

Requested by Representative FAHEY

**PROPOSED AMENDMENTS TO
HOUSE BILL 3193**

1 On page 1 of the printed bill, line 2, after the second semicolon, delete
2 the rest of the line and insert “; and amending ORS 652.332, 652.414, 701.102,
3 701.133, 701.143, 701.146 and 701.153.”.

4 Delete lines 4 through 27 and delete pages 2 through 4 and insert:

5 **“SECTION 1. Sections 2 and 3 of this 2019 Act are added to and**
6 **made a part of ORS 652.310 to 652.414.**

7 **“SECTION 2. (1)(a) If the Commissioner of the Bureau of Labor and**
8 **Industries receives a valid wage claim filed against a contractor who**
9 **is subject to licensing under ORS chapter 701 for the contractor’s**
10 **failure to pay a construction debt, the commissioner shall notify the**
11 **Construction Contractors Board and the contractor of the claim within**
12 **30 days of the commissioner’s receipt of the claim.**

13 **“(b) If wages are found due and the contractor fails to pay the un-**
14 **paid wages upon demand, the commissioner shall serve upon the con-**
15 **tractor an order of determination as prescribed under ORS 652.332.**

16 **“(2)(a) If an order issued under ORS 652.332 for the payment of a**
17 **wage claim described under subsection (1) of this section becomes**
18 **final, the commissioner shall notify the board of the final order.**

19 **“(b) The commissioner shall notify the board if the contractor fails**
20 **to pay the construction debt within 60 days of the date of the final**
21 **order.**

1 **“(3) As used in this section ‘contractor’ and ‘construction debt’**
2 **have the meanings given those terms in ORS 701.005.**

3 **“SECTION 3. (1) A business owner who incurs a penalty under ORS**
4 **652.150, 652.900, 652.990 or 653.991, or becomes subject to a bond re-**
5 **quirement under ORS 652.125 or 652.340, remains responsible for such**
6 **penalties and bond requirements regardless of whether the business**
7 **owner ceases doing business under the business name under which the**
8 **business owner incurred the penalty or was required to obtain the**
9 **bond.**

10 **“(2) As used in this section:**

11 **“(a) ‘Business owner’ means an owner, officer or responsible man-**
12 **aging individual of a business that is subject to licensing under ORS**
13 **chapter 701.**

14 **“(b) ‘Officer’ and ‘responsible managing individual’ have the**
15 **meanings given those terms in ORS 701.005.**

16 **“SECTION 4. ORS 652.332 is amended to read:**

17 **“652.332. (1) In any case when the Commissioner of the Bureau of Labor**
18 **and Industries has received a wage claim complaint which the commissioner**
19 **could seek to collect through court action, the commissioner may instead**
20 **elect to seek collection of such claim through administrative proceedings in**
21 **the manner provided in this section, subject to the employer’s right to re-**
22 **quest a trial in a court of law. The commissioner may join in a single ad-**
23 **ministrative proceeding any number of wage claims against the same**
24 **employer. Upon making such election, the commissioner shall serve upon the**
25 **employer and the wage claimant an order of determination directing the**
26 **employer to pay to the commissioner the amount of the wage claim and any**
27 **penalty amounts under ORS 279C.855 (1), 652.150 and 653.055 (1) determined**
28 **to be owed the wage claimant. Service shall be made in the same manner as**
29 **service of summons or by certified mail, return receipt requested. The order**
30 **of determination shall include:**

1 “(a) A reference to the particular sections of the statutes or rules in-
2 volved;

3 “(b) A short and concise statement of the basis for the amounts deter-
4 mined to be owed to each wage claimant;

5 “(c) A statement of the party’s right to request a contested case hearing
6 and to be represented by counsel at such a hearing, and of the employer’s
7 right to a trial in a court of law, provided that any request for a contested
8 case hearing or trial in a court of law must be received by the commissioner
9 in writing within 20 days after receipt by the party of the order of determi-
10 nation;

