

HOUSE AMENDMENTS TO HOUSE BILL 2156

By COMMITTEE ON BUSINESS AND LABOR

April 15

1 On page 1 of the printed bill, delete lines 5 through 30 and delete page 2 and insert:

2 **“SECTION 1.** ORS 671.690 is amended to read:

3 “671.690. (1) An applicant for a license as a landscape contracting business shall file with the
4 State Landscape Contractors Board a surety bond with one or more corporate sureties authorized
5 to do business in this state, or an irrevocable letter of credit issued by an insured institution, as
6 defined in ORS 706.008. The amount of the bond or letter of credit shall be:

7 “(a) \$3,000 for an applicant, unless the applicant is described in paragraph (b), (c) or (d) of this
8 subsection.

9 “(b) \$10,000 for an applicant who, not in conjunction with the performance of landscaping work,
10 constructs fences, decks, arbors, patios, landscape edging, driveways, walkways or retaining walls,
11 unless the applicant is made subject to paragraph (d) of this subsection by work on other jobs per-
12 formed by the applicant.

13 “(c) \$10,000 for an applicant who charges more than \$10,000, but less than \$25,000, for a land-
14 scape job.

15 “(d) \$15,000 for an applicant who charges \$25,000 or more for a landscape job.

16 “(2) The bond or letter of credit [*required under subsection (1) of this section*] shall be condi-
17 tioned that the applicant pays:

18 “(a) All taxes and contributions due to the State of Oregon;

19 “(b) All persons furnishing labor or material, or renting or supplying equipment to the landscape
20 contracting business;

21 “(c) All amounts that may be adjudged against the landscape contracting business by reason of
22 negligent or improper work or breach of contract in performing any work subject to ORS 671.510
23 to 671.760; and

24 “(d) All amounts from the bond, letter of credit or deposit the board orders paid under ORS
25 671.703.

26 **“(3) In addition to providing the applicant with coverage for the activities described in
27 ORS 671.520 (1), the bond or letter of credit must provide the applicant with coverage for:**

28 **“(a) Backflow assembly testing services provided by employees of the landscape con-
29 tracting business who are certified under ORS 448.279;**

30 **“(b) The installation, repair or maintenance by the landscape contracting business of
31 backflow assemblies for irrigation systems and ornamental water features as described in
32 ORS 447.060; and**

33 **“(c) The installation by the landscape contracting business of landscape irrigation control
34 wiring and outdoor landscape lighting as described in ORS 479.940.**

35 “[3] (4) In lieu of the surety bond or letter of credit, [*required under subsection (1) of this sec-*

1 *tion, the landscape contracting business*] **the applicant** may file with the board, under the same terms
2 and conditions as when a bond is filed, a deposit in cash or negotiable securities acceptable to the
3 board.

4 “[4] (5) The bond, letter of credit or deposit [*required by this section*] must be continuously on
5 file with the board in the amount required by this section and is for the exclusive purpose of pay-
6 ment of final orders and arbitration awards in accordance with ORS 671.703. Upon termination or
7 cancellation of the bond, withdrawal of the deposit or reduction of the bond, letter of credit or de-
8 posit to less than the required amount, the licensee shall immediately:

9 “(a) File a replacement bond, letter of credit or deposit; or

10 “(b) Surrender the license to the board and cease operating as a landscape contracting business.

11 “[5] (6) If the cost of a project makes, or foreseeably will make, a licensee subject to a higher
12 bond or letter of credit requirement under subsection (1) of this section, the licensee shall imme-
13 diately file additional bonds, letters of credit or deposits to meet the higher requirements.

14 “[6] (7) The landscape contracting business is responsible for all work [*that is*] subject to ORS
15 671.510 to 671.760 **that is performed or contracted for by the business.**

16 “**SECTION 2. The amendments to ORS 671.690 by section 1 of this 2011 Act apply to**
17 **bonds, letters of credit and deposits filed with the State Landscape Contractors Board on or**
18 **after the effective date of this 2011 Act.”.**

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