

# House Bill 2476

Sponsored by Representative SCHAUFLEER

## 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 public body to require proof that person contracting to perform building trade work for public body is properly licensed. Prohibits noncomplying public body from recovering certain damages from unlicensed person.

## A BILL FOR AN ACT

1  
2 Relating to public body contracts for work in licensed building trades.

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

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

5 (a) **"Contracting agency" has the meaning given that term in ORS 279A.010.**

6 (b) **"Public body" has the meaning given that term in ORS 174.109.**

7 (2) **Except as provided in subsection (3) of this section, if a public body contracts for a**  
8 **person to perform work described in ORS 446.395 to 446.420, 447.010 to 447.156, 479.510 to**  
9 **479.945, 479.950 or 480.510 to 480.670 or ORS chapter 455, 460, 693 or 701 for the public body,**  
10 **and the work may lawfully be performed only by a person who is properly licensed, the public**  
11 **body shall require the person to provide the public body with proof of licensure before com-**  
12 **mencing the work. A public body shall also require that the person ensure that all employees**  
13 **or subcontractors of the person who perform work described in this section are properly li-**  
14 **censed for the work.**

15 (3) **If a public body uses a contracting agency to contract for a person to perform work**  
16 **described in subsection (2) of this section, the contracting agency is responsible for fulfilling**  
17 **the duties of the public body under subsection (2) of this section.**

18 (4) **The failure of a person to provide proof of licensure to a public body as described in**  
19 **subsection (2) of this section makes the contract voidable by the public body. The failure of**  
20 **a public body or contracting agency to ensure the licensure of a person under subsection (2)**  
21 **of this section waives any claim by the public body for damages against the unlicensed con-**  
22 **tracting person for breach of contract, property damage or the cost of correcting negligent**  
23 **or improper work.**

24 **SECTION 2. Section 1 of this 2007 Act applies to contracts that a public body enters into**  
25 **on or after the effective date of this 2007 Act.**

26  

---

  
**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.