

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

<u>Construction Contractors Board</u> (Agency and Division)		<u>OAR 812</u> (Administrative Rules Chapter Number)
<u>Catherine Dixon</u> (Rules Coordinator)	<u>700 Summer Street NE Suite 300, Salem OR 97310</u> (Address)	<u>378-4621 ext. 4077</u> (Telephone)

RULE CAPTION

Division 6 Revisions to Testing Requirements and Training and Testing Period Rules
Not more than 15 words that reasonably identifies the subject matter of the agency's intended action.

<u>February 27, 2007</u> Hearing Date	<u>11:00 a.m.</u> Time	<u>West Salem Roth's IGA, Santiam Rm., 1130 Wallace Rd., Salem, OR</u> Location	<u>Tom Skaar</u> Hearings Officer
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Auxiliary aids for persons with disabilities are available upon advance request.

RULEMAKING ACTION

ADOPT: Secure approval of rule numbers with the Administrative Rules Unit prior to filing.

AMEND:
812-006-0300 812-006-0400

REPEAL:

Renumber: Secure approval of rule numbers with the Administrative Rules Unit prior to filing.

Amend and Renumber: Secure approval of rule numbers with the Administrative Rules Unit prior to filing.

ORS 670.310, 701.072 & 701.235
Stat. Auth.: ORS

Other Authority
ORS 701.072

Stats. Implemented: ORS

RULE SUMMARY

812-006-0300 is amended to replace the words "any state certified" and replace them with "the authorized". There is no longer any state certification of interpreters. By contract, the CCB has authorized the testing vendor (PSI) to arrange for the interpreter services. By having the testing vendor arrange for the interpreters rather than the student helps preserve the integrity of the test.

812-006-0400 is amended because the rule had unintended consequences by keeping those individuals who demonstrated competency (by recently passing the test) from becoming licensed. Training providers that did their best to notify students had approximately two weeks to notify the students. It would have been difficult for students to successfully schedule the test, pass the test and complete the application process (including getting the bond and insurance) within a 1-2 week time period. This affects applicants who recently passed the test and now find they cannot become licensed.

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.

February 27, 2007, at 11:00 a.m.

Last Day for Public Comment

Last day to submit written comment to the Rules Coordinator

Signature

Catherine Dixon

Printed Name

01/0907

Date

*The *Oregon Bulletin* is published on the 1st of each month and updates the rule text found in the Oregon Administrative Rules Compilation. Notice forms must be submitted to the Administrative Rules Unit, Oregon State Archives, 800 Summer Street NE, Salem OR 97310 by 5:00 pm on the 15th day of the preceding month unless this deadline falls on a Saturday, Sunday or legal holiday when Notice forms are accepted until 5:00 pm on the preceding workday. ARC 920-2005

NOTE: In order to save postage and printing costs in these difficult times, CCB is only providing a copy of the notice. To view the language of each individual rule change, please go to our web site at http://www.oregon.gov/CCB/Laws_Rules.shtml#Administrative_Rule_Notices. If you don't have web access, contact Cathy Dixon at (503) 378-4621 ext. 4077 for assistance in receiving a copy.

Secretary of State
STATEMENT OF NEED AND FISCAL IMPACT

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

Construction Contractors Board

OAR 812

Agency and Division

Administrative Rules Chapter Number

In the Matter of: Amendments to OAR 812

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

Division 6 Revisions to Testing Requirements and Training and Testing Period Rules

Statutory Authority: ORS 670.310, 701.072 & 701.235

Other Authority:

Stats. Implemented: ORS 701.072

Need for the Rule(s): (Explain how the rule is intended to meet the need).

- 812-006-0300 is amended to replace the words "any state certified" and replace them with "the authorized". There is no longer any state certification of interpreters.
- 812-006-0400 is amended because the rule had unintended consequences by keeping those individuals who demonstrated competency (by recently passing the test) from becoming licensed. This affects applicants who recently passed the test and now find they cannot become licensed.

Documents Relied Upon, and where they are available: ORS 701 and OAR 812. Documents are on the agency website at www.oregon.gov/cbb or a paper copy is available upon request.

Fiscal and Economic Impact, including State of Cost of Compliance:

The rule changes have no known fiscal impact on state agencies, units of local government or the public.

The rule changes have no known economic impact on state agencies, units of local government or the public.

The rule changes will not increase the cost of a new single-family dwelling.

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

Five of the current eight Board members are business owners.

Administrative Rule Advisory Committee consulted? The Construction Contractors Board is made up of six contractors; one elected public official, and two public members. They serve as their own Administrative Rule Advisory Committee.

If not, why?:

Authorized Signer

Catherine Dixon

Printed Name

01/09/07

Date

**Rule Amendments for February 27, 2007
Board Meeting**

<p>812-006-0300 Testing Requirements</p> <p>(1) The test required in ORS 701.072 shall cover the subjects listed in OAR 812-006-0250.</p> <p>(2) A person seeking to take the test shall:</p> <p>(a) Pay any fees required by the test administrator;</p> <p>(b) Provide approved government-issued picture identification to the test administrator;</p> <p>(c) Pay for [any state certified] <u>the authorized</u> interpreter needed to take the test; and</p> <p>(d) Complete the test within a time limit approved by the agency.</p> <p>(3) A person taking the test shall be allowed to use an Oregon Contractor's Reference Manual and one language translation book during the test.</p> <p>(4) A person taking the test shall not:</p> <p>(a) Retake the same version of the test on consecutive attempts.</p> <p>(b) Be accompanied by anyone while taking the test, except a state-certified interpreter.</p> <p>(5) After the test is completed, a person shall not review the test questions or answers.</p> <p>(6) There are no reciprocal agreements with other states or organizations that test contractors.</p> <p>Stat. Auth.: ORS 670.310 & 701.235 Stats. Implemented: ORS 701.072 (5/00, 12/01, 3/03, 8/03, 12/05, 9/06) (Amended and renumbered from 812-006-0012, 9/06)</p>	<p>Amended to replace the words "any state certified" and replace them with "the authorized". There is no longer any state certification of interpreters. By contract, the CCB has authorized the testing vendor (PSI) to arrange the interpreter services. Having the testing vendor arrange the interpreter rather than the student helps preserve the integrity of the test. (GF)</p>
<p>812-006-0400 Training and Testing Period</p> <p>(1) <u>For training and testing completed on or after October 1, 2006, the</u> training and testing required under ORS 701.072(1) and (3) shall be valid for 24 months from the date the training was completed. Training and testing that is past the 24-month period from the date of the completed training will not be considered for the purposes of fulfilling the requirements set forth in ORS 701.078(1)(b)(A).</p> <p>(2) In lieu of complying with section (1) of this rule, an RMI may satisfy the requirements of ORS 701.078(1)(b)(A) provided that the RMI:</p> <p>(a) Has completed the training and passed the test;</p> <p>(b) Has been the RMI of a licensee within two years of the date of application by the new applicant; and</p> <p>(c) The license of the licensee that was previously owned by or that previously employed the RMI has not lapsed or, if lapsed, has lapsed for not more than 24 months.</p> <p>(3) Sections (1) and (2) of this rule do not apply to an RMI that meets the experience requirements under 812-006-0450.</p> <p>Stat. Auth.: ORS 670.310, 701.072 & 701.235 Stats. Implemented: ORS 701.072 (9/06, temp. 11/06)</p>	<p>Amended because the rule had unintended consequences by keeping those individuals who demonstrated competency (by recently passing the test) from becoming licensed. (GF)</p> <p><i>Currently a temporary rule.</i></p>