

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 October 28, 2008 by the  
(Date prior to or same as filing date.)

<u>Construction Contractors Board</u> (Agency and Division)	<u>OAD 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 November 20, 2008 Rulemaking Notice was published in the October 2008 Oregon Bulletin.\*\*  
(Date upon filing or later) (Month and Year)

**RULE CAPTION**

Adoption of Continuing Education Rules for Construction Contractors with Commercial Endorsements

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.

812-020-0050	812-020-0060	812-020-0065	812-020-0072	812-020-0082	812-020-0087
812-020-0055	812-020-0062	812-020-0070	812-020-0080	812-020-0085	812-020-0090

*Note when the Notice of Proposed Rulemaking Hearing was filed, the division was noted as Division 13, however, the Division was renumbered to Division 20 and a second notice was mailed out noting the division number change.*

**AMEND:**

**REPEAL:**

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

**Amend & Renumber:** Secure approval of rule numbers with the Administrative Rules Unit prior to filing.

ORS 670.310, 701.124 & 701.235

Stat. Auth.

Oregon Laws 2007, chapter 836 (HB 3242)

Other Authority

ORS 701.063 & 701.124

Stats. Implemented

**RULE SUMMARY**

Adopt administrative rules in Chapter 812, Division 20. The proposed rules establish and administer the continuing education program under ORS 701.124, which only apply to commercial contractors. In 2007, the Oregon Legislature enacted ORS 701.124 (HB 3242) that requires all commercial contractors to complete continuing education by certifying completion on their first renewal application on or after July 1, 2010. (Note when the Notice of Proposed Rulemaking Hearing was filed, the division was noted as Division 13, however, the Division was renumbered to Division 20.)

- 812-020-0050 is adopted to set forth the authority for adopting rules to administer the continuing education (CE) program under ORS 701.124 and outlines purpose and scope of the rules in Division 20.
- 812-020-0055 is adopted to define the terms in the Division 20.
- 812-020-0060 is adopted to establish the rules take effect upon passage and the date on which the rules will first be applied to renewing commercial contractors.
- 812-020-0062 is adopted to recognize and clarify statutory exemptions.

- 812-020-0065 is adopted to outline the requirements for commercial contractors to comply with ORS 701.124(1) to (4), defines the measurement of hours, and that no credit for the same key employee repeating the same course, but allows for multiple employees to take the same course.
- 812-020-0070 is adopted to detail hour and reporting requirements for different levels of commercial contractors and for commercial contractors with limited numbers of key employees. Explains at what point in time the number of key employees is determined.
- 812-020-0072 is adopted outline requirements for commercial contractors to maintain records no less than 24 months, allows agency to obtain records of CE participation, and authorizes suspension of license if CE proof is not provided.
- 812-020-0080 is adopted to implement ORS 701.063(5) (operative July 1, 2010) and will allow commercial contractors to prorate the CE requirement comparing the number of months inactive with the number of months active during the 24 months in a license period.
- 812-020-0082 is adopted to approximately prorate the amount of education for a commercial contractor that held the endorsement for less than half of the license period. This would generally occur because a contractor would convert its endorsement from a residential to a commercial during the 2-year license period.
- 812-020-0085 is adopted to allow commercial contractors who renew their expired licenses (within one year) to use both CE earned during the original two-year license period and the lapse in license period.
- 812-020-0087 is adopted to provide that a commercial contractor can only use the hours earned by its key employees if those key employees worked for the contractor when they completed their courses.
- 812-020-0090 is adopted to clarify that in a few cases, such as LLCs owned by the same person; there will be the same key employee(s). The rule allows those related companies to each take credit for the CE hours.

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Authorized Signer

Catherine Dixon  
Printed Name

November 20, 2008  
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 1<sup>st</sup> of each month and updates the rule text found in the Oregon Administrative Rules Compilation. Notice forms must be submitted to the Administrative Rules Unit, Oregon State Archives, 800 Summer Street NE, Salem, Oregon 97310 by 5:00 pm on the 15<sup>th</sup> day of the preceding month unless this deadline falls on a Saturday, Sunday or legal holiday when Notice forms are accepted until 5:00 pm 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](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.

