

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 September 27, 2011 by the
(Date prior to or same as filing date.)

Construction Contractors Board OAR 812
(Agency and Division) (Administrative Rules Chapter Number)
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(Rules Coordinator) (Address) (Telephone)

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

RULE CAPTION

Residential Continuing Education (RCE) exemptions, and CCB CORE class requirements, and housekeeping

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:

812-021-0021

AMEND:

812-021-0015

812-021-0025

812-021-0028

812-021-0031

812-021-0035

REPEAL:

812-021-0015T

812-021-0021T

812-021-0028T

RENUMBER:

AMEND & RENUMBER:

Stat. Auth.: ORS 670.310, 701.126, 701.235

Other Auth.:

Stats. Implemented: ORS 701.126

RULE SUMMARY

- 812-021-0015 is amended. The CCB board determined that mandatory core requirements should be limited to (1) BEST, (2) building codes and (3) laws, regulations and business practices. Education on "green" or sustainable building practices should be treated as elective education. However, since some contractors have already completed the requirement in advance of renewing their licenses or obligated themselves to take such education, the board will continue to credit the education towards the mandatory core requirement provided that it is completed on or before September 30, 2011.

This permanent rule also incorporates a (slightly modified) temporary rule, adopted July 1, 2011, to allow for building code courses that were approved by the Building Codes Division or the International Codes Council to qualify for the mandatory building code requirement, if completed by July 1, 2012. Thereafter, only CCB-approved courses will qualify.

The rule also clarifies when contractor renews between October 1, 2011, and October 1, 2013, it may use core education obtained before the previous license period (10/1/2009 – 10/1/2011) provided that the education was obtained no earlier than July 1, 2009.

- OAR 812-021-0021 is adopted to incorporate a (slightly modified) temporary rule adopted July 1, 2011, that exempts from BEST and building codes those contractors that are licensed plumbing or electrical contractors and exempts those contractors that have an owner or officer licensed as an architect or a professional engineer, regardless of whether the architect or engineer is acting within the scope of their license. (Those individuals are already exempt from ORS chapter 701 under ORS 701.010(8)(a) and (8)(b)). In addition, the amendment exempts from residential continuing education BEST and building codes for those contractors that do not "touch" a residential structure that is a "dwelling" or "outbuilding." The rule amendment defines the terms "dwelling" and "outbuilding." The rule amendment lists examples of contractors that are exempt, and those that are not. The rule amendment requires that contractors exempt from mandatory BEST and building code hours must complete an equivalent number of elective hours.
- 812-021-0025 is amended because the agency will no longer approve providers to offer education on "green" or sustainable building practices for mandatory core continuing education. However, the rule extends the use of such courses, if offered by an approved provider, so long as the course is completed on or before September 30, 2011.
- 812-021-0028 is amended because the agency will no longer approve providers to offer education on "green" or sustainable building practices for mandatory core continuing education. However, the rule extends the use of such courses, if offered by an approved provider, so long as the course is completed on or before September 30, 2011.
- 812-021-0031 is amended because the agency will no longer approve providers to offer education on "green" or sustainable building practices for mandatory core continuing education. However, the rule extends the use of such courses, if offered by an approved provider, so long as the course is completed on or before September 30, 2011.
- 812-021-0035 is a housekeeping amendment; to make section (3) the same as section (2).

	Catherine Dixon	September 29, 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.

812-021-0015

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~~];

(i) A provider approved by the agency to offer courses in building codes; or

(ii) A provider offering a building codes course completed by the contractor on or before June 30, 2012, and approved by the Oregon Department of Consumer and Business Services, Building Codes Division, or the International Codes Council; and

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

(b) For residential contractors renewing on or after October 1, 2011, and before October 1, 2013, education on “green” or sustainable building practices may satisfy the requirement for education on one or more building codes as required in paragraph (B) of subsection (a) provided that the contractor completes the education on “green” or sustainable building practices on or before September 30, 2011.

~~[(b)]~~ **(c)** 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) If a residential contractor renews its license on or after October 1, 2011, but before October 1, 2013, for that renewal period only, the contractor may include any core hours that it earned between July 1, 2009, and September 30, 2009.

~~[(4)]~~ **(5)** 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~~] a provider **approved by the agency to offer courses in building codes;** 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)]~~ **(6)** Courses shall be a minimum of one clock hour to qualify for one hour of continuing education credit.

~~[(6)]~~ **(7)** Credit shall not be given for a person repeating the same continuing education course during a two-year period.

~~[(7)]~~ **(8)** 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, temp. 7/1/11 eff. 7/1/11, 9/11 eff. 10/1/11)

812-021-0021

Exemptions from Continuing Education

(1) For purposes of this rule, “dwelling” means a shelter in which people live, such as buildings used exclusively for residential occupancy, including single-family, two-family (e.g. duplex) and multi-family (e.g. apartment) buildings.

(2) For purposes of this rule, “outbuilding” means a building accessory to a dwelling that is used by the persons who occupy the dwelling, including detached garages, shops, sheds and barns.

