

Secretary of State
Certificate and Order for Filing
TEMPORARY ADMINISTRATIVE RULES
A Statement of Need and Justification accompanies this form.

I certify that the attached copies* are true, full and correct copies of the TEMPORARY Rule(s) adopted on June 4, 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 St NE Suite 300, Salem OR 97301 378-4621 ext. 4077
(Rules Coordinator) (Address) (Telephone)

to become effective June 4, 2010 through November 30, 2010
(Date upon filing or later) (A maximum of 180 days including the effective date.)

RULE CAPTION

Renewal of License, Inactive Status, and Lapsed Licenses

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.

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

AMEND:
812-003-0290
812-003-0330

SUSPEND:

ORS 670.310 & 701.235
Stat. Auth.: ORS

Oregon Laws 2009, Chapter 408, Section 4
Other Authority

ORS 701.056 & 701.063
Stats. Implemented: ORS

RULE SUMMARY

OAR 812-003-0290 and 812-003-0330 are amended to conform to ORS 701.063. The amendment extends the allowable lapse period from "less than one year" to "less than two years".

Authorized Signer

Catherine Dixon June 4, 2010
Printed Name Date

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

ARC 940-2005

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.

STATEMENT OF NEED AND JUSTIFICATION

A Certificate and Order for Filing Temporary Administrative Rules 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.)

Renewal of License, Inactive Status, and Lapsed Licenses

Statutory Authority: ORS 670.310 & 701.235

Other Authority: Oregon Laws 2009, Chapter 408, Section 4

Stats. Implemented: ORS 701.056 & 701.063

Need for the Temporary Rule(s):

OAR 812-003-0290 and 812-003-0330 are amended to conform to ORS 701.063. The amendment extends the allowable lapse period from "less than one year" to "less than two years". CCB's current rules authorize renewing a lapsed license and converting a lapsed license to inactive status only if the lapse is less than one year. This is inconsistent with Oregon Laws (ORS 701.063(4)). CCB proposes to adopt a temporary rule amending OAR 812-003-0290 and 812-003-0330 to change the language from "less than one year" to "less than two years".

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

Justification of Temporary Rule(s):

The CCB finds that following the permanent rulemaking process, instead of taking this temporary rulemaking action, would result in serious prejudice to the public interest. CCB's current rules authorize renewing a lapsed license and converting a lapsed license to inactive status only if the lapse is less than one year. This is inconsistent with Oregon Laws (ORS 701.063(4)). CCB proposes to adopt a temporary rule amending OAR 812-003-0290 and 812-003-0330 to change the language from "less than one year" to "less than two years". The temporary rule is needed to allow licensees to renew to the inactive status immediately. Delaying this action would cause some licensees unnecessarily to retake the exams to renew their license.

Authorized Signer

Catherine Dixon

Printed Name

June 4, 2010

Date

HOUSING COST IMPACT STATEMENT

FOR ESTIMATING THE EFFECT OF A PROPOSED RULE OR ORDINANCE ON THE COST OF DEVELOPING
A *TYPICAL 1,200 SQ FT DETACHED SINGLE FAMILY DWELLING ON A 6,000 SQ FT PARCEL OF LAND.
(ORS 183.534)

FOR ADMINISTRATIVE RULES

AGENCY NAME: Construction Contractors Board
ADDRESS: 700 Summer St. NE Ste 300
CITY/STATE: Salem OR 97309
PHONE: (503) 378-4621

PERMANENT:

HEARING DATE:

TEMPORARY:

EFFECTIVE DATE: June 4, 2010

**BELOW PLEASE PROVIDE A DESCRIPTION OF THE ESTIMATED SAVINGS OR ADDITIONAL COSTS THAT WILL
RESULT FROM THIS PROPOSED CHANGE.**

PROVIDE A BRIEF EXPLANATION OF HOW THE COST OR SAVINGS ESTIMATE WAS DETERMINED.
IDENTIFY HOW CHANGE IMPACTS COSTS IN CATEGORIES SPECIFIED

Description of proposed change: (Please attach any draft or permanent rule or ordinance)

OAR 812-003-0290 and 812-003-0330 are amended to conform to ORS 701.063. The amendment extends the allowable lapse period from "less than one year" to "less than two years".

Description of the need for, and objectives of the rule:

OAR 812-003-0290 and 812-003-0330 are amended to conform to ORS 701.063. The amendment extends the allowable lapse period from "less than one year" to "less than two years". CCB's current rules authorize renewing a lapsed license and converting a lapsed license to inactive status only if the lapse is less than one year. This is inconsistent with Oregon Laws (ORS 701.063(4)). CCB proposes to adopt a temporary rule amending OAR 812-003-0290 and 812-003-0330 to change the language from "less than one year" to "less than two years".

