

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 April 26, 2011 by the
(Date prior to or same as filing date.)

<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)

to become effective May 1, 2011. Rulemaking Notice was published in the April 2011 Oregon Bulletin.**
(Date upon filing or later) (Month and Year)

RULE CAPTION

Housekeeping, fees for duplicate licenses and record changes, independent contractor status changes, and license/certification cards
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:

812-003-0321	812-007-0032	812-008-0077	812-030-0223
812-007-0031	812-008-0065	812-025-0032	812-030-0235

AMEND:

812-001-0200	812-002-0640	812-002-0700	812-003-0310	812-003-0320	812-008-0209
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REPEAL:

RENUMBER:

AMEND & RENUMBER:

Stat. Auth.: ORS 87.093, 670.310, 701.235, 701.238, 701.325, 701.330, 701.350, 701.355, 701.530

Other Auth.:

Stats. Implemented: ORS 87.007, 87.058, 87.093, 192.440(4)(a), 279C.460, 646.605, 670.310, 701, 701.035, 701.056, 701.063, 701.068, 701.073, 701.088, 701.105, 701.117, 701.119, 701.131, 701.235, 701.238, 701.325, 701.330, 701.350, 701.355, 701.485, 701.515, 701.530

RULE SUMMARY

- 812-001-0200 is amended to reference a revised form of notice. Key revisions are in the section "A license requires the contractor to maintain a surety bond and liability insurance." The revised notice advises that the surety bond is not intended as a safety net for consumer damages. Consumers with large projects may wish to look into performance bonds.
- 812-002-0640 is amended because language is no longer necessary due to another rule amendment (812-003-0290) February 2011.
- 812-002-0700 is amended to correct the statute reference.
- 812-003-0310 is amended adds a \$10 fee to replace a license and pocket card.
- 812-003-0320 is amended to allow contractors to electronically change independent contractor class without charge and rewrites for clarity. CCB will still charge contractors \$20 to submit a paper change form.

- 812-007-0031, 812-008-0077, 812-025-0032, 812-030-0223 are adopted to establish a \$10 fee to replace a license and pocket card.
- 812-003-0321 is adopted to recognize that the exempt-nonexempt status of a contractor may change from time to time. The rule requires the licensed contractor to notify CCB within 30 days of the change.
- 812-007-0032 is adopted to require LBP licensees to notify the Board of any mailing or e-mail address change. Notification needs to occur within 10 days of the change. There is no charge for making the change to the Board's records.
- 812-008-0209 is amended to comply with ORS 105.838(1) that becomes effective 4/1/11; which requires before a person can sell a home, the home must be equipped with one or more properly functioning carbon monoxide detectors.
- 812-008-0065 is adopted to require certified home inspectors to notify the board of any mailing or e-mail address change. Notification needs to occur within 10 days of the change. There is no charge for making the change to the board's records.
- 812-030-0235 is adopted to require certified locksmiths to notify the board of any mailing or e-mail address change. Notification needs to occur within 10 days of the change. There is no charge for making the change to the board's records.

	Catherine Dixon	April 28, 2011
Signature	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 1st 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 15th 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. If you don't have web access, contact Cathy Dixon at (503) 378-4621 ext. 4077 for assistance in receiving a copy.

812-001-0200

Consumer Notices Adoption

(1) In order to comply with the requirement to adopt an information notice to owner under ORS 87.093, the Construction Contractors Board adopts the form entitled "Information Notice to Owner About Construction Liens," as revised January 1, 2010. This form may be obtained from the agency.

(2) In order to comply with the requirement to adopt a consumer notice form under ORS 701.330(1), the board adopts the form "Consumer Protection Notice" as revised [~~February 20, 2009~~] **April 26, 2011**.

(3) In order to comply with the requirement to adopt an "Information Notice to Property Owners About Construction Responsibilities" form under ORS 701.325(3), the board adopts the form "Information Notice to Property Owners About Construction Responsibilities" as revised September 23, 2008.

(4) In order to comply with the requirement to adopt a notice of procedure form under ORS 701.330(2), the board adopts the form "Notice of Procedure" dated December 4, 2007.

