differences across smoke barriers to inhibit smoke movement.**

(e) **“Smoke damper” means a device installed in ducts and air transfer openings that is designed to resist the passage of smoke.**

(2)(a) **An owner of a public building equipped with a fire damper, smoke damper, combination fire and smoke damper or smoke control system shall, at a minimum:**

(A) **Have all newly installed fire dampers, smoke dampers, combination fire and smoke dampers and smoke control systems inspected and tested:**

(i) **Within 12 months after the fire damper, smoke damper, combination fire and smoke**

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 damper or smoke control system is completely installed; and

2 (ii) At least once every four years or, for hospitals, at least every six years regardless
3 of the date of installation;

4 (B) Have every smoke control system inspected and tested at least once every six to 12
5 months, in accordance with standards the State Fire Marshal specifies by rule; and

6 (C) Maintain full inspection and testing reports on the premises of the public building and
7 make the reports available for public inspection.

8 (b) A fire damper, smoke damper or combination fire and smoke damper must be in-
9 stalled, inspected, tested and maintained in accordance with this section, with the
10 manufacturer's guidelines and with applicable standards the State Fire Marshal specifies by
11 rule.

12 (3)(a) A contractor or engineer shall conduct an inspection or test under subsection (2)
13 of this section. The contractor or engineer must be an individual with the following quali-
14 fications:

15 (A) To inspect and test fire dampers, smoke dampers and combination fire and smoke
16 dampers, the contractor or engineer must have a current and valid certification to inspect
17 and test fire dampers, smoke dampers and combination fire and smoke dampers.

18 (B) To inspect and test smoke control systems, the contractor or engineer must have a
19 current and valid certification to inspect and test smoke control systems.

20 (b) A certification under paragraph (a) of this subsection is valid only if the contractor
21 or engineer obtains the certification after completing a program that the American National
22 Standards Institute accredits under the ISO/IEC 17024 standard, or a succeeding standard,
23 and only if the State Fire Marshal by rule approves the entity that issues the certification
24 and the standards under which the entity issues the certification.

25 (4) During inspection and testing, a public building owner must make available to the
26 contractor or engineer, in person or by remote communication, a building engineer or an-
27 other person with knowledge of the public building's systems to provide needed access and
28 information.

29 (5)(a) If inspection and testing reveal compliance with the requirements of this section,
30 the contractor or engineer shall issue a certificate of compliance that displays the name and
31 employer of the contractor or engineer, the name of the owner of the public building and the
32 address of the public building, a description of the location of all fire dampers, smoke
33 dampers, combination fire and smoke dampers and smoke control systems and the date of
34 the inspection and testing.

35 (b) The State Fire Marshal may by rule specify a form for and any other necessary con-
36 tents of the certificate of compliance described in paragraph (a) of this subsection.

37 (6)(a) If inspection and testing reveal deficiencies or failures of compliance, the contrac-
38 tor or engineer shall issue a deficiency report to the owner of the public building that iden-
39 tifies the nature of the deficiency or failure of compliance. The contractor or engineer shall
40 also send a copy of the deficiency report to the local authority, which shall make the copy
41 available for public inspection. In addition to identifying the location of deficient equipment
42 or systems and the nature of the deficiency, a report under this paragraph must display the
43 name and employer of the contractor or engineer, the name of the owner of the public
44 building and the address of the public building, a description of the location of all fire
45 dampers, smoke dampers, combination fire and smoke dampers and smoke control systems

1 and the date of the inspection and testing.

2 (b) The owner of a public building that receives a deficiency report under paragraph (a)
 3 of this subsection shall, within 120 days after the inspection and testing that revealed the
 4 deficiency or failure to comply, take steps necessary to correct the deficiency, repair or re-
 5 place any defective equipment and have another inspection and testing conducted to ensure
 6 compliance with this section and with all applicable standards.

7 (c) The public building owner shall prepare and maintain documentation of when and how
 8 the public building owner had all deficiencies corrected and the public building returned to
 9 compliance. The public building owner shall maintain on the premises of the public building
 10 the documentation described in this paragraph, together with a copy of the deficiency report
 11 described in paragraph (a) of this subsection, and shall make both the documentation and the
 12 deficiency report available for public inspection.

13 (d) A local authority for good cause may extend the 120-day period described in paragraph
 14 (b) of this subsection for not more than 90 additional days.

15 (7)(a) As used in this subsection:

16 (A) "Apprentice" has the meaning given that term in ORS 660.010.

17 (B) "Apprenticeable occupation" has the meaning given that term in ORS 660.010.

18 (C) "Apprenticeship training program" means the total system of apprenticeship that a
 19 particular local joint committee, as defined in ORS 660.010, operates, including the local
 20 committee's registered standards and all other terms and conditions for qualifying, recruit-
 21 ing, selecting, employing and training apprentices in an apprenticeable occupation.

22 (D) "Locality" has the meaning given that term in ORS 279C.800.

23 (E) "Minority individual" has the meaning given that term in ORS 200.005.

24 (F) "Prevailing rate of wage" has the meaning given that term in ORS 279C.800.

25 (G) "Veteran" has the meaning given that term in ORS 408.225.

26 (H) "Woman" has the meaning given that term in ORS 200.005.