List of rules adopted or amended:

812-003-0290 812-003-0330

Materials and labor costs increase or savings:

None.

Estimated administrative construction or other costs increase or savings:

None.

Land costs increase or savings:

The rule amendments have no measurable impact the cost of a new home or a building lot.

Other costs increase or savings:

None.

*Typical-Single story 3 bedrooms, 1 1/2 bathrooms, attached garage (calculated separately) on land with good soil conditions with no unusual geological hazards.

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Proposed Rule	Explanation
<p>812-003-0290 Effective Dates of Renewal or Reissue of License; License Term</p> <p>(1) Except as provided in section (2) of this rule, a completed renewal or reissue application required under OAR 812-003-0260 shall be on file with the agency before a license may be renewed or reissued.</p> <p>(2) The effective date of a license may be prior to the date of receipt of all documents and fees required by law and by these rules if the agency determines that delays in receipt of required documents or fees were caused by agency error.</p> <p>(3) The effective date of renewal shall be the previous license expiration date when:</p> <p>(a) All requirements for renewal are met prior to the previous license expiration date; or</p> <p>(b) All requirements for renewal are met after the previous expiration date, including but not limited to, proof of insurance coverage and a commercial and/or residential bond or letter of credit or cash deposit coverage during the period of lapse, providing the contractor applies for renewal not more than [one year] two years after the license lapses.</p> <p>(4) If the contractor applies for renewal less than [one year] two years after the license lapses and does not have proof of insurance coverage and a commercial and/or residential bond or letter of credit or cash deposit coverage during the period of lapse, the effective date of reissue shall be the date all requirements for licensing have been met, including, but not limited to, submission of a renewal form, payment of the fee, a newly issued continuous until canceled bond, or reinstatement of an existing continuous until canceled bond, or letter of credit, or cash deposit, and certification of insurance coverage.</p> <p>(5) If the contractor applies for renewal more than [one year] two years after the license lapses, the effective date of reissue shall be the date all requirements for licensing have been met, including, but not limited to, submission of a new application form, payment of the fee, a newly issued continuous until canceled bond, or reinstatement of an existing continuous until canceled bond, or letter of credit, or cash deposit, and certification of insurance coverage.</p> <p>(6) Notwithstanding sections (2) through (5) of this section, licenses that expire before July 1, 2008, may not renew on or after July 1, 2008, except by complying with the renewal requirements set forth in OAR 812-003-0280 and with the bond and insurance requirements set forth in OAR 812-003-0152, 812-003-0153, 812-003-0171, and 812-003-0221. The effective date of the renewal will be the date upon which all requirements for renewal are met, including but not limited to, proof of insurance coverage and bond or letter of credit or cash deposit. Such licenses will not be backdated to the previous expiration date.</p> <p>(7) Licenses will be reissued or renewed for a period of two years. Stat. Auth.: ORS 670.310 & 701.235 Stats. Implemented: ORS 701.063 (12/04, 12/07, 2/08, temp. 6/4/10 eff. 6/4/10)</p>	<p>This rule is amended to conform to ORS 701.063(4). (KP)</p>
<p>812-003-0330 Inactive Status Generally</p> <p>(1) A licensee may not convert a license to an inactive status if the licensee is engaged in work as a contractor.</p>	<p>This rule is amended to conform to ORS 701.063(4). (KP)</p>

(2)(a) A licensee may not offer to undertake work, advertise work as a contractor, submit a bid for construction work, obtain a building permit or perform construction work while in an inactive status.

(b) Subsection (a) of this section does not apply to members of the United States armed forces serving on active duty provided that they perform work as a contractor only as part of their military duties.

(3) A licensee shall notify the agency of any change of address while in an inactive status. During the period when the status of a license is inactive, the agency shall send notices and any other communications to the licensee at the last known address of record of the licensee.

(4) To convert to an inactive status a license must have:

(a) A current active license;

(b) A current suspended license; or

(c) A license that has expired no more than [~~one year~~] **two years**.

(5) If the licensee was subject to discipline by the agency, the licensee must satisfy any conditions imposed by the agency as a result of the discipline in order to be eligible for the inactive status.

(6) The licensee must submit a request to convert to inactive status on forms provided by the agency; and

(7) The licensee must comply with OAR 812-003-0340, 812-003-0350, and 812-003-0360.

Stat. Auth.: ORS 670.310 & 701.235

Stats. Implemented: ORS 701.056 & 701.063

(12/04, 6/08, 5/09, 9/09, temp. 6/4/10 eff. 6/4/10)