

# D R A F T

## SUMMARY

Requires person employing, contracting with or leasing services of construction flagger to obtain construction flagging contractor license. Creates exceptions for certain other licensed contractors. Imposes insurance and bonding requirements for construction flagging contractors.

## A BILL FOR AN ACT

Relating to construction flagging contractors.

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

**SECTION 1. Section 2 of this 2015 Act is added to and made a part of ORS chapter 701.**

**SECTION 2. (1) As used in this section:**

**(a)(A) “Construction flagger” means an individual who, for compensation or with the expectation of compensation, directs or controls the flow of motor vehicle traffic on a public roadway to prevent or reduce conflict between the flow of traffic and construction activity on or near the roadway.**

**(B) “Construction flagger” does not mean an individual performing work for the federal government, a public body as defined in ORS 174.109 or a business regulated by the Public Utility Commission.**

**(b) “Construction flagging contractor” means a person who employs, contracts with or obtains through a worker leasing company, one or more individuals to act as construction flaggers.**

**(2) Except as provided in this section, a person may not undertake, offer to undertake or submit a bid to do work as a construction flagging contractor unless the person holds a construction flagging con-**

1 tractor license issued by the Construction Contractors Board.

2 (3) This section does not require a person to obtain a construction  
3 flagging contractor license if the person holds a valid license and  
4 endorsement as a:

- 5 (a) Residential general contractor;
- 6 (b) Commercial general contractor level 1;
- 7 (c) Commercial specialty contractor level 1;
- 8 (d) Commercial general contractor level 2; or
- 9 (e) Commercial specialty contractor level 2.

10 (4) An applicant for a construction flagging contractor license  
11 must:

- 12 (a) Submit an application in the manner described in ORS 701.046;
- 13 (b) Obtain a surety bond under ORS 701.068 in the amount of \$20,000;
- 14 and
- 15 (c) Obtain general liability insurance under ORS 701.073 in an  
16 amount of not less than \$500,000.

17 (5) A construction flagging contractor license authorizes a person  
18 to act as a construction flagging contractor but does not authorize the  
19 person to engage in any other activities that require a license issued  
20 under this chapter.

21 (6) Notwithstanding any other provision of this chapter, the board  
22 may not:

23 (a) Impose training or continuing education requirements for a  
24 construction flagging contractor or a responsible managing individual  
25 for the contractor.

26 (b) Require a construction flagging contractor or the responsible  
27 managing individual for the contractor to take a test measuring the  
28 knowledge of the contractor or responsible managing individual re-  
29 garding business practices and laws affecting construction contractors.

30 **SECTION 3.** (1) The Construction Contractors Board shall make  
31 construction flagging contractor licenses available for issuance under

1 **section 2 of this 2015 Act no later than 180 days after the effective date**  
2 **of this 2015 Act.**

3 **(2) Notwithstanding section 2 of this 2015 Act and ORS 701.992, the**  
4 **board may not assess a civil penalty against a person for a failure to**  
5 **comply with section 2 of this 2015 Act during the period ending 90 days**  
6 **after the date that the board makes construction flagging contractor**  
7 **licenses available for issuance.**

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