

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 February 15, 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 Street NE Suite 300, Salem OR 97310 378-4621 ext. 4077
(Rules Coordinator) (Address) (Telephone)

to become effective March 1, 2011 Rulemaking Notice was published in the February 2011 Oregon Bulletin.**
(Date upon filing or later) (Month and Year)

RULE CAPTION

HPA form, clarify language licensing/renewals, home inspector continuing education, locksmith penalties, LBPR license surrender

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 or Renumbered rules) with the Administrative Rules Unit prior to filing.

ADOPT:

812-007-0323

AMEND:

812-001-0200 812-005-0800 812-006-0250 812-008-0072
812-003-0290 812-006-0150 812-008-0070 812-008-0074

REPEAL:

812-001-0200 (T) 812-007-0323 (T)

RENUMBER:

AMEND & RENUMBER:

Stat. Auth.: ORS 87.093, 183.310 to 183.500, 670.310, 701.235, 701.325, 701.330, 701.350, 701.515, 701.530 701.992 & 701.995

Other Auth.:

Stats. Implemented: ORS 87.007, 87.093, 87.093, 279C.590, 701.005, 701.026, 701.042, 701.046, 701.063, 701.073, 701.091, 701.098, 701.106, 701.109, 701.227, 701.305, 701.315, 701.325, 701.330, 701.345, 701.350, 701.355, 701.480, 701.485, 701.510, 701.515, 701.530, 701.992, 701.995

RULE SUMMARY

- 812-001-0200 is amended to update the form used by contractors to comply with the Homebuyers Protection Act (HPA). Consistent with the new law that takes effect January 1, 2011 (Chapter 77 OR Laws 2010 [HB 3689]); the homebuyer will no longer be able to waive the HPA's protections. CCB adopted a new revised form dated December 1, 2010, to comply with the notice requirement of the law. This rule, as amended, will incorporate the new revised form.
- 812-003-0290 is amended to clarify current language and address four separate situations. The four situations involve licenses that are either up for renewal or have lapsed. The intended rule amendments attempt to describe these situations and how they will be treated. The four situations are:
 - Subsection (4) – Timely license renewal, all requirements met – effective date of license is expiration date;
 - Subsection (5) – License renewal application after expiration date but within two years, continuous bond and insurance – effective date of license is expiration date – license is backdated;

- Subsection (6) – License renewal application after expiration date but within two years, no continuous bond or insurance – effective date of license is new completion date – license is reissued;
- Subsection (7) – License renewal application more than two years after expiration date – license cannot be renewed or reissued; new license issued.
- 812-005-0800 is amended to set forth the sanctions for violating the locksmith statutes and rules. These rules implement the provisions of ORS 701.475-701.490 (HB 3127, Oregon Laws 2009, chapter 781), regarding certification of locksmiths, enforcement of which becomes effective July 1, 2010. CCB certifies individuals who advertise or work as a locksmith. The individual must pass a test demonstrating competency. A business that offers locksmith services must be a licensed contractor and employ certified locksmiths. The certified locksmith must comply with the standards of professional conduct (OAR 812-030-0300).
- 812-006-0150 is amended to allow training providers to offer more than 16 hours of training.
- 812-006-0250 is amended to expand on the criteria for training provider evaluation because the CCB manual has been expanded to: 1) expand information relating to construction contractor laws and regulations; and 2) add building exterior shell training (BEST).
- 812-007-0323 is adopted to allow certified lead-based paint renovation (LBPR) contractors to offer to surrender their licenses.
- 812-008-0070 is amended to recognize that some continuing education (CE) will not result in yielding a completion certificate. This will allow for the home inspector to offer other proof he or she completed the CE.
- 812-008-0072 is amended to add providers that the agency will recognize as providing CE. Specifically, this – together with changes to OAR 812-008-0074 – will allow home inspectors to use lead-based paint renovation training and CORE classes as qualifying CE.
- 812-008-0074 was recently amended to add “construction” and “renovation.” CORE would fall within these terms. The amendment specifically adds “lead-based paint” for clarity. The rule specifies which providers must provide completion certificates within 30 days (those approved by CCB). The rule deletes unnecessary language for retroactive credit – this was adopted as part of the original rule to implement the program initially.

	Catherine Dixon	February 28, 2011
Signature	Printed name	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 OAR Compilation. For publication in Bulletin, rule and notice filings must be submitted by 5:00 pm on the 15th day of the preceding month unless this deadline falls on a weekend or legal holiday, when filings are accepted until 5:00 p.m. 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.

