

B-Engrossed House Bill 2107

Ordered by the Senate May 29
Including House Amendments dated March 15 and Senate Amendments
dated May 29

Ordered printed by the Speaker pursuant to House Rule 12.00A (5). Pre-session filed (at the request of Governor Theodore R. Kulongoski for Construction 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 construction contractor to notify Construction Contractors Board of certain judgments or arbitration awards against contractor. Creates exceptions. **Requires board, in determining disciplinary sanction, to consider attempts by contractor to make payments toward satisfaction of judgment.**

A BILL FOR AN ACT

1
2 Relating to construction contractor obligations.

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 chapter 701.**

5 **SECTION 2. (1) As used in this section, "judgment" means:**

6 **(a) A judgment issued in a court action; or**

7 **(b) A court order that confirms an arbitration award.**

8 **(2) A contractor shall send the Construction Contractors Board a copy of a final judgment entered by a circuit court of this state, or by an equivalent court in another state, if the judgment orders the contractor to pay damages that arise from a breach of contract or from negligent or improper work and that relate to the construction or proposed construction of a residential structure. The contractor shall cause the copy of the final judgment to be delivered to the board no later than 45 days after the final judgment is recorded.**

14 **(3) Notwithstanding subsection (2) of this section, a contractor is not required to send the board a copy of a final judgment if:**

16 **(a) The contractor paid the damages and other amounts payable by the contractor under the judgment no later than 30 days after recording of the judgment; or**

18 **(b) The contractor is appealing the judgment and has filed any undertaking on appeal required by ORS 19.300.**

20 **(4) In determining whether to impose a disciplinary sanction under this chapter, the board shall give due consideration to any past or current attempts by the contractor to make payments toward satisfaction of a judgment.**

23 **SECTION 3. Section 2 of this 2007 Act applies to final judgments recorded before, on or after the effective date of this 2007 Act. However, for a final judgment recorded before the effective date of this 2007 Act, a contractor must send the Construction Contractors Board a copy of the judgment only if, 30 days after the effective date of this 2007 Act, the con-**

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 **tractor has not paid the damages and other amounts payable and the judgment is not on**
2 **appeal as described in section 2 of this 2007 Act. Notwithstanding section 2 of this 2007 Act,**
3 **if a contractor must send the board notice of a final judgment recorded before the effective**
4 **date of this 2007 Act, the contractor shall cause the notice to be delivered to the board no**
5 **later than 45 days after the effective date of this 2007 Act.**

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