11 “(d) A statement that the employer must, within 20 days after receipt of
12 the order of determination, either pay in full the wage claim and any pen-
13 alties assessed, or present to the commissioner a written request for a con-
14 tested case hearing or a trial in a court of law as provided in this section;

15 “(e) A statement that failure to make a written request to the commis-
16 sioner for a contested case hearing or a trial of the claim in a court of law
17 within the time specified shall constitute a waiver of the right thereto and
18 a waiver of the right to a trial by jury; *[and]*

19 “**(f) For an employer that is a contractor licensed under ORS**
20 **chapter 701, a statement that failure to pay a construction debt as**
21 **defined in ORS 701.005 within 60 days of the date that an order of de-**
22 **termination becomes final under this section will result in notification**
23 **to the Construction Contractors Board of such failure to pay and the**
24 **suspension of the contractor’s license in accordance with section 12**
25 **of this 2019 Act; and**

26 “[*f*] **(g)** A statement that unless the written requests provided for in
27 paragraph (c) of this subsection are received by the commissioner within the
28 time specified for making such requests, the order of determination shall
29 become final.

30 “(2) Upon failure of the employer to pay the amount specified in the order

1 of determination or to request a trial in a court of law within the time
2 specified, and upon failure of any party to request a contested case hearing
3 within the time specified, the order of determination shall become final.

4 “(3) If a party makes a timely request for a contested case hearing, a
5 hearing shall be held in accordance with the applicable provisions of ORS
6 183.415 to 183.500 by the commissioner or the commissioner’s designee. The
7 commissioner shall adopt rules for such hearing. In any hearing before the
8 commissioner’s designee, the designee is authorized to issue the final order
9 in the case. If the employer makes a timely request for a trial in a court
10 of law, the commissioner may proceed against the employer as provided in
11 ORS 652.330 (1)(b).

12 “(4) Final administrative orders issued in a wage claim proceeding are
13 subject to review by the Court of Appeals as provided in ORS 183.480 and
14 183.482.

15 “(5) When an order issued under this section becomes final, it may be
16 recorded in the County Clerk Lien Record in any county of this state. In
17 addition to any other remedy provided by law, recording an order in the
18 County Clerk Lien Record pursuant to the provisions of this section has the
19 effect provided for in ORS 205.125 and 205.126, and the order may be enforced
20 as provided in ORS 205.125 and 205.126.

21 “(6) Where the wage claim arose out of work performed by the claimant
22 for the employer on any public works project to which ORS 279C.830 or
23 279C.840 applies, and a state agency holds sufficient funds as retainage on
24 such project to pay such claim or any portion thereof, the state agency may,
25 at the request of the commissioner, pay to the commissioner from the
26 retainage all or part of the amount due on the claim under the final order.

27 **“SECTION 5.** ORS 652.414 is amended to read:

28 “652.414. Notwithstanding any other provision of law:

29 “(1) When an employee files a wage claim under this chapter for wages
30 earned and unpaid, and the Commissioner of the Bureau of Labor and In-

1 dustries determines that the employer against whom the claim was filed has
2 ceased doing business and is without sufficient assets to pay the wage claim
3 and the wage claim cannot otherwise be fully and promptly paid, the com-
4 missioner, after determining that the claim is valid, shall pay the claimant,
5 to the extent provided in subsection (2) of this section:

6 “(a) The unpaid amount of wages earned within 60 days before the date
7 of the cessation of business; or

8 “(b) If the claimant filed a wage claim before the cessation of business,
9 the unpaid amount of wages earned within 60 days before the last day the
10 claimant was employed.

11 “(2) The commissioner shall pay the unpaid amount of wages earned as
12 provided in subsection (1) of this section only to the extent of [~~\$4,000~~] **\$10,000**
13 from such funds as may be available pursuant to ORS 652.409 (2).

