

B-Engrossed
Senate Bill 704

Ordered by the House May 9
Including Senate Amendments dated March 14 and House Amendments
dated May 9

Sponsored by Senator OLSEN, Representative KENNEMER; Senators BEYER, GIROD, Representatives BENTZ,
ESQUIVEL, GILLIAM

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.

Exempts person performing work for purposes of agricultural drainage, agricultural trenching[, *construction of agricultural fences*] or agricultural irrigation **or involving construction of agricultural fences to control livestock** from licensure as construction contractor. Exempts person performing work on forestlands for which notice of operation has been filed from licensure as construction contractor.

Declares emergency, effective on passage.

A BILL FOR AN ACT

1
2 Relating to construction contractor license exemptions; creating new provisions; amending ORS
3 701.010; and declaring an emergency.

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

5 **SECTION 1.** ORS 701.010 is amended to read:

6 701.010. The Construction Contractors Board may adopt rules to make licensure optional for
7 persons who offer, bid or undertake to perform work peripheral to construction, as defined by ad-
8 ministrative rule of the board. The following persons are exempt from licensure under this chapter:

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

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

12 (3) A person who furnishes materials, supplies, equipment or finished product and does not fab-
13 ricate them into, or consume them, in the performance of the work of a contractor.

14 (4) A person working on one structure or project, under one or more contracts, when the ag-
15 gregate price of all of that person's contracts for labor, materials and all other items is less than
16 \$500 and such work is of a casual, minor or inconsequential nature. This subsection does not apply
17 to a person who advertises or puts out any sign or card or other device that might indicate to the
18 public that the person is a contractor.

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

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

6 (7) A person performing work on a property that person owns or performing work as the owner's
7 employee, whether the property is occupied by the owner or not, or a person performing work on
8 that person's residence, whether or not that person owns the residence. This subsection does not
9 apply to a person performing work on a structure owned by that person or the owner's employee,
10 if the work is performed in the pursuit of an independent business with the intent of offering the
11 structure for sale before, upon or after completion.

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

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

15 (b) A professional engineer registered by the State Board of Examiners for Engineering and
16 Land Surveying.

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

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

19 (e) A landscape contracting business licensed under ORS 671.510 to 671.760.

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

22 (g) An appraiser certified or licensed under ORS chapter 674 or an appraiser assistant registered
23 under ORS chapter 674 by the Appraiser Certification and Licensure Board.

24 (9) A landscape contracting business operating within the scope of a license issued under ORS
25 671.510 to 671.760 that:

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

28 (b) Subcontracts to a licensed plumbing contractor, or otherwise arranges for a licensed plumb-
29 ing contractor to perform, the installation of an irrigation system described in ORS 671.540 (1)(m)
30 or the repair or maintenance of an irrigation system.

31 (10) A person who performs work subject to this chapter as an employee of a contractor.

32 (11) A manufacturer of a manufactured home constructed under standards established by the
33 federal government.

34 (12) A person involved in the movement of:

35 (a) Modular buildings or structures other than manufactured structures not in excess of 14 feet
36 in width.

37 (b) Structures not in excess of 16 feet in width when the structures are being moved by their
38 owner if the owner is not a contractor required to be licensed under this chapter.

39 (13) A commercial lending institution or surety company that arranges for the completion, repair
40 or remodeling of a structure. As used in this subsection, "commercial lending institution" means
41 any bank, mortgage banking company, trust company, savings bank, savings and loan association,
42 credit union, national banking association, federal savings and loan association, insurance company
43 or federal credit union maintaining an office in this state.

44 (14) A real estate licensee as defined in ORS 696.010 or the employee of that licensee when
45 performing work on a structure that the real estate licensee manages under a contract.

1 (15) Units of government other than those specified in ORS 701.005 (5)(c) and (d).

2 (16) A qualified intermediary in a property exchange that qualifies under section 1031 of the
3 Internal Revenue Code as amended and in effect on January 1, 2004, if the qualified intermediary
4 is not performing construction activities.

5 (17) A business that supplies personnel to a licensed contractor for the performance of work
6 under the direction and supervision of the contractor.

7 (18) City or county inspectors acting under ORS 701.225 or inspectors described in ORS 455.715.

8 **(19) A person performing work for purposes of agricultural drainage, agricultural**
9 **trenching or agricultural irrigation or involving the construction of agricultural fences to**
10 **control livestock.**

11 **(20) A person performing work that is subject to ORS 527.610 to 527.770 on forestlands**
12 **for which notice of operation has been filed under ORS 527.670.**

13 **SECTION 2. The amendments to ORS 701.010 by section 1 of this 2011 Act apply to work**
14 **performed on or after the effective date of this 2011 Act.**

15 **SECTION 3. This 2011 Act being necessary for the immediate preservation of the public**
16 **peace, health and safety, an emergency is declared to exist, and this 2011 Act takes effect**
17 **on its passage.**

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