27 (b) Except as provided in paragraph (c) of this subsection, if an owner of a public building
 28 receives moneys from the state or from the federal government through a program, grant,
 29 appropriation or other source of state or federal funds for the purpose of repairing or re-
 30 placing a fire damper, smoke damper, combination fire and smoke damper or smoke control
 31 system that failed a test or inspection or is otherwise deficient, the owner shall require a
 32 contractor that installs or repairs the fire damper, smoke damper, combination fire and
 33 smoke damper or smoke control system to:

34 (A) Participate as a training agent in an apprenticeship training program registered with
 35 the State Apprenticeship and Training Council and provide on-the-job training opportunities
 36 for apprentices in apprenticeable occupations to perform the installation or repair;

37 (B) Establish and implement a plan for outreach, recruitment and retention of women,
 38 minority individuals and veterans to perform the installation or repair, with an aspirational
 39 target of having at least 15 percent of total work hours for the installation or repair per-
 40 formed by individuals who are women, minority individuals or veterans;

41 (C) Pay the prevailing rate of wage that applies in the locality to the trade or occupation
 42 involved in the installation or repair;

43 (D) Offer employer-paid family health insurance and retirement benefits to workers who
 44 perform the installation or repair; and

45 (E) Demonstrate a history of material compliance with federal and state wage and hour

1 laws, occupational health and safety laws and applicable laws relating to a prevailing rate of
2 wage during the previous three years or, if the contractor has not existed for a period of
3 three years, for the entirety of the contractor's existence.

4 (c) An owner of a public building need not comply with the requirements set forth in
5 paragraph (b) of this subsection if the owner agrees with the contractor to accept and im-
6 plement a project labor agreement, as defined in 48 C.F.R. 52.222-34, as in effect on the ef-
7 fective date of this 2025 Act, that applies to the installation or repair.

8 (8)(a) The State Fire Marshal shall adopt rules to carry out the provisions of this section
9 and shall work in conjunction with local authorities to coordinate the implementation and
10 enforcement of this section.

11 (b) In adopting rules to specify inspection, testing and maintenance standards under
12 subsection (2) of this section or technical specifications and time periods for an inspection
13 or test under subsection (6) of this section, the State Fire Marshal shall consider and, if
14 appropriate, adopt standards that are equivalent to standards that the National Fire Pro-
15 tection Association establishes for similar activities including, but not limited to, standards
16 80, 90a, 92 and 105, as applicable.

17 (c) In adopting rules that govern certification requirements for contractors and engi-
18 neers that perform inspections or tests under subsection (3) of this section, the State Fire
19 Marshal shall consider and, if appropriate, adopt certification requirements that are sub-
20 stantially similar to requirements the International Certification Board establishes for Fire
21 Life Safety 1 or a Fire and Smoke Damper Technician, as applicable.

22 (9)(a) If a public building owner does not comply with any of the requirements or duties
23 set forth in this section or has not received a certificate of compliance within 120 days after
24 receiving a deficiency report under subsection (6) of this section, or within any extended
25 period that a local authority specifies under subsection (6)(d) of this section, the local au-
26 thority shall issue a citation and impose a civil penalty upon the public building owner in an
27 amount equivalent to five cents for each square foot of occupied space within the public
28 building.

29 (b) A local authority may impose the civil penalty described in paragraph (a) of this
30 subsection in addition to any other penalty the local authority may impose for the same or
31 a similar violation under an ordinance of the local authority or other applicable law or if the
32 local authority does not specify a fine or penalty for violating similar standards under an
33 ordinance or other applicable law.

34 (c) A local authority shall require a public building owner to conspicuously post at all
35 pedestrian entrances to and exits from a public building that is deficient or not in compliance
36 under this section a copy of the citation that the local authority issues under paragraph (a)
37 of this subsection until the public building owner corrects deficiencies in the public building
38 or until the local authority dismisses the citation.

39 (d) If a public building remains deficient or not in compliance with this section 240 days
40 after receiving a deficiency report under subsection (6) of this section, a local authority shall
41 issue another citation to, and impose another civil penalty on, the public building owner in
42 an amount equivalent to 10 cents per square foot of occupied space, while also requiring the
43 posting described in paragraph (c) of this subsection. The local authority shall also require
44 the head facilities manager for the public building to attend in person a four-hour fire life
45 safety course approved by the State Fire Marshal, which must be a life safety program that

1 the American National Standards Institute has accredited.

2 (e) If a public building remains deficient or not in compliance with this section for more
3 than 240 days after receiving a deficiency report under subsection (6) of this section, for ev-
4 ery subsequent 60-day period in which the public building remains deficient or not in com-
5 pliance, the local authority shall issue another citation to, and impose another civil penalty
6 on, the public building owner in an amount equivalent to 10 cents per square foot of occupied
7 space, while also requiring the posting described in paragraph (c) of this subsection. A local
8 authority may not dismiss any of the citations the local authority imposed under this section
9 until the public building owner corrects all deficiencies, returns the public building to com-
10 pliance and pays all civil penalties the local authority imposed under this section. The local
11 authority may also take any other lawful action necessary to reduce or prevent dangers to
12 public safety from potential fires and smoke in the public building.

13 (10) A local authority shall deposit all proceeds from civil penalties the local authority
14 imposes under this section into the local authority's treasury and may dedicate the proceeds
15 to programs for training personnel to provide fire prevention and safety services within the
16 local authority's jurisdiction.

17 SECTION 3. This 2025 Act takes effect on the 91st day after the date on which the 2025
18 regular session of the Eighty-third Legislative Assembly adjourns sine die.

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