

D R A F T

SUMMARY

Changes continuing education requirements for commercial construction contractors. Establishes differing requirements based on number of years commercial contractor has been licensed.

Revises criteria for Construction Contractors Board approval of continuing education programs. Requires board to establish category system for continuing education programs. Requires continuing education based on category.

Applies to licensing periods commencing on or after January 1, 2014, and, at election of commercial construction contractor, to licensing periods commencing before January 1, 2014.

Declares emergency, effective on passage.

A BILL FOR AN ACT

1
2 Relating to construction contractor continuing education; creating new pro-
3 visions; amending ORS 701.063; repealing ORS 701.123, 701.124, 701.126 and
4 701.127; and declaring an emergency.

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

6 **SECTION 1. Sections 2 to 4 of this 2013 Act are added to and made**
7 **a part of ORS chapter 701.**

8 **SECTION 2. (1) The Construction Contractors Board shall adopt**
9 **minimum quality standards to be met and maintained by public and**
10 **private training and education programs approved by the board for**
11 **meeting continuing education requirements under section 3 or 4 of this**
12 **2013 Act. The board may determine the number of hours to be credited**
13 **to an approved program. In determining the standards to be adopted,**
14 **the board shall give consideration to any continuing education pro-**
15 **gram standards that have been adopted by national construction trade**

1 associations.

2 (2) In determining whether to approve a program for meeting con-
3 tinuing education requirements, the board shall examine the program
4 content, instructor qualifications and attendance verification proce-
5 dures and make other inquiries as the board considers reasonable to
6 ensure that the program presents information concerning topics rele-
7 vant to construction contractors and is presented in a competent
8 manner to verified attendees.

9 (3) The board shall establish continuing education categories for
10 matters broadly related to:

11 (a) Construction business practices, such as marketing, customer
12 service, accounting, business law, bidding, building code and safety
13 issues; or

14 (b) Specific focus subjects, such as roofing, excavation, exterior
15 shell work and energy efficient building.

16 (4) Except as provided in subsection (5) of this section and section
17 4 (4)(b) of this 2013 Act, one-half of the continuing education hours
18 that a contractor is required to complete during a licensing period
19 must be in each category described in subsection (3) of this section.
20 The board may require that a minimum number of the specific focus
21 subject program hours that a contractor is required to complete dur-
22 ing a licensing period relate to the specialty or trade practiced by the
23 contractor.

24 (5) The board may recognize a specialized education program de-
25 scribed under ORS 701.120 for purposes of continuing education credit.
26 The requirement in subsection (4) of this section to apportion required
27 continuing education between categories does not apply if the con-
28 tractor obtains continuing education through enrollment in a special-
29 ized education program. If a continuing education program provides
30 training in the construction of one and two family dwellings, the board
31 may designate the program as a specialized education program only

1 if the program meets board requirements and includes instruction that
2 meets the requirements of Department of Consumer and Business
3 Services rules adopted under ORS 455.805.

4 (6) A contractor applying for renewal of a license shall certify the
5 number of continuing education hours completed during the preceding
6 licensing period. The board may require training or education provider
7 verification that the contractor completed the continuing education.
8 A contractor may not renew a license issued by the board unless the
9 contractor has completed, at a minimum, the applicable number of
10 hours and type of continuing education required under the rules
11 adopted under section 3 of this 2013 Act or required under section 4
12 of this 2013 Act.

13 (7) A commercial contractor shall maintain records of the continu-
14 ing education hours completed by key employees.

15 (8) Notwithstanding section 4 of this 2013 Act, the board may adopt
16 rules to allow a contractor who changes license type or level to obtain
17 full or partial credit for recently completed continuing education or
18 for time that the contractor has actively held a license issued by the
19 board.

20 (9) A licensed developer is not subject to continuing education re-
21 quirements under this section or section 4 of this 2013 Act or rules
22 adopted under section 3 of this 2013 Act.

23 SECTION 3. The Construction Contractors Board shall adopt rules
24 establishing continuing education requirements for residential con-
25 tractors licensed by the board. The rules shall include, but need not
26 be limited to, rules establishing the required number of hours and
27 course content for continuing education. The board may establish
28 reasonable fees for courses and instruction provided by the board, or
29 for approving the course content and instruction for continuing edu-
30 cation provided by other sources.

