

House Bill 2108

Ordered printed by the Speaker pursuant to House Rule 12.00A (5). Presession 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 **as introduced**.

Requires construction contractors and owners or officers of construction contractors to notify Construction Contractors Board within 30 days after filing petition for relief with bankruptcy court. Requires construction contractor to notify board within 30 days after construction contractor learns owner or officer has filed petition for relief with bankruptcy court, unless owner or officer provides contractor with proof that board has been notified. Makes violation subject to civil penalty, not to exceed \$5,000. Applies to bankruptcy petitions filed on or after January 1, 2008.

A BILL FOR AN ACT

1
2 Relating to construction contractors.

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, "owner" has the meaning given that term in ORS**
6 **701.077.**

7 **(2) If an owner or officer of a construction contractor files a petition for relief with a**
8 **United States Bankruptcy Court, the owner or officer shall notify the Construction Con-**
9 **tractors Board of the filing no later than 30 days after the petition for relief is filed. The**
10 **notice that an owner or officer provides to the board shall include a copy of the bankruptcy**
11 **petition. If not stated in the bankruptcy petition, the notice shall include the location of the**
12 **federal court district office with which the petition was filed, the filing date, the case number**
13 **assigned by the bankruptcy court, the name of the construction contractor of which the**
14 **person is an owner or officer and any additional information required by the board by rule.**

15 **(3) If a construction contractor files a petition for relief with a United States Bankruptcy**
16 **Court, the contractor shall notify the Construction Contractors Board of the filing no later**
17 **than 30 days after the petition for relief is filed. The notice that a construction contractor**
18 **provides to the board shall include a copy of the bankruptcy petition. If not stated in the**
19 **bankruptcy petition, the notice shall include the location of the federal district court office**
20 **with which the petition was filed, the filing date, the case number assigned by the bank-**
21 **ruptcy court and any additional information required by the board by rule.**

22 **(4) If a construction contractor learns that an owner or officer of the contractor has filed**
23 **a petition for relief with a United States Bankruptcy Court, the construction contractor shall**
24 **request proof that the owner or officer has notified the Construction Contractors Board of**
25 **the filing. If the owner or officer does not provide the contractor with proof that the owner**
26 **or officer has notified the board of the filing, the contractor shall notify the board of the**
27 **filing no later than 30 days after learning the petition has been filed. The notice provided by**
28 **the contractor shall include, at a minimum, all names and addresses of the owner or officer**

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 that are known to the contractor.

2 SECTION 3. Section 2 of this 2007 Act applies to petitions for relief that are filed with a
3 United States Bankruptcy Court on or after the effective date of this 2007 Act.

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