

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 September 2, 2011 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 (503) 934-2185
(Rules Coordinator) (Address) (Telephone)
to become effective September 2, 2011 through December 28, 2011
(Date upon filing or later) (A maximum of 180 days including the effective date.)

RULE CAPTION

Residential Continuing Education (RCE) Exemptions

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 rules) with the Administrative Rules Unit prior to filing

ADOPT:
812-021-0021

AMEND:

SUSPEND:
812-021-0021T

Stat. Auth.: ORS 670.310, 701.126 & 701.235

Other Auth.:

Stats. Implemented: ORS 701.126

RULE SUMMARY

This filing is made to add additional exemptions to the temporary rule that was filed on July 1, 2011. The temporary rule filed on July 1, 2011 is being suspended and this temporary rule is replacing that filing.

OAR 812-021-0021 (9/2/11) rule adoption will exempt from the residential continuing education requirement those contractors that are licensed as plumbing or electrical contractors. The rule will also exempt contractors that have an owner or officer licensed as an architect or a professional engineer, regardless of whether the architect or engineer is acting within the scope of their license. (Those individuals are already exempt from ORS chapter 701 if acting within the scope of their license. See ORS 701.010(8)(a), (b)). The rule will also exempt from residential continuing education BEST and Building Codes for those contractors that do not "touch" a residential structure that is a "dwelling" or "outbuilding". The rule defines the terms "dwelling" and "outbuilding".

The exempt persons must take an equivalent number of elective courses to satisfy the 16-hour requirement for CCB's residential contractor continuing education.

Signature Catherine Dixon September 2, 2011
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) 934-2185 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.)
Residential Continuing Education (RCE) Exemptions

Statutory Authority: ORS 670.310, 701.126 & 701.235

Other Authority:

Stats. Implemented: ORS 701.126

Need for the Temporary Rule(s):

OAR 812-021-0021 (9/2/11) rule adoption will exempt from the residential continuing education requirement those contractors that are licensed as plumbing or electrical contractors. The rule will also exempt contractors that have an owner or officer licensed as an architect or a professional engineer, regardless of whether the architect or engineer is acting within the scope of their license. (Those individuals are already exempt from ORS chapter 701 if acting within the scope of their license. See ORS 701.010(8)(a), (b)). The rule will also exempt from residential continuing education BEST and Building Codes for those contractors that do not "touch" a residential structure that is a "dwelling" or "outbuilding". The rule defines the terms "dwelling" and "outbuilding".

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. The exemptions are needed as soon as possible so renewing licensees will not have to take courses that are unnecessary. The continuing education requirements for contractor renewal are eminent - starting October 1, 2011. For those contractors, they must have their courses completed within the two-year period before renewal.

Signature	Catherine Dixon Printed name	September 2, 2011 Date
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Administrative Rules Unit, Archives Division, Secretary of State, 800 Summer Street NE, Salem, Oregon 97310.

ARC 925-2005

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: September 2, 2011

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 812-021-0021 (9/2/11) rule adoption will exempt from the residential continuing education requirement those contractors that are licensed as plumbing or electrical contractors. The rule will also exempt contractors that have an owner or officer licensed as an architect or a professional engineer, regardless of whether the architect or engineer is acting within the scope of their license. (Those individuals are already exempt from ORS chapter 701 if acting within the scope of their license. See ORS 701.010(8)(a), (b)). The rule will also exempt from residential continuing education BEST and Building Codes for those contractors that do not "touch" a residential structure that is a "dwelling" or "outbuilding". The rule defines the terms "dwelling" and "outbuilding". The exempt persons must take an equivalent number of elective courses to satisfy the 16-hour requirement for CCB's residential contractor continuing education.

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

OAR 812-021-0021 (9/2/11) rule adoption will exempt from the residential continuing education requirement those contractors that are licensed as plumbing or electrical contractors. The rule will also exempt contractors that have an owner or officer licensed as an architect or a professional engineer, regardless of whether the architect or engineer is acting within the scope of their license. (Those individuals are already exempt from ORS chapter 701 if acting within the scope of their license. See ORS 701.010(8)(a), (b)). The rule will also exempt from residential continuing education BEST and Building Codes for those contractors that do not "touch" a residential structure that is a "dwelling" or "outbuilding". The rule defines the terms "dwelling" and "outbuilding". The exempt persons must take an equivalent number of elective courses to satisfy the 16-hour requirement for CCB's residential contractor continuing education.

