

REVENUE: No revenue impact

FISCAL: No fiscal impact

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Action: Do Pass as Amended and Be Printed Engrossed

Vote: 4 - 0 - 1

Yeas: George L., Monnes Anderson, Starr, Metsger

Nays: 0

Exc.: Deckert

Prepared By: Janet Adkins, Administrator

Meeting Dates: 1/22, 3/7

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**WHAT THE MEASURE DOES:** Requires an applicant for issuance or renewal of a landscape contractor or licensed landscaping business to notify the Landscape Contractors Board of any unpaid court judgment, arbitration award, or final order in any jurisdiction if the ruling requires payment of damages due to the applicant's performance of landscaping work or related to a contract for such work. Makes failure to notify the board as required a grounds for suspension, revocation, or refusal to renew a license. Subjects licensees who fail to provide this notice to civil penalties that apply to other violations of licensing law. Applies only to judgments, awards, or final orders issued on or after the effective date of January 2, 2008.

**ISSUES DISCUSSED:**

- Existing civil penalty authority
- Application of the measure is only to landscape work, not other judgments
- Paperwork and uncertainty created for larger landscape businesses under the original bill
- Inability to obtain court information from multiple jurisdictions

**EFFECT OF COMMITTEE AMENDMENT:** Instead of requiring the notice to the Landscape Contractors Board within 30 days of a court judgment or other final order, requires the notice at the time of application for issuance or renewal of the license. Restricts the notice requirement to those judgments or awards that are unpaid. Makes failure to notify the board as required a grounds for suspension, revocation, or refusal to renew a license.

**BACKGROUND:** Under current law, the Landscape Contractors Board and the public have no way of knowing whether a particular landscape contractor has been required to pay court-ordered or other damages to any party arising from previous landscaping work unless it was an order of the board itself. Courts are not required to notify the board and records searches are not likely to uncover information from every possible jurisdiction. Another licensing board, the Construction Contractors Board, has experienced problems with contractors continuing to be licensed in good standing and continuing to perform work for consumers while having multiple unpaid awards against them in Oregon or other states.