

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 April 28, 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 June 1, 2009 Rulemaking Notice was published in the April 2009 Oregon Bulletin.**
(Date upon filing or later) (Month and Year)

RULE CAPTION

Adopts revised form and definitions, clarifies language, corrects cites, and revises wording for clarity and consistency.

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:

812-001-0200 812-002-0420 812-003-0120 812-003-0330 812-006-0300 812-006-0400

REPEAL:

Effective 6/1/09 repeal temporary rule 812-001-0200 filed 2/09.

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 87.093, 670.310, 701.122, 701.235, 701.325, 701.330 & 701.530

Stat. Auth.

Other Authority

ORS 87.093, 701.005, 701.010, 701.026, 701.056, 701.063, 701.122, 701.131, 701.225, 701.235, 701.325, 701.330 & 701.530

Stats. Implemented

RULE SUMMARY

- 812-001-0200 is amended to adopt the notice entitled "Consumer Protection Notice" to include information for consumers on the warranty offer for new residential construction.
- 812-002-0420 is amended to correct and update cite references.
- 812-003-0120 is amended to delete language that is no longer necessary and to clarify that advertising via audio-only media, such as radio commercials, must include an audible statement of the contractor's license number. Advertising via video or video-audio combined media, such as television commercials, must show the contractor's license number.
- 812-003-0330 is amended, based on advice from counsel, to clarify that a contractor may not place a license into an inactive status that has been expired for over one year. A contractor must be eligible for renewal in order to be eligible for the inactive status.
- 812-006-0300 is amended to use the proper term "translator" rather than "interpreter".
- 812-006-0400 is amended to create a consistent training and testing period.

Authorized Signer

Catherine Dixon
Printed Name

May 6, 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.

812-001-0200

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 December 20, 2007. 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 [~~December 20, 2007~~] **February 20, 2009**.

(3) In order to comply with the requirement to adopt a "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.

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

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

Stats. Implemented: ORS 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, 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)

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

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);~~ ~~OAR 812-006-0020(2)(b);~~ and ~~OAR 812-020-0085~~] **ORS 701.131(2)(b), ORS 701.225(6)(b) and OAR chapter 812** 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, 5/09)

812-003-0120

License Required to Advertise

(1) No person shall advertise or otherwise hold out to the public that person's services as a contractor unless that person holds a current, valid license, nor shall any person claim by advertising or by any other means to be licensed, bonded, or insured unless that person holds a current, valid license.

(2) License number in advertising and contracts:

(a) All newsprint classified advertising and newsprint display advertising for work subject to ORS chapter 701 prepared by a contractor or at the contractor's request or direction, shall show the contractor's license number.

(b) All written bids, written inspection reports and building contracts subject to ORS chapter 701 shall show the contractor's license number.

(c) All telephone directory space ads and display ads shall show the contractor's license number.

(d) Except as set forth in subsection (2)(e) of this rule all business cards, business letterhead, business signs at construction sites, all advertising, shall show the contractor's license number. [~~This rule is effective upon filing for all contractors filing for new license, and is effective for all existing contractors when they purchase new business cards, business letterhead, and business signs for construction sites, or January 1, 1998, whichever date occurs sooner.~~]

(e) Subsection (2)(d) of this rule does not apply to a company whose primary business is other than construction and has a Standard Industrial Classification (SIC) code from other than Major Groups 15, 16, and 17.

(f) All advertisements by audio-only media, such as radio commercials, must contain an audible statement of the contractor's license number.

(g) All advertisements by video media or video and audio combined media, such as television commercials, must show visually the contractor's license number.

(h) All advertising by internet media, including but not limited to, website advertising must show visually the contractor's license number.

Stat. Auth.: ORS 670.310 & 701.235

Stats. Implemented: ORS 701.010 & 701.026

(12/04, 6/08, 5/09)

812-003-0330

Inactive Status Generally

(1) A licensee may not convert a license to an inactive status if the licensee is engaged in work as a contractor.

(2) A licensee may not offer to undertake work, advertise work as a contractor, submit a bid for construction work, obtain a building permit or perform construction work while in an inactive status.

(3) A licensee shall notify the agency of any change of address while in an inactive status. During the period when the status of a license is inactive, the agency shall send notices and any other communications to the licensee at the last known address of record of the licensee.

(4) To convert to an inactive status **a license must have:**

(a) [~~A licensee must have a current~~] **A current** active license [~~or a license that lapsed no more than two years prior to the application for inactive status~~];

(b) A current suspended license; or

(c) A license that has expired no more than one year.

[~~(b)~~] **(5)** If the licensee was subject to discipline by the agency, the licensee must satisfy any conditions imposed by the agency as a result of the discipline **in order to be eligible for the inactive status.**[~~;~~]

[~~(c)~~] **(6)** The licensee must submit a request to convert to inactive status on forms provided by the agency; and

[~~(d)~~] **(7)** The licensee must comply with OAR 812-003-0340, 812-003-0350, and 812-003-0360.

Stat. Auth.: ORS 670.310 & 701.235

Stats. Implemented: ORS 701.056 & 701.063

(12/04, 6/08, 5/09)

812-006-0300

Testing Requirements

(1) The test required in ORS 701.122 shall cover the subjects listed in OAR 812-006-0250.

(2) A person seeking to take the test shall:

(a) Pay any fees required by the test administrator;

(b) Provide approved government-issued picture identification to the test administrator;

(c) Pay for the authorized [~~interpreter~~] **translator** needed to take the test; and

(d) Complete the test within a time limit approved by the agency.

(3) A person taking the test shall be allowed to use an Oregon Contractor's Reference Manual and one language translation book during the test.

(4) A person taking the test shall not:

(a) Retake the same version of the test on consecutive attempts.

(b) Be accompanied by anyone while taking the test, except [~~a state-certified interpreter~~] **an authorized translator.**

- (5) After the test is completed, a person shall not review the test questions or answers.
- (6) There are no reciprocal agreements with other states or organizations that test contractors.
- Stat. Auth.: ORS 670.310 & 701.235
Stats. Implemented: ORS 701.122
(5/00, 12/01, 3/03, 8/03, 12/05, 9/06, 3/07, 6/08, 5/09)
(Amended and renumbered from 812-006-0012, 9/06)

812-006-0400

Training and Testing Period

(1) ~~[For training and testing completed on or after October 1, 2006,]~~ The training and testing required under ORS 701.122 (1) and (3) shall be valid for 24 months from the date the training was completed. Training and testing that is past the 24-month period from the date of the completed training will not be considered for the purposes of fulfilling the requirements set forth in ORS 701.091.

(2) ~~[In lieu of complying with section (1) of this rule,]~~ An RMI may satisfy the requirements of ORS 701.091 provided that the RMI:

- (a) Has completed the training and passed the test;
- (b) Has been the RMI of a licensee within two years of the date of application by the new applicant;
and
- (c) The license of the licensee that was previously owned by or that previously employed the RMI has not lapsed or, if lapsed, has lapsed for not more than 24 months.

(3) Sections (1) and (2) of this rule do not apply to an RMI that meets the experience requirements under 812-006-0450.

Stat. Auth.: ORS 670.310, 701.122 & 701.235
Stats. Implemented: ORS 701.122
(9/06, temp. 11/06, 3/07, 6/08, 5/09)