

House Bill 3304

Sponsored by Representatives NEARMAN, HEARD

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**.

Eliminates examination and experience requirements for licensing as landscape construction professional. Eliminates probationary landscape construction professional license. Eliminates examination and education requirements for landscape contracting business license applicants.

A BILL FOR AN ACT

1
2 Relating to licenses issued by the State Landscape Contractors Board; creating new provisions;
3 amending ORS 671.560, 671.570, 671.572 and 671.595; and repealing ORS 671.571 and 671.590.

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

5 **SECTION 1.** ORS 671.560 is amended to read:

6 671.560. (1) [*Except as provided in ORS 671.571 and 671.590,*] The State Landscape Contractors
7 Board shall issue a landscape construction professional license to an applicant who satisfies the
8 requirements of ORS 671.570.

9 (2) The board shall issue a landscape contracting business license to an applicant who satisfies
10 the requirements of the board.

11 (3) An applicant for a license under this section shall apply to the board upon a form furnished
12 by the board and give such information as the board considers necessary.

13 [(4)(a) *The board may issue a limited or specialty license if the applicant is required to have a*
14 *landscape construction professional license or landscape contracting business license but is not quali-*
15 *fied or required to be licensed for all phases of landscape work.*]

16 [(b) *The board may adopt rules to limit or restrict the landscape work performed by probationary*
17 *landscape construction professionals.*]

18 [(5)] (4) A landscape contracting business that qualifies for the exemption described in ORS
19 571.045 shall indicate on its license application or license renewal application under this section the
20 reasons the business qualifies for the exemption.

21 **SECTION 2.** ORS 671.570 is amended to read:

22 671.570. [(1)] Each person applying for a landscape construction professional license must:

23 [(a)] (1) Pay a nonrefundable application fee;[.]

24 [(b) *Pay an examination fee.*]

25 [(c)] (2) Pay to the State Landscape Contractors Board the landscape construction professional
26 license fee required by ORS 671.650[.]; **and**

27 [(d) *Pass an examination, which the board shall offer at least once each six months, to determine*
28 *the fitness of the applicant for licensing and within 10 years before the day the application for a license*
29 *is made:*]

30 [(A) *Have at least 24 months of employment with a landscape contracting business; or*]

31 [(B) *Have at least 12 months of employment with a landscape contracting business and one full*

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 *year of training in an area related to landscaping at an accredited school or college.]*

2 [(e)] (3) Be employed by, or own, a landscape contracting business if performing landscaping
3 work.

4 [(2) Notwithstanding subsection (1) of this section, the board may adopt rules allowing a person
5 who does not meet the education and experience requirements in subsection (1)(d) of this section to
6 substitute other education and experience that demonstrate the fitness of the person for licensing as a
7 landscape construction professional.]

8 **SECTION 3.** ORS 671.572 is amended to read:

9 671.572. Notwithstanding the provisions of ORS 671.570 regarding [*experience and*] employment
10 status, the State Landscape Contractors Board may adopt alternative standards for licensure with
11 the board for a person who is already licensed as a contractor under ORS chapter 701.

12 **SECTION 4.** ORS 671.595 is amended to read:

13 671.595. (1) As used in this section:

14 (a) “Managing employee” means a person who, at the time of an application for the issuance
15 or renewal of a landscape contracting business license:

16 (A) Is employed in landscaping work only by the applicant; and

17 (B) Manages or shares in the management of the applicant, as defined by the State Landscape
18 Contractors Board by rule.

19 (b) “Owner” means a person who at the time of an application for the issuance or renewal of
20 a landscape contracting business license:

21 (A) Has an ownership interest in the applicant; and

22 (B) Manages or shares in the management of the applicant, as defined by the board by rule.

23 [(2) If an applicant for a landscape contracting business license does not have at least one owner
24 or managing employee who is licensed as a landscape construction professional under ORS 671.560, the
25 applicant shall provide the board with proof that an owner or managing employee has completed re-
26 quired courses described in subsection (4) of this section and passed an examination on the subject of
27 those courses.]

28 [(3)] (2) The board may adopt rules to require a landscape contracting business and any owner
29 or managing employee to provide the board with notice of any change in the employment or duties
30 of the owner or managing employee.

31 [(4) The board shall adopt rules establishing required courses for an owner or managing employee
32 who seeks to qualify the business for a landscape contracting business license, but who is not licensed
33 as a landscape construction professional. The courses required by the board shall be designed to edu-
34 cate the owner or managing employee regarding business practices and Oregon laws affecting land-
35 scape contracting businesses. The board may not require an owner or managing employee to take a
36 total of more than 16 hours of instruction.]

37 [(5) When adopting rules to carry out subsection (4) of this section, the board shall consider the
38 availability of courses in the regions of this state. The board shall encourage course providers to use
39 the most up-to-date technology to make courses widely available.]

40 [(6) A course provider may submit information regarding course materials, examinations and in-
41 structor qualifications to the board for approval. The board shall approve courses if the course mate-
42 rials, examinations and instructors meet board requirements. The board shall periodically review
43 approved courses to ensure continuing compliance with board requirements. The board shall develop
44 and make available a list of providers that offer courses that will enable an owner or managing em-
45 ployee to comply with the requirements of subsection (2) of this section.]

1 **SECTION 5.** ORS 671.571 and 671.590 are repealed.

2 **SECTION 6.** (1) Notwithstanding the repeal of ORS 671.571 by section 5 of this 2015 Act,
3 a person holding a valid probationary landscape construction professional license imme-
4 diately prior to the effective date of this 2015 Act may continue to act within the scope of
5 that license as set forth in ORS 671.571 (2013 Edition) until the State Landscape Contractors
6 Board issues the person a landscape construction professional license as provided in this
7 section.

8 (2) No later than 90 days after the effective date of this 2015 Act, subject to ORS 671.610,
9 the board shall issue a landscape construction professional license under ORS 671.570 to a
10 person holding a probationary landscape construction professional license. The board may
11 not charge any additional fee for the issuance of a license under ORS 671.570 as required by
12 this section.

13 (3) If a person issued a license as required by this section has in place a bond, letter of
14 credit or deposit that exceeds the applicable amount required under ORS 671.690, the board
15 shall allow the person to reduce the amount of the bond, letter of credit or deposit to the
16 applicable amount required under ORS 671.690.

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