

SENATE AMENDMENTS TO SENATE BILL 147

By COMMITTEE ON BUSINESS AND TRANSPORTATION

March 11

1 On page 1 of the printed bill, line 2, after “671.540” delete the rest of the line and insert “,
2 671.571 and 701.010.”.

3 On page 3, delete lines 5 and 6 and insert:

4 “(m) A plumbing contractor licensed under ORS 447.010 to 447.156 when engaged in superin-
5 tending installation work on piping for an irrigation system designed by a landscape contracting
6 business or by a person registered under ORS 671.310 to 671.459.

7 “(n) A plumbing contractor licensed under ORS 447.010 to 447.156 when engaged in superin-
8 tending repair or maintenance work on piping for an irrigation system.

9 “(o) A journeyman plumber licensed under ORS chapter 693 when performing an installation for
10 a plumbing contractor described in paragraph (m) of this subsection or performing repair or main-
11 tenance work on piping for an irrigation system.”.

12 In line 7, delete “(n)” and insert “(p)”.

13 In line 10, delete “(o)” and insert “(q)”.

14 In line 12, delete “(p)” and insert “(r)”.

15 On page 4, delete lines 26 and 27 and insert:

16 “(m) A plumbing contractor licensed under ORS 447.010 to 447.156 when engaged in superin-
17 tending installation work on piping for an irrigation system designed by a landscape contracting
18 business or by a person registered under ORS 671.310 to 671.459.

19 “(n) A plumbing contractor licensed under ORS 447.010 to 447.156 when engaged in superin-
20 tending repair or maintenance work on piping for an irrigation system.

21 “(o) A journeyman plumber licensed under ORS chapter 693 when performing an installation for
22 a plumbing contractor described in paragraph (m) of this subsection or performing repair or main-
23 tenance work on piping for an irrigation system.”.

24 In line 28, delete “(n)” and insert “(p)”.

25 In line 31, delete “(o)” and insert “(q)”.

26 In line 33, delete “(p)” and insert “(r)”.

27 On page 5, line 11, delete “(1)(o)” and insert “(1)(q)”.

28 After line 23, insert:

29 “**SECTION 5.** ORS 701.010 is amended to read:

30 “701.010. The Construction Contractors Board may adopt rules to make licensure optional for
31 persons who offer, bid or undertake to perform work peripheral to construction, as defined by ad-
32 ministrative rule of the board. The following persons are exempt from licensure under this chapter:

33 “(1) A person who is constructing, altering, improving or repairing personal property.

34 “(2) A person who is constructing, altering, improving or repairing a structure located within
35 the boundaries of any site or reservation under the jurisdiction of the federal government.

1 “(3) A person who furnishes materials, supplies, equipment or finished product and does not
2 fabricate them into, or consume them, in the performance of the work of a contractor.

3 “(4) A person working on one structure or project, under one or more contracts, when the ag-
4 gregate price of all of that person’s contracts for labor, materials and all other items is less than
5 \$500 and such work is of a casual, minor or inconsequential nature. This subsection does not apply
6 to a person who advertises or puts out any sign or card or other device that might indicate to the
7 public that the person is a contractor.

8 “(5) An owner who contracts for work to be performed by a licensed contractor. This subsection
9 does not apply to a person who, in the pursuit of an independent business, constructs, remodels,
10 repairs or for compensation and with the intent to sell the structure, arranges to have constructed,
11 remodeled or repaired a structure with the intent of offering the structure for sale before, upon or
12 after completion. It is prima facie evidence that there was an intent of offering the structure for sale
13 if the person who constructed, remodeled or repaired the structure or arranged to have the struc-
14 ture constructed, remodeled or repaired does not occupy the structure after its completion.

15 “(6) An owner who contracts for one or more licensed contractors to perform work wholly or
16 partially within the same calendar year on not more than three existing residential structures of the
17 owner. This subsection does not apply to an owner contracting for work that requires a building
18 permit unless the work that requires a permit is performed by, or under the direction of, a residen-
19 tial general contractor.

20 “(7) A person performing work on a property that person owns or performing work as the
21 owner’s employee, whether the property is occupied by the owner or not, or a person performing
22 work on that person’s residence, whether or not that person owns the residence. This subsection
23 does not apply to a person performing work on a structure owned by that person or the owner’s
24 employee, if the work is performed in the pursuit of an independent business with the intent of of-
25 fering the structure for sale before, upon or after completion.

26 “(8) A person licensed in one of the following trades or professions when operating within the
27 scope of that license:

28 “(a) An architect licensed by the State Board of Architect Examiners.

29 “(b) A registered professional engineer licensed by the State Board of Examiners for Engineer-
30 ing and Land Surveying.

31 “(c) A water well contractor licensed by the Water Resources Department.

32 “(d) A sewage disposal system installer licensed by the Department of Environmental Quality.

33 “(e) A landscape contracting business licensed under ORS 671.510 to 671.760 [*that constructs*
34 *fences, decks, arbors, patios, landscape edging, driveways, walkways or retaining walls and that meets*
35 *the applicable bonding requirements under ORS 671.690*].

36 “(f) A pesticide operator licensed under ORS 634.116 who does not conduct inspections for wood
37 destroying organisms for the transfer of real estate.

38 “(g) An appraiser certified or licensed under ORS chapter 674 or an appraiser assistant regis-
39 tered under ORS chapter 674 by the Appraiser Certification and Licensure Board.

40 “(9) A landscape contracting business licensed under ORS 671.510 to 671.760 that:

41 “(a) Constructs fences, decks, arbors, patios, landscape edging, driveways, walkways or
42 retaining walls and meets the applicable bonding requirements under ORS 671.690; or

43 “(b) Subcontracts to a licensed plumbing contractor, or otherwise arranges for a licensed
44 plumbing contractor to perform, the installation of an irrigation system described in ORS
45 671.540 (1)(m) or the repair or maintenance of an irrigation system.

1 “[(9)] **(10)** A person who performs work subject to this chapter as an employee of a contractor.
2 “[(10)] **(11)** A manufacturer of a manufactured home constructed under standards established by
3 the federal government.
4 “[(11)] **(12)** A person involved in the movement of:
5 “(a) Modular buildings or structures other than manufactured structures not in excess of 14 feet
6 in width.
7 “(b) Structures not in excess of 16 feet in width when the structures are being moved by their
8 owner if the owner is not a contractor required to be licensed under this chapter.
9 “[(12)] **(13)** A commercial lending institution or surety company that arranges for the com-
10 pletion, repair or remodeling of a structure. As used in this subsection, ‘commercial lending insti-
11 tution’ means any bank, mortgage banking company, trust company, savings bank, savings and loan
12 association, credit union, national banking association, federal savings and loan association, insur-
13 ance company or federal credit union maintaining an office in this state.
14 “[(13)] **(14)** A real estate licensee as defined in ORS 696.010 or the employee of that licensee
15 when performing work on a structure that the real estate licensee manages under a contract.
16 “[(14)] **(15)** Units of government other than those specified in ORS 701.005 (5)(c) and (d).
17 “[(15)] **(16)** A qualified intermediary in a property exchange that qualifies under section 1031
18 of the Internal Revenue Code as amended and in effect on January 1, 2004, if the qualified inter-
19 mediary is not performing construction activities.
20 “[(16)] **(17)** A business that supplies personnel to a licensed contractor for the performance of
21 work under the direction and supervision of the contractor.
22 “[(17)] **(18)** City or county inspectors acting under ORS 701.225 or inspectors described in ORS
23 455.715.”

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