

Enrolled
Senate Bill 783

Sponsored by COMMITTEE ON BUSINESS AND TRANSPORTATION

CHAPTER

AN ACT

Relating to construction contractor continuing education; creating new provisions; repealing ORS 701.123, 701.126 and 701.127; and declaring an emergency.

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

SECTION 1. Sections 2 to 5 of this 2013 Act are added to and made a part of ORS chapter 701.

SECTION 2. (1) The Construction Contractors Board shall adopt rules establishing a continuing education system for residential contractors licensed by the board. The rules shall include, but need not be limited to, minimum standards to be met:

- (a) By approved providers of continuing education; and
- (b) By courses that the board approves as continuing education.

(2) In establishing the continuing education system, the board may give consideration to any continuing education program adopted by national construction licensing trade associations.

SECTION 3. (1) The Construction Contractors Board may enter into agreements with approved continuing education providers for the providers to offer education developed by the board under section 4 (1)(b) of this 2013 Act. The agreements may provide for the board to collect payment from the providers for the use of the education materials developed by the board.

(2) In determining whether to approve an entity as a provider of continuing education that is required under section 4 (1)(c) of this 2013 Act, the board shall consider:

- (a) Instructor qualifications; and
- (b) Attendance verification procedures.

(3) In determining whether to approve a course as continuing education described in section 4 (1)(c) of this 2013 Act, the board shall consider the course content.

(4) In determining any process for approving an entity as a provider of continuing education that is not required under section 4 (1) of this 2013 Act, the board may consider attendance verification procedures.

(5) The board may determine the number of continuing education hours to be credited to a continuing education course or to a specialized education program described in section 5 of this 2013 Act.

(6) The board may establish reasonable fees for approvals of entities as continuing education providers, approvals of continuing education courses and approvals of specialized education programs described in section 5 of this 2013 Act and reasonable fees for any continuing education courses offered by the board. The board may charge an approved pro-

vider a reasonable fee for each attendee completing course hours in approved continuing education to cover board costs associated with administering the residential contractor continuing education system.

SECTION 4. (1)(a) Except as provided in subsections (2) and (6) of this section and section 5 of this 2013 Act, to qualify for the renewal of a residential contractor license the licensee must complete eight hours of continuing education during the two-year licensing period preceding the renewal.

(b) Three of the hours required under paragraph (a) of this subsection must be education regarding laws, regulations and business practices. The Construction Contractors Board shall develop materials for the education. The education must be offered by the board or by an approved continuing education provider acting under an agreement with the board.

(c) Five of the hours required under paragraph (a) of this subsection must be education from approved providers and be courses the board has approved as continuing education regarding one or more of the following:

- (A) Construction business practices.
- (B) Marketing.
- (C) Customer service.
- (D) Accounting.
- (E) Business law.
- (F) Bidding.
- (G) Building codes.
- (H) Safety.
- (I) Energy efficiency.
- (J) Trade specific subjects, such as roofing, excavation or exterior shell construction.
- (K) Other subjects that the board determines by rule to be appropriate.

(2)(a) In addition to completing the continuing education required under subsection (1) of this section, to qualify for the renewal of a residential contractor license the licensee must complete an additional eight hours of continuing education during the two-year licensing period preceding the renewal if the residential contractor was not licensed by the board as a residential contractor during any part of the six-year period immediately preceding the renewal.

(b) Continuing education that is required of a residential contractor under paragraph (a) of this subsection must be offered by an approved continuing education provider or the board. The education may be in any subject described in subsection (1) of this section related to construction or the business of the residential contractor.

(3) A residential contractor applying for the renewal of a license shall certify the number of continuing education hours completed by the contractor during the two-year period immediately preceding the renewal. The board may require verification of certified continuing education hours described in subsection (1)(c) of this section.

(4) Notwithstanding subsections (1) to (3) of this section, the board may adopt rules to adjust the period allowed for the completion of continuing education when the renewing residential contractor holds a lapsed license described under ORS 701.063 (4).

(5) Subsections (1) to (4) of this section do not apply to a residential contractor endorsed only as a residential developer.

(6) The board may exempt residential contractors from continuing education requirements under this section. The board may create exemptions under this subsection by rule or may grant an exemption on a case-by-case basis.

SECTION 5. The Construction Contractors Board may allow a residential contractor to participate in a specialized education program under ORS 701.120 in lieu of completing continuing education described in section 4 (1)(c) of this 2013 Act. The board may establish a minimum number of specialized education program hours or courses that the residential contractor must complete during a two-year period to substitute for all or part of the re-

quired continuing education hours. If the specialized education program provides training in one- and two-family dwelling construction, the board may approve the specialized education program as a substitute for continuing education only if the program meets the program criteria described in ORS 455.805 (3) and Department of Consumer and Business Services rules adopted under ORS 455.810.

SECTION 6. ORS 701.123, 701.126 and 701.127 are repealed January 1, 2014.

SECTION 7. (1) Sections 2 to 5 of this 2013 Act become operative January 1, 2014. The Construction Contractors Board may take any actions prior to January 1, 2014, that the board deems necessary or expedient to provide for the administration and enforcement of sections 2 to 5 of this 2013 Act on or after January 1, 2014.

(2) Notwithstanding subsection (1) of this section, sections 2 to 5 of this 2013 Act and the repeal of ORS 701.123, 701.126 and 701.127 by section 6 of this 2013 Act, the board may adopt rules to allow full or partial continuing education credit for continuing education courses or specialized education program coursework completed prior to January 1, 2015, regardless of whether a course or program coursework meets minimum standards adopted by the board under section 2 of this 2013 Act.

SECTION 8. This 2013 Act being necessary for the immediate preservation of the public peace, health and safety, an emergency is declared to exist, and this 2013 Act takes effect on its passage.

Passed by Senate June 29, 2013

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Robert Taylor, Secretary of Senate

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Peter Courtney, President of Senate

Passed by House July 1, 2013

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Tina Kotek, Speaker of House

Received by Governor:

.....M.,....., 2013

Approved:

.....M.,....., 2013

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John Kitzhaber, Governor

Filed in Office of Secretary of State:

.....M.,....., 2013

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Kate Brown, Secretary of State