31 SECTION 4. (1) Except as provided in subsection (2) of this section,

1 a commercial general contractor level 1, or a commercial specialty
2 contractor level 1, who has held the commercial general contractor
3 level 1 or commercial specialty contractor level 1 license in active
4 status for six or fewer consecutive years shall have a key employee,
5 or combination of key employees, who complete at least 40 hours of
6 continuing education per year.

7 (2) If a commercial general contractor level 1, or a commercial
8 specialty contractor level 1, who has held the commercial general
9 contractor level 1 or commercial specialty contractor level 1 license in
10 active status for six or fewer consecutive years has no more than four
11 key employees, the contractor shall have a key employee, or combi-
12 nation of key employees, who complete continuing education each year
13 equivalent to the number of key employees multiplied by eight hours.

14 (3) A commercial general contractor level 2, or a commercial spe-
15 cialty contractor level 2, who has held the commercial general con-
16 tractor level 2 or commercial specialty contractor level 2 license in
17 active status for six or fewer consecutive years shall have a key em-
18 ployee, or combination of key employees, who complete the equivalent
19 of at least 16 hours of continuing education per year.

20 (4) A commercial general contractor level 1, a commercial specialty
21 contractor level 1, a commercial general contractor level 2 or a com-
22 mercial specialty contractor level 2 who has held that type and level
23 of license in active status for more than six consecutive years shall
24 have a key employee, or combination of key employees, who complete:

- 25 (a) At least 16 hours of continuing education every four years; or
26 (b) At least four hours of continuing education from the con-
27 struction business practices category each year if the term of the
28 contractor license is less than four years.

29 (5) This section does not apply to a commercial contractor who is
30 subject to regulation under ORS 479.510 to 479.945 or 480.510 to 480.670
31 or ORS chapter 693.

1 **SECTION 5.** ORS 701.063 is amended to read:

2 701.063. (1) A license is valid for two years from the date of issuance un-
3 less the license is revoked or suspended as set forth in ORS 701.098.

4 (2) A license may be renewed by submitting an application for renewal
5 on the prescribed form, providing any additional information required, in-
6 cluding evidence of completion of any required education, and submitting the
7 appropriate application fee, as provided by Construction Contractors Board
8 rule.

9 (3) The board may vary the dates of license renewal by giving to the
10 licensee written notice of the renewal date assigned and by making appro-
11 priate adjustments in the fee for the license renewal application.

12 (4) If a contractor applies for renewal not more than two years after the
13 contractor's license lapses, upon the contractor's compliance with the re-
14 quirements of subsection (2) of this section, the board may renew the lapsed
15 license. The board may designate the effective date of renewal as the last
16 date on which the contractor was licensed.

17 (5) A contractor may convert a license to inactive status if the contractor
18 is not engaged in work as a contractor. A contractor having an inactive li-
19 cense is subject to board licensing requirements and application fees, but is
20 not subject to the bonding requirement of ORS 701.068, [or] the insurance
21 requirement of ORS 701.073 **or continuing education requirements.** [A
22 *commercial general or commercial specialty contractor having an inactive li-*
23 *cence is not subject to the key employee continuing education requirements of*
24 *ORS 701.124.*] An inactive license is not considered a valid license for pur-
25 poses of offering to undertake construction work, submitting a bid for con-
26 struction work, obtaining a building permit or performing construction work.
27 A license may not be placed or maintained in inactive status more than once
28 during any two-year licensing term.

29 (6) The board shall issue a pocket-card certificate of licensure to a con-
30 tractor licensed under this chapter indicating the type of license issued.

31 **SECTION 6.** ORS 701.123, 701.124, 701.126 and 701.127 are repealed.

1 **SECTION 7.** Sections 2 to 4 of this 2013 Act, the amendments to
2 **ORS 701.063** by section 5 of this 2013 Act and the repeal of **ORS 701.123,**
3 **701.124, 701.126 and 701.127** by section 6 of this 2013 Act apply to li-
4 **ensing periods that commence on or after January 1, 2014. For li-**
5 **ensing periods commencing before January 1, 2014, a commercial**
6 **contractor may choose whether to comply with the continuing educa-**
7 **tion requirements established under section 4 of this 2013 Act or with**
8 **the continuing education requirements that were applicable to the**
9 **commercial contractor under ORS 701.124 as set forth in the 2011 Edi-**
10 **tion of Oregon Revised Statutes.**

11 **SECTION 8.** This 2013 Act being necessary for the immediate pres-
12 **ervation of the public peace, health and safety, an emergency is de-**
13 **clared to exist, and this 2013 Act takes effect on its passage.**

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