

**Agenda
Item
VI.**

State of Oregon

Board memo

Building Codes Division

July 24, 2008

To: Electrical and Elevator Board

From: Matthew Barber
Policy Analyst

Subject: Exemption from engineering requirements for design of fire protection systems

Action requested:

Provide the division with advice regarding the attached proposed rule.

History:

The Oregon State Board of Examiners for Engineering and Land Surveying (OSBEELS) sought and received an internal letter of advice from an Assistant Attorney General at the Oregon Department of Justice who had concluded that the design of fire protection systems must be performed under the supervision and control of a registered Oregon architect or professional engineer. OSBEELS has issued a statement clarifying 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 architect competent to do such work.”

After OSBEELS issued this statement, many representatives of the electrical industry and local government contacted the division. The vast majority of these communications indicated that prior to the OSBEELS statement, it was common practice for non-engineers who held electrical licenses and worked for licensed electrical contractors to design fire protection systems.. The division was asked to draft rules that allowed specified electrical licensees to design fire protection systems.

[Oregon Revised Statute 479.860](#) currently exempts supervising electricians from the engineer licensing requirements for designing, planning and laying out electrical installations. That statute also provides authority for the division to exempt additional electrical licenses from the engineer licensing requirements. The division is proposing the attached rule to add general journeyman electrician and class “A” limited energy technician licensees to the engineering exception *for the design of fire protection systems*. The division is required to consult with the Electrical and Elevator Board as well as OSBEELS in the adoption of rules under this statute.

Some questions were raised at the May 22, 2008 board meeting regarding the scope of this exemption. Specifically, the board asked whether the scope of this exemption encompasses work covered under NFPA 72 (related to fire alarms) as well as NFPA 70 (Oregon Electrical Specialty Code). The division's position is that the electrical code does not dictate the scope of work that can be performed by a licensee. Where the work performed constitutes an "electrical installation," whether under NFPA 70 or NFPA 72, the work is within the scope of a license that is exempt from the engineering requirement.

Discussion:

The division presented a previous draft of this rule to the board at the May 22, 2008 board meeting. At that time the board took no action on the rule. The division presented that same version to OSBEELS at its July 8 meeting. OSBEELS adopted a position of opposition to the rule as drafted.

The division has also consulted with and received advice from representatives of local government and the electrical industry. Based on the input it received, the division has made the following changes to the rule that was presented at the May 22, 2008 board meeting:

1. In addition to the previous requirement that general journeyman and class 'A' limited energy technician licensees be employed by an electrical contractor when designing, planning, and laying out the electrical portion of a fire protection system for the contractor's customer, those licensees must now also be acting as a signing supervisor.
2. The revised rule now clarifies that the electrical portion of a fire protection system is a 'noncomplex electrical installation' as that term is used in ORS 479.860.
3. A small clarification was made to the language related to electrical design documents based on suggestions made by OSBEELS.

In both concept and effect, the current draft is very similar to the draft previously presented with the exceptions noted above. The division's intent with this rulemaking is to restore, to the degree possible, the set of circumstances that existed prior to the issuance of the OSBEELS decision.

Board Action Requested:

The division requests the board's consultation on the proposed rule.

**Engineer Exemption
Draft Rule- 7-14-08**

OAR 918-261-0015

Exemption from engineering requirements for design of fire protection systems

(1) As used in this rule, “fire protection system” has the meaning given that term in OAR 918-305-0110.

(2)(a) A general journeyman or class “A” limited energy technician licensee who is both employed by a licensed electrical contractor and acting as a signing supervisor may design, plan and lay out the electrical portion of a fire protection system for the contractor’s customer.

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

(3) General journeyman and class “A” limited energy technician licensees are not subject to any requirements for an additional license, permit, certificate or registration when engaging in the design, planning or laying out of the electrical portions of a fire protection system as authorized by this rule.

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

Statutory Authority: ORS 479.860

Statute Implemented: ORS 479.860

History: New