



Construction Contractors Board

Understanding CCB's Residential Continuing Education Exemption for "No Touch" Rule

(September 27, 2011)

On September 27, 2011, the Construction Contractors Board (CCB) adopted rules exempting contractors whose business practices **do not and will not** "touch" a residential dwelling or outbuilding from the Residential Continuing Education Core Building Exterior Shell Training (BEST) and Building Codes requirement.

This exemption is not permitted for contractors whose work includes excavation, grading, concrete work or paving.

Contractors taking the exemption (3 hours in BEST and 2 hours of building codes) must increase the amount of elective hours required by 5 hours.

If a contractor changes their business practices and intends to perform work on residential dwelling or outbuilding, they must complete the education *prior* to providing the work.

The CCB strongly recommends all contractors complete BEST and the Building Codes requirement. Completing the education eliminates the potential for a contractor to violate the law by "touching" the residential dwelling or outbuilding. Additionally all contractors have an interest and a role (directly or indirectly) in ensuring buildings do not leak.

What does it mean by "no touch"?

The law says "Unless otherwise provided, contractors that do not perform or arrange work on a residential structure that is a dwelling or outbuilding" may exempt themselves from BEST and Building Codes.

Perform work means at any time during your license period you perform:

- Actual hands-on work on a residential dwelling or outbuilding
- Offer or arrange work on a residential dwelling or outbuilding
- Inspection on a residential dwelling or outbuilding
- Construction Management on a residential dwelling or outbuilding
- Other activities defined as "Work as a Contractor". (OAR 812-002-0780)

Some examples of touching a structure include a fencing contractor that attaches the fence to the residential dwelling; or when a deck is attached to the dwelling.

If one project "touches" the residential dwelling or outbuilding, it means the contractor does not qualify for the exemption.

Why is excavation, grading, concrete work or paving not exempt for the BEST and Building Codes requirement?

The Board concluded that contractors performing excavation, grading, concrete work or paving impact the building's shell and have an important role in preventing any compromise to the building envelope.

What is the core and elective requirement if a contractor utilizes the exemption?

Contractors taking advantage of the exemption from BEST and Building Codes are still required to take the total number of hours required. (16 hours for Residential General and Residential Specialty Contractors and 8 hours for Residential Limited Contractors)

- 3 hours of CCB Laws, Regulations and Business Practices (LRB)
- 13 hours of electives for most contractors. For the small number of Residential Limited Contractors it will be 5 elective hours.

How to I take the exemption?

The exemption must be renewed each license period. After receiving your renewal form, you can request the agreement form from the CCB. Complete the form, have it notarized and return the original agreement form to the CCB with your completed renewal form.

You renewal form must show you have completed the required elective education, including the additional five hours.

Under this agreement you have certified and agreed you do not "touch" a residential dwelling or outbuilding, **and** if you change your business practices to include work on a residential dwelling or outbuilding, you will complete the BEST and building codes requirements **prior** to performing the work.

Contractors failing to abide by the agreement may receive a \$5000 civil penalty and have their CCB license suspended.