

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 June 23, 2009 by the
(Date prior to or same as filing date.)

<u>Construction Contractors Board</u> (Agency and Division)	<u>OAR 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 July 1, 2009 Rulemaking Notice was published in the April and June 2009 Oregon Bulletin.**
(Date upon filing or later) (Month and Year)

RULE CAPTION

Adoption of Continuing Education Rules for Construction Contractors with Residential 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.

812-020-0071	812-021-0010	812-021-0019	812-021-0028	812-021-0032	812-021-0035	812-021-0042
812-021-0000	812-021-0011	812-021-0023	812-021-0030	812-021-0033	812-021-0037	812-021-0045
812-021-0005	812-021-0015	812-021-0025	812-021-0031	812-021-0034	812-021-0040	812-021-0047

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, 701.126 & 701.235
Stat. Auth.

Oregon Laws 2007, chapter 648 (HB 2654)
Other Authority

ORS 701.063, 701.124, & 701.126
Stats. Implemented

RULE SUMMARY

- OAR 812-020-0071 is adopted to allow continuing education hours earned as a residential contractor to apply toward commercial continuing education credits.

The following rules apply to residential contractors:

- 812-021-0000 is adopted to set forth the authority for continuing education program under ORS 701.126.
- 812-021-0005 is adopted to define terms used in the rules implementing 701.126.
- 812-021-0010 is adopted to establish the date on which the rules will first be applied to renewing contractors.
- 812-021-0011 is adopted to exempt residential developers from continuing education requirements; however, licensed contractors that perform the construction must satisfy the continuing education requirements.
- 812-021-0015 is adopted to set the minimum continuing education requirements for residential contractors.
- 812-021-0019 is adopted to set the requirements for elective hours, describes the courses and activities that qualify.
- 812-021-0023 is adopted to allow contractors to carry forward eight hours of continuing education earned in excess of those requirements during the two-year period.

- 812-021-0025 is adopted to set the continuing education provider approval, standards, fees and renewal for core for continuing education for residential contractors.
- 812-021-0028 is adopted to outline the standards by which the agency may consider courses for approval, fees, and renewals for residential contractors.
- 812-021-0030 is adopted establish that CCB and approved providers will provide the three-hour BEST training for residential contractors.
- 812-021-0031 is adopted to set core hours on building codes and "green" or sustainable building practices.
- 812-021-0032 is adopted to set core hours on agency law, rules, and business practices provided exclusively provided by the CCB.
- 812-021-0033 is adopted to establish that continuing education providers must notify CCB when a contractor completes a core course. Notification will be by electronic transmission to agency.
- 812-021-0034 is adopted to allow the agency to use "My License" system or similar portal to allow contractors to self-track their elective hours. Contractors will certify, upon renewal, that they have completed all the elective hours required.
- 812-021-0035 is adopted establish that CCB will track each contractor's completion of core and elective courses and notify the contractor before renewal whether they need additional hours to renew their license.
- 812-021-0037 is adopted to outline the requirements for contractors to retain proof of completion of continuing education. Permits agency to review the records. Authorizes the agency to suspend or refuse to renew license for failing to provide proof of continuing education. Authorizes the agency to refuse to allow inactive residential contractor to convert to active status for failing to provide proof of continuing education.
- 812-021-0040 is adopted to establish requirements for inactive status during a license period.
- 812-021-0042 is adopted to allow contractors who renew their lapsed license to use continuing education earned during the period when the license was lapsed.
- 812-021-0045 is adopted to set requirements for claiming continuing education credits.
- 812-021-0047 is adopted to establish requirements for continuing education for personnel who work for more than one residential contractor.

Authorized Signer

Catherine Dixon
Printed Name

June 25, 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.

812-020-0071

Hours Earned as Residential Contractor – Continuing Education for Commercial Contractors

A commercial contractor also endorsed as a residential contractor may take credit for continuing education earned under ORS 701.126 and OAR Division 21.

Stat. Auth.: ORS 670.310, 701.126 & 701.235

Stats. Implemented: ORS 701.126

(6/09)

DIVISION 21

**CONTINUING EDUCATION FOR
RESIDENTIAL CONTRACTORS**

812-021-0000

Authority, Purpose, Scope – Continuing Education for Residential Contractors

(1) Authority. These rules are promulgated in accordance with ORS 701.126, which requires CCB to establish a continuing education system for contractors, other than licensed developers.

