

The Oregon Administrative Rules contain OARs filed through February 15, 2008

DEPARTMENT OF OREGON STATE POLICE, OFFICE OF STATE FIRE MARSHAL

**DIVISION 1  
 PROCEDURAL RULES**

**837-001-0000**

**Notice of Proposed Rule**

Before adopting, amending or repealing any permanent rule, the State Fire Marshal will give notice of the intended action:

- (1) In the Secretary of State's Bulletin referred to in ORS 183.360 at least twenty-one (21) days before the effective date of the rule;
- (2) By mailing a copy of the notice to persons on the State Fire Marshal's mailing list established pursuant to ORS 183.335(7) at least 28 days before the effective date of the rule;
- (3) By mailing a copy of the notice to the legislators specified in ORS 183.335(14) at least 49 days before the effective date of the rule; and
- (4) By mailing or furnishing a copy of the notice to:
  - (a) The Associated Press;
  - (b) League of Oregon Cities;
  - (c) State Building Code Division;
  - (d) Fire Standards and Accreditation Board;
  - (e) Accident Prevention Division, Workmen's Compensation Board;
  - (f) Association of Oregon Counties;
  - (g) Oregon Fire Chiefs Association;
  - (h) Oregon Fire Marshals Association;
  - (i) Associated General Contractors;
  - (j) Oregon Council of AIA;
  - (k) International Conference of Building Officials;
  - (l) Housing Urban Development;
  - (m) Oregon State Health Division;
  - (n) Department of Commerce;
  - (o) Professional Engineers of Oregon;
  - (p) Oregon Association of Hospitals;
  - (q) Northwest Natural Gas;
  - (r) Capitol Press Room;
  - (s) Oregon State Bar;
  - (t) Department of Human Resources;
  - (u) Oregon Labor Press;
  - (v) Oregon States Association of PHCC;
  - (w) Oregon Health Care Association;
  - (x) Oregon State Home Builders Association.

Stat. Auth.: ORS 183.360 & ORS 476.030

Stats. Implemented: ORS 183.335, ORS 183.360 & ORS 476.030

Hist.: FM 72, f. & ef. 1-26-76; OSFM 11-2000, f. 9-22-00, cert. ef. 11-13-00

**837-001-0005**

**Model Rules of Procedure**

Pursuant to the provisions of ORS 183.341, the State Fire Marshal adopts by reference the Attorney General's Uniform and Model Rules of Procedure under the Administrative Procedures Act effective January 1, 2006.

[ED. NOTE: The full text of the Attorney General's Model Rules of Procedure is available from the office of the Attorney General or Fire Marshal.]

Stat. Auth.: ORS 183.341, 183.360 & 476.030

Stats. Implemented: ORS 183.335, 476.030 & 183.341

Hist.: FM 14a, f. 2-2-60, ef. 3-10-60; FM 82, f. & ef. 6-7-76; FM 2-1978, f. 4-27-78, ef. 5-1-78; FM 1-1980, f. & ef. 2-20-80; FM 1-1982, f. 1-22-82, ef. 2-1-82; FM 3-1983, f. 10-18-83, ef. 11-1-83; FM 4-1986, f. & ef. 3-20-86; FM 6-1988, f. & cert. ef. 7-28-88; FM 3-1990, f. & cert. ef. 7-3-90; FM 1-1992, f. & cert. ef. 1-7-92; OSFM 2-2000, f. 2-3-00, cert. ef. 3-22-00; OSFM 16-2000, f. 12-8-00, cert. ef. 1-26-01; OSFM 11-2006, f. & cert. ef. 6-21-06

### **Refund of Moneys**

#### **837-001-0010**

##### **Purpose and Scope**

(1) Pursuant to ORS 293.445, this rule provides for the refund of fees paid in excess of the amount legally due the State Fire Marshal pursuant to ORS Chapters 476 and 480.

(2) The State Fire Marshal shall not refund fees paid in excess of the amount legally due, if the amount is \$10 or less:

(a) Unless a refund is requested in writing by the applicant or the applicant's legal representative; and

(b) Unless the request is received within three years after the date payment is received by the State Fire Marshal.

Stat. Auth.: ORS 293, ORS 476 & ORS 480

Stats. Implemented: ORS 293.445

Hist.: FM 2-1987, f. & ef. 6-16-87

#### **837-001-0015**

### **Authorized Representatives in Contested Case Hearings Contemplated Under ORS 453.382, 453.404, 480.355, 480.385, and 183.310**

(1) A partnership, corporation, association, organized group or governmental authority other than a state agency may appear in a contested case by an authorized representative if the Fire Marshal has determined that appearance by an authorized representative will not hinder the orderly and timely development of the record in the contested case. This rule applies to the types of contested cases contemplated under ORS 453.382, 453.404, 480.355, 480.385, and 183.310.

(2) For purposes of this rule, "authorized representative" means a member of a participating partnership, an authorized officer or employee or a participating corporation, association or organized group, or an authorized officer or employee of a participating governmental authority other than a state agency.

Stat. Auth.: ORS 183.455(2)

Stats. Implemented: ORS 183.455(2), ORS 453.382, ORS 453.404, ORS 480.355, ORS 480.385 & ORS 183.310

Hist.: OSFM 2-1998(Temp), f. & cert. ef. 6-25-98 thru 12-18-98; OSFM 4-1998, f. 11-24-98, cert. ef. 12-18-98

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