812-001-0200

Consumer Notices Adoption

(1) In order to comply with the requirement to adopt an information notice to owner under ORS 87.093, the Construction Contractors Board adopts the form entitled "Information Notice to Owner About Construction Liens," as revised January 1, 2010. This form may be obtained from the agency.

(2) In order to comply with the requirement to adopt a consumer notice form under ORS 701.330(1), the board adopts the form "Consumer Protection Notice" as revised February 20, 2009.

(3) In order to comply with the requirement to adopt an "Information Notice to Property Owners About Construction Responsibilities" form under ORS 701.325(3), the board adopts the form "Information Notice to Property Owners About Construction Responsibilities" as revised September 23, 2008.

(4) In order to comply with the requirement to adopt a notice of procedure form under ORS 701.330(2), the board adopts the form "Notice of Procedure" dated December 4, 2007.

(5) The board adopts the form "Notice of Compliance with Homebuyer Protection Act" (HPA) as revised [~~December 16, 2003~~] **December 1, 2010.**

(6) The board adopts the form "Model Features for Accessible Homes" dated December 4, 2007.

(7) The board adopts the form "Home Inspection Consumer Notice" dated October 27, 2009.

Stat. Auth.: ORS 87.093, 670.310, 701.235, 701.325, 701.330 & 701.530

Stats. Implemented: ORS 87.007, 87.093, 701.235, 701.325, 701.330 & 701.530

(4/81, 11/81, 1/82, 3/82, 6/82, 1/83, 1/83, 3/83, 3/83, 10/83, 2/87, 7/87, 1/89, 11/89, 5/92, 7/92, 8/92, 3/99, 9/99, temp. 5/00, 8/00, 6/02, 12/02, temp. 3/03, 6/03, 12/03, temp. 12/03, temp. 12/03, 2/04, 5/04, temp. 6/04, 8/04, 12/05, temp. 1/06, 3/06, 6/07, 12/07, temp. 1/08, 4/08, 9/08, temp. 2/09, 5/09, 11/09 (eff. 1/1/10), 2/10, temp. 11/10 eff. 12/1/10, 2/11 eff. 3/1/11)

(Amended and renumbered from 812-001-0020, 12/05)

812-003-0290

~~[Effective Dates of Renewal or Reissue of License; License Term]~~ **License Renewal, Reissue, New Issue; Effective Dates; Term**

(1) Except as provided in section [~~(2)~~] **(3)** of this rule, a completed renewal or reissue application required under OAR 812-003-0260 shall be on file with the agency before a license may be renewed or reissued.

(2) [~~The effective date of a license may be prior to the date of receipt of all documents and fees required by law and by these rules if the agency determines that delays in receipt of required documents or fees were caused by agency error.~~] **In order to obtain a renewed or reissued license, a contractor must provide the following:**

(a) A completed application form;

(b) Proof of insurance;

(c) A commercial or residential bond, or both (as indicated by the contractor's endorsement(s));

(d) Where authorized by ORS 701.088, a letter of credit or cash deposit in lieu of the bond; and

(e) An application fee.

(3) [~~The effective date of renewal shall be the previous license expiration date when:~~

(a) All requirements for renewal are met prior to the previous license expiration date; or

(b) All requirements for renewal are met after the previous expiration date, including but not limited to, proof of insurance coverage and a commercial and/or residential bond or letter of credit or cash deposit coverage during the period of lapse, providing the contractor applies for renewal not more than two years after the license lapses.] **If agency error causes the delayed receipt of the required documents or fee, the agency may renew or reissue the license with an effective date before the date on which all requirements were satisfied. Otherwise, all documents and fees must be received by the agency before the agency may renew or reissue the license.**

(4) [~~If the contractor applies for renewal less than two years after the license lapses and does not have proof of insurance coverage and a commercial and/or residential bond or letter of credit or cash deposit~~

coverage during the period of lapse, the effective date of reissue shall be the date all requirements for licensing have been met, including, but not limited to, submission of a renewal form, payment of the fee, a newly issued continuous until canceled bond, or reinstatement of an existing continuous until canceled bond, or letter of credit, or cash deposit, and certification of insurance coverage.] **If a contractor satisfies all requirements for license renewal before the expiration date:**

(a) The license is renewed; and

(b) The effective date of the license is the expiration date.