(2) Purpose. The purpose of these rules is to create a continuing education system, including training in:

(a) Construction means and methods;

(b) Compliance with the state building code;

(c) Business practices; and

(d) Other topics as determined by the Board.

(3) Scope.

(a) These rules establish the content and hours required for continuing education.

(b) These rules establish procedures for recordkeeping, for verifying continuing education hours and for sanctions for failing to comply.

(c) These rules establish procedures for provider and course approval.

(d) These rules establish fees for provider and course approvals and for training offered by the agency.

Stat. Auth.: ORS 670.310, 701.126 & 701.235

Stats. Implemented: ORS 701.126

(6/09)

812-021-0005

Definitions – Continuing Education for Residential Contractors

The following definitions apply to OAR 812-021-0000 to 812-021-0047:

(1) “BEST” means Building Exterior Shell Training.

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

(3) “Employee” means any individual employed by a contractor. “Employee” does not include a subcontractor, which is an independent contractor.

(4) “‘Green’ or sustainable building practices” means the practice of increasing the efficiency with which buildings use resources such as energy, water, and materials, while reducing building impacts on human health or the environment.

(5) “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.

(6) “Officer” means an individual person as defined in OAR 812-002-0533.

(7) “Owner” means an individual person as defined in OAR 812-002-0537.

(8) “Residential contractor” means a licensed contractor as defined in ORS 701.005(12).

(9) “Responsible managing individual (RMI)” means an individual person as defined in ORS 701.005(15).

Stat. Auth.: ORS 670.310, 701.126 & 701.235

Stats. Implemented: ORS 701.126

(6/09)

812-021-0010

Effective Date – Continuing Education for Residential Contractors

OAR 812-021-0000 to 812-021-0047 take effect upon passage, and apply to residential contractors that renew their licenses on or after October 1, 2011.

Stat. Auth.: ORS 670.310, 701.126 & 701.235

Stats. Implemented: ORS 701.126

(6/09)

812-021-0011

Residential Developer Exemption – Continuing Education for Residential Contractors

Residential developers are exempt from the continuing education requirements in OAR 812-021-0000 to 812-021-0047.

Stat. Auth.: ORS 670.310, 701.126 & 701.235

Stats. Implemented: ORS 701.126

(6/09)

812-021-0015

Minimum Continuing Education Requirements – Continuing Education for Residential Contractors

(1) Residential contractors, other than residential limited contractors, shall have an owner, officer, RMI or employee, or a combination of those persons, who complete a minimum of 16 hours of continuing education every license period as described in sections (3) and (4).

(2) Residential limited contractors shall have an owner, officer, RMI or employee, or a combination of those persons, who complete:

(a) A minimum of eight hours of continuing education as described in subsection (3)(a), for license renewals on or after October 1, 2011, and before October 1, 2013;

(b) A minimum of eight hours of continuing education, for license renewals on or after October 1, 2013 as follows:

(A) Five core hours as described in subsection (4)(a); and

(B) Three elective hours as described in OAR 812-021-0019.

(3) For a residential contractor renewing on or after October 1, 2011 and before October 1, 2013 continuing education hours shall consist of the following:

(a) Eight core hours consisting of the following:

(A) Three hours of BEST offered by the agency or an approved provider;

(B) Two hours of education on one or more building codes or on “green” or sustainable building practices offered by an approved provider; and

(C) Three hours of education on laws, regulations, and business practices offered by the agency.

(b) Eight elective hours which may be satisfied by completing additional core hours or by completing other construction related courses or as otherwise set forth in OAR 812-021-0019.

(c) For contractors renewing on or after October 1, 2009, and before October 1, 2011, education completed on or after July 1, 2009, shall be considered education obtained during the license period.

(4) For a residential contractor renewing on or after October 1, 2013, continuing education hours shall consist of the following:

(a) Five core hours consisting of the following:

(A) Two hours of education on one or more building codes or on “green” or sustainable building practices offered by an approved provider; and

(B) Three hours of education on laws, regulations, and business practices offered by the agency.

(b) Eleven elective hours which may be satisfied by completing additional core hours or by completing other construction related courses or as otherwise set forth in OAR 812-021-0019.

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

(6) Credit shall not be given for a person repeating the same continuing education course during a two-year period.

