

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)

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 **as introduced**.

Allows State Landscape Contractors Board to issue probationary landscape contractor licenses. Expands means for meeting education and experience requirements for licensing as landscape contractor.

A BILL FOR AN ACT

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

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

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

5 **SECTION 2. (1) Notwithstanding ORS 671.570, the State Landscape Contractors Board**
6 **may issue a probationary landscape contractor license to a person who does not meet the**
7 **training and experience qualifications set forth in ORS 671.570. To obtain a probationary**
8 **landscape contractor license, the person must:**

9 (a) **Pay a nonrefundable application fee;**

10 (b) **Pay an examination fee;**

11 (c) **Pay to the board the landscape contractor's license fee required by ORS 671.650; and**

12 (d) **Pass all sections of the examination described in ORS 671.570 within 12 months after**
13 **first taking the examination.**

14 (2) **Two or more years after receiving a probationary landscape contractor license, a**
15 **probationary landscape contractor may obtain removal from probationary status and issu-**
16 **ance of a landscape contractor's license if the probationary landscape contractor presents**
17 **the board with proof that the probationary landscape contractor has done any of the follow-**
18 **ing:**

19 (a) **Completed at least 24 months of employment with a licensed landscaping business**
20 **under the direct supervision of a landscape contractor.**

21 (b) **Provided supervision described in ORS 671.540 (15) or 671.565 (1)(b) for at least 24**
22 **months as the owner or employee of a licensed landscaping business that, during that period:**

23 (A) **Filed and maintained with the board a bond, letter of credit or deposit in the amount**
24 **of \$15,000; and**

25 (B) **Performed landscaping work only on landscaping projects where the amount charged**
26 **by the landscaping business for work on the project during any 12-month period did not ex-**
27 **ceed \$15,000.**

28 (c) **Actively operated for at least 24 months as a construction contractor licensed under**
29 **ORS chapter 701.**

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

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

5 671.560. (1) Except as provided in ORS 671.590 **and section 2 of this 2007 Act**, the State
6 Landscape Contractors Board shall issue a landscape contractor's license to an applicant who sat-
7 isfies the requirements of ORS 671.570.

8 (2) The board shall issue a landscaping business license to an applicant who satisfies the re-
9 quirements of the board.

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

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

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

17 (5) A landscaping business that qualifies for the exemption described in ORS 571.045 shall indi-
18 cate on its license application or license renewal application under this section the reasons the
19 business qualifies for the exemption.

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

21 671.570. (1) Each person applying for a landscape contractor's license *[shall]* **must:**

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

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

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

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

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

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

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

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

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

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

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

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

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

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