

(To Resolve Conflicts)

# A-Engrossed House Bill 2538

Ordered by the Senate May 29  
Including Senate Amendments dated May 29 to resolve conflicts

Sponsored by COMMITTEE ON BUSINESS AND LABOR (at the request of Oregon Landscape Contractors Association)

## 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 State Landscape Contractors Board to establish continuing education requirement for landscape contractors. Requires landscape contractors submitting applications to renew licenses expiring on or after January 1, 2009, to demonstrate compliance with continuing education requirement.

Declares emergency, effective on passage.

## A BILL FOR AN ACT

1  
2 Relating to landscape contractor continuing education; creating new provisions; amending ORS  
3 671.660; repealing section 34, chapter \_\_\_\_\_, Oregon Laws 2007 (Enrolled House Bill 2117);  
4 and declaring an emergency.

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

6 **SECTION 1. Section 2 of this 2007 Act is added to and made a part of ORS 671.510 to**  
7 **671.710.**

8 **SECTION 2. (1) The State Landscape Contractors Board shall adopt rules establishing**  
9 **continuing education requirements for landscape contractors. The board may not require**  
10 **landscape contractors to take more than 10 hours of continuing education every year.**

11 **(2) The board may approve programs for purposes of landscape contractor continuing**  
12 **education and determine the number of hours to be credited to the programs. The board**  
13 **shall ensure that continuing education opportunities for landscape contractors are readily**  
14 **available.**

15 **(3) Programs approved by the board for continuing education purposes must be designed**  
16 **to directly contribute to landscape contractor professional competency. Approved programs**  
17 **may include, but need not be limited to:**

18 **(a) Professional development programs and technical meetings of professional associ-**  
19 **ations for landscaping businesses or for related industries such as pesticide application or**  
20 **irrigation auditing;**

21 **(b) University or college courses related to landscape contracting or horticulture;**

22 **(c) Professional staff training programs by landscape contractor associations; and**

23 **(d) Online or other forms of educational programs.**

24 **(4) The board may adopt rules establishing grounds for obtaining a waiver of landscape**  
25 **contractor continuing education requirements. The board may not allow a waiver for more**

**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 **than two consecutive years except for a waiver due to military service, retirement, disability,**  
2 **absence from the state, inactive status or extreme hardship.**

3 **SECTION 3.** ORS 671.660 is amended to read:

4 671.660. (1) The fee for renewal of a license issued under ORS 671.510 to 671.710 shall be paid  
5 annually on or before the last day of the month of the anniversary of issuance.

6 (2) **The State Landscape Contractors Board may not issue a new license to** a person who  
7 has been previously licensed under ORS 671.510 to 671.710 and whose license has expired, **unless**  
8 **the person makes written application on a form approved by the board and pays the required**  
9 **annual fee.** [*shall not be issued another license except upon written application to the State Landscape*  
10 *Contractors Board with the required annual fee.*] The board may require the person to also pay a  
11 penalty fee.

12 (3) If a license lapses for two years or more, the individual or business must reapply as for ini-  
13 tial issuance of the license.

14 (4) When a business renews its license the business must submit the names of all employees who  
15 are licensed landscape contractors.

16 (5) When a person renews a landscape [*contractor's*] **contractor** license, the person must:

17 (a) Submit the name of the employer if the person is currently performing landscaping work;  
18 **and**

19 (b) **Demonstrate that the person has complied with the continuing education requirement**  
20 **adopted by the board.**

21 **SECTION 4.** (1) **The State Landscape Contractors Board shall establish an initial contin-**  
22 **uing education requirement and a continuing education program approval process no later**  
23 **than March 1, 2008.**

24 (2) **The amendments to ORS 671.660 by section 3 of this 2007 Act apply to the renewal of**  
25 **landscape contractor licenses that expire on or after January 1, 2009.**

26 **SECTION 5.** If House Bill 2117 becomes law, section 2 of this 2007 Act is amended to read:

27 **Sec. 2.** (1) The State Landscape Contractors Board shall adopt rules establishing continuing  
28 education requirements for landscape [*contractors*] **construction professionals.** The board may not  
29 require landscape [*contractors*] **construction professionals** to take more than 10 hours of continu-  
30 ing education every year.

