

REVENUE: No revenue impact

FISCAL: Minimal fiscal impact, no statement issued

Action:	Do Pass as Amended and Be Printed Engrossed
Vote:	5 - 0 - 2
Yeas:	Berger, Edwards C., Holvey, Rosenbaum, Schaufler
Nays:	0
Exc.:	Esquivel, Smith P.
Prepared By:	Theresa Van Winkle, Administrator
Meeting Dates:	1/17, 2/14, 4/2

WHAT THE MEASURE DOES: Establishes that if a landscaping business license applicant does not have at least one owner or managing employee be licensed as a landscape contractor, the owner or managing employee must show proof to the Landscape Contractors Board that they have completed required courses and passed an examination related to the courses. Requires the board to establish rules regarding required courses; a list of approved courses and examination providers; and requirements for an owner or managing employee to give notice of any change in the employment or duties of the owner or managing employee. Caps the maximum hours of instruction the board can require at 16 hours. Applies to applicants for initial landscaping business licenses issued on or after January 1, 2009. Requires a landscaping business that has no licensed landscape contractors as owners, and was initially licensed on or after January 1, 2008 and before January 1, 2009, to provide proof that the owner or managing employee has completed required courses and passed the relating examination. Sunsets provision regarding the license renewal process on January 2, 2012.

ISSUES DISCUSSED:

- Whether an owner who purchases a landscape contracting business merely as an investment has to demonstrate competency
- When provisions of the measure apply to current licensees

EFFECT OF COMMITTEE AMENDMENT: Defines “managing employee” and “owner.” Establishes that either a managing employee or an owner must provide proof to the Landscape Contractors Board that they have completed required courses as outlined in the measure and passed the relating examination. Allows the board to adopt rules that require a landscaping business and any owner or managing employee to give notice of any change in the employment or duties of the owner or managing employee. Allows the board to establish required courses for those who seek to qualify the business for a landscape business license, but who are not licensed as a landscape contractor. Caps the maximum hours of instruction the board can require at 16 hours.

BACKGROUND: Landscaping business owners are currently not required to demonstrate any knowledge regarding laws that govern landscape work in Oregon unless the owner(s) have passed the individual landscape contractor license process. Landscape contractors have unique laws that they must abide by, such as ORS 671.625, which outlines minimum standards for contracts or billings. Businesses who cannot demonstrate competency risk running into consumer problems or legal trouble.

HB 2074 A addresses these issues by requiring that if the owner is not a licensed landscape contractor, either the landscaping business owner (has ownership interest and manages or has shared management in the business) or a managing employee (is employed in landscaping work and manages or has shared management in the business) pass an examination based upon a class that teaches requirements tested in the exam. The measure allows the courses and examinations to be administered by an outside source if the Landscape Contractors Board chooses to move in that direction; similar to what is currently performed by the Construction Contractors Board. It also directs the board, when adopting rules to carry out the measure, to consider the availability of courses throughout Oregon and utilize technology to make courses widely available to license applicants.

4/13/2007 12:13:00 PM

This summary has not been adopted or officially endorsed by action of the committee.