(5) The board adopts the form "Notice of Compliance with Homebuyer Protection Act" (HPA) as revised December 1, 2010.

(6) The board adopts the form "Model Features for Accessible Homes" dated December 4, 2007.

(7) The board adopts the form "Home Inspection Consumer Notice" dated October 27, 2009.

Stat. Auth.: ORS 87.093, 670.310, 701.235, 701.325, 701.330 & 701.530

Stats. Implemented: ORS 87.007, 87.093, 701.235, 701.325, 701.330 & 701.530

(4/81, 11/81, 1/82, 3/82, 6/82, 1/83, 1/83, 3/83, 3/83, 10/83, 2/87, 7/87, 1/89, 11/89, 5/92, 7/92, 8/92, 3/99, 9/99, temp. 5/00, 8/00, 6/02, 12/02, temp. 3/03, 6/03, 12/03, temp. 12/03, temp. 12/03, 2/04, 5/04, temp. 6/04, 8/04, 12/05, temp. 1/06, 3/06, 6/07, 12/07, temp. 1/08, 4/08, 9/08, temp. 2/09, 5/09, 11/09 (eff. 1/1/10), 2/10, temp. 12/10, 4/11)
(Amended and renumbered from 812-001-0020, 12/05)

812-002-0640

Renewal

"Renewal" (of license) as used in ORS 701.063, 701.068, and 701.131 includes but is not limited to the act of submitting a replacement bond, a bond rider, or letter of credit or cash deposit, a certificate of insurance, a fee, the renewal form, any employer account numbers, and any prerequisite education. [~~A renewed license is effective from the last date on which the contractor was licensed, either because the renewal application was submitted and approved prior to the expiration date or because the Board, in accordance with ORS 701.063 and OAR 812-003-0290(3)(b), designated the last date on which the contractor was licensed as the effective date of licensure where a lapse in licensure occurred.~~]

Stat. Auth.: ORS 670.310 & 701.235

Stats. Implemented: ORS 670.310, 701.056, 701.063, 701.068, 701.073, 701.088, 701.105, 701.131 & 701.238
(4/98, 9/98, 6/00, 6/03, 12/05, 12/07, 6/08, 4/11)

812-002-0700

Structure

"Structure" means that which is built or constructed, an edifice or building of any kind, or any piece of work artificially built up or composed of parts joined together in some definite manner, or an improvement attached to real estate or any part thereof as described in ORS [~~701.005(3)~~] **701.005(5)**.

Stat. Auth.: ORS 670.310 & 701.235

Stats. Implemented: ORS 87.058, 279C.460, 646.605 & 701
(4/98, 12/05, 4/11)

812-003-0310

License Cards

(1) The agency shall issue a license and pocket card effective on the date on which the license becomes effective under OAR 812-003-0270 or 812-003-0290.

(2) A license and pocket card is valid for the term for which it is issued only if all of the following conditions are met throughout the license period:

(a) The surety bond, letter of credit or cash deposit remains in effect and undiminished by payment of Construction Contractors Board final orders.

(b) The insurance required by ORS 701.073 remains in effect.

(c) If the licensee is a sole proprietorship, the sole proprietorship survives.

(d) If the licensee is a partnership or limited liability partnership, the composition of the partnership remains unchanged, by death or otherwise.

(e) If the licensee is a corporation, trust, or limited liability company, the corporation, trust or limited liability company survives and complies with all applicable laws governing corporations, trusts or limited liability companies.

(3) If the licensee's bond is cancelled, the license will lapse 30 days from the date the cancellation is received by the agency.

(4) If a license becomes invalid, the agency may require the return of the license and pocket card.

(5) There is no charge for the original license and pocket card issued by the agency.

(6) There is a \$10 fee to replace a license and pocket card.

Stat. Auth.: ORS 670.310 & 701.235

Stats. Implemented: ORS 701.063 & 701.088

(12/04, 12/07, 6/08, 4/11)

812-003-0320

Record Changes

~~[(1) Except as provided in section (4) of this rule, requests for record changes that require a new license card shall be accompanied by a \$20 fee.]~~

~~[(2)]~~ **(1)** Every licensed entity that changes its name, including any assumed business name under which it may operate, must notify the agency within 30 days of assuming, filing or registering the new name. This section also applies to sole proprietors that change their surname.