(7) If, during the two years immediately preceding the expiration date of the license, a residential contractor 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. This exemption applies only if the residential contractor is a:

- (a) Sole proprietor without employees;**
- (b) Sole owner of a corporation; or**
- (c) Sole member of a limited liability company.**

Stat. Auth.: ORS 670.310, 701.126 & 701.235

Stats. Implemented: ORS 701.126

(6/09)

812-021-0019

Elective Hours – Continuing Education for Residential Contractors

(1) Elective hours may be earned by attending construction or construction business related 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;**
- (h) Contractor-provided in-house training programs;**
- (i) Non-profit organizations; or**
- (j) Manufacturers or businesses in the construction industry.**

(2) Elective hours may be earned by attending trainings or demonstrations offered by building component manufacturers on product use, capabilities, or installation.

(3) Elective hours may be earned by attending education classes required to maintain another construction industry license, such as a certified home inspector or a registered professional engineer.

(4) Elective hours may be earned by participating as an officer of a construction trade or professional association or as a member of a contractor licensing board. Credit for continuing education earned under this subsection is limited to two (2) hours per license period.

(5) Elective hours may be earned by completing core classes not otherwise completed for core credit.

Stat. Auth.: ORS 670.310, 701.126 & 701.235

Stats. Implemented: ORS 701.126

(6/09)

812-021-0023

Carry Forward of Excess Hours – Continuing Education for Residential Contractors

If a residential contractor exceeds the requirement for continuing education in any license period, the residential contractor may carry forward a maximum of eight education hours into the next license period. The carry-forward hours will be credited as elective hours.

Stat. Auth.: ORS 670.310, 701.126 & 701.235

Stats. Implemented: ORS 701.126

(6/09)

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.

(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)

812-021-0028

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

(1) The agency will approve courses that provide training in BEST, building codes, or “green” or sustainable building practices.

(2) Approved courses may be offered as an individual course or as part of a comprehensive curriculum.

(3) A provider seeking approval of its courses must submit the following:

(a) Course name, course description, objectives of the offered course, and number of hours of continuing education credit;

(b) A written description of the course educator’s credentials;

(c) Copies of the course materials provided to registrants as described in section (4)(b);

(d) Cost of the offered course(s) to registrant;

(e) For live classes and classes held in real-time:

(A) Anticipated date, time, place of the course; and

(B) Number of registrants that each course can accommodate;

(f) For self-study courses:

(A) Anticipated date when the course will first be offered;

(B) Description of provider’s procedures to answer student questions; and

(C) The length of time a student has to complete the course and receive credit;

(g) If applicable, proof that the course is currently approved by Oregon Department of Consumer and Business Services, Building Code Division; and

(h) A non-refundable fee of \$50 per credit hour submitted for approval.

(4) To meet minimum standards for course approval, the provider must:

(a) Submit the course syllabus describing the course objectives and content on BEST, building codes, or “green” or sustainable building practices, as appropriate;

(b) Have written materials for each registrant of sufficient explanation and quality to provide information about the subject of BEST, building codes, or “green” or sustainable building practices, as appropriate; and

(c) Have no attendance restrictions except for payment of money or membership in the provider organization.

(5) Providers seeking to offer BEST must offer training substantially equivalent to criteria established by the agency.

(6) A course covering building codes must have current approval by the Oregon Department of Business and Consumer Services, Building Code Division before the agency will approve the course.

(7) Course approval will be valid for two (2) years from the date the course is approved by the agency.

(8) Providers must re-submit application and fees under this section 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)

812-021-0030

Core Hours: BEST – Continuing Education for Residential Contractors

(1) The agency and providers approved by the agency as BEST providers may offer BEST.

(2) The agency may charge contractors for BEST.

(3) Approved providers may charge contractors for BEST in an amount determined by the provider.

Stat. Auth.: ORS 670.310, 701.126 & 701.235

Stats. Implemented: ORS 701.126

(6/09)

812-021-0031

Core Hours: Building Codes and “Green” or Sustainable Building Practices – Continuing Education for Residential Contractors

(1) Any provider approved by the agency in building codes or in “green” or sustainable building practices may offer training in their approved subject area.

(2) Approved providers may charge contractors for building code or “green” or sustainable building practice training in an amount determined by the provider.

Stat. Auth.: ORS 670.310, 701.126 & 701.235

Stats. Implemented: ORS 701.126

(6/09)

812-021-0032

Core Hours: Agency Law, Rules, and Business Practices – Continuing Education for Residential Contractors

(1) The agency will make available to all contractors education on agency laws, regulations, and business practices.

(2) The agency may charge contractors for the law, regulation training, and business practices.

