

A-Engrossed
Senate Bill 783

Ordered by the Senate April 26
Including Senate Amendments dated April 26

Sponsored by COMMITTEE ON BUSINESS AND TRANSPORTATION

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.

Changes continuing education requirements for [*commercial*] **residential** construction contractors. Establishes differing requirements based on number of years [*commercial*] **residential** 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 provisions; amending ORS
3 701.127; repealing ORS 701.123 and 701.126; and declaring an emergency.

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

5 **SECTION 1. Sections 2 and 3 of this 2013 Act are added to and made a part of ORS**
6 **chapter 701.**

7 **SECTION 2. (1) The Construction Contractors Board shall adopt minimum quality stan-**
8 **dards to be met by public and private providers of approved continuing education programs.**
9 **In determining the standards to be adopted, the board shall give consideration to any con-**
10 **tinuing education program standards that have been adopted by national construction li-**
11 **censing trade associations. Quality standards that the board adopts for providers are in**
12 **addition to any considerations under subsection (2)(c) of this section that the board uses for**
13 **evaluating programs.**

14 **(2)(a) The board shall establish continuing education categories for matters broadly re-**
15 **lated to:**

16 **(A) Construction business practices, such as marketing, customer service, accounting,**
17 **business law, bidding, contractor laws and board rules; or**

18 **(B) Specific focus subjects, such as roofing, excavation, exterior shell work, building**
19 **codes, safety issues and energy efficient building.**

20 **(b) The board may, at its discretion, designate an approved continuing education program**
21 **as being within a category described in paragraph (a) of this subsection.**

22 **(c) The board may determine whether to approve an education program for continuing**
23 **education purposes and determine the number of hours to be credited to an approved con-**
24 **tinuing education program. In determining whether to approve a program for continuing**

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 education, if the program content is focused primarily on subjects that the board has as-
2 signed to a category described in paragraph (a) of this subsection the board shall examine
3 the program content, instructor qualifications and attendance verification procedures and
4 make other inquiries as the board considers reasonable to ensure that the program presents
5 information concerning topics relevant to construction contractors and is presented in a
6 competent manner to verified attendees. If the program content is not focused primarily on
7 subjects that the board has assigned to a category described in paragraph (a) of this sub-
8 section, the board shall ensure that the program is consistent with the purposes of the
9 continuing education requirements established in section 3 of this 2013 Act and that the
10 program providers report program attendance to the board.

11 (3) The board may establish a fee for determining whether to approve a program for
12 continuing education purposes and determining the number of hours to be credited for the
13 program.

14 **SECTION 3.** (1)(a) Except as provided in subsection (3) of this section, a residential con-
15 tractor must complete at least 16 hours of continuing education during a two-year license
16 period if:

17 (A) The contractor has held a residential contractor license issued by the board for fewer
18 than six consecutive years; or

19 (B) A court judgment or arbitration award was entered against the contractor during the
20 prior licensing period on a claim filed with the Construction Contractors Board or for which
21 an owner gave a notice of defect under ORS 701.565.

22 (b) A contractor that is subject to paragraph (a) of this subsection must complete eight
23 of the continuing education hours in programs assigned to the category described in section
24 2 (2)(a) of this 2013 Act and eight hours in any programs broadly related to the work of the
25 contractor.

26 (2) Except as provided in subsections (1) and (3) of this section, a contractor that has
27 held a residential contractor license issued by the board for six or more consecutive years
28 must complete eight hours of continuing education during a two-year license period. A con-
29 tractor must complete the continuing education in programs assigned to the category de-
30 scribed in section 2 (2)(a) of this 2013 Act.

31 (3) The board may recognize a specialized education program described under ORS 701.120
32 for continuing education purposes. If a continuing education program provides training in
33 the construction of one and two family dwellings, the board may designate the program as
34 a specialized education program only if the program includes instruction that meets the re-
35 quirements of Department of Consumer and Business Services rules adopted under ORS
36 455.805.

37 (4) A residential contractor applying for renewal of a license shall certify the number of
38 continuing education hours completed during the preceding licensing period. The board may
39 require training or education provider verification that the residential contractor completed
40 the continuing education. A residential contractor may not renew a license issued by the
41 board unless the contractor has completed, at a minimum, the applicable number of hours
42 and type of continuing education required under this section.

43 (5) A residential developer is not subject to continuing education requirements under this
44 section.

45 **SECTION 4.** ORS 701.123 and 701.126 are repealed.

1 **SECTION 5.** ORS 701.127 is amended to read:

2 701.127. (1) Notwithstanding [*ORS 701.126*] **section 2 of this 2013 Act**, the Construction Con-
3 tractors Board shall adopt criteria for allowing the exemption of a residential contractor from any
4 board rule requiring continuing education in state building code compliance or requiring building
5 exterior shell training.

6 (2) The board may require a residential contractor to take continuing education or training in
7 other subjects to offset the reduction in continuing education or training hours created by the ex-
8 emption described in subsection (1) of this section.

9 **SECTION 6. Sections 2 and 3 of this 2013 Act, the amendments to ORS 701.127 by section**
10 **5 of this 2013 Act and the repeal of ORS 701.123 and 701.126 by section 4 of this 2013 Act apply**
11 **to licensing periods that commence on or after January 1, 2014. Residential contractor**
12 **continuing education requirements for licensing periods commencing prior to January 1,**
13 **2014, must be completed in compliance with ORS 701.123 and 701.126 as set forth in the 2011**
14 **Edition of Oregon Revised Statutes and with Construction Contractor Board rules adopted**
15 **for carrying out ORS 701.123 and 701.126.**

16 **SECTION 7. This 2013 Act being necessary for the immediate preservation of the public**
17 **peace, health and safety, an emergency is declared to exist, and this 2013 Act takes effect**
18 **on its passage.**

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