

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 December 8, 2009 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 Street NE Suite 300, Salem OR 97310 378-4621 ext. 4077
(Rules Coordinator) (Address) (Telephone)

to become effective January 1, 2010 Rulemaking Notice was published in the December 2009 Oregon Bulletin.**
(Date upon filing or later) (Month and Year)

RULE CAPTION

Exemption to showing license number, housekeeping, implement SB 203, sec. 8 (2009) and adopt education provider bond form.
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:

812-008-0090 812-012-0110 812-021-0025

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, 701.126, 701.235, 701.305, 701.315, 701.320, 701.330, 701.335

Stat. Auth.

Chapter 408, OR Laws 2009 (SB 203, section 8(2)(d))

Other Authority

ORS 701.010, 701.026, 701.126, 701.305, 701.330, 701.335

Stats. Implemented

RULE SUMMARY

- 812-008-0090 is amended to delete (3) because the language is no longer necessary as OAR 812-008-0078 was repealed 1/26/06.
- 812-012-0110 is amended to implement SB 203, section 8 (2)(d) that removes the requirement that written contracts must have a summary of notices. The new requirement is to "list" the notices.
- 812-021-0025 is amended to add an approved bond form for residential continuing education providers of CORE.

Authorized Signer

Catherine Dixon
Printed Name

December 28, 2009
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 1st 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 15th 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. If you don't have web access, contact Cathy Dixon at (503) 378-4621 ext. 4077 for assistance in receiving a copy.

812-008-0090

Revocation of Certification

The Construction Contractors Board may revoke the certificate of an Oregon certified home inspector or the license of a business that performs work as a home inspector for failure of the Oregon certified home inspector to:

(1) Comply with one or more of the “Standards of Practice” set forth in OAR 812-008-0202 through 812-008-0214.

(2) Comply with one or more of the “Standards of Behavior” set forth in OAR 812-008-0201.

~~(3) Comply with OAR [812-008-0078(1)].~~

Stat. Auth.: ORS 670.310, 701.235, 701.350 & 701.355

Stats. Implemented: ORS 701.350 & 701.355

(2/98, 6/99, 6/00, 3/06, 12/09 (eff. 1/1/2010))

812-012-0110

Terms of Written Contract

(1) If a contractor is required to have a written contract under ORS 701.305, the written contract or attached addendum to the written contract must contain the following:

(a) A statement that the contractor is licensed by the Construction Contractors Board.

(b) The contractor’s name, address, phone number and license number issued by the board as shown on board records.

(c) Effective July 1, 2008, an acknowledgment of a written offer of a warranty, if an offer is required by ORS 701.320, and indication of the acceptance or rejection of the offered warranty;

(d) A ~~summary~~ **list** of the notices required under ORS 87.093, 701.330 or under rules adopted under ORS 701.335(2).

(e) Effective July 1, 2008, acknowledgment of the receipt of the maintenance information required by the board under ORS 701.335;

(f) An explanation of the property owner’s rights under the contract, including, but not limited to, the ability to file a complaint with the board and the existence of any mediation or arbitration provision in the contract, set forth in a conspicuous manner as defined by the board by rule.

(g) Customer’s name and address;

(h) Address where the work is to be performed;

(i) A description of the work to be performed;

(j) Price and payment terms;

(2) The information described in section (1) of this rule must be legible and in dark ink.

Stat. Auth.: ORS 670.310, 701.235, 701.305, 701.315, 701.320, 701.330 & 701.335

Stats. Implemented: ORS 701.305, 701.330 & 701.335

(12/07, 6/08, 12/09 (eff. 1/1/2010))

812-021-0025

Provider Approval, Standards, Fees and Renewal for Core – Continuing Education for Residential Contractors

(1) The agency will review and approve providers offering core continuing education.

(2) Providers will apply for approval on a form prescribed by the agency. Providers may, but need not, apply for approval at the same time they apply for course approval.