(5) [If the contractor applies for renewal more than two years after the license lapses, the effective date of reissue shall be the date all requirements for licensing have been met, including, but not limited to, submission of a new application form, payment of the fee, a newly issued continuous until canceled bond, or reinstatement of an existing continuous until canceled bond, or letter of credit, or cash deposit, and certification of insurance coverage.] **If a contractor continuously maintains a bond and insurance and satisfies all requirements for renewal within two years after the expiration date:**

(a) The license is renewed and backdated; and

(b) The effective date of the license is the expiration date.

(6) If a contractor fails to continuously maintain a bond or insurance but satisfies all requirements for renewal within two years after the expiration date:

(a) The license is reissued; and

(b) The effective date of the license is the date when all requirements for reissue are met.

(7) If a contractor satisfies all requirements for renewal more than two years after the expiration date, the license cannot be renewed or reissued. The contractor must apply for a new license under OAR 812-030-0260.

[~~(6)~~] **(8)** Notwithstanding sections [~~(2)~~] **(4)** through [~~(5)~~] **(6)** of this section, licenses that expire before July 1, 2008, may not renew on or after July 1, 2008, except by complying with the renewal requirements set forth in OAR 812-003-0280 and with the bond and insurance requirements set forth in OAR 812-003-0152, 812-003-0153, 812-003-0171, and 812-003-0221. The effective date of the renewal will be the date upon which all requirements for renewal are met, including but not limited to, proof of insurance coverage and bond or letter of credit or cash deposit. Such licenses will not be backdated to the previous expiration date.

[~~(7)~~] **(9)** Licenses will be reissued or renewed for a period of two years.

Stat. Auth.: ORS 670.310 & 701.235

Stats. Implemented: ORS 701.063

(12/04, 12/07, 2/08, temp. 6/4/10 eff. 6/4/10, 8/10 eff. 9/1/10, 2/11 eff. 3/1/11)

812-005-0800

Schedule of Penalties

The agency may assess penalties, not to exceed the amounts shown in the following guidelines:

(1) \$600 for advertising or submitting a bid to do work as a contractor in violation of ORS 701.026 and OAR 812-003-0120, which may be reduced to \$200 if the respondent becomes licensed or to \$50 if the advertisement or bid is withdrawn immediately upon notification from the agency that a violation has occurred and no work was accepted as a result of the advertisement or bid; and

(2) \$700 per offense without possibility of reduction for advertising or submitting a bid to do work as a contractor in violation of ORS 701.026 and OAR 812-003-0120, when one or more previous violations have occurred, or when an inactive, lapsed, invalid, or misleading license number has been used; and

(3) \$1,000 per offense for performing work as a contractor in violation of ORS 701.026 when the Board has no evidence that the person has worked previously without having a license and no consumer has suffered damages from the work, which may be reduced to \$700 if the respondent becomes licensed within a specified time; and

(4) \$5,000 per offense for performing work as a contractor in violation of ORS 701.026, when an owner has filed a complaint for damages caused by performance of that work, which may be reduced to

\$700 if the contractor becomes licensed within a specified time and settles or makes reasonable attempts to settle with the owner.

(a) A “complaint for damages” as used in section (4) of this rule includes, but is not limited to:

(A) A Construction Contractors Board Dispute Resolution Services (DRS) complaint; or

(B) A letter to Construction Contractors Board indicating that a citizen has been damaged by the contractor; and

(5) \$5,000 per offense for performing work as a contractor in violation of ORS 701.026, when one or more violations have occurred, or when an inactive, lapsed, invalid, or misleading license number has been used; and

(6) \$500 per offense for failure to respond to the agency’s request for the list of subcontractors required in ORS 701.345; and

(7) \$1,000 per offense for hiring a unlicensed subcontractor; and

(8) For failing to provide an “Information Notice to Owners about Construction Liens” as provided in ORS 87.093, when no lien has been filed, \$200 for the first offense, \$400 for the second offense, \$600 for the third offense, \$1,000 for each subsequent offense. Any time a lien has been filed upon the improvement, \$1,000.

(9) Failure to include license number in advertising or on contracts, in violation of OAR 812-003-0120: First offense \$100, second offense \$200, subsequent offenses \$400.

(10) Failure to list with the Construction Contractors Board a business name under which business as a contractor is conducted in violation of OAR 812-003-0260: First offense \$50, second offense \$100, subsequent offenses \$200.