List of rules adopted or amended:

812-021-0021

Materials and labor costs increase or savings:

The rule amendments have no known impact on materials and labor costs.

Estimated administrative construction or other costs increase or savings:

The rule amendments have no measurable impact on administrative construction or other cost increases or savings.

Land costs increase or savings:

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

Other costs increase or savings:

The proposed rules have no known fiscal impact on state agencies, units of local government or the public. The rule amendment will save plumbers, electricians, architects and engineers, and those that do not touch the dwelling or outbuildings from the cost of taking CCB CORE and Building Code courses.

*Typical-Single story 3 bedrooms, 1 ½ bathrooms, attached garage (calculated separately) on land with good soil conditions with no unusual geological hazards.

PREPARERS NAME: Catherine Dixon

EMAIL ADDRESS: catherine.a.dixon@state.or.us

812-021-0021

Exemptions from Continuing Education

(1) For purposes of this rule, “dwelling” means a shelter in which people live, such as buildings used exclusively for residential occupancy, including single-family, two-family (e.g. duplex) and multi-family (e.g. apartment) buildings.

(2) For purposes of this rule, “outbuilding” means a building accessory to a dwelling that is used by the persons who occupy the dwelling, including detached garages, shops, sheds and barns.

(3) The following persons are exempt from obtaining BEST education as required under OAR 812-021-0015(2) or (3)(a)(A):

(a) Contractors that are licensed as:

(A) Plumbing contractors under ORS 447.010 to 447.156; or

(B) Electrical contractors under ORS 479.630.

(b) Contractors that have an owner or officer who is licensed as:

(A) An architect under ORS 671.010 to 671.220, whether or not operating within the scope of that license; or

(B) A professional engineer under ORS 672.002 to 672.325, whether or not operating within the scope of that license.

(c) Unless provided otherwise, contractors that do not perform work on a residential structure that is a dwelling or an outbuilding, including but not limited to:

(A) Contractors that only perform tree pruning, tree and stump removal, or tree and limb guying;

(B) Contractors that only forge, weld or fabricate ornamental iron, so long as the contractor does not attach or install the ornamental iron in or on a residential structure that is a dwelling or outbuilding;

(d) The following contractors are not exempt under subsection (c) of this section:

(A) Contractors that perform excavation for residential construction;

(B) Contractors that perform grading for residential construction;

(C) Contractors that perform cement work for residential construction; and

(D) Contractors that perform paving for residential construction.

(4) The following persons are exempt from obtaining education in building codes as required under OAR 812-021-0015(2), (3)(a)(B) or (4)(a)(A):

(a) Contractors that are licensed as:

(A) Plumbing contractors under ORS 447.010 to 447.156; or

(B) Electrical contractors under ORS 479.630.

(b) Contractors that have an owner or officer who is licensed as:

(A) An architect under ORS 671.010 to 671.220, whether or not operating within the scope of that license; or

(B) A professional engineer under ORS 672.002 to 672.325, whether or not operating within the scope of that license.

(c) Unless provided otherwise, contractors that do not perform work on a residential structure that is a dwelling or outbuilding, including but not limited to:

(A) Contractors that only perform tree pruning, tree and stump removal, or tree and limb guying;

(B) Contractors that only forge, weld or fabricate ornamental iron, so long as the contractor does not attach or install the ornamental iron in or on a residential structure that is a dwelling or an outbuilding;

(d) The following contractors are not exempt under subsection (c) of this section:

(A) Contractors that perform excavation for residential construction;

(B) Contractors that perform grading for residential construction;

(C) Contractors that perform cement work for residential construction; and

(D) Contractors that perform paving for residential construction.

(5) Contractors that are exempt from the continuing education requirements under sections (3) or (4) of this rule must complete additional elective continuing education, as provided in OAR 812-021-0019, in an amount totaling the number of core hours that the contractor would otherwise be required to complete under OAR 812-021-0015 but for the exemption.

Stat. Auth.: ORS 670.310, 701.126 & 701.235

Stats. Implemented: ORS 701.126

(temp. 7/11 eff. 7/1/11, temp. 9/2/11 eff. 9/2/11)