

Secretary of State  
**NOTICE OF PROPOSED RULEMAKING HEARING\***  
A Statement of Need and Fiscal Impact accompanies this form.

<u>Construction Contractors Board</u> (Agency and Division)		<u>OAD 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)

**RULE CAPTION**

License Fitness Standards Rule  
Not more than 15 words that reasonably identifies the subject matter of the agency's intended action.

<u>April 17, 2007</u> Hearing Date	<u>11:00 a.m.</u> Time	<u>West Salem Roth's IGA, Santiam Rm., 1130 Wallace Rd., Salem, OR</u> Location	<u>Tom Skaar</u> Hearings Officer
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*Auxiliary aids for persons with disabilities are available upon advance request.*

**RULEMAKING ACTION**

**ADOPT:** Secure approval of rule numbers with the Administrative Rules Unit prior to filing.  
812-003-0450

**AMEND:**

**REPEAL:**

**Renumber:** Secure approval of rule numbers with the Administrative Rules Unit prior to filing.

**Amend and Renumber:** Secure approval of rule numbers with the Administrative Rules Unit prior to filing.

ORS 670.310 & 701.235  
Stat. Auth.: ORS

Other Authority  
ORS 701.135  
Stats. Implemented: ORS

**RULE SUMMARY**

In order to exercise authority under ORS 701.135(1)(h) to deny a license to a person who has been convicted of a felony involving crimes that are violent, threatening, intimidating or sexually predatory, which could result in the public being at risk of harm, the CCB needs to adopt rules establishing license standards of fitness.

The Agency requests public comment on whether other options should be considered for achieving the rule's substantive goals while reducing the negative economic impact of the rule on business.

April 17, 2007 @ 11:00 a.m.

**Last Day for Public Comment**

Last day to submit written comment to the Rules Coordinator

<u>Signature</u> <u>Catherine Dixon</u> Printed Name	<u>March 6, 2007</u> Date
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\*The *Oregon Bulletin* is published on the 1<sup>st</sup> 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 OR 97310 by 5:00 pm on the 15<sup>th</sup> 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 920-2005

**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](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.

Secretary of State  
**STATEMENT OF NEED AND FISCAL IMPACT**

A Notice of Proposed Rulemaking Hearing or a Notice of Proposed Rulemaking accompanies this form.

Construction Contractors Board

OAR 812

Agency and Division

Administrative Rules Chapter Number

In the Matter of: Amendments to OAR 812

Rule Caption: (Not more than 15 words that reasonably identifies the subject matter of the agency's intended action.)

License Fitness Standards Rule

Statutory Authority: ORS 670.310 & 701.235

Other Authority:

Stats. Implemented: ORS 701.135

Need for the Rule(s): (Explain how the rule is intended to meet the need).

In order to exercise authority under ORS 701.135(1)(h) to deny a license to a person who has been convicted of a felony involving crimes that are violent, threatening, intimidating or sexually predatory, which could result in the public being at risk of harm, the CCB needs to adopt rules establishing license standards of fitness. Adoption of the rule will tie abusive or predatory behavior crimes to a set of standards that allow the agency to properly exercise its authority to deny a license to individuals who pose a serious continued threat to the public.

Documents Relied Upon, and where they are available: ORS 701 and OAR 812. Documents are on the agency website at [www.oregon.gov/ccb](http://www.oregon.gov/ccb) or a paper copy is available upon request.

Fiscal and Economic Impact, including State of Cost of Compliance:

The rule changes have no known fiscal impact on state agencies, units of local government or the public.

The rule changes have no known economic impact on state agencies, units of local government or the public. However, there could be an economic impact to those are currently licensed with CCB that have been convicted these crimes and, therefore, may not meet the license fitness standards rules which could result in suspension of their license or denial of their application for renewal of their license in some cases.

The rule changes will not increase the cost of a new single-family dwelling.

How were small businesses involved in the development of this rule?

Five of the current eight Board members are business owners.

Administrative Rule Advisory Committee consulted? The Construction Contractors Board is made up of six contractors; one elected public official, and two public members. They serve as their own Administrative Rule Advisory Committee.