(11) Failure to notify the Construction Contractors Board of a new or additional business name or personal surname (for sole proprietors) under which business as a contractor is conducted, in violation of OAR 812-003-0320: First offense warning, second offense \$50, subsequent offenses \$200.

(12) Failing to use a written contract as required by ORS 701.305: \$500 for the first offense; \$1,000 for the second offense; and \$5,000 for subsequent offenses.

(13) Violation of OAR 812-012-0130(1), failure to provide a Consumer Notification form; \$100 first offense; \$500 second offense; \$1,000 third offense; and \$5,000 for subsequent offenses. Civil penalties shall not be reduced unless the agency determines from clear and convincing evidence that compelling circumstances require a suspension of a portion of the penalty in the interest of justice. In no event shall a civil penalty for this offense be reduced below \$100.

(14) Failure to conform to information provided on the application in violation of ORS 701.046(4), issuance of a \$5,000 civil penalty, and suspension of the license until the contractor provides the agency with proof of conformance with the application and the terms of the application.

(a) If the violator is a limited contractor or residential limited contractor working in violation of the conditions established pursuant to OAR 812-003-0130 or 812-003-0131, the licensee shall be permanently barred from licensure in the limited contractor category or residential limited contractor endorsement.

(b) If the violator is a licensed developer, residential developer or commercial developer working in violation of the conditions established pursuant to ORS 701.005(3), (6) or (13) or 701.042, the licensee shall be permanently barred from licensure in the licensed developer category or residential developer or commercial developer endorsement.

(15) Knowingly assisting an unlicensed contractor to act in violation of ORS chapter 701, \$1,000.

(16) Failure to comply with any part of ORS chapters 316, 656, or 657, 701.035, 701.046 or 701.091, as authorized by ORS 701.106, \$1,000 and suspension of the license until the contractor provides the agency with proof of compliance with the statute.

(17) Violating an order to stop work as authorized by ORS 701.225(3), \$1,000 per day.

(18) Working without a construction permit in violation of ORS 701.098, \$1,000 for the first offense; \$2,000 and suspension of CCB license for three (3) months for the second offense; \$5,000 and permanent revocation of CCB license for the third and subsequent offenses.

(19) Failure to comply with an investigatory order issued by the Board, \$500 and suspension of the license until the contractor complies with the order.

(20) Violation of ORS 701.098(1)(k) by engaging in conduct as a contractor that is dishonest or fraudulent and injurious to the welfare of the public: first offense, \$1,000, suspension of the license or both; second and subsequent offenses, \$5,000, per violation, revocation or suspension of the license until the fraudulent conduct is mitigated in a manner satisfactory to the agency or both.

(21) Engaging in conduct as a contractor that is dishonest or fraudulent and injurious to the welfare of the public by:

(a) Not paying prevailing wage on a public works job; or

(b) Violating the federal Davis-Bacon Act; or

(c) Failing to pay minimum wages or overtime wages as required under state and federal law; or

(d) Failing to comply with the payroll certification requirements of ORS 279C.845; or

(e) Failing to comply with the posting requirements of ORS 279C.840:

\$1,000 and suspension of the license until the money required as wages for employees is paid in full and the contractor is in compliance with the appropriate state and federal laws.

(22) Violation of ORS 701.098(1)(k) by engaging in conduct as a contractor that is dishonest or fraudulent and injurious to the welfare of the public, as described in subparagraphs (19) or (20), where more than two violations have occurred: \$5,000 and revocation of the license.

(23) When, as set forth in ORS 701.098(1)(g), the number of licensed contractors working together on the same task on the same job site, where one of the contractors is licensed exempt under ORS 701.035(2)(b), exceeded two sole proprietors, one partnership, or one limited liability company, penalties shall be imposed on each of the persons to whom the contract is awarded and each of the persons who award the contract, as follows: \$1,000 for the first offense, \$2,000 for the second offense, six month suspension of the license for the third offense, and three-year revocation of license for a fourth offense.

(24) Performing home inspections without being an Oregon certified home inspector in violation of OAR 812-008-0030(1): \$5,000.

(25) Using the title Oregon certified home inspector in advertising, bidding or otherwise holding out as a home inspector in violation of OAR 812-008-0030(3): \$5,000.

(26) Failure to conform to the Standards of Practice in violation of OAR 812-008-0202 through 812-008-0214: \$750 per offense.

(27) Failure to conform to the Standards of Behavior in OAR 812-008-0201(2)-(8): \$750 per offense.

