



April 2, 2013

TO: SENATE COMMITTEE ON BUSINESS AND TRANSPORTATION

FROM: OREGON LANDSCAPE CONTRACTORS ASSOCIATION

RE: PROPOSED AMENDMENTS TO SB 557

The Oregon Landscape Contractors Association (OLCA) opposes SB 557 as drafted but supports the proposed amendments to the bill. OLCA is a nonprofit trade association comprised of professional licensed landscapers from across the state.

OLCA supported the legislation over a decade ago to transfer the Landscape Contractors Board (LCB) which was advisory to the Construction Contractors Board (CCB) and supported by CCB staff to a semi-independent status with its own staff. The principal reason for that change in the Board's governance and status was that it represented such a small portion of the overall licensees and activities regulated by the CCB that service and industry focus was lost in the larger world of CCB.

For that reason, we oppose the bill as drafted. However, we believe that the bill affords the Legislature an opportunity to address some concerns that our members have raised with regard to LCB. To that end, we would like the Senate Committee on Business and Transportation to consider using SB 557 as a vehicle to address those concerns by approving the -2 amendments we are offering to the bill.

The -2 amendments would delete the language in the current bill and create new provisions with regard to current LCB statutes that would:

Direct LCB to adopt an enforcement program that puts as the primary goal – compliance. Under these amendments, LCB would be directed to first try to educate LCB licensees who violate contractor laws in an effort to bring them into compliance and not assess fines unless it involves life/safety issue or it's the third repetition of the same violation. We have heard complaints from licensed contractors across the state that enforcement of minor violations has resulted in significant fines and the perception that LCB focuses its enforcement efforts on contractors who are licensed rather than those who are not. The costs to both the contractors and to LCB are difficult to justify as many of these cases do not rise to the threshold of jeopardizing consumer protection. OCLA

believes that the focus of the enforcement program should be aimed at unlicensed contractors who violate the law by operating without a license and licensed contractors who intentionally violate the laws as demonstrated by repetitive violation of the statutes.

Another amendment would retain the continuing education requirement for licensees but require LCB to conduct random audits upon licensee renewal to ensure compliance and remove LCB from prior approval of continuing education, maintaining continuing education records of licensees and other burdensome and costly administrative responsibilities. OLCA supports the value of continuing education but the current system has created unnecessary costs for both the licensed contractors and the LCB.

Also included in the amendments is a provision to have LCB evaluate its licensure examination requirements and report back to the Legislature in 2014 on recommendations to ensure that they are reasonable with regard to what licensees need to know to do the work in compliance with the statutory requirements.

And, at the suggestion of LCB, a common violation by licensed contractors is failure to notify the LCB of address changes within 10 days. The amendments include a provision which would change the notification period to 30 days which would allow a more reasonable reporting period.

Finally, the amendments include a minimum threshold for when a landscape contractor is required to provide the customer with a written contract. Under current law there is no minimum threshold so a contractor is required to provide a written contract for even the most minimal of projects. The new language would establish a minimum threshold of \$500 for a landscaping project under which a written contract would not be required.

The Oregon Landscape Contractors Association ask for you adoption of the -2 amendments which would help address some of the issues that have frustrated many licensed landscape professionals and contractors without abolishing the semi-independent Landscape Contractors Board and transferring its functions back to CCB.