

A-Engrossed
House Bill 2074

Ordered by the House April 16
Including House Amendments dated April 16

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

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure.

Requires landscaping business license applicant to have at least one owner **or managing employee** licensed as landscape contractor [*or have managing owner complete courses and pass*] **who has completed courses and passed** examination required by State Landscape Contractors Board. Applies to applicants for initial landscaping business licenses issued on or after January 1, 2009.

[*Requires board to establish list of approved course and examination providers.*]

Requires board to adopt rules establishing required courses for owners or managing employees seeking to qualify business for landscaping business license.

Requires landscaping business that has no licensed landscape contractors as owners **or managing employees** and that was initially licensed on or after January 1, 2008, but before January 1, 2009, to have [*managing*] owner **or managing employee** complete courses and pass examination before business license renewal.

A BILL FOR AN ACT

1
2 Relating to landscaping.

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

4 **SECTION 1. Section 2 of this 2007 Act is added to and made a part of ORS 671.510 to**
5 **671.710.**

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

7 (a) **"Managing employee" means a person who, at the time of an application for the is-**
8 **suance or renewal of a landscaping business license:**

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

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

12 (b) **"Owner" means a person who at the time of an application for the issuance or re-**
13 **newal of a landscaping business license:**

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

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

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

22 (3) **The board may adopt rules to require a landscaping business and any owner or man-**

NOTE: Matter in **boldfaced** type in an amended section is new; matter [*italic and bracketed*] is existing law to be omitted. New sections are in **boldfaced** type.

1 aging employee to provide the board with notice of any change in the employment or duties
2 of the owner or managing employee.

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

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

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

19 **SECTION 3.** (1) The State Landscape Contractors Board shall make an initial list of
20 courses approved under section 2 of this 2007 Act available to the public on or before March
21 1, 2008.

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

24 **SECTION 4.** If a licensed landscaping business does not have at least one owner or
25 managing employee, both as defined in section 2 of this 2007 Act, who is licensed as a land-
26 scape contractor under ORS 671.560, and the landscaping business license was initially issued
27 by the State Landscape Contractors Board on or after January 1, 2008, and before January
28 1, 2009, upon applying to renew that license the applicant shall provide the board with proof
29 that an owner or managing employee has completed required courses described in section 2
30 of this 2007 Act and passed an examination on the subject of those courses.

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