(28) Offering to undertake, bidding to undertake or undertaking repairs on a structure inspected by an owner or employee of the business entity within 12 months following the inspection in violation of ORS 701.355: \$5,000 per offense.

(29) Failure to include certification number in all written reports, bids, contracts, and an individual's business cards in violation of OAR 812-008-0201(4): \$400 per offense.

(30) Violation of work practice standards for lead-based paint (LBP) activity pursuant to OAR 812-007-0140 or 812-007-0240 first offense, \$1,000; second offense, \$3,000; and third offense, \$5,000 plus suspension of license for up to one year. The civil penalty is payable to the Construction Contractors Board LBP Activities Fund as provided in ORS 701.995 and OAR 812-007-0025.

(31) Violation of work practice standards for LBP renovation pursuant to OAR 812-007-0340 or violation of recordkeeping and reporting requirements pursuant to OAR 333-070-0110: first offense, \$1,000; second offense, \$3,000; and third offense, \$5,000 and suspension of the certified LBP renovation contractor license for up to one year. The civil penalty is payable to the Construction Contractors Board LBP Activities Fund as provided in ORS 701.995 and OAR 812-007-0025.

(32) Violation of OAR 812-007-0100, 812-007-0200 or 812-007-0300: first offense, \$1,000; second offense, \$3,000; and third offense, \$5,000. The civil penalty is payable to the Construction Contractors Board Lead-Based Paint (LBP) Activities Fund as provided in ORS 701.995 and OAR 812-007-0025.

(33) Violation of ORS 279C.590:

(a) Imposition of a civil penalty on the contractor of up to ten percent of the amount of the subcontract bid submitted by the complaining subcontractor to the contractor or \$15,000, whichever is less; and

(b) Imposition of a civil penalty on the contractor of up to \$1,000; and

(c) Placement of the contractor on a list of contractors not eligible to bid on public contracts established to ORS 701.227(4), for a period of up to six months for a second offense if the offense occurs within three years of the first offense.

(d) Placement of the contractor on a list of contractors not eligible to bid on public contracts established to ORS 701.227(4), for a period of up to one year for a third or subsequent offense if the offense occurs within three years of the first offense.

(34) Violation of ORS 701.315, inclusion of provisions in a contract that preclude a homeowner from filing a breach of contract complaint with the Board: \$1,000 for the first offense, \$2,000 for the second offense, and \$5,000 for the third and subsequent offenses.

(35) Violation of ORS 701.345, failure to maintain the list of subcontractors: \$1,000 for the first offense; \$2,000 for the second offense, and \$5,000 for the third and subsequent offenses.

(36) Violation of 701.098(1)(e), knowingly providing false information to the Board: \$1,000 and suspension of the license for up to three months for the first offense; \$2,000 and suspension of the license for up to one year for the second offense; and \$5,000 and permanent revocation of license for the third offense.

(37) Failing to provide a written contract with the contractual terms provided by ORS 701.305 or OAR 812-012-0110: \$200 for the first offense; \$500 for the second offense; and \$1,000 for subsequent offenses.

(38) Working while the license is suspended if the licensee was required to provide an increased bond under ORS 701.068(5), 701.068(6), or OAR 812-003-0175: revocation.

(39) Working while the license is suspended for any violation of ORS 701.098(4)(a)(A) or ORS 701.098(4)(a)(B): \$5,000 for first offense, and revocation for second or subsequent offense.

(40) Working while the license is suspended for any reason except as otherwise provided for by this rule: revocation.

(41) Failure to comply with ORS 701.106(1)(a); \$1,000 for the first offense, \$5,000 for the second offense; \$5,000 and permanent revocation of CCB license for the third offense.

(42) Failure to deliver as required by ORS 701.109(2) a copy of a final judgment; \$200 first offense, \$400 second offense; \$600 for the third offense; \$1,000 for each subsequent offense.

(43) Failure to maintain insurance as required under ORS 701.073 or to provide proof of insurance as required under OAR 812-003-0200, where there is no claim of loss submitted to the insurance company: first offense, \$500; second offense, \$1,000; third and subsequent offenses, \$5,000.

(44) Failure to maintain insurance as required under ORS 701.073 or to provide proof of insurance as required under OAR 812-003-0200, where there is a claim of loss submitted to the insurance company: first offense, \$2,000; second and subsequent offenses, \$5,000.

(45) Undertaking, offering to undertake, or submitting a bid to work as a locksmith when an individual is not certified as a locksmith or otherwise exempt under ORS 701.490: first offense, \$1,000; second offense, \$3,000; third offense, \$5,000.

