

812-002-0060

Bid

“Bid” as used in ORS [701.055(1)] **701.026(1)** does not include a prospectus for an art project.
Stat. Auth.: ORS 670.310 & 701.235
Stats. Implemented: ORS 279C.460 & 701
(4/98, 12/05, 11/08)

812-002-0420

Lapse in License

“Lapse in license” as used in ORS 701.131(2)(b), ORS 701.063(4)[~~];~~ OAR 812-006-0020(1)(b), [and] OAR 812-006-0020(2)(b), **and OAR 812-020-0085** commences at the time that a license expires, is suspended or is terminated for any reason and ends when the license is renewed, reissued or reinstated by the agency.

Stat. Auth.: ORS 670.310 & 701.235
Stats. Implemented: ORS 701.063, 701.131 & 701.225
(4/98, 6/00, 6/03, temp. 7/03, 12/03, 12/05, 12/07, 6/08, 11/08)

[812-003-00450

License Fitness Standards

~~(1) In considering whether to sanction an applicant or licensee pursuant to ORS 701.098(1)(h)(A)-(I), the agency shall consider whether the applicant’s or licensee’s criminal conduct is substantially related to the fitness and ability of the applicant or licensee to engage in construction contracting.~~

~~(2) Fitness to engage in construction contracting includes, but is not limited to the ability to:~~

~~(a) Refrain from violent, threatening, intimidating or sexually predatory behavior;~~

~~(b) Refrain from dishonest or fraudulent conduct; or~~

~~(c) Be financially responsible.~~

~~(3) Factors to be considered in denying or refusing to issue or renew a license include, but are not limited to, the date of the offense and the circumstances of the crime. In addition, factors relating to rehabilitation, or lack thereof, as evidenced by intervening events include, but are not limited to: failure to complete the criminal sentence, including probation or parole; failure to complete court ordered treatment; or failure to pay court ordered restitution.~~

~~(4) Upon notice and request from the Board, it will be the duty of an applicant or licensee to provide the requested information in order for the Board to conduct a criminal background check as authorized by 701.098(1)(h)(A)-(I). Requested information includes but is not limited to police reports, record of conviction, parole or probation reports, restitution records, counseling reports, and letters of recommendation.~~

~~(5) Failure to provide requested information in (4) of this section may result in the denial of a license.~~

~~Stat. Auth.: ORS 670.310 & 701.235~~

~~Stats. Implemented: ORS 701.046 & 701.098~~

~~(4/07, 8/07, 2/08)]~~

812-005-0280

[Unfit or Not Fit for Licensure] Fitness Standards

(1) In considering whether to revoke, suspend, or refuse to issue a license pursuant to ORS 701.098(1)(h)(A)-(I), the agency shall consider whether the applicant’s or licensee’s criminal conduct is substantially related to the fitness and ability of the applicant or licensee to engage in construction contracting.

(a) Fitness to engage in construction contracting includes, but is not limited to the ability to:

(A) Refrain from violent, threatening, intimidating or sexually predatory behavior;

(B) Refrain from dishonest or fraudulent conduct; or

(C) Be financially responsible.

(b) Factors to be considered in denying or refusing to issue or renew a license include, but are not limited to, the date of the offense and the circumstances of the crime. In addition, factors relating to rehabilitation, or lack thereof, as evidenced by intervening events include, but are not limited to: failure to complete the criminal sentence, including probation or parole; failure to complete court ordered treatment; or failure to pay court ordered restitution.

(c) Upon notice and request from the Board, it will be the duty of an applicant or licensee to provide the requested information in order for the Board to conduct a criminal background check as authorized by 701.098(1)(h)(A)-(I). Requested information includes but is not limited to police reports, record of conviction, parole or probation reports, restitution records, counseling reports, and letters of recommendation.

(d) Failure to provide requested information in [(4)] (1)(c) of this section may result in the denial of a license.

[(1)] **(2)** [Pursuant to ~~ORS 701.098(2) and ORS 701.102(2)(d)~~,] The agency may revoke, suspend, or refuse to issue a license if the applicant, licensee, or an owner, officer or responsible managing individual of the applicant or licensee demonstrates a lack of financial responsibility **pursuant to ORS 701.098(2) and ORS 701.102(2)(d)**. Lack of financial responsibility is evidenced by failure to pay a final order of the board, issued under ORS 701.145 or 701.146, where the final order exceeds the amount of the applicable bond and the final order was issued against:

(a) The applicant or licensee; or

(b) A business in which the owner, officer or responsible managing individual of the applicant or licensee is, or was, an owner, officer or responsible managing individual during the work period in which the business' obligation giving rise to the final order arose or was incurred.

[(2)] **(c)** As used in [subsection (1)] **section (2)** of this rule, "officer" includes any person listed in ORS 701.005(11) or OAR 812-002-0533.

(3) Pursuant to ORS 701.098(2), the agency may revoke, suspend, or refuse to reissue a license if a contractor engages in conduct that harms a consumer by:

(a) Arranging for or undertaking work as a contractor that:

(A) Is performed in a manner not in accordance with state building codes or accepted building standards demonstrating negligent or improper work;

(B) The work causes damage to the consumer or to the consumer's property; and

(C) The work is significantly substandard or is part of a pattern of substandard work performed by the contractor.

Stat. Auth.: ORS 670.310 & 701.235

Stats. Implemented: ORS 701.098 & 701.102

(6/08, 11/08)

(Note: Section (1) was formerly 812-003-0450, 11/08)