14 “(3) The commissioner may commence an appropriate action, suit or pro-
15 ceeding to recover from the employer, or other persons or property liable for
16 the unpaid wages, amounts paid from the Wage Security Fund under sub-
17 section (1) of this section. In addition to costs and disbursements, the com-
18 missioner is entitled to recover reasonable attorney fees at trial and on
19 appeal, together with a penalty of 25 percent of the amount of wages paid
20 from the Wage Security Fund or \$200, whichever amount is the greater. All
21 amounts recovered by the commissioner under this subsection and subsection
22 (4) of this section are appropriated continuously to the commissioner to carry
23 out the provisions of this section.

24 “(4) The commissioner has a lien on the personal property of the employer
25 for the benefit of the fund when the claim is paid under subsection (1) of this
26 section for the amount so paid and the penalty referred to in subsection (3)
27 of this section. The commissioner may cause to be filed a verified written
28 notice of claim of lien with the recording officer of the county in which the
29 employer has its principal place of business no later than 30 days after the
30 date the claim was paid under subsection (1) of this section. The notice of

1 claim of lien shall contain:

2 “(a) A true statement of the sums paid to wage claimants and the amount
3 of the penalty provided for in subsection (3) of this section;

4 “(b) The name of the owner of the personal property to be charged with
5 the lien;

6 “(c) A description of the personal property to be charged with the lien
7 sufficient for identification. If a lien is being claimed against all personal
8 property of the employer, the description is sufficient if it states that all
9 personal property of the employer is covered; and

10 “(d) The date the wage claim was paid.

11 “(5) Liens created by subsection (4) of this section shall be recorded in
12 the same manner as provided for in ORS 87.246 and may be foreclosed in the
13 manner provided for in ORS 87.262.

14 “(6) Liens created by subsection (4) of this section shall have priority over
15 any other liens or security interests perfected after the date the notice of
16 claim is filed with the county recording officer under subsections (4) and (5)
17 of this section.

18 “(7) The commissioner shall promulgate rules to carry out the provisions
19 of this section that include, but are not limited to, prescribing procedures for
20 a timely and cost efficient method for the payment of wage claims from the
21 Wage Security Fund and procedures for prorating wage claims if insufficient
22 funds are available for payment.

23 “(8) Nothing in this section is intended to require the commissioner to
24 pay wage claims for which moneys are not available under ORS 652.409 (2).

25 **“SECTION 6.** ORS 701.102 is amended to read:

26 “701.102. (1) As used in this section, ‘construction contractor license’
27 means a license issued within the United States to engage in the business
28 of construction contracting.

29 “(2) The Construction Contractors Board may revoke, suspend or refuse
30 to issue a license required under this chapter to a business if:

1 “(a) The business owes a construction debt or has had a construction
2 contractor license revoked or suspended;

3 “(b) An owner, officer or responsible managing individual of the business
4 owes a construction debt or has had a construction contractor license re-
5 voked or suspended;

6 “(c) An owner, officer or responsible managing individual of the business
7 was an owner, officer or responsible managing individual of another business
8 at the time the other business incurred a construction debt that is owing or
9 at the time of an event that resulted in the revocation or suspension of the
10 other business’s construction contractor license; or

11 “(d) The board determines that an owner, officer or responsible managing
12 individual of the business is not fit for licensure, based upon information
13 submitted to the board under ORS 701.046, submitted in a registration of
14 securities described in ORS 701.046 (2) or discovered by a board investigation
15 under ORS 701.225.

16 “(3) The board may place a contractor on probation if a total of three or
17 more complaints are filed with the board under ORS 701.139 within a
18 12-month period against the contractor or a former licensed construction
19 contracting business in which the contractor held at least a 10 percent
20 ownership interest, measured as determined by board rule. A contractor may
21 not be placed on probation unless the board determines after investigation
22 that it is likely that the contractor has caused harm to the complainants.
23 The board may require a contractor that is placed on probation to develop
24 a corrective action plan, to attend specific classes and to resolve outstanding
25 complaints. The board may require a contractor that is placed on probation
26 to take training and pass a test, both as described in ORS 701.122. The board
27 shall take action to