

# Senate Bill 207

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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**.

Requires that construction contractor license application filed by limited partnership include name and address of certain limited partnership members. Requires reporting changes in names and addresses of certain limited partnership members. Deletes redundant disclosure requirement.

## A BILL FOR AN ACT

1  
2 Relating to applications for licensing by the Construction Contractors Board; creating new pro-  
3 visions; and amending ORS 701.046 and 701.114.

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

5 **SECTION 1.** ORS 701.046 is amended to read:

6 701.046. (1) Except as provided in subsection (2) of this section, an applicant for a construction  
7 contractor license must submit the application on a form prescribed by the Construction Contractors  
8 Board. The application shall include, but not be limited to, the following information:

9 (a) The endorsement being sought.

10 (b) A list of construction debts involving the applicant, or an owner or officer of the applicant,  
11 if the order, award, penalty or judgment that establishes the debt was issued within the preceding  
12 five years.

13 (c) For each person described in paragraphs (h), [*and*] (i) **and** (j) of this subsection, a Social  
14 Security number.

15 (d) Workers' compensation insurance account number, if the applicant is required to have  
16 workers' compensation insurance.

17 (e) Unemployment insurance account number, if the applicant is required to have unemployment  
18 insurance.

19 (f) State withholding tax account number, if the applicant is required to withhold state income  
20 tax.

21 (g) Federal employer identification number, if the applicant is required to have a federal em-  
22 ployer identification number.

23 (h) The name and address of:

24 (A) Each partner, if the applicant is a partnership, limited liability partnership or foreign limited  
25 liability partnership.

26 (B) The general partner, if the applicant is a limited partnership.

27 (C) Each joint venturer, if the applicant is a joint venture.

28 (D) The owner, if the applicant is a sole proprietorship.

29 (E) The officers, if the applicant is a corporation.

30 (F) The manager and each member, if the applicant is a manager-managed limited liability com-

**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 pany.
- 2 (G) Each member, if the applicant is a member-managed limited liability company.
- 3 (H) The responsible managing individual designated by the applicant.
- 4 (I) Each trustee, if the applicant is a trust.
- 5 (i) The name and address of the following if the applicant is a partnership, limited liability  
6 partnership, foreign limited liability partnership, joint venture, manager-managed limited liability  
7 company or member-managed limited liability company:
- 8 (A) Each partner in a partnership, limited liability partnership or foreign limited liability part-  
9 nership that is a partner, joint venturer or member of the applicant.
- 10 (B) Each general partner in a limited partnership that is a partner, joint venturer or member  
11 of the applicant.
- 12 (C) Each joint venturer in a joint venture that is a partner, joint venturer or member of the  
13 applicant.
- 14 (D) The manager and each member of a manager-managed limited liability company that is a  
15 partner, joint venturer or member of the applicant.
- 16 (E) Each member of a member-managed limited liability company that is a partner, joint  
17 venturer or member of the applicant.
- 18 (F) Each officer of a corporation that is a partner, joint venturer or member of the applicant.
- 19 [(G) *The general partner in a limited partnership that is a partner, joint venturer or member of the*  
20 *applicant.*]
- 21 [(H)] (G) Each individual who has a controlling ownership interest in, or management authority  
22 over, the applicant and who meets criteria adopted by the board by rule.
- 23 **(j) The name and address of the following if the applicant is a limited partnership:**
- 24 **(A) Each partner of any partnership, limited liability partnership or foreign limited li-**  
25 **ability partnership that is the general partner of the applicant.**
- 26 **(B) Each general partner of any limited partnership that is the general partner of the**  
27 **applicant.**
- 28 **(C) Each joint venturer in any joint venture that is the general partner of the applicant.**
- 29 **(D) The manager and each member of any manager-managed limited liability company**  
30 **that is the general partner of the applicant.**
- 31 **(E) Each member of any member-managed limited liability company that is the general**  
32 **partner of the applicant.**
- 33 **(F) Each officer of any corporation that is the general partner of the applicant.**
- 34 [(j)] (k) For each person described in paragraphs (h), [and] (i) and (j) of this subsection, infor-  
35 mation as required by board rule regarding the following if related to construction activities:
- 36 (A) A final judgment against the person by a court in any state entered within five years pre-  
37 ceding the application date that requires the person to pay money to another person or to a public  
38 body if the judgment remains unsatisfied on the application date.
- 39 (B) A final order against the person by an administrative agency in any state issued within five  
40 years preceding the application date that requires the person to pay money to another person or to  
41 a public body if the order remains unsatisfied on the application date.
- 42 (C) A court action against the person in any state pending on the application date that alleges  
43 the person owes money to another person or to a public body.
- 44 (D) An action by an administrative agency in any state pending on the application date that  
45 seeks an order that the person pay money to another person or to a public body.

1 (E) A conviction for a crime listed in ORS 701.098 (1)(i) entered within five years preceding the  
2 application date.

3 (F) An indictment for a crime listed in ORS 701.098 (1)(i) filed within five years preceding the  
4 application date.

5 [(k)] (L) The basis on which the applicant meets the standards for independent contractor status  
6 under ORS 670.600.

7 (2) Subsection (1)(h), [and] (i) **and (j)** of this section does not apply if the applicant is a company  
8 that offers securities registered with the United States Securities and Exchange Commission for sale  
9 to the general public.

10 (3) The application described in subsection (1) of this section must be accompanied by proof  
11 satisfactory to the board that the applicant:

12 (a) Is in compliance with ORS 701.091.

13 (b) Has the legal capacity to enter into contracts.

14 (4) Subsection (3)(a) of this section does not apply to an applicant for licensing with endorsement  
15 solely as a residential or commercial developer.

16 (5) An applicant shall conform to the information provided by the applicant on the application  
17 and to the terms of the application.

18 **SECTION 2.** ORS 701.114 is amended to read:

19 701.114. (1) Except as provided in this subsection, a contractor licensed under this chapter shall  
20 immediately notify the Construction Contractors Board of any change in the identity, name or ad-  
21 dress of a person who holds a position with the contractor that is described in ORS 701.046 (1)(h),  
22 [or] (i) **or (j)** or of a responsible managing individual for the contractor as defined in ORS 701.091.  
23 A contractor described in ORS 701.046 (2) is not required to report a change in the identity, name  
24 or address of a person described in ORS 701.046 (1)(h), [or] (i) **or (j)**.

25 (2) Except as provided in this subsection, if a partner or joint venturer departs from a contrac-  
26 tor that is a partnership or joint venture, the contractor must obtain a new license before continu-  
27 ing to conduct activities that require a license under this chapter. A contractor described in ORS  
28 701.046 (2) that is a partnership or joint venture is not required to obtain a new license upon de-  
29 parture of a partner or joint venturer.

30 **SECTION 3.** The amendments to ORS 701.046 and 701.114 by sections 1 and 2 of this 2013  
31 Act apply to license applications received by the Construction Contractors Board on or after  
32 the effective date of this 2013 Act.

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