(46) Undertaking, offering to undertake, or submitting a bid to provide locksmith services when a business is not a licensed construction contractor or otherwise exempt under ORS 701.490: first offense, \$1,000; second offense, \$3,000; third offense, \$5,000.

(47) Using the title of locksmith, locksmith professional, commercial locksmith, lock installer or any title using a form of the word "locksmith" that indicates or tends to indicate that the individual is a locksmith, unless an individual is certified as a locksmith or otherwise exempt under ORS 701.490: first offense, \$1,000; second offense, \$3,000; third offense, \$5,000.

(48) Using the title of locksmith, locksmith professional, commercial locksmith, lock installer or any title using a form of the word "locksmith" that indicates or tends to indicate that the business providing locksmith services, unless a business (a) is a licensed construction contractor and (b) is

owned by or employs a certified locksmith or is otherwise exempt under ORS 701.490: first offense, \$1,000; second offense, \$3,000; third offense, \$5,000.

(49) Violating any applicable provision of the rules in division 30, including violating any standard of professional conduct other than OAR 812-030-0300(4): first offense, \$1,000; second offense, \$3,000; third offense, \$5,000 and revocation of the certificate.

(50) Violating OAR 812-030-0300(4): first offense, \$200; second offense, \$500; third offense, \$1,000.

Stat. Auth.: ORS 183.310 to 183.500, 670.310, 701.235, 701.515, 701.992 & 701.995

Stats. Implemented: ORS 87.093, 279C.590, 701.005, 701.026, 701.042, 701.046, 701.073, 701.091, 701.098, 701.106, 701.109, 701.227, 701.305, 701.315, 701.330, 701.345, 701.480, 701.485, 701.510, 701.515, 701.992 & 701.995

(4/82, 10/82, 1/83, 3/83, 10/83, 3/84, 5/84, 3/85, 4/85, 1/87, 3/87, 1/88, 2/88, 6/88, 1/89, 11/89, 2/90, 3/90, 4/90, 5/90, 6/90, 7/90, 10/90, 11/90, 3/91, 9/91, 1/92, 2/92, 4/92, 6/92, 5/93, 12/93, 1/95, 9/95, 10/95, 8/96, 10/98), temp. 11/99, 5/00, 6/00, temp. 11/00, 4/01, 12/01, temp. 3/02, 3/02, 6/02, 9/02, 12/03, 6/04, 12/04, 12/05, 1/06, 6/06, 12/06, 6/07, 2/08, 6/08, 9/08, 11/08, 1/09 (eff. 2/1/09), 5/09, 2/10, 4/10, temp. 7/10, 2/11 eff. 3/1/11)

812-006-0150

Training Requirements

- (1) The training required in ORS 701.122 shall cover the subjects listed in OAR 812-006-0250.
 - (2) Training shall consist of **at least** 16 hours.
 - (3) Training must be provided by a provider approved by the agency as provided in OAR 812-006-0200.
 - (4) A person seeking to take the training shall:
 - (a) Pay any fees required by the training provider; and
 - (b) Provide approved government-issued picture identification to the training provider.
- Stat. Auth.: ORS 670.310, 701.122 & 701.235
Stats. Implemented: ORS 701.122
(9/06, 6/08, 2/11 eff. 3/1/11)

812-006-0250

Training Subjects

- (1) The agency may evaluate and approve training based on written evaluation criteria approved by the Training and Education Committee and made available to providers. The agency may revoke a provider's right to offer training if a provider's training does not meet the approved criteria.
- (2) The hours of training required under OAR 812-006-0150 shall consist of the following topics:
 - (a) Construction Contractors Board:
 - (A) Role and authority, licensing requirements, application procedures and major divisions and functions;
 - (B) Dispute resolution processes;
 - (C) Business entities;
 - (D) Mandatory consumer notices;
 - (E) Rights and responsibilities of consumers and contractors;
 - (F) [~~Address change notification;~~] **Independent contractor requirements;**
 - (G) **Exempt and non-exempt contractors;**
 - (H) **License endorsements and requirements for bonds and insurance;**
 - (I) **Special licenses;**
 - (J) **Written contract requirements;**
 - (K) **Warranty and maintenance schedule requirements;**
 - [~~(G)~~] (L) Enforcement program; and
 - [~~(H)~~] (M)