~~[(3)]~~ **(2)** Except as provided in OAR 812-003-0190, requests for business name amendments of a partnership, joint venture, corporation, limited liability company or limited liability partnership shall be accompanied by a rider from the surety and a new Certificate of Insurance to reflect the amended name.

~~[(4) No charge will be made for an address change on the record.]~~

~~[(5)]~~ **(3)** With the exception of record changes due to agency error, a record change request shall be submitted in writing **or, if the agency permits, electronically.**

(4) Except as provided in sections (5) and (6) of this rule, requests for record changes that require a new license card shall be accompanied by a \$20 fee.

(5) No charge will be made for an address change.

(6) No charge will be made for changing independent contractor license class under ORS 701.035 if the licensed entity makes the change electronically.

Stat. Auth.: ORS 670.310, 701.235 & 701.238

Stats. Implemented: ORS 701.056, 701.068, 701.088 & 701.238

(6/76, 7/76, 11/77, 1/78, 5/78, 5/80, 6/80, 10/80, 11/80, 1/83, 3/83, 10/83, 3/84, 5/84, 1/89, 11/89, 9/99, 6/00, 8/00, 12/04, 6/08, 5/09, 4/11)

(Amended and renumbered from 812-003-0005, 12/04)

812-003-0321

Notification of Change of Independent Contractor Status

(1) When a contractor's license status changes from nonexempt to exempt or from exempt to nonexempt, the contractor must notify the board. The contractor must file a Notification of Changed Contractor License Status within 30 days of the effective date of the change.

(2) There is no charge to file the Notification under this rule.

Stat. Auth.: ORS 670.310 & 701.235

Stats. Implemented: ORS 701.035

(4/11)

812-007-0031

License Cards

(1) The agency shall issue a license and pocket card effective on the date on which the license becomes effective under OAR 812-007-0120, 812-007-0130, 812-007-0220, 812-007-0230, 812-007-0320 or 812-007-0330.

(2) A license and pocket card is valid for the term for which it is issued.

(3) If a license becomes invalid, the agency may require the return of the license and pocket card.

(4) There is no charge for the original license and pocket card issued by the agency.

(5) There is a \$10 fee to replace a license and pocket card.

Stat. Auth.: ORS 670.310 & 701.235
Stats. Implemented: ORS 192.440(4)(a), 701.063, 701.238
(4/11)

812-007-0032

Mailing and E-mail Address Changes

(1) Individuals licensed to engage in LBP activities, contractors licensed to engage in LBP activities and certified LBP renovation contractors shall notify the board of any change in mailing or e-mail addresses while licensed and for one year following the license expiration date. Such persons must notify the board within 10 days after changing an address.

(2) No charge will be made for a mailing or e-mail address change to the board's records.

Stat. Auth.: ORS 670.310 & 701.235

Stats. Implemented: ORS 701.117 & 701.515

(4/11)

812-008-0065

Mailing and E-mail Address Changes

(1) Certified home inspectors shall notify the board of any change in mailing or e-mail addresses while certified and for one year following the certification expiration date. Such persons must notify the board within 10 days after changing an address.

(2) No charge will be made for a mailing or e-mail address change to the board's records.

Stat. Auth.: ORS 670.310 & 701.235

Stats. Implemented: ORS 701.117 & 701.350

(4/11)

812-008-0077

Certification Cards

(1) The agency shall issue a certification and pocket card effective on the date on which the certification becomes effective under OAR 812-008-0060 or 812-008-0076.

(2) A certification and pocket card is valid for the term for which it is issued.

(3) If a certification becomes invalid, the agency may require the return of the certification and pocket card.

(4) There is no charge for the original certification and pocket card issued by the agency.

(5) There is a \$10 fee to replace a certification and pocket card.

