

Fiscal: Has minimal fiscal impact

Revenue: No Revenue Impact

Action Date: 04/20/15

Action: Do Pass With Amendments. (Printed A-Eng.)

Meeting Dates: 03/23, 04/20

Vote:

Yeas: 3 - Beyer, Monroe, Riley

Nays: 2 - Girod, Thomsen

Prepared By: James LaBar, Committee Administrator

WHAT THE MEASURE DOES:

Directs Construction Contractors Board to create a construction flagging contractor license available that would require the contractor to be bonded and carry insurance. Specifies that the flagging contractor licensee does not authorize licensee to engage in work of general contractor or other subcontractor. Establishes effective date on July 1, 2017.

ISSUES DISCUSSED:

- Safety statistics associated with control flaggers on construction sites
- Neighboring states' practices with control flagging profession
- Potential creation of a barrier to entry for new businesses

EFFECT OF COMMITTEE AMENDMENT:

Changes effective date from no later than 180 days after passage to July 1, 2017.

BACKGROUND:

In many cases, traffic control flaggers have one of the most dangerous jobs on a construction site. Currently, Oregon statute does not categorize their work as construction and therefore does not hold traffic control flaggers to the same standards as all other workers on the jobsite. Although flagging contractors are the only contractors on most jobsites not required to obtain a Construction Contractors Board (CCB) license, they have the highest rate of fatalities. For other purposes, particularly for the purpose of meeting the Women Business Enterprises/Minority Business Enterprise requirements, flagging contractors are considered a construction contractor, but the law does not consider them construction contractors for the purposes of providing consumer and workplace protections through a CCB license.

Because flagging contractors are not considered construction contractors under statute and not required to obtain a CCB license, they are therefore, not required to obtain a bond. When wage claims or complaints are made against traffic control flaggers, the Bureau of Labor and Industries (BOLI) must go through a process of recouping the money from the bonded general contractor, a process that takes months or years and often leaves workers unable to meet household budgets.