

Senate Bill 192

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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 **as introduced**.

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

1
2 Relating to building trades; creating new provisions; and amending ORS 455.125, 455.129, 455.450 and
3 480.632.

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

5 **SECTION 1. Section 2 of this 2007 Act is added to and made a part of ORS chapter 455.**

6 **SECTION 2. (1) The Director of the Department of Consumer and Business Services or**
7 **an appropriate advisory board may, without prior notice or hearing, suspend a license, cer-**
8 **tificate, registration or other authorization for a period not exceeding 30 days pending an**
9 **investigation of a possible violation of a provision of ORS 446.003 to 446.200, 446.225 to 446.285,**
10 **446.395 to 446.420, 446.566 to 446.646, 446.666 to 446.746, 479.510 to 479.945, 479.950 and 480.510**
11 **to 480.670 or this chapter or ORS chapter 447, 460 or 693, or any rule adopted or order issued**
12 **for the administration and enforcement of those provisions.**

13 **(2) The director or advisory board shall, no later than 10 days after issuing a suspension**
14 **under this section, send the holder of the suspended license, certificate, registration or other**
15 **authorization a statement describing in general terms the grounds for the suspension.**

16 **(3) No later than seven days after the director or advisory board sends the statement**
17 **described in subsection (2) of this section, the holder of the suspended license, certificate,**
18 **registration or other authorization may send the director or advisory board a request for a**
19 **hearing regarding whether the suspension should continue pending completion of the inves-**
20 **tigation. Upon receipt of a request for a hearing under this subsection, the director or advi-**
21 **sory board shall arrange for a hearing to be held in accordance with ORS chapter 183. The**
22 **hearing officer and the director or advisory board shall take all practicable measures to en-**
23 **sure that a final order affirming, modifying or terminating a suspension authorized under**
24 **subsection (1) of this section is issued and becomes effective no later than 30 days after**
25 **commencement of the suspension.**

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 **(4) The authority to suspend a license, certificate, registration or other authorization**
 2 **under this section is in addition to any other authority of the director or an advisory board**
 3 **to suspend a license, certificate, registration or other authorization and in addition to any**
 4 **other sanction, remedy or penalty provided by law.**

5 **SECTION 3.** ORS 455.125 is amended to read:

6 455.125. (1) In addition to any other sanction, remedy or penalty provided by law, the Director
 7 of the Department of Consumer and Business Services or an appropriate advisory board may deny,
 8 suspend, condition or revoke a registration, certification, license or other authority to perform work
 9 or conduct business issued under laws administered by the Department **of Consumer and Business**
 10 **Services** or advisory board if the holder:

11 [(1)] (a) Fails to comply with a provision of ORS 446.003 to 446.200, 446.225 to 446.285, 446.395
 12 to 446.420, 479.510 to 479.945, 479.950 or 480.510 to 480.670 or **this chapter** or ORS chapter 447,
 13 [455,] 460 or 693, or with any rule adopted under those statutes or under ORS 455.117; or

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

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

20 **SECTION 4.** ORS 455.129 is amended to read:

21 455.129. (1) Subject to ORS chapter 183, except as provided in subsection [(3)] (4) of this section,
 22 a regulatory body listed in subsection (2) of this section may deny a license, certificate, registration
 23 or application or may suspend, revoke, condition or refuse to renew a license, certificate or regis-
 24 tration if the regulatory body finds that the licensee, certificate holder, registrant or applicant:

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

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

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

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

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

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

38 (g) Is a business, the owner or an officer of which has an outstanding obligation to pay a civil
 39 penalty assessed under ORS 455.895 or has been the subject of action against the license, certificate
 40 or registration by the Department of Consumer and Business Services, the director or any advisory
 41 board.

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

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

45 (B) An act or failure to act by any owner or officer of the other business resulted in action

1 being taken against the license, certificate or registration of the other business by the department,
2 the director or any advisory board.

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

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

6 (b) The Electrical and Elevator Board for purposes of licenses issued under ORS 446.210 or
7 479.510 to 479.945.

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

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

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

12 (f) The department, subject to Manufactured Structures and Parks Advisory Board approval, for
13 purposes of licenses, certificates and registrations issued under ORS 446.003 to 446.200, 446.225 to
14 446.285 and 446.395 to 446.420.

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

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

21 **SECTION 5.** ORS 455.450 is amended to read:

22 455.450. A person [shall] **may** not:

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

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

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

41 **SECTION 6.** ORS 480.632 is amended to read:

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