**812-020-0050**

**Authority, Purpose, and Scope of Rules – Continuing Education for Commercial Contractors**

**(1) Authority. These rules are promulgated in accordance with ORS 670.310(1) and 701.124, which authorize CCB to adopt rules to administer a continuing education system for commercial contractors.**

**(2) Purpose. The purpose of these rules is to further explain and detail the requirements for continuing education under ORS 701.124.**

**(3) Scope. These rules establish:**

**(a) Procedures for commercial contractors to report continuing education hours;**

**(b) Sanctions for commercial contractors failing to comply; and**

**(c) Processes for prorating requirements.**

**Stat. Auth.: ORS 670.310, 701.124 & 701.235**

**Stats. Implemented: 701.124**

**(11/08)**

**812-020-0055**

**Definitions – Continuing Education for Commercial Contractors**

**The following definitions apply to OAR 812-020-0050 to 812-020-0073:**

**(1) “Building code” means a specialty code as defined in ORS 455.010(7).**

**(2) “Commercial contractor” means a licensed contractor as defined under ORS 701.005(2).**

**(3) “Inactive commercial contractor” means a commercial contractor that has voluntarily placed its license in inactive status in accordance with OAR 812-003-0330 to 812-003-0370 and has not converted the license back to active status in accordance with ORS 812-003-0380.**

**(4) “Key employee” means an employee or owner of a contractor who is a corporate officer, manager, superintendent, foreperson, lead person or any other person who exercises management or supervisory authority over the construction activities of the business.**

**(5) “Lapse in license” has the meaning given that term by OAR 812-002-0420.**

**(6) “License period” means the two-year period from the date a contractor’s license is first issued or last renewed until the date the license is next scheduled to expire.**

**Stat. Auth.: ORS 670.310, 701.124 & 701.235**

**Stats. Implemented: 701.124**

**(11/08)**

**812-020-0060**

**Effective Date – Continuing Education for Commercial Contractors**

**OAR 812-020-0050 to 812-020-0073 and the amendment to OAR 812-003-0280(2) take effect upon passage, and apply to commercial contractors that renew their licenses on and after July 1, 2010.**

**Stat. Auth.: ORS 670.310, 701.124 & 701.235**

**Stats. Implemented: 701.124**

**(11/08)**

**812-020-0062**

**Exemptions – Continuing Education for Commercial Contractors**

**(1) Commercial contractors subject to regulation under ORS 479.510 to 479.945 or 480.510 to 480.670 or ORS chapter 693 do not need to satisfy the continuing education requirements. These contractors include, but are not limited to:**

**(a) Electrical contractors subject to regulation under ORS 479.510 to 479.945.**

**(b) Plumbing contractors subject to regulation under ORS chapter 693; or**

**(c) Boiler contractor subject to regulation under ORS 480.510 to 480.670.**

**(d) Elevator contractors subject to regulation under ORS 479.510 to 479.945.**

(e) Renewable energy contractors subject to regulation under ORS 479.510 to 479.945.

(f) Pump installation contractors subject to regulation under ORS 479.510 to 479.945.

(g) Limited sign contractors subject to regulation under ORS 479.510 to 479.945.

(2) Commercial contractors endorsed only as commercial developers do not need to satisfy the continuing education requirements.

Stat. Auth.: ORS 670.310, 701.124 & 701.235

Stats. Implemented: 701.124

(11/08)

#### 812-020-0065

##### Minimum Requirements – Continuing Education for Commercial Contractors

(1) Commercial contractors shall have a key employee, or combination of key employees, who complete continuing education.

(2) Education hours may be earned by attending offerings provided by any of the following:

(a) Post-secondary institutions such as colleges or universities;

(b) Trade schools;

(c) Trade associations;

(d) Professional societies;

(e) Private companies;

(f) Public agencies;

(g) Business associations; or

(h) Contractor-provided in-house training programs.

(3) Courses shall be a minimum of one clock hour to qualify for one hour of continuing education credit.

(4) Credit shall not be applied for the same key employee repeating the same continuing education course during a two-year period.

Stat. Auth.: ORS 670.310, 701.124 & 701.235

Stats. Implemented: 701.124

(11/08)

#### 812-020-0070

##### Certification of Hours – Continuing Education for Commercial Contractors

(1) Upon renewal, a commercial contractor must certify that one or more key employees obtained the continuing education required by OAR 812-020-0050 to 812-020-0073.

