

Senate Bill 52

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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**.

Expands grounds for Construction Contractors Board to revoke, suspend or refuse to issue construction contractor license.

A BILL FOR AN ACT

1
2 Relating to construction contractor licensing; creating new provisions; and amending ORS 701.102.

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

4 **SECTION 1.** ORS 701.102 is amended to read:

5 701.102. (1) As used in this section, "construction contractor license" means a license issued
6 within the United States to engage in the business of construction contracting.

7 (2) The Construction Contractors Board may revoke, suspend or refuse to issue a license re-
8 quired under this chapter to a business if:

9 (a) The business:

10 (A) Owes a construction debt *[or]*;

11 (B) **Owes a debt to a state agency arising from a failure to properly pay wages;**

12 (C) **Owes payment of a civil penalty to a state agency; or**

13 (D) Has had a construction contractor license revoked or suspended;

14 (b) An owner, officer or responsible managing individual of the business:

15 (A) Owes a construction debt *[or]*;

16 (B) **Owes a debt to a state agency arising from a failure to properly pay wages;**

17 (C) **Owes payment of a civil penalty to a state agency; or**

18 (D) Has had a construction contractor license revoked or suspended;

19 (c) An owner, officer or responsible managing individual of the business was an owner, officer
20 or responsible managing individual of another business:

21 (A) At the time the other business incurred:

22 (i) A construction debt that is owing *[or]*;

23 (ii) **A debt that is owing to a state agency and that arose from a failure to properly pay**
24 **wages; or**

25 (iii) **A civil penalty that is owing to a state agency; or**

26 (B) At the time of an event that resulted in the revocation or suspension of the other business's
27 construction contractor license; or

28 (d) The board determines that an owner, officer or responsible managing individual of the busi-
29 ness is not fit for licensure, based upon information submitted under ORS 701.046 or discovered by
30 a board investigation under ORS 701.225.

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 (3) The board may place a contractor on probation if a total of three or more complaints are
2 filed with the board under ORS 701.139 within a 12-month period against the contractor or a former
3 licensed construction contracting business in which the contractor held at least a 10 percent own-
4 ership interest, measured as determined by board rule. A contractor may not be placed on probation
5 unless the board determines after investigation that it is likely that the contractor has caused harm
6 to the complainants. The board may require a contractor that is placed on probation to develop a
7 corrective action plan, to attend specific classes and to resolve outstanding complaints. The board
8 may require a contractor that is placed on probation to take training and pass a test, both as de-
9 scribed in ORS 701.122. The board shall take action to terminate the contractor's license if the
10 contractor is unwilling or unable to comply with the conditions of probation.

11 **SECTION 2. The amendments to ORS 701.102 by section 1 of this 2009 Act apply to debts**
12 **and civil penalties accrued or imposed before, on or after the effective date of this 2009 Act**
13 **that are due and owing on or after the effective date of this 2009 Act.**

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