

Enrolled House Bill 2074

Ordered printed by the Speaker pursuant to House Rule 12.00A (5). Pre-session filed (at the request of Governor Theodore R. Kulongoski for State Landscape Contractors Board)

CHAPTER

AN ACT

Relating to landscaping.

Be It Enacted by the People of the State of Oregon:

SECTION 1. Section 2 of this 2007 Act is added to and made a part of ORS 671.510 to 671.710.

SECTION 2. (1) As used in this section:

(a) “Managing employee” means a person who, at the time of an application for the issuance or renewal of a landscaping business license:

(A) Is employed in landscaping work only by the applicant; and

(B) Manages or shares in the management of the applicant, as defined by the State Landscape Contractors Board by rule.

(b) “Owner” means a person who at the time of an application for the issuance or renewal of a landscaping business license:

(A) Has an ownership interest in the applicant; and

(B) Manages or shares in the management of the applicant, as defined by the board by rule.

(2) If an applicant for a landscaping business license does not have at least one owner or managing employee who is licensed as a landscape contractor under ORS 671.560, the applicant shall provide the board with proof that an owner or managing employee has completed required courses described in subsection (4) of this section and passed an examination on the subject of those courses.

(3) The board may adopt rules to require a landscaping business and any owner or managing employee to provide the board with notice of any change in the employment or duties of the owner or managing employee.

(4) The board shall adopt rules establishing required courses for an owner or managing employee who seeks to qualify the business for a landscaping business license, but who is not licensed as a landscape contractor. The courses required by the board shall be designed to educate the owner or managing employee regarding business practices and Oregon laws affecting landscaping businesses. The board may not require an owner or managing employee to take a total of more than 16 hours of instruction.

(5) When adopting rules to carry out subsection (4) of this section, the board shall consider the availability of courses in the regions of this state. The board shall encourage course providers to use the most up-to-date technology to make courses widely available.

(6) A course provider may submit information regarding course materials, examinations and instructor qualifications to the board for approval. The board shall approve courses if the course materials, examinations and instructors meet board requirements. The board shall periodically review approved courses to ensure continuing compliance with board requirements. The board shall develop and make available a list of providers that offer courses that will enable an owner or managing employee to comply with the requirements of subsection (2) of this section.

SECTION 3. (1) The State Landscape Contractors Board shall make an initial list of courses approved under section 2 of this 2007 Act available to the public on or before March 1, 2008.

(2) Section 2 of this 2007 Act applies to landscaping business licenses that are initially issued on or after January 1, 2009.

SECTION 4. If a licensed landscaping business does not have at least one owner or managing employee, both as defined in section 2 of this 2007 Act, who is licensed as a landscape contractor under ORS 671.560, and the landscaping business license was initially issued by the State Landscape Contractors Board on or after January 1, 2008, and before January 1, 2009, upon applying to renew that license the applicant shall provide the board with proof that an owner or managing employee has completed required courses described in section 2 of this 2007 Act and passed an examination on the subject of those courses.

SECTION 5. Section 4 of this 2007 Act is repealed January 2, 2012.

Passed by House April 19, 2007

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Chief Clerk of House

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Speaker of House

Passed by Senate May 16, 2007

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President of Senate

Received by Governor:

.....M.,....., 2007

Approved:

.....M.,....., 2007

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Governor

Filed in Office of Secretary of State:

.....M.,....., 2007

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Secretary of State