

Secretary of State
Certificate and Order for Filing
TEMPORARY ADMINISTRATIVE RULES
A Statement of Need and Justification accompanies this form.

I certify that the attached copies* are true, full and correct copies of the TEMPORARY Rule(s) adopted on July 1, 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 St NE Suite 300, Salem OR 97301 (503) 934-2185
(Rules Coordinator) (Address) (Telephone)

to become effective July 1, 2011 through December 28, 2011
(Date upon filing or later) (A maximum of 180 days including the effective date.)

RULE CAPTION

Residential Continuing Education (RCE) CCB Building Code Courses
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 rules) with the Administrative Rules Unit prior to filing

ADOPT:

AMEND:
812-021-0015
812-021-0028

SUSPEND:

Stat. Auth.: ORS 670.310, 701.126 & 701.235

Other Auth.:

Stats. Implemented: ORS 701.126

RULE SUMMARY

- 812-021-0015 is amended to allow for building code courses that were approved by the Building Codes Division (BCD) or the International Codes Council (ICC) to qualify for the two-hour mandatory building code requirement if completed by July 1, 2012. Otherwise, only CCB-approved courses will qualify.
- 812-021-0028 is amended to remove the requirement that a building codes course must have been approved by the Building Codes Division before CCB can approve.

Catherine Dixon July 1, 2011
Signature Printed name Date

*With this original and Statement of Need, file one photocopy of certificate, one paper copy of rules listed in Rulemaking Actions, and electronic copy of rules..

ARC 940-2005

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) 934-2185 for assistance in receiving a copy.

STATEMENT OF NEED AND JUSTIFICATION

A Certificate and Order for Filing Temporary Administrative Rules 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.)
Residential Continuing Education (RCE) CCB Building Code Courses

Statutory Authority: ORS 670.310, 701.126 & 701.235

Other Authority:

Stats. Implemented: ORS 701.126

Need for the Temporary Rule(s):

The current rules require that CCB approve all building code courses. In order to be approved, the course must have already been approved by BCD. However, there are not sufficient BCD approved courses to satisfy the need for continuing education (CE). This is because BCD approves only (1) code change courses and (2) courses funded with a 1% building permit surcharge. Other code courses are offered but not approved by BCD.

The amendments would eliminate the need for BCD approval of all code courses. CCB would still approve the courses. However, if BCD or the ICC had already approved the course, CCB would not need to also approve that course. Until June 30, 2012, those approved courses would satisfy CCB without its review and approval.

The following rules are amended to:

- 812-021-0015 is amended to allow for building code courses that were approved by the Building Codes Division (BCD) or the International Codes Council (ICC) to qualify for the two-hour mandatory building code requirement if completed by July 1, 2012. Otherwise, only CCB-approved courses will qualify.
- 812-021-0028 is amended to remove the requirement that a building codes course must have been approved by the Building Codes Division before CCB can approve.

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

Justification of Temporary Rule(s):

The CCB finds that following the permanent rulemaking process, instead of taking this temporary rulemaking action, would result in serious prejudice to the public interest and its licensees. The amendments would eliminate the need for BCD approval of all code courses. CCB would still approve the courses. However, if BCD or the ICC had already approved the course, CCB would not need to also approve that course. Until June 30, 2012, those approved courses would satisfy CCB without its review and approval. The rules need to be amended immediately to allow CCB to approve building code courses and have a sufficient number of classes available to licensees that must complete their continuing education. The amendment also allows CCB to accept building code courses currently not approved by CCB that licensees have already taken to count towards their CCB residential continuing education requirements.

Signature	Catherine Dixon Printed name	July 1, 2011 Date
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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 Ste 300
CITY/STATE: Salem OR 97309
PHONE: (503) 378-4621

PERMANENT:

HEARING DATE:

TEMPORARY:

EFFECTIVE DATE: July 1, 2011

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)

- 812-021-0015 is amended to allow for building code courses that were approved by the Building Codes Division (BCD) or the International Codes Council (ICC) to qualify for the two-hour mandatory building code requirement if completed by July 1, 2012. Otherwise, only CCB-approved courses will qualify.
- 812-021-0028 is amended to remove the requirement that a building codes course must have been approved by the Building Codes Division before CCB can approve.

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

The current rules require that CCB approve all building code courses. In order to be approved, the course must have already been approved by BCD. However, there are not sufficient BCD approved courses to satisfy the need for continuing education (CE). This is because BCD approves only (1) code change courses and (2) courses funded with a 1% building permit surcharge. Other code courses are offered but not approved by BCD.

The amendments would eliminate the need for BCD approval of all code courses. CCB would still approve the courses. However, if BCD or the ICC had already approved the course, CCB would not need to also approve that course. Until June 30, 2012, those approved courses would satisfy CCB without its review and approval.

The following rules are amended to:

- 812-021-0015 is amended to allow for building code courses that were approved by the Building Codes Division (BCD) or the International Codes Council (ICC) to qualify for the two-hour mandatory building code requirement if completed by July 1, 2012. Otherwise, only CCB-approved courses will qualify.
- 812-021-0028 is amended to remove the requirement that a building codes course must have been approved by the Building Codes Division before CCB can approve.

List of rules adopted or amended:

812-021-028 812-021-0028

Materials and labor costs increase or savings:

The rule amendments have no known impact on materials and labor costs.

Estimated administrative construction or other costs increase or savings:

The rule amendments have no measurable impact on administrative construction or other cost increases or savings.

Land costs increase or savings:

The rule amendments have no measurable impact on the cost of new home or a building lot.

Other costs increase or savings:

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

*Typical-Single story 3 bedrooms, 1 ½ bathrooms, attached garage (calculated separately) on land with good soil conditions with no unusual geological hazards.

PREPARERS NAME: Catherine Dixon

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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; 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) 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]~~ **a provider approved by the agency;** 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, temp. 7/1/11 eff. 7/1/11)

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, 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, 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)]~~ (6) Course approval will be valid for two (2) years from the date the course is approved by the agency.

~~[(8)]~~ (7) 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)