

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 January 18, 2008 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 378-4621 ext. 4077
(Rules Coordinator) (Address) (Telephone)

to become effective January 18, 2008 through July 15, 2008
(Date upon filing or later) (A maximum of 180 days including the effective date.)

RULE CAPTION

Amend Delivery and Proof of Delivery of Consumer Notice Requirements

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:
812-0012-0130(2)

SUSPEND:

ORS 670.310, 701.235, 701.305 & 701.330

Stat. Auth.: ORS

Sections 7 & 14, chapter 648, Oregon Laws 2007 (HB 2654)

Other Authority

ORS 701.305 & 701.330

Stats. Implemented: ORS

RULE SUMMARY

OAR 812-0012-0130(2) is amended to delete 812-012-0130(2) to allow additional policy debate and further consideration of the impact on small business and correct cite references. OAR 812-012-0130(2) places contractors in an unworkable position as it relates to delivery of CCB "Consumer Protection Notice" and "Notice of Procedure" documents when contracting to perform small repair projects. In many cases, these oral agreements are made by telephone and the work is performed when owners are not present at the job sites. Small electrical, plumbing, and glazing repair projects, for example, are often ordered by consumers over the telephone. The only written document is the invoice prepared by the contractor at the conclusion of the work. As a consequence of this rule that went into effect January 1, 2008, contractors are required to deliver the notices at the time the oral agreement is struck between the parties. This is often impossible as these deals are often made over the telephone.

Authorized Signer

Catherine Dixon
Printed Name

January 18, 2008
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) 378-4621 ext. 4077 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
Agency and Division

OAR 812
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.)
Amend Delivery and Proof of Delivery of Consumer Notice Requirements

Statutory Authority: ORS 670.310, 701.235, 701.305 & 701.330

Other Authority: Sections 7 & 14, chapter 648, Oregon Laws 2007 (HB 2654)

Statutes Implemented: ORS 701.305 & 701.330

Need for the Temporary Rule(s):

OAR 812-0012-0130(2) is amended to delete 812-012-0130(2) to allow additional policy debate and further consideration of the impact on small business and to correct cite references. OAR 812-012-0130(2) places contractors in an unworkable position as it relates to delivery of CCB "Consumer Protection Notice" and "Notice of Procedure" documents when contracting to perform small repair projects. In many cases, these oral agreements are made by telephone and the work is performed when owners are not present at the job sites. Small electrical, plumbing, and glazing repair projects, for example, are often ordered by consumers over the telephone. The only written document is the invoice prepared by the contractor at the conclusion of the work. As a consequence of this rule that went into effect January 1, 2008, contractors are required to deliver the notices at the time the oral agreement is struck between the parties. This is often impossible as these deals are often made over the telephone.

Documented Relied Upon, and where they are available: ORS 701 and OAR 812. These documents are available on agency's 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 licensees performing small projects. OAR 812-012-0130(2) places contractors in an unworkable position as it relates to delivery of CCB "Consumer Protection Notice" and "Notice of Procedure" documents when contracting to perform small repair projects. In many cases, these oral agreements are made by telephone and the work is performed when owners are not present at the job sites. Small electrical, plumbing, and glazing repair projects, for example, are often ordered by consumers over the telephone. The only written document is the invoice prepared by the contractor at the conclusion of the work. As a consequence of this rule that went into effect January 1, 2008, contractors are required to deliver the notices at the time the oral agreement is struck between the parties. This is often impossible as these deals are often made over the telephone. CCB adopts this temporary because of the hardship or impossibility the current rule places on some contractors performing small projects; and the lack of time to go through the rulemaking process for the Board to adopt a permanent rule revision.

Authorized Signer

Catherine Dixon
Printed Name

January 18, 2008
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 Ste 300
CITY/STATE: Salem OR 97309
PHONE: (503) 378-4621

PERMANENT:

HEARING DATE:

TEMPORARY:

EFFECTIVE DATE: January 17, 2008

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 812-0012-0130(2) is amended to delete 812-012-0130(2) to allow additional policy debate and further consideration of the impact on small business. OAR 812-012-0130(2) places contractors in an unworkable position as it relates to delivery of CCB "Consumer Protection Notice" and "Notice of Procedure" documents when contracting to perform small repair projects. In many cases, these oral agreements are made by telephone and the work is performed when owners are not present at the job sites. Small electrical, plumbing, and glazing repair projects, for example, are often ordered by consumers over the telephone. The only written document is the invoice prepared by the contractor at the conclusion of the work. As a consequence of this rule that went into effect January 1, 2008, contractors are required to deliver the notices at the time the oral agreement is struck between the parties. This is often impossible as these deals are often made over the telephone.

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

The CCB finds that following the permanent rulemaking process, instead of taking this temporary rulemaking action, would result in serious prejudice to licensees performing small projects. OAR 812-0012-0130(2) is amended to delete 812-012-0130(2) to allow additional policy debate and further consideration of the impact on small business and to correct cite references. OAR 812-012-0130(2) places contractors in an unworkable position as it relates to delivery of CCB "Consumer Protection Notice" and "Notice of Procedure" documents when contracting to perform small repair projects. In many cases, these oral agreements are made by telephone and the work is performed when owners are not present at the job sites. Small electrical, plumbing, and glazing repair projects, for example, are often ordered by consumers over the telephone. The only written document is the invoice prepared by the contractor at the conclusion of the work. As a consequence of this rule that went into effect January 1, 2008, contractors are required to deliver the notices at the time the oral agreement is struck between the parties. This is often impossible as these deals are often made over the telephone.

List of rules adopted or amended:

812-012-0130(2)

Materials and labor costs increase or savings:

The rule amendments have minimal cost savings for construction materials or labor costs.

Estimated administrative construction or other costs increase or savings:

The rule amendments have no measurable fiscal impact to the cost of a new home.

Land costs increase or savings:

The rule amendments have no measurable impact to the cost of a new home.

Other costs increase or savings:

Unknown.

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

PREPARERS NAME: Catherine Dixon

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812-012-0130

Delivery and Proof of Delivery of Consumer Notice

(1) If a contractor is required to have a written contract under [~~section 7, chapter 648, Oregon Laws 2007 (HB 2654)~~] **ORS 701.305**, the consumer notices described in OAR 812-001-0200 shall be delivered on or before the date the contract is entered into.

~~[(2) If a contractor agrees to do construction work, but is not required to have a written contract under section 7, chapter 648, Oregon Laws 2007 (HB 2654), the contractor, at the time an agreement to do the work is entered into, must deliver to the property owner contracting for residential repair, remodel or construction work the following:~~

~~(a) Consumer Protection Notice; and~~

~~(b) Notice of Procedure.]~~

~~[(3)]~~ **(2)** The contractor shall maintain proof of delivery of the Consumer Protection Notice, Notice of Procedure, and the notice required under ORS 87.093, if required, for a period of two years after the contract was entered into. Proof of delivery of the notices shall include, but not be limited to:

(a) A signed copy of the notices;

(b) An unambiguous phrase in the written contract that acknowledges receipt of the notices and that is initialed by the owner; or

(c) Copies of the written contract, if the notices are fully contained in the written contract.

Stat. Auth.: ORS 670.310, 701.235, **701.305 & 701.330** [~~Sections 7, 13 & 14, chapter 648, Oregon Laws 2007 (HB 2654)~~]

Stats. Implemented: [~~Sections 7, 13 & 14, chapter 648, Oregon Laws 2007 (HB 2654)~~]

701.305 & 701.330

(12/07, temp. 1/08)