

Amended
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 October 24, 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 St NE Suite 300, Salem OR 97301</u> (Address)	<u>(503) 934-2185</u> (Telephone)
to become effective <u>October 24, 2011</u> (Date upon filing or later)	through	<u>April 20, 2012</u> (A maximum of 180 days including the effective date.)

RULE CAPTION

Amendment to clarify agency's emergency suspension authority as provided in ORS 701.098.
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:

AMEND:
812-005-0140

SUSPEND:

Stat. Auth.: ORS 183.310 to 183.500, 670.310, 701.235 & 701.992

Other Auth.:

Stats. Implemented: ORS 701.098 & 701.102

RULE SUMMARY

812-005-0140 is amended to clarify agency authority to implement emergency suspensions for non-payment of construction debts as provided in ORS 701.098(4), and make the rule retroactive and effective on the date the statute was changed (1/1/08).

<hr/> Signature	<u>Catherine Dixon</u> Printed name	<u>October 24, 2011</u> Date
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*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.

Amended
Secretary of State

STATEMENT OF NEED AND JUSTIFICATION

A Certificate and Order for Filing Temporary Administrative Rules accompanies this form.

Construction Contractors Board
Agency and Division

OAR 812
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.)
Amendment to clarify agency's emergency suspension authority as provided in ORS 701.098.

Statutory Authority: ORS 183.310 to 183.500, 670.310, 701.235 & 701.992

Other Authority:

Stats. Implemented: ORS 701.098 & 701.102

Need for the Temporary Rule(s):

812-005-0140 is amended to ensure that the rule is consistent with ORS 701.098(4), and make the rule retroactive and effective on the date the statute was changed (1/1/08).

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):

CCB finds that failure to act promptly to amend this rule will result in serious prejudice to the public interest.

If OAR 812-005-0140 is not amended, the agency's ability to issue emergency suspensions of a contractor's license for failure to pay a construction debt as directed by the legislature may be subject to challenge. Any such challenge will adversely impact consumer protection and the efficient enforcement activity of the agency. Emergency suspensions are necessary to remove a contractor immediately from the industry and protect other potential customers. The temporary rule will clarify the agency's authority for emergency suspensions, avoid the potential for challenge and ensure compliance with Oregon law.

Signature	Catherine Dixon Printed name	October 24, 2011 Date
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Administrative Rules Unit, Archives Division, Secretary of State, 800 Summer Street NE, Salem, Oregon 97310.

ARC 925-2005

Amended
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: October 24, 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)

812-005-0140 is amended to clarify agency authority to implement emergency suspensions for non-payment of construction debts as provided in ORS 701.098(4), and make the rule retroactive and effective on the date the statute was changed (1/1/08).

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

812-005-0140 is amended to ensure that the rule is consistent with ORS 701.098(4), and make the rule retroactive and effective on the date the statute was changed (1/1/08).

List of rules adopted or amended:

812-005-0140

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.

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

PREPARERS NAME: Catherine Dixon

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812-005-0140

Emergency Suspension

Effective January 1, 2008, the Administrator of the Board may immediately suspend or refuse to renew a license without a prior hearing, in accordance with ORS 701.098(4), in cases where the Administrator of the Board has in its possession a prima facie case of a wrongful act as described in ORS 701.098(4)(a)(A)-~~(D)~~ **(E)** having been committed by a contractor and upon a finding by the Administrator that the contractor is a serious danger to the public welfare. The respondent shall be entitled to a hearing on the Administrator's action if the respondent requests such a hearing within 90 days after the date of the notice to the respondent, as provided in ORS 701.098(4)(b).

Stat. Auth.: ORS 183.310 to 183.500, 670.310, 701.235 & 701.992

Stats. Implemented: ORS 701.098 & 701.102

(7/80, 8/80, 11/80, 12/80, 2/81, 6/81, 1/82, 3/82, 4/82, 10/82, 1/83, 3/83, 4/85, 12/85, 3/87, 12/87, 1/88, 1/89, 11/89, 2/90, 5/90, 6/90, 2/91, 3/91, 6/91, 7/91, 9/91, 2/92, 4/92, 7/92, 12/92, 5/93, 12/93, 1/94, 6/94, 7/94, 10/95, 11/97, 10/98, 6/00, 12/05, 6/08, temp. 10/24/11)