

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 November 18, 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 November 18, 2011 through May 16, 2012
(Date upon filing or later) (A maximum of 180 days including the effective date.)

RULE CAPTION

Minimum Residential Continuing Education 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.

Secure approval of new rule numbers (Adopted rules) with the Administrative Rules Unit prior to filing

ADOPT:

AMEND:

812-021-0015

SUSPEND:

Stat. Auth.: ORS 670.310, 701.126 & 701.235

Other Auth.:

Stats. Implemented: ORS 701.126

RULE SUMMARY

OAR 812-021-0015 section (4) is amended to delete the word "core" and to allow contractors that took the initiative and earned continuing education (CE) before it was required to include the CE hours for their first renewal, which satisfies the goals of the CE program. CCB wants to reward, not punish, contractors that took the initiative to earn CE before it was required. The rule is retroactive to October 1, 2011.

Signature Craig P. Smith November 18, 2011
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.)
Minimum Residential Continuing Education Requirements

Statutory Authority: ORS 670.310, 701.126 & 701.235

Other Authority:

Stats. Implemented: ORS 701.126

Need for the Temporary Rule(s):

OAR 812-021-0015 is amended since CCB inadvertently included the word "core" in section (4) when it last amended this rule; the word "core" is deleted. Section (4) is also amended to allow contractors that earned CE before it was required to include the CE hours for their first renewal. This satisfies the goals of the CE program. The rule is retroactive to October 1, 2011, the date on which renewals first required CE hours. Retroactive application treats the same all contractors renewing in their first renewal period.

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):

CCB finds that the failure to act promptly to amend the rule will result in serious prejudice to the public interest.

If CCB does not amend OAR 812-021-0015, contractors will not be able to count elective education towards their license renewals. Also, without an amendment, contractors will not be able to include CE hours they earned after September 30, 2009, but before their license renewal date. These results penalize contractors that took the initiative to obtain CE hours before they were required to do so. That was not the intent of the rule. The amendments will avoid these unintended consequences.

Signature	Craig P. Smith Printed name	November 18, 2011 Date
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Administrative Rules Unit, Archives Division, Secretary of State, 800 Summer Street NE, Salem, Oregon 97310.

ARC 925-2005

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: November 18, 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)

OAR 812-021-0015 section (4) is amended to delete the word "core" and to allow contractors that took the initiative and earned continuing education (CE) before it was required to include the CE hours for their first renewal, which satisfies the goals of the CE program. CCB wants to reward, not punish, contractors that took the initiative to earn CE before it was required. The rule is retroactive to October 1, 2011.

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

OAR 812-021-0015 is amended since CCB inadvertently included the word "core" in section (4) when it last amended this rule; the word "core" is deleted. Section (4) is also amended to allow contractors that earned CE before it was required to include the CE hours for their first renewal. This satisfies the goals of the CE program. The rule is retroactive to October 1, 2011, the date on which renewals first required CE hours. Retroactive application treats the same all contractors renewing in their first renewal period.

List of rules adopted or amended:

812-021-0015

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. The amendments will save some contractors from having the cost of taking additional continuing education courses over and save the cost attending courses in person.

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

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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 offered by:

(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.

(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.

(4) **Effective October 1, 2011**, 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~~ **continuing education** hours that it earned ~~[between]~~ **from** July 1, 2009, ~~[and September 30, 2009]~~ **to the renewal date**.

(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 offered by 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.

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

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

(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. 10/1/1, temp. 11/18/11)