(3) Providers seeking approval to offer training in BEST, building codes or “green” or sustainable building practices must submit the following to the agency:

(a) Name, address and contact information of the provider;

(b) Business entity type of the provider and, if applicable, the Corporation Division business registry number;

(c) Description of provider business plan;

(d) Description of the core subject area(s) provider intends to offer; and

(e) Such other information or documentation as the agency may request.

(4) Providers must remit to the agency together with their application:

(a) A non-refundable fee of \$2,000 if applying to offer BEST;

(b) A non-refundable fee of \$500 if applying to offer building codes or “green” or sustainable building practices; or

(c) A non-refundable fee of \$2,500 if applying to offer both BEST and building codes or “green” or sustainable building practices.

(5) To qualify for approval, providers must:

(a) Certify the programs offered meet the minimum standards and content objectives established by the Board;

(b) Employ or contract with educators who have at least two years work experience or two years of education, or any combination of both, in the subject that they instruct;

(c) Be capable of entering and transmitting electronic data to the agency;

(d) Describe a process for prompt resolution of complaints by registrants;

(e) Describe a process for cancellations and refunding registrant payments; and

(f) Provide a surety bond in an amount of \$20,000 obligating the surety to pay registrants to whom the provider owes money for cancellation or other refunds that the provider fails to pay. **The bond must be in the form adopted by the board as the “Continuing Education Provider Surety Bond” dated December 1, 2009.**

(6) Provider approval will be valid for two (2) years from the date the provider is approved by the agency.

(7) Providers must re-submit application and fees required under sections (3) and (4) of this rule for renewal of approval. Renewal of approval will be subject to the same requirements as initial approval.

Stat. Auth.: ORS 670.310, 701.126 & 701.235

Stats. Implemented: ORS 701.126

(6/09, 12/09 (eff. 1/1/2010))

**STATE OF OREGON
CONTINUING EDUCATION PROVIDER
SURETY BOND**

Bond No. _____

_____, as **Principal**, desires to obtain, or to renew, approval from the Oregon Construction Contractor's Board to offer continuing education for residential contractors pursuant to ORS 701.126 and OAR 812-021-0025, and is required to furnish a bond in the penal sum of \$20,000.00, with good and sufficient surety, conditioned as set forth in this instrument.

Principal and _____, a corporation qualified and authorized to do business in the State of Oregon, as **Surety**, hereby bind themselves, their heirs, personal representatives, successors and assigns, jointly and severally, unto the State of Oregon for the use and benefit of the State of Oregon and any other interested person in the sum of twenty-thousand dollars and no cents (\$20,000.00), to be paid as provided in OAR 812-021-0025(5)(f).

The obligation of the Surety under this bond is void if the Oregon Construction Contractor's Board issues approval to the Principal to offer continuing education for residential contractors pursuant to ORS 701.126 and OAR 812-021-0025 and the Principal fully and faithfully performs its obligations to repay students amounts due for cancellation or other refunds associated with such continuing education; otherwise this obligation remains in full force and effect.

Any person suffering loss or damage because of the failure of the Principal to fully and faithfully comply with OAR 812-021-0025 may sue the Surety for the recovery of any amount due that person.

This bond is for the exclusive purpose of payments due under OAR 812-021-0025(5)(f). This bond is one continuing obligation, and the liability of the Surety for the aggregate of all claims which may arise under the bond may in no event exceed the amount of the penalty of this bond.

This bond is effective on _____ or the date that the Principal meets all requirements for continuing education provider approval, whichever occurs later, and remains in effect until depleted, unless the Surety sooner cancels the bond. The bond may be cancelled by the Surety and the Surety relieved of further liability by giving 30 days' written notice to the Principal and to the Oregon Construction Contractors Board.

This bond is not valid for purposes of continuing education provider approval unless filed with the Construction Contractors Board within 60 days after the date shown below.

Executed by the Principal and the Surety this _____ day of _____, 20__.

Surety:

Principal:

Signature

Signature

Name of Attorney-in-Fact or Agent

Name (print or type)

Title

Agency Address

City, State, Zip Code