

**Enrolled**  
**House Bill 4117**

Sponsored by Representative HEARD (Presession filed.)

CHAPTER .....

AN ACT

Relating to State Landscape Contractors Board licensing processes; amending ORS 671.561 and section 3, chapter 652, Oregon Laws 2015; and declaring an emergency.

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

**SECTION 1.** ORS 671.561 is amended to read:

671.561. *[(1) The State Landscape Contractors Board shall establish a practical skills test for persons applying for a landscape construction professional license under ORS 671.570 or limited or specialty license under ORS 671.560. The board shall allow a person applying under ORS 671.570 the option of satisfying the examination requirement under ORS 671.570 (1)(d) either by passing a written examination approved by the board or by passing the practical skills test and attending the business practices class described in this section. If the board requires that applicants for a limited or specialty license pass an examination, the board shall allow a person applying for the limited or specialty license the option of satisfying the examination requirement either by passing a written examination or by passing an appropriate practical skills test and attending the business practices class described in this section.]*

*[(2) The board shall make practical skills testing available during three periods each year. Each of the periods must consist of two or more consecutive days on which applicants may take the practical skills test. The periods shall begin:]*

*[(a) Between March 1 and May 1;]*

*[(b) Between June 1 and August 1; and]*

*[(c) Between September 1 and November 1.]*

**(1) The State Landscape Contractors Board shall establish a practical skills test for at least two of the types of limited or specialty licenses offered by the board under ORS 671.560. The board may establish a practical skills test for additional types of licenses offered under ORS 671.560 or 671.570. If the board establishes a practical skills test for a type of license, the board shall allow an applicant for the license the option of satisfying all or parts of any examination requirement for the license either by:**

**(a) Passing a written examination; or**

**(b) Passing the practical skills test and attending the business practices class described in this section.**

**(2) If the board establishes a practical skills test for a type of license, the board must offer the practical skills test at least once every 12 months.**

**(3) The board shall design *[the]* a practical skills test to determine whether the applicant has the ability to perform the tasks most commonly required of a *[landscape construction professional]* licensee in a manner meeting or exceeding practice standards established by board rule. **A practi-****

cal skills test may include, but may not be limited to, the use of written multiple choice questions. The board shall design *[the]* a test to have a reasonable expected completion time that is less than eight hours. **The board may not test the ability of an applicant for a limited or specialty license to perform a task that is not authorized by the type of limited or specialty license sought. If the board establishes a practical skills test option for licensing under ORS 671.570, the board may not test the ability of an applicant to make an installation described in ORS 671.615.**

(4) The board shall supply a site for practical skills testing that has adequate lighting and is free from extreme temperatures, falling or blowing snow, ice, high winds and heavy rainfall. The practical skills test must be conducted within an eight-hour period on a single day.

(5) The board shall evaluate task performance during a practical skills test by use of a standardized scoring checklist. If the evaluator determines that an item on the checklist was not performed in a manner meeting or exceeding practice standards established by board rule, the board shall provide written comments explaining in detail why the performance was unsatisfactory. The board shall establish the minimum score for passage of a practical skills test to be 70 percent of the maximum possible score. If an applicant does not pass a practical skills test, the board shall allow the applicant to review the checklist and written comments. *[If the applicant takes the practical skills test prior to the last day of a test availability period described in subsection (2) of this section, the board shall allow the applicant the opportunity to pay a new examination fee and retake the test during that same availability period.]*

*[(6) The board shall offer or approve a class on landscape contracting business practices, not to exceed six hours in length. The class shall be offered to applicants who have successfully completed the practical skills test and be available during the same periods that practical skills testing is available. The board may not test applicants on the class content. An applicant who passes the practical skills test and attends the business practices class satisfies the examination requirement established in ORS 671.570 (1)(d).]*

**(6) The board shall offer or approve a class on landscape contracting business practices, not to exceed six hours in length. The class shall be offered to applicants who choose the option of taking a practical skills test and be made available to those applicants on a schedule that facilitates taking the class in conjunction with taking the practical skills test. The board may test applicants on the class content but may not consider the test results for purposes of conditioning, limiting or refusing a license.**

(7) The board shall establish fees for applicants described in this section in amounts reasonably calculated to offset the full program cost of conducting the practical skills test and business practices class described in this section.

(8) The board may subcontract or otherwise arrange for a third party to carry out any duty or function of the board regarding practical skills testing or the class on landscape contracting business practices.

**SECTION 2.** Section 3, chapter 652, Oregon Laws 2015, is amended to read:

**Sec. 3. (1)** The State Landscape Contractors Board shall report to the Seventy-ninth Legislative Assembly in the manner provided in ORS 192.245 no later than May 15, 2017, regarding the implementation of the practical skills *[test]* **tests** and business practices class required under *[section 1 of this 2015 Act]* **ORS 671.561 (1). The report requirement applies only to the implementation of tests and classes for two types of limited or specialty licenses as described in ORS 671.561 (1). For each of the two types of licenses** the report must include, but need not be limited to, information regarding:

(a) The content of the practical skills test[.];

(b) The date that the board first offered practical skills testing[, *the number and percentage of applicants for licensing as landscape construction professionals taking the practical skills test, the number and percentage of applicants passing the practical skills test and the number and percentage of applicants passing a written licensing examination.*];

(c) **The number of applicants for licensing;**

(d) The percentage of applicants electing to satisfy all or part of the examination requirement through practical skills testing;

(e) The passage rate for applicants taking a practical skills test; and

(f) The passage rate for applicants taking a written examination.

(2) Section 2, chapter 652, Oregon Laws 2015, and subsection (1) of this section do not limit the discretion of the board under ORS 671.561 to at any time establish a practical skills test and business practices class for additional types of license.

**SECTION 3.** This 2016 Act being necessary for the immediate preservation of the public peace, health and safety, an emergency is declared to exist, and this 2016 Act takes effect on its passage.

Passed by House February 5, 2016

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Timothy G. Sekerak, Chief Clerk of House

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Tina Kotek, Speaker of House

Passed by Senate February 24, 2016

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Peter Courtney, President of Senate

Received by Governor:

.....M,....., 2016

Approved:

.....M,....., 2016

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Kate Brown, Governor

Filed in Office of Secretary of State:

.....M,....., 2016

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Jeanne P. Atkins, Secretary of State