

**Enrolled**  
**House Bill 2076**

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, Office of Regulatory Streamlining of Department of Consumer and Business Services)

CHAPTER .....

AN ACT

Relating to landscaping; creating new provisions; and amending ORS 671.560 and 671.570.

**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) Notwithstanding ORS 671.570, the State Landscape Contractors Board may issue a probationary landscape contractor license to a person who does not meet the training and experience qualifications set forth in ORS 671.570. To obtain a probationary landscape contractor license, the person must:

- (a) Pay a nonrefundable application fee;
- (b) Pay an examination fee;
- (c) Pay to the board the landscape contractor's license fee required by ORS 671.650; and
- (d) Pass all sections of the examination described in ORS 671.570 within 12 months after first taking the examination.

(2) Two or more years after receiving a probationary landscape contractor license, a probationary landscape contractor may obtain removal from probationary status and issuance of a landscape contractor's license if the probationary landscape contractor presents the board with proof that the probationary landscape contractor has done any of the following:

- (a) Completed at least 24 months of employment with a licensed landscaping business under the direct supervision of a landscape contractor.
- (b) Provided supervision described in ORS 671.540 (15) or 671.565 (1)(b) for at least 24 months as the owner or employee of a licensed landscaping business that, during that period:
  - (A) Filed and maintained with the board a bond, letter of credit or deposit in the amount of \$15,000; and
  - (B) Performed landscaping work only on landscaping projects where the amount charged by the landscaping business for work on the project during any 12-month period did not exceed \$15,000.
- (c) Actively operated for at least 24 months as a construction contractor licensed under ORS chapter 701.

(3) Except as provided in this section and ORS 671.560 and as the board may provide by rule, a probationary landscape contractor licensed under this section is for all purposes a landscape contractor licensed under ORS 671.560.

**SECTION 3.** ORS 671.560 is amended to read:

671.560. (1) Except as provided in ORS 671.590 **and section 2 of this 2007 Act**, the State Landscape Contractors Board shall issue a landscape contractor's license to an applicant who satisfies the requirements of ORS 671.570.

(2) The board shall issue a landscaping business license to an applicant who satisfies the requirements of the board.

(3) An applicant for a license under this section shall apply to the board upon a form furnished by the board and give such information as the board considers necessary.

(4)(a) The board may issue a limited or specialty license if the applicant is required to have a landscape contractor's license or business license but is not qualified or required to be licensed for all phases of landscape contracting.

**(b) The board may adopt rules to limit or restrict the landscape work performed by probationary landscape contractors.**

(5) A landscaping business that qualifies for the exemption described in ORS 571.045 shall indicate on its license application or license renewal application under this section the reasons the business qualifies for the exemption.

**SECTION 4.** ORS 671.570 is amended to read:

671.570. (1) Each person applying for a landscape contractor's license *[shall]* **must:**

**(a) Pay a nonrefundable application fee.**

**(b) Pay an examination fee.**

(c) Pay to the State Landscape Contractors Board the **landscape contractor's license** fee required by ORS 671.650. *[and:]*

*[(1)]* **(d) Pass an examination, which *[shall be offered]* the board shall offer** at least once each six months, *[by the board]* to determine the fitness of the applicant for licensing and *[have:]*

*[(a)]* within 10 years before the day the application for a license is made, *[at least]:*

*[(A)]* *Twenty-four months of employment with a landscape contractor; or]*

*[(B)]* *Twelve months of employment with a landscape contractor and one full year of training in an area related to landscaping at an accredited school or college; or]*

*[(b)]* *Proven to the satisfaction of the board by test and experience that the applicant is qualified.]*

**(A) Have at least 24 months of employment with a landscape contracting business; or**

**(B) Have at least 12 months of employment with a landscape contracting business and one full year of training in an area related to landscaping at an accredited school or college.**

*[(2)]* **(e) Be employed by, or own,** a landscaping business if performing landscaping work.

*[(3)]* *Pay a nonrefundable examination fee.]*

**(2) Notwithstanding subsection (1) of this section, the board may adopt rules allowing a person who does not meet the education and experience requirements in subsection (1)(d) of this section to substitute other education and experience that demonstrate the fitness of the person for licensing as a landscape contractor.**

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**Passed by House February 8, 2007**

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Chief Clerk of House

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Speaker of House

**Passed by Senate April 2, 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