- (b) Employer requirements and employee's rights:
 - (A) State agencies that regulate workplace issues;
 - (B) Information and resources on employer requirements, employee's rights, workers' compensation insurance, and required workplace postings;
 - (C) Civil rights;
 - (D) Title VII, child labor, and important state and federal wage and hour laws;
 - (E) Current minimum wage rate requirements;
 - (F) Prevailing wage rate law; and
 - (G) Employees and independent contractors.
- (c) Taxes, record keeping and business practices:
 - (A) Required employment forms;
 - (B) Identification numbers;
 - (C) Cost of employees;
 - (D) Importance of good record keeping;
 - (E) Ways to organize records;
 - (F) Required tax forms and reporting times;
 - (G) Professional help;
 - (H) Profit and cash flow; and
 - (I) Requirements for business licenses.
- (d) Building codes:
 - (A) Applicable codes;
 - (B) Building codes books;
 - (C) Code revisions;
 - (D) Specialty licenses and inspections;
 - (E) Required and exempt permit work;
 - (F) Permit applications permit violation penalties;
 - (G) Required inspections;
 - (H) Inspection procedures;
 - (I) Final inspections and occupancy permits; and
 - (J) Red tag/stop work orders.
- (e) Oregon Occupational Safety and Health Division:
 - (A) OR-OSHA regulations, job site inspections and resources;
 - (B) Equipment basics and maintenance;
 - (C) Job site record keeping;
 - (D) General safety practices; and
 - (E) Responsibilities and relationships among contractors and subcontractors on a job site.
- (f) Sound environmental practices and laws:
 - (A) Environmental friendly materials;
 - (B) Good recycling, reduction and reuse methods;
 - (C) Hazardous waste and special waste found in new and old construction;
 - (D) Laws and regulations governing environmental hazards, proper handling and disposal methods of environmental hazards and job site debris;
 - (E) Governmental agencies that regulate environmental conditions at a job site;
 - (F) Environmental violation penalties;
 - (G) Site preparation including construction activities that impact rivers;
 - (H) Soil erosion; and
 - (I) Wetlands, water quality, sewage and underground storage/heating oil tanks.
- (g) Contract law:
 - (A) Clear and concise contracts;
 - (B) Four elements of contract law;
 - (C) Three elements of a construction contract;

- (D) Breach of contract;
- (E) Minor and major breach of contract;
- (F) Written and verbal contracts and change orders;
- (G) Contractor responsibilities for work of self and others;
- (H) Partnering, negotiation, mediation, arbitration and litigation; and
- (I) Buyer's Right to Cancel.
- (h) Oregon construction lien law:
 - (A) Purpose;
 - (B) Required notices;
 - (C) Lien law procedures;
 - (D) Steps and timelines to perfect a lien and foreclose; and
 - (E) Important lien law differences of other states.
- (i) Project management, estimating and scheduling:
 - (A) Importance of project management and consequences for failing to do so;
 - (B) Simple written budgets that include cost, overhead and profit; and
 - (C) Simple project schedules and consequences of improper job scheduling.

(j) Building Exterior Shell Training (BEST):

(A) Need for BEST;

(B) Contractor's responsibility to construct weather-resistant building exterior shell;

(C) Purpose of building exterior shell;

(D) Primary components of building exterior shell;

(E) Basic moisture management concepts;

(F) Exterior wall assemblies; and

(G) Best practices for building exterior shell construction.

Stat. Auth.: ORS 670.310 & 701.235

Stats. Implemented: ORS 701.122

(1/92, 2/92, 4/92, 1/93, 2/93, 4/93, 5/93, 8/93, 12/93, 1/94, 6/94, 7/94, 1/95, 6/95, 10/97, 2/98, 5/00, 6/00, 4/01, 12/01, 3/03, 8/04, 5/06, 9/06, 6/08, 2/11 eff. 3/1/11)

(Amended and renumbered from 812-006-0050, 9/06)

812-007-0323

License Surrender

A certified LBP renovation contractor may request that the board accept the surrender of its license.

(1) The license remains in effect until the board accepts the surrender.

(2) If the board accepts the surrender, the board will notify the licensee of the date the license terminates.

(3) The board will not accept the surrender if an investigation of or disciplinary action against the licensee is pending.

(4) The licensee must cease renovating target housing or child-occupied facilities from the date the license terminates through the remainder of the license period.

(5) The board will not reinstate the surrendered license.

