

Secretary of State  
Certificate and Order for Filing  
**PERMANENT ADMINISTRATIVE RULES**

I certify that the attached copies\* are true, full and correct copies of the PERMANENT Rule(s) adopted on October 27, 2010 by the  
(Date prior to or same as filing date.)

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

to become effective November 1, 2010 Rulemaking Notice was published in the October 2010 Oregon Bulletin.\*\*  
(Date upon filing or later) (Month and Year)

**RULE CAPTION**

**Adopt NASCLA Standards**

Not more than 15 words that reasonably identifies the subject matter of the agency's intended action.

**RULEMAKING ACTION**

List each rule number separately, 000-000-0000.

Secure approval of new rule numbers (Adopted or Renumbered rules) with the Administrative Rules Unit prior to filing.

**ADOPT:**  
812-004-0537

**AMEND:**

**REPEAL:**

**RENUMBER:**

**AMEND & RENUMBER:**

Stat. Auth.: ORS 670.310 & 701.235

Other Auth.:

Stats. Implemented: ORS 701

**RULE SUMMARY**

OAR 812-004-0537 by adopting this rule, CCB adopts the National Association of State Contractors Licensing Agencies (NASCLA) standards for care and workmanship. The NASCLA standards are available on CCB's website: [www.oregon.gov/CCB](http://www.oregon.gov/CCB).

Signature Catherine Dixon October 27, 2010  
Printed name Date

\*With this original, file one photocopy of certificate, one paper copy of rules listed in Rulemaking Actions, and electronic copy of rules.

\*\*The *Oregon Bulletin* is published on the 1<sup>st</sup> of each month and updates the rule text found in the OAR Compilation. For publication in Bulletin, rule and notice filings must be submitted by 5:00 pm on the 15<sup>th</sup> day of the preceding month unless this deadline falls on a weekend or legal holiday, when filings are accepted until 5:00 p.m. on the preceding workday. ARC 930-2005

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](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.

**812-004-0537**

**Standards of Care and Workmanship**

**(1) For purposes of this rule, “NASCLA Standards” mean the Residential Construction Standards, dated March 20, 2009, as adopted by the National Association of State Contractors Licensing Agencies.**

**(2) Except as provided in section (3) of this rule, the agency and the Office of Administrative Hearings shall apply NASCLA standards; to the extent such standards cover the work at issue, in order to determine if construction work performed on a residential structure meets the standards of care and workmanship in the industry.**

**(3) The agency or an Administrative Law Judge of the Office of Administrative Hearings may apply a standard different than the NASCLA standard if a party shows, by a preponderance of the evidence, that:**

**(a) The contract between the parties provides for a standard of care and workmanship that differs from the NASCLA standard; or**

**(b) The work involved installation of a product for which the manufacturer provided installation instructions that establish a standard that differs from the NASCLA standard.**

Stat. Auth.: ORS 670.310 & 701.235

Stats. Implemented: 701

(10/10 eff. 11/1/10)