Stat. Auth.: ORS 670.310 & 701.235

Stats. Implemented: ORS 192.440(4)(a), 701.063, 701.238

(4/11)

812-008-0209

Electrical

(1) The Oregon certified home inspector shall observe:

(a) Service entrance conductors;

(b) Service equipment, grounding equipment, main overcurrent device, and distribution panels;

(c) Amperage and voltage ratings of the service;

(d) Branch circuit conductors, their overcurrent devices, and the compatibility of their amperages and voltages;

(e) The operation of a representative number of installed ceiling fans, lighting fixtures, switches, and receptacles located inside the house, garage, and on the dwelling's exterior walls;

(f) The polarity and grounding of all receptacles within six feet of interior plumbing fixtures, and all receptacles in the garage or carport, and on the exterior of inspected structures;

(g) The operation of ground fault or arc fault circuit interrupters; [~~and~~]

(h) Smoke alarms[-] **and**

(i) Carbon monoxide detectors.

(2) The Oregon certified home inspector shall describe:

(a) Service amperage and voltage;

(b) Service entry conductor materials; and

(c) Service type as being overhead or underground;

- (3) The Oregon certified home inspector shall report:
- (a) Any observed 110 volt aluminum branch circuit wiring; and
 - (b) The presence or absence of smoke alarms, and operate their test function, if accessible, except when detectors are part of a central security system.
- (4) The Oregon certified home inspector is not required to:
- (a) Insert any tool, probe, or testing device inside the panels;
 - (b) Test or operate any overcurrent device or safety device in the electrical service panel or elsewhere that may adversely affect the personal property of the resident;
 - (c) Dismantle any electrical device or control other than to remove the covers of the main or auxiliary distribution panels;
 - (d) Observe:
 - (A) Low-voltage systems except to report the presence of solenoid-type lighting systems;
 - (B) Security system devices~~[-]~~ **or** heat detectors~~[-, or carbon monoxide detectors]~~;
 - (C) Telephone, security, TV, intercoms, lightning arrestors or other ancillary wiring that is not a part of the primary electrical distribution system; or
 - (D) Built-in vacuum equipment.
- Stat. Auth.: ORS 670.310, 701.235, 701.350 & 701.355
Stats. Implemented: ORS **105.838(1)**, 701.350 & 701.355
(2/98, 10/98, 2/00, 6/00, 8/00, 9/01, 6/02, 8/05, 4/11)
(Amended and renumbered from 812-008-0080(8), 8/05)

812-025-0032

Certification Cards

(1) The agency shall issue a certification and pocket card effective on the date on which the certification becomes effective under OAR 812-025-0025 or 812-025-0030.

(2) A certification and pocket card is valid for the term for which it is issued.

(3) If a certification becomes invalid, the agency may require the return of the certification and pocket card.

(4) There is no charge for the original certification and pocket card issued by the agency.

(5) There is a \$10 fee to replace a certification and pocket card.

Stat. Auth.: ORS 670.310 & 701.235

Stats. Implemented: ORS 192.440(4)(a), 701.063, 701.119 & 701.238,

(4/11)

812-030-0223

Certificate Cards

(1) The agency shall issue a certificate and pocket card effective on the date on which the certificate becomes effective under OAR 812-030-0210 or 812-030-0220.

(2) A certificate and pocket card is valid for the term for which it is issued.

(3) If a certificate becomes invalid, the agency may require the return of the certificate and pocket card.

(4) There is no charge for the original certificate and pocket card issued by the agency.

(5) There is a \$10 fee to replace a certificate and pocket card.

Stat. Auth.: ORS 670.310 & 701.235

Stats. Implemented: ORS 192.440(4)(a), 701.063, 701.238 & 701.485

(4/11)

812-030-0235

Mailing and E-mail Address Changes

(1) Certified locksmiths shall notify the board of any change in mailing or e-mail addresses while certified and for one year following the certification expiration date. Such persons must notify the board within 10 days after changing an address.

(2) No charge will be made for a mailing or e-mail address change to the board's records.

Stat. Auth.: ORS 670.310 & 701.235

Stats. Implemented: ORS 701.117 & 701.485

(4/11)