(2) For a commercial general or specialty contractor – level 1 with five or more key employees, the commercial contractor must certify that one or more key employees completed at least 80 hours during the preceding license period.

(3) For a commercial general or specialty contractor – level 1 with four or fewer key employees, the commercial contractor must certify as follows:

(a) With four key employees, that one or more key employees completed at least 64 hours during the preceding license period.

(b) With three key employees, that one or more key employees completed at least 48 hours during the preceding license period.

(c) With two key employees, that one or more key employees completed at least 32 hours during the preceding license period.

(d) With one key employee, that the key employee completed at least 16 hours during the preceding license period.

(4) For a commercial general or specialty contractor – level 2, the commercial contractor must certify that one or more key employees completed at least 32 hours during the preceding license period.

(5) For purposes of sections (2) to (4) of this rule, the number of key employees is the number of such persons employed by the commercial contractor on the most recent date of license issue or reissue.

Stat. Auth.: ORS 670.310, 701.124 & 701.235

Stats. Implemented: 701.124

(11/08)

#### 812-020-0072

##### Recordkeeping and Review – Continuing Education for Commercial Contractors

(1) Every commercial contractor shall maintain records of its key employees' participation in continuing education activities for a period no less than 24 months after the renewal date.

(2) The agency may request any commercial contractor's continuing education records for review.

(3) If a commercial contractor cannot prove that the commercial contractor's key employees completed the continuing education, the agency may suspend the license until the commercial contractor proves compliance or the commercial contractor's key employees complete the missing courses.

Stat. Auth.: ORS 670.310, 701.124 & 701.235

Stats. Implemented: 701.124

(11/08)

#### 812-020-0080

##### Inactive Commercial Contractor – Continuing Education for Commercial Contractors

If a commercial contractor's license is placed in an inactive status during any part of the license period, the commercial contractor needs only complete the continuing education hours for the period the license was active. The continuing education hours required under OAR 812-020-0070 will be prorated for the period that the license was active. For example, if a commercial contractor is inactive 6 months during the license period (inactive 25% of the time), the contractor needs to certify completion of 75% of the hours otherwise required.

Stat. Auth.: ORS 670.310, 701.124 & 701.235

Stats. Implemented: 701.124

(11/08)

#### 812-020-0082

##### Endorsed as Commercial Contractor Less Than License Period – Continuing Education for Commercial Contractors

(1) If a commercial contractor was endorsed as a commercial contractor for less than one year of the license period, the commercial contractor satisfies the continuing education requirements by completing one-half of the number of continuing education hours outlined in OAR 812-020-0070(2) to (4).

(2) If a commercial contractor was endorsed as a commercial contractor for one year or more of the license period, the commercial contractor satisfies the continuing education requirements by completing the total number of continuing education hours outlined in OAR 812-020-0070(2) to (4).

Stat. Auth.: ORS 670.310, 701.124 & 701.235

Stats. Implemented: 701.124

(11/08)

#### 812-020-0085

##### Lapse in License – Continuing Education for Commercial Contractors

If a license expires and is not renewed for a period not exceeding one year, the commercial contractor may seek renewal and backdating of the license. To renew the license, the commercial

**contractor must certify that it has satisfied the continuing education requirements either during the license period or during the lapse in license period, or both.**

**Stat. Auth.: ORS 670.310, 701.124 & 701.235**

**Stats. Implemented: 701.124**

**(11/08)**

**812-020-0087**

**Courses Completed by Key Employees – Continuing Education for Commercial Contractors**

**A commercial contractor may certify continuing education hours based upon courses completed by its key employees; provided that a key employee was employed by the commercial contractor when he or she completed a course. If a commercial contractor employs a key employee who completed continuing education course(s) before being hired by the commercial contractor, the commercial contractor may not include those hours to certify that it satisfied the continuing education requirement.**

**Stat. Auth.: ORS 670.310, 701.124 & 701.235**

**Stats. Implemented: 701.124**

**(11/08)**

**812-020-0090**

**Key Employee of More than One Commercial Contractor – Continuing Education for Commercial Contractors**

**If a key employee who completes a continuing education course is employed when the course is completed by more than one commercial contractor, each commercial contractor may include those hours to certify that it satisfied the continuing education requirement.**

**Stat. Auth.: ORS 670.310, 701.124 & 701.235**

**Stats. Implemented: 701.124**

**(11/08)**