Stat. Auth.: ORS 670.310, 701.235 & 701.515

Stats. Implemented: ORS 701.510 & 701.515

(temp. 12/22/10, 2/11 eff. 3/1/11)

812-008-0070

Requirements for Renewal of Certification

(1) An Oregon certified home inspector shall submit the following to the agency for renewal of certification:

- (a) A properly completed renewal application on an agency form; and

(b) The renewal fee as required under OAR 812-008-0110; and

(c) Copies of completion certificates **or other proof of completion** listing no less than 30 continuing education units (CEUs) completed by the Oregon certified home inspector during the two years immediately preceding the expiration date of the certification for which renewal is sought.

(2) If, during the two years immediately preceding the expiration date of the certification, an Oregon certified home inspector served on active duty in the United States armed forces, including but not limited to mobilization or deployment, the continuing education requirement is waived for that two-year period.

Stat. Auth.: ORS 670.310, 701.235 & 701.350

Stats. Implemented: ORS 701.350 & 701.355

(6/99, 9/01, 3/03, 12/04, 1/06, 12/07, 11/09 (eff. 1/1/10), 2/11 eff. 3/1/11)

812-008-0072

Approved Continuing Education Units

The following continuing education units (CEUs) are approved:

(1) One CEU for each completed clock hour of instruction of approved subject matter in OAR 812-008-0074(1) given by the following:

(a) Education providers approved under OAR 812-008-0074[~~(2)~~] **(3)**.

(b) Accredited colleges or universities.

(c) Federal, state or local government agencies.

(d) Education providers approved or accredited by federal, state or local government agencies.

(2) One CEU for accompanying a plumbing, electrical, or heating and air conditioning contractor who is licensed with the Building Codes Division, on a repair or maintenance job that lasts a minimum of four hours. No more than one CEU shall be granted in each of the three areas per two-year renewal period for a total of three CEUs.

(3) One CEU for each year completed for serving as an officer of an Oregon or national home inspector professional trade association.

(4) One CEU for each Home Inspector Advisory Committee meeting attended as a Construction Contractors Board Home Inspector Advisory Committee member.

Stat. Auth.: ORS 670.310, 701.235 & 701.350

Stats. Implemented: ORS 701.350 & 701.355

(6/99, 9/99, 2/00, 8/00, 11/02, 6/03, 1/06, 12/06, 2/11 eff. 3/1/11)

812-008-0074

Approved Course Subjects and Education Providers

(1) The following subject areas are approved for continuing education units: Report writing, communication skills, business practices, legal issues, ethics, home inspector study guide items, building codes, construction, renovation, **lead-based paint** and home inspector standards of practice.

(2) If applicable, a foreign company applying to be an education provider must be authorized by the Oregon Corporation Division to do business in Oregon. All education provider applicants must register their assumed business name(s) used in Oregon with the Oregon Corporation Division.

(3) Education provider applicants shall complete an application form prescribed by the agency that shall include but is not limited to the following information:

(a) Evidence that the education provider applicant complies with section (2) of this rule.

(b) An outline that demonstrates the goals and objectives of the education program are appropriate for Oregon Home Inspectors;

(c) Certification that the courses intended for Oregon Home Inspectors are in the approved subject matter stated in OAR 812-008-0074(1).

(d) Certification that the instructors are qualified and have:

(A) Experience in subject matter.

(B) Licenses, certificates, and/or degrees in subject matter.

(C) Background in training or adult education; and

(D) Knowledge of home inspection industry.

(e) Certification that the criteria used by the education provider to approve and evaluate instructors and courses are stringent and ongoing.

(4) Education providers offering continuing education units as defined in 812-008-0072(1)(a) shall provide completion certificates to course attendees within 30 days from the date of course completion. Course completion certificates shall include but are not limited to the following:

(a) Education provider's name;

(b) Attendee's name;

(c) Date of course;

(d) Subject areas covered in course;

(e) Number of clock hours or continuing education units; and

(f) Signature of education program designee.

~~[(5) Education providers' programs approved by the agency shall be granted retroactive credit for certified home inspectors for two years.]~~

~~[(6)]~~ (5) The agency may terminate a provider's program if they do not meet the agency's approved criteria.

Stat. Auth.: ORS 670.310, 701.235 & 701.350

Stats. Implemented: ORS 701.350 & 701.355

(9/99, 6/03, 5/06, 12/06, 8/10 eff. 9/1/10, 12/10 eff. 1/1/11, 2/11 eff. 3/1/11)