Stat. Auth.: ORS 670.310, 701.126 & 701.235

Stats. Implemented: ORS 701.126

(6/09)

812-021-0033

Notification of Completion of Core Hours – Continuing Education for Residential Contractors

Provider will transmit data, as directed by the agency, notifying the agency when a contractor completes an approved course.

Stat. Auth.: ORS 670.310, 701.126 & 701.235

Stats. Implemented: ORS 701.126

(6/09)

812-021-0034

Notification of Completion of Elective Hours – Continuing Education for Residential Contractors

(1) Contractors may provide data, as directed by the agency, notifying the agency when a contractor has taken an elective course.

(2) Contractors will certify completion of elective hours upon renewal.

Stat. Auth.: ORS 670.310, 701.126 & 701.235

Stats. Implemented: ORS 701.126

(6/09)

812-021-0035

Agency Tracking of Hours – Continuing Education for Residential Contractors

(1) The agency will track completion of core hours.

(2) The agency may notify contractors, in advance of their renewal dates, of the number and type of core hours left to be completed before renewal.

(3) The agency will notify contractors, in advance of their renewal dates, of the reported elective hours and the number left to be completed before renewal.

Stat. Auth.: ORS 670.310, 701.126 & 701.235

Stats. Implemented: ORS 701.126

(6/09)

812-021-0037

Certification, Recordkeeping, and Review – Continuing Education for Residential Contractors

(1) Contractors shall maintain records of continuing education courses completed for a period of:

(a) 24 months after the renewal date for which the education was reported; or

(b) For a lapsed license, a period of 24 months after the date the license ceased to be lapsed.

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

(3) If a contractor cannot prove that it completed the continuing education, the agency may suspend or refuse to renew the license until the contractor proves compliance or completes the missing courses.

(4) If an inactive contractor as described in OAR 812-021-0040(1) cannot prove that it completed the continuing education, the agency may refuse to convert the license to active status until the contractor proves compliance or completes the missing courses.

Stat. Auth.: ORS 670.310, 701.126 & 701.235

Stats. Implemented: ORS 701.126

(6/09)

812-021-0040

Inactive Status During the License Period – Continuing Education for Residential Contractors

(1) If a contractor is inactive for less than a year and seeks to renew in an active status, the contractor must complete the total continuing education hours required in OAR 812-021-0015 in order to renew.

(2) If a contractor is inactive for one year or more during the license period and seeks to renew in an active status, the contractor is not required to complete the continuing education hours as required in OAR 812-021-0015 in order to renew.

(3) If a contractor is inactive for any period of time and seeks to renew in an inactive status, the contractor is not required to complete the continuing education hours required in OAR 812-021-0015 in order to renew.

Stat. Auth.: ORS 670.310, 701.126 & 701.235

Stats. Implemented: ORS 701.126

(6/09)

812-021-0042

Lapse in License – Continuing Education for Residential Contractors

If a license lapses and the contractor applies for renewal as provided in ORS 701.063(4) and OAR 812-003-0300, the contractor must satisfy the continuing education requirement in OAR 812-021-0015. The contractor may satisfy the requirement by continuing education completed during the lapse period.

Stat. Auth.: ORS 670.310, 701.126 & 701.235

Stats. Implemented: ORS 701.126

(6/09)

812-021-0045

Claiming Continuing Education Credits – Continuing Education for Residential Contractors

(1) A contractor may claim continuing education hours for courses completed during the time an employee is employed by the contractor.

(2) If an employee completed continuing education before being hired by a contractor, the contractor may not claim those hours to satisfy its continuing education requirement.

(3) A contractor may claim continuing education hours for courses completed at the time the owner, officer or RMI is associated with the contractor.

(4) If an owner, officer or RMI completed continuing education before associating with a contractor, the contractor may not claim those hours to satisfy the continuing education requirement.

Stat. Auth.: ORS 670.310, 701.126 & 701.235

Stats. Implemented: ORS 701.126

(6/09)

812-021-0047

Personnel of More than One Contractor– Continuing Education for Residential Contractors

(1) If an employee who completes a continuing education course is employed by more than one contractor at the time the employee completes the course, each employing contractor may claim the continuing education hours.

(2) If an owner, officer or RMI who completes a continuing education course is associated with more than one contractor at the time the owner, officer or RMI completes the course, each affiliated contractor may claim the continuing education hours.

Stat. Auth.: ORS 670.310, 701.126 & 701.235

Stats. Implemented: ORS 701.126

(6/09)