

A-Engrossed
Senate Bill 192

Ordered by the Senate March 29
Including Senate Amendments dated March 29

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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.

[Allows Director of Department of Consumer and Business Services or advisory board to issue suspension without prior notice or hearing for up to 30 days pending investigation of possible violation of building trade laws. Requires post-suspension notice and provides opportunity for post-suspension hearing.]

Expands list of building trade law violations qualifying as grounds for sanctions against construction contractor license.

Gives Department of Consumer and Business Services authority to take action against building trade license, certificate, registration or application for violations.

Expands list of prohibited actions dealing with violation or assisting violation of building trade licensing laws. Prohibits violation or assisting violation of building code technical provisions.

Expands prohibition against employing unlicensed boiler workers.

A BILL FOR AN ACT

Relating to building trades; amending ORS 455.125, 455.129, 455.450 and 480.632.

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

SECTION 1. ORS 455.125 is amended to read:

455.125. (1) In addition to any other sanction, remedy or penalty provided by law, the Director of the Department of Consumer and Business Services or an appropriate advisory board may deny, suspend, condition or revoke a registration, certification, license or other authority to perform work or conduct business issued under laws administered by the Department of **Consumer and Business Services** or advisory board if the holder:

[(1)] (a) Fails to comply with a provision of ORS 446.003 to 446.200, 446.225 to 446.285, 446.395 to 446.420, 479.510 to 479.945, 479.950 or 480.510 to 480.670 or **this chapter** or ORS chapter 447, [455,] 460 or 693, or with any rule adopted under those statutes or under ORS 455.117; or

[(2)] (b) Engages in an act for which the Construction Contractors Board imposes a sanction on the holder under ORS 701.135.

(2) For purposes of ORS 701.100, a compliance failure described in subsection (1)(a) of this section for which the director or an advisory board denies, suspends, conditions or revokes a registration, certification, license or other authority to perform work or conduct business may be treated as a failure to be in conformance with this chapter.

SECTION 2. ORS 455.129 is amended to read:

455.129. (1) Subject to ORS chapter 183, except as provided in subsection [(3)] (4) of this section, a regulatory body listed in subsection (2) of this section may deny a license, certificate, registration or application or may suspend, revoke, condition or refuse to renew a license, certificate or regis-

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 tration if the regulatory body finds that the licensee, certificate holder, registrant or applicant:

2 (a) Has failed to comply with the laws administered by the regulatory body or with the rules
3 adopted by the regulatory body.

4 (b) Has failed to comply with an order of the regulatory body or the Director of the Department
5 of Consumer and Business Services, including but not limited to the failure to pay a civil penalty.

6 (c) Has filed an application for a license, certificate or registration that, as of the date the li-
7 cense, certificate or registration was issued or the date of an order denying the application, was
8 incomplete in any material respect or contained a statement that, in light of the circumstances un-
9 der which it was made, was incorrect or misleading in any respect.

10 (d) Has performed work without appropriate licensing, certification or registration or has em-
11 ployed individuals to perform work without appropriate licensing, certification or registration.

12 (e) Has failed to meet any condition or requirement to obtain or maintain a license, certificate
13 or registration.

14 (f) Has acted in a manner creating a serious danger to the public health or safety.

15 **(g) Has been subject to a revocation, cancellation or suspension order or to other disci-**
16 **plinary action by the Construction Contractors Board or has failed to pay a civil penalty**
17 **imposed by the board.**

18 **(h) Has been subject to a revocation, cancellation or suspension order or to other disci-**
19 **plinary action by another state in regard to construction standards, permit requirements or**
20 **construction-related licensing violations or has failed to pay a civil penalty imposed by the**
21 **other state in regard to construction standards, permit requirements or construction-related**
22 **licensing violations.**

23 **(i) Has, while performing work that requires or that is related to work that requires a**
24 **valid license or certificate under ORS 446.003 to 446.200, 446.225 to 446.285, 446.395 to 446.420,**
25 **479.510 to 479.945, 479.950 or 480.510 to 480.670, this chapter or ORS chapter 447, 460 or 693,**
26 **violated any statute or rule related to the state building code.**

27 [(g)] (j) Is a business, the owner or an officer of which has an outstanding obligation to pay a
28 civil penalty assessed under ORS 455.895 or has been the subject of action against the license, cer-
29 tificate or registration by the Department of Consumer and Business Services, the director or any
30 advisory board.

