

Senate Bill 25

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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**.

Revises continuing education requirement for residential contractors. Applies to continuing education taken on or after January 1, 2018. Creates exception.

Declares emergency, effective on passage.

A BILL FOR AN ACT

1
2 Relating to residential contractor continuing education; creating new provisions; amending ORS
3 701.082, 701.265 and 701.267; and declaring an emergency.

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

5 **SECTION 1.** ORS 701.082 is amended to read:

6 701.082. (1)(a) Except as provided in subsections (2) and [(6)] (7) of this section and ORS 701.083,
7 to qualify for the renewal of a residential contractor license the licensee must complete eight hours
8 of continuing education during the two-year licensing period preceding the renewal.

9 (b) Three of the hours required under paragraph (a) of this subsection must be education **pro-**
10 **vided or approved by the Construction Contractors Board** regarding laws, regulations and
11 business practices **or regarding one or more other subjects identified by the board by rule**. The
12 [Construction Contractors] board shall develop **or approve** materials for the education **described in**
13 **this paragraph**. [*The education must be offered by the board or by an approved continuing education*
14 *provider acting under an agreement with the board.*]

15 (c) Five of the hours required under paragraph (a) of this subsection must be education [*from*
16 *approved providers and be courses the board has approved as continuing education*] **approved by the**
17 **board** regarding one or more of the following:

18 (A) Construction business practices.

19 (B) Marketing.

20 (C) Customer service.

21 (D) Accounting.

22 (E) Business law.

23 (F) Bidding.

24 (G) Building codes.

25 (H) Safety.

26 (I) Energy efficiency.

27 (J) Trade specific subjects, such as roofing, excavation or exterior shell construction.

28 (K) Other subjects that the board determines by rule to be appropriate.

29 [(2)(a)] (2) In addition to completing the continuing education required under subsection (1) of
30 this section, to qualify for the renewal of a residential contractor license the licensee must complete

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 an additional eight hours of continuing education during the two-year licensing period preceding the
 2 renewal if the residential contractor *[was not licensed by the board as a residential contractor during*
 3 *any part of the six-year period immediately preceding the renewal]* **does not have six or more years**
 4 **of cumulative experience as a residential contractor in this state on or before the date of the**
 5 **renewal application.**

6 [(b)] (3) Continuing education that is required of a residential contractor under *[paragraph (a)*
 7 *of this subsection must be offered by an approved continuing education provider or the board. The*
 8 *education may be in any subject described in subsection (1) of this section related to construction or the*
 9 *business of the residential contractor.]* **this section may be provided by public agencies, business**
 10 **associations, construction material suppliers, construction product manufacturers, private**
 11 **education companies, professional societies, post-secondary education institutions, trade as-**
 12 **sociations or trade schools. Continuing education required under subsection (1)(b) of this**
 13 **section may also be provided by the board.**

14 [(3)] (4) A residential contractor applying for the renewal of a license shall certify the number
 15 of continuing education hours completed by the contractor during the two-year period immediately
 16 preceding the renewal. The board may require verification *[of]* **or conduct an audit of the** certified
 17 continuing education hours *[described in subsection (1)(c) of this section]* **to ensure compliance. The**
 18 **residential contractor shall maintain continuing education records as required by the board**
 19 **by rule.**

20 [(4)] (5) Notwithstanding subsections (1) to [(3)] (4) of this section, the board may adopt rules
 21 to adjust the period allowed for the completion of continuing education when the renewing resi-
 22 dential contractor holds a lapsed license described under ORS 701.063 (4).

23 [(5)] (6) Subsections (1) to [(4)] (5) of this section do not apply to a residential contractor en-
 24 dorsed only as a residential developer.

25 [(6)] (7) The board may exempt residential contractors from continuing education requirements
 26 under this section. The board may create exemptions under this subsection by rule or may grant an
 27 exemption on a case-by-case basis.

28 **SECTION 2.** ORS 701.265 is amended to read:

29 701.265. (1) The Construction Contractors Board *[shall]* **may** adopt rules establishing a contin-
 30 uing education system for residential contractors licensed by the board. The rules *[shall]* **may** in-
 31 clude, but need not be limited to, minimum standards *[to be met:]* **for providers and for courses**
 32 **that the board approves as continuing education.**

33 **(2) A residential contractor who takes a continuing education course to meet require-**
 34 **ments for other professional licensing under this or another chapter may request that the**
 35 **board approve and credit the course for purposes of ORS 701.082.**

36 [(a) *By approved providers of continuing education; and]*

37 [(b) *By courses that the board approves as continuing education.]*

38 [(2) *In establishing the continuing education system, the board may give consideration to any con-*
 39 *tinuing education program adopted by national construction licensing trade associations.]*

40 **SECTION 3.** ORS 701.267 is amended to read:

41 701.267. (1) The Construction Contractors Board may enter into agreements with *[approved*
 42 *continuing education providers for the providers to offer education developed by the board under ORS*
 43 *701.082 (1)(b)]* **providers described in ORS 701.082 (3) for the provision of continuing education**
 44 **courses.** The agreements may provide for the board to collect payment from the providers for the
 45 use of the education materials developed by the board.

1 [(2) *In determining whether to approve an entity as a provider of continuing education that is re-*
 2 *quired under ORS 701.082 (1)(c), the board shall consider:*]

3 [(a) *Instructor qualifications; and*]

4 [(b) *Attendance verification procedures.*]

5 [(3) *In determining whether to approve a course as continuing education described in ORS 701.082*
 6 *(1)(c), the board shall consider the course content.*]

7 [(4) *In determining any process for approving an entity as a provider of continuing education that*
 8 *is not required under ORS 701.082 (1), the board may consider attendance verification procedures.*]

9 [(5)] (2) The board may determine the number of continuing education hours to be credited to
 10 a continuing education course or to a specialized education program described in ORS 701.083.

11 [(6) *The board may establish reasonable fees for approvals of entities as continuing education*
 12 *providers, approvals of continuing education courses and approvals of specialized education programs*
 13 *described in ORS 701.083 and reasonable fees for any continuing education courses offered by the*
 14 *board. The board may charge an approved provider a reasonable fee for each attendee completing*
 15 *course hours in approved continuing education to cover board costs associated with administering the*
 16 *residential contractor continuing education system.*]

17 **(3) The board may establish reasonable fees for any continuing education courses offered**
 18 **by the board. However, the board may charge the fees only if moneys from license and re-**
 19 **newal fees are not sufficient to cover the cost to the board of providing the continuing edu-**
 20 **cation.**

21 **SECTION 4. (1) The amendments to ORS 701.082, 701.265 and 701.267 by sections 1 to 3**
 22 **of this 2017 Act apply to continuing education taken on or after January 1, 2018.**

23 **(2) Notwithstanding subsection (1) of this section and ORS 701.082, the Construction**
 24 **Contractors Board may grant full or partial continuing education credit for educational**
 25 **courses completed before January 1, 2019, that do not comply with ORS 701.082 or board**
 26 **rules.**

27 **(3) Notwithstanding subsection (1) of this section and ORS 701.082, for a license term**
 28 **beginning on or after January 1, 2016, and before January 1, 2018, a residential contractor**
 29 **may qualify for renewal by satisfying continuing education requirements under ORS 701.082**
 30 **or under ORS 701.082 as set forth in the 2015 Edition of Oregon Revised Statutes.**

31 **SECTION 5. This 2017 Act being necessary for the immediate preservation of the public**
 32 **peace, health and safety, an emergency is declared to exist, and this 2017 Act takes effect**
 33 **on its passage.**

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