If not, why?:

\_\_\_\_\_  
Authorized Signer

Catherine Dixon  
\_\_\_\_\_  
Printed Name

March 6, 2007  
\_\_\_\_\_  
Date

## HOUSING COST IMPACT STATEMENT

FOR ESTIMATING THE EFFECT OF A PROPOSED RULE OR ORDINANCE ON THE COST OF DEVELOPING  
A \*TYPICAL 1,200 SQ FT DETACHED SINGLE FAMILY DWELLING ON A 6,000 SQ FT PARCEL OF LAND.  
(ORS 183.534)

FOR ADMINISTRATIVE RULES

**AGENCY NAME:** Construction Contractors Board  
**ADDRESS:** 700 Summer St. NE, Suite 300  
**CITY/STATE:** Salem OR 97301  
**PHONE:** (503) 378-4621

**PERMANENT:**

**HEARING DATE:** April 17, 2007

**TEMPORARY:**

**EFFECTIVE DATE:** May 1, 2007

### BELOW PLEASE PROVIDE A DESCRIPTION OF THE ESTIMATED SAVINGS OR ADDITIONAL COSTS THAT WILL RESULT FROM THIS PROPOSED CHANGE.

PROVIDE A BRIEF EXPLANATION OF HOW THE COST OR SAVINGS ESTIMATE WAS DETERMINED.  
IDENTIFY HOW CHANGE IMPACTS COSTS IN CATEGORIES SPECIFIED

**Description of proposed change:** (Please attach any draft or permanent rule or ordinance)

OAR 812-003-0450 is adopted to establish license standards of fitness.

**Description of the need for, and objectives of the rule:**

CCB needs to adopt rules establishing license standards of fitness to allow the agency to exercise authority under ORS 701.135(1)(h) to deny a license to a person who has been convicted of a felony involving crimes that are violent, threatening, intimidating or sexually predatory, which could result in the public being at risk of harm. Adoption of the rule will tie abusive or predatory behavior crimes to a set of standards that allow the agency to properly exercise its authority to deny a license to individuals who pose a serious continued threat to the public.

**List of rules adopted or amended:**

OAR 812-003-0450

**Materials and labor costs increase or savings:**

The rule adoption has no measurable cost for construction materials or labor costs.

**Estimated administrative construction or other costs increase or savings:**

The rule adoption has no measurable impact on the cost of administrative construction costs or other costs.

**Land costs increase or savings:**

The rule adoption has no measurable impact the cost of a new home.

**Other costs increase or savings:**

While the rule does not affect the cost of construction of a new single family home, there could be an economic impact to those are currently licensed with CCB that have been convicted these crimes and, therefore, may not meet the license fitness standards rules which could result in suspension of their license or denial of their application for renewal of their license in some cases.

\*Typical-Single story 3 bedrooms, 1 1/2 bathrooms, attached garage (calculated separately) on land with good soil conditions with no unusual geological hazards.

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**PREPARERS NAME:** Catherine Dixon

**EMAIL ADDRESS:** [catherine.a.dixon@state.or.us](mailto:catherine.a.dixon@state.or.us)

**April 17, 2007  
Board Meeting**

**812-003-0450**

**License Fitness Standards**

**(1) In considering whether to sanction an applicant or licensee pursuant to ORS 701.135(1)(h)(A), (B), (C), (D), (E), or (F), the agency shall consider whether the applicant's or licensee's criminal conduct is substantially related to the fitness and ability of the applicant or licensee to engage in construction contracting. Fitness to engage in construction contracting includes, but is not limited to, the ability to refrain from violent, threatening, intimidating or sexually predatory behavior. Factors to be considered in denying or refusing to issue or renew a license include, but are not limited to whether or not the criminal conviction is relatively recent and the circumstances of the crime. In addition, factors relating to rehabilitation, or lack thereof, as evidenced by intervening events include, but are not limited to: failure to complete the criminal sentence, including probation or parole; failure to complete court ordered treatment; or failure to pay court ordered restitution.**

**(2) Upon notice and request from the Board, it will be the duty of an applicant or licensee to provide the requested information in order for the Board to conduct a criminal background check as authorized by ORS 701.135(1)(h)(A), (B), (C), (D), (E), or (F). Requested information includes but is not limited to police reports, record of conviction, parole or probation reports, restitution records, counseling reports, and letters of recommendation.**

**(3) Failure to provide requested information in (2) of this section may result in the denial of a license.**

**(4) A contractor licensed under ORS 701 must immediately report to the Board if the contractor is convicted of any crime listed in ORS 701.135(1)(h)(A), (B), (C), (D), (E) or (F).**

**Stat. Auth.: ORS 670.310 & 701.235**

**Stats. Implemented: ORS 701.135**

Adoption of the rule will tie abusive or predatory behavior crimes to a set of standards and allow the agency to properly exercise its authority to deny a license to individuals who pose a serious continued threat to the public. (KP)

To be effective 5/1/07