31 **(k) Is a business, owner or officer of a reorganized business entity as defined in ORS**
32 **657.682, if an owner, officer, shareholder or partner of the reorganized business entity, or a**
33 **member if the reorganized business entity is a member-managed limited liability company,**
34 **has been subject to a revocation or suspension order or to a condition or civil penalty under**
35 **ORS 446.003 to 446.200, 446.225 to 446.285, 446.395 to 446.420, 479.510 to 479.945, 479.950 or**
36 **480.510 to 480.670, this chapter or ORS chapter 447, 460, 693 or 701, or by another state in**
37 **regard to construction standards, permit requirements or construction-related licensing vi-**
38 **olations.**

39 **(L) Is ordered to pay damages under a judgment or arbitration award that relates to**
40 **construction and that has become final by operation of law or on appeal.**

41 [(h)] (m) Is a business, the owner or an officer of which was an owner or officer in another
42 business at the time:

43 (A) The other business was assessed a civil penalty under ORS 455.895 that remains unpaid; or

44 (B) An act or failure to act by any owner or officer of the other business resulted in action
45 being taken against the license, certificate or registration of the other business by the department,

1 the director or any advisory board.

2 (2) Subsection (1) of this section applies to:

3 (a) The State Plumbing Board for purposes of licenses issued under ORS 447.010 to 447.156 or
4 ORS chapter 693.

5 (b) The Electrical and Elevator Board for purposes of licenses issued under ORS 446.210 or
6 479.510 to 479.945.

7 (c) The Board of Boiler Rules for purposes of licenses issued under ORS 480.510 to 480.670.

8 (d) The department for purposes of licenses issued under this chapter.

9 (e) The department, subject to Electrical and Elevator Board approval, for purposes of licenses
10 issued under ORS 460.005 to 460.175.

11 (f) The department, subject to Manufactured Structures and Parks Advisory Board approval, for
12 purposes of licenses, certificates and registrations issued under ORS 446.003 to 446.200, 446.225 to
13 446.285 and 446.395 to 446.420.

14 **(3) The department may administer and enforce subsection (1) of this section in the same**
15 **manner and to the same extent as any advisory board.**

16 ~~[(3)]~~ (4) This section does not apply to licenses, certificates, registrations or applications for
17 licensure, certification or registration involving inspectors or involving persons engaged in the
18 manufacture, conversion or repair of prefabricated structures, prefabricated components or recre-
19 ational vehicles.

20 **SECTION 3.** ORS 455.450 is amended to read:

21 455.450. A person ~~[shall]~~ **may** not:

22 (1) Violate, or procure~~],~~ *aid or abet* **or assist** in the violation of, any final order ~~[concerning the~~
23 ~~application of a provision of the state building code in a particular case made by]~~ **of** the Director of
24 the Department of Consumer and Business Services, an advisory board, a state administrative officer
25 or any local appeals board, building official or inspector, **concerning the application of the state**
26 **building code in a particular case or concerning a license, certificate, registration or other**
27 **authorization.**

28 (2) Engage in, or procure~~],~~ *aid or abet* **or assist** any other person to engage in, any conduct
29 or activity for which a permit, ~~[certificate,]~~ label, **license, certificate, registration** or other formal
30 authorization is required by any specialty code ~~[or other regulation promulgated pursuant to this~~
31 ~~chapter],~~ **any provision of ORS 446.003 to 446.200, 446.225 to 446.285, 446.395 to 446.420, 446.566**
32 **to 446.646, 446.666 to 446.746, 479.510 to 479.945, 479.950 and 480.510 to 480.670, this chapter or**
33 **ORS chapter 447, 460 or 693, or any rule adopted or order issued for the administration and**
34 **enforcement of those provisions,** without first having obtained such permit, ~~[certificate,]~~ label, li-
35 **cence, certificate, registration** or other formal authorization.

36 (3) **Violate, or procure or assist in the violation of, any standard, specification, require-**
37 **ment, prohibition or other technical provision set forth in the state building code or an ap-**
38 **licable local building code or in any rule or order of the Department of Consumer and**
39 **Business Services, an advisory board, a local governing body or local building official.**

40 **SECTION 4.** ORS 480.632 is amended to read:

41 480.632. A person licensed ~~[to conduct a boiler or pressure vessel business],~~ **or required to be**
42 **licensed, under ORS 480.630 to engage in the business of installing, repairing or altering**
43 **boilers or pressure vessels** may not employ any person to work on a boiler or pressure vessel
44 unless the employed person has a valid license issued under ORS 480.630.