31 (2) The board may approve programs for purposes of [*landscape contractor*] continuing education  
32 **for landscape construction professionals** and determine the number of hours to be credited to the  
33 programs. The board shall ensure that continuing education opportunities for landscape  
34 [*contractors*] **construction professionals** are readily available.

35 (3) Programs approved by the board for continuing education purposes must be designed to di-  
36 rectly contribute to [*landscape contractor*] **the professional competency of landscape construction**  
37 **professionals.** Approved programs may include, but need not be limited to:

38 (a) Professional development programs and technical meetings of professional associations for  
39 [*landscaping*] **landscape contracting** businesses or for related industries such as pesticide applica-  
40 tion or irrigation auditing;

41 (b) University or college courses related to [*landscape contracting*] **landscaping** or horticulture;

42 (c) Professional staff training programs by [*landscape contractor*] associations **of landscape**  
43 **construction professionals;** and

44 (d) Online or other forms of educational programs.

45 (4) The board may adopt rules establishing grounds for obtaining a waiver of [*landscape con-*

1 *tractor*] **the** continuing education requirements **for landscape construction professionals**. The  
2 board may not allow a waiver for more than two consecutive years except for a waiver due to mil-  
3 itary service, retirement, disability, absence from the state, inactive status or extreme hardship.

4 **SECTION 6. If House Bill 2117 becomes law, section 34, chapter \_\_\_\_\_, Oregon Laws**  
5 **2007 (amending ORS 671.660) is repealed and ORS 671.660, as amended by section 3 of this 2007**  
6 **Act, is amended to read:**

7 671.660. (1) The fee for renewal of a license issued under ORS 671.510 to 671.710 shall be paid  
8 annually on or before the last day of the month of the anniversary of issuance.

9 (2) The State Landscape Contractors Board may not issue a new license to a person who has  
10 been previously licensed under ORS 671.510 to 671.710 and whose license has expired, unless the  
11 person makes written application on a form approved by the board and pays the required annual fee.  
12 The board may require the person to also pay a penalty fee.

13 (3) If a license lapses for two years or more, the [*individual or business*] **person** must reapply  
14 as for initial issuance of the license.

15 (4) When a **landscape contracting** business renews its license, the business must submit the  
16 names of all employees who are licensed landscape [*contractors*] **construction professionals**.

17 (5) When a person renews a landscape [*contractor*] **construction professional** license, the per-  
18 son must:

19 (a) Submit the name of the employer if the person is currently performing landscaping work; and

20 (b) Demonstrate that the person has complied with the continuing education requirement  
21 adopted by the board.

22 **SECTION 7.** If House Bill 2117 becomes law, section 4 of this 2007 Act is amended to read:

23 **Sec. 4.** (1) The State Landscape Contractors Board shall establish an initial continuing educa-  
24 tion requirement and a continuing education program approval process no later than March 1, 2008.

25 (2) The amendments to ORS 671.660 by [*section 3*] **sections 3 and 6** of this 2007 Act apply to the  
26 renewal of landscape [*contractor*] **construction professional** licenses that expire on or after Janu-  
27 ary 1, 2009.

28 **SECTION 8.** If House Bill 2117 becomes law, the amendments to sections 2 and 4 of this  
29 **2007 Act and ORS 671.660 by sections 5 to 7 of this 2007 Act become operative on January 1,**  
30 **2008.**

31 **SECTION 9.** This 2007 Act being necessary for the immediate preservation of the public  
32 **peace, health and safety, an emergency is declared to exist, and this 2007 Act takes effect**  
33 **on its passage.**