(3) The following persons are exempt from obtaining BEST education as required under OAR 812-021-0015(2) or (3)(a)(A):

(a) Contractors that are licensed as:

(A) Plumbing contractors under ORS 447.010 to 447.156; or

(B) Electrical contractors under ORS 479.630.

(b) Contractors that have an owner or officer who is licensed as:

(A) An architect under ORS 671.010 to 671.220, whether or not operating within the scope of that license; or

(B) A professional engineer under ORS 672.002 to 672.325, whether or not operating within the scope of that license.

(c) Unless provided otherwise, contractors that do not perform work on a residential structure that is a dwelling or an outbuilding, including but not limited to:

(A) Contractors that only perform tree pruning, tree and stump removal, or tree and limb guying;

(B) Contractors that only forge, weld or fabricate ornamental iron, so long as the contractor does not attach or install the ornamental iron in or on a residential structure that is a dwelling or outbuilding;

(d) The following contractors are not exempt under subsection (c) of this section:

(A) Contractors that perform excavation for residential construction;

(B) Contractors that perform grading for residential construction;

(C) Contractors that perform concrete work for residential construction; and

(D) Contractors that perform paving for residential construction.

(4) The following persons are exempt from obtaining education in building codes as required under OAR 812-021-0015(2), (3)(a)(B) or (4)(a)(A):

(a) Contractors that are licensed as:

(A) Plumbing contractors under ORS 447.010 to 447.156; or

(B) Electrical contractors under ORS 479.630.

(b) Contractors that have an owner or officer who is licensed as:

(A) An architect under ORS 671.010 to 671.220, whether or not operating within the scope of that license; or

(B) A professional engineer under ORS 672.002 to 672.325, whether or not operating within the scope of that license.

(c) Unless provided otherwise, contractors that do not perform work on a residential structure that is a dwelling or outbuilding, including but not limited to:

(A) Contractors that only perform tree pruning, tree and stump removal, or tree and limb guying;

(B) Contractors that only forge, weld or fabricate ornamental iron, so long as the contractor does not attach or install the ornamental iron in or on a residential structure that is a dwelling or an outbuilding;

(d) The following contractors are not exempt under subsection (c) of this section:

(A) Contractors that perform excavation for residential construction;

(B) Contractors that perform grading for residential construction;

(C) Contractors that perform concrete work for residential construction; and

(D) Contractors that perform paving for residential construction.

(5) Contractors that are exempt from the continuing education requirements under sections (3) or (4) of this rule must complete additional elective continuing education, as provided in OAR 812-021-0019, in an amount totaling the number of core hours that the contractor would otherwise be required to complete under OAR 812-021-0015 but for the exemption.

Stat. Auth.: ORS 670.310, 701.126 & 701.235

Stats. Implemented: ORS 701.126

(temp. 7/11 eff. 7/1/11, temp. 9/2/11 eff. 9/2/11, 9/11 eff. 10/1/11)

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[~~;~~] **or** 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) Notwithstanding sections (1) through (3) of this rule, a provider offering education on “green” or sustainable building practices that obtained provider approval before January 1, 2011, may continue to offer courses qualifying for mandatory core continuing education until September 30, 2011.

[~~(4)~~] **(5)** 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)~~] **(6)** 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) If applying to offer BEST, 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)]~~ **(7)** Provider approval will be valid for two (2) years from the date the provider is approved by the agency.

~~[(7)]~~ **(8)** Providers must re-submit application and fees required under sections (3) and ~~[(4)]~~ **(5)** 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), 8/10 eff. 9/1/10, 9/11 eff. 10/1/11)

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[,] **or** 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; **and**

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

~~[(h)]~~ **(g)** 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[;] **or** building codes, ~~[or “green” or sustainable building practices;]~~ as appropriate;

(b) Submit a comprehensive course outline on BEST or building codes, as appropriate;

~~[(b)]~~ **(c)** Have ~~[written]~~ materials for each registrant;

(A) Of sufficient explanation and quality to provide information about the subject of BEST[;] **or** building codes, ~~[or “green” or sustainable building practices;]~~ as appropriate; ~~[and]~~

(B) A course syllabus; and

(C) A statement that the provider is responsible for the content of the course.

~~[(e)]~~ **(d)** Have no attendance restrictions except for payment of money or membership in the provider organization.

(5) Notwithstanding sections (1) through (4) of this rule, a course on “green” or sustainable building practices that obtained approval before January 1, 2011, may continue to qualify for mandatory core continuing education if completed on or before September 30, 2011.

~~[(5)]~~ **(6)** 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) **Except as provided in section (5) of this rule,** 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, temp. 7/1/11 eff. 7/1/11, 9/11 eff. 10/1/11)

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.

(3) Notwithstanding sections (1) and (2) of this rule, a provider approved by the agency before January 1, 2011 as qualified to offer training in “green” or sustainable building practices for mandatory core education may:

(a) Offer such training, so long as the course is completed on or before September 30, 2011; and

(b) Charge contractors for such training in an amount determined by the provider.

Stat. Auth.: ORS 670.310, 701.126 & 701.235

Stats. Implemented: ORS 701.126

(6/09, 9/11 eff. 10/1/11)

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~~] **may** 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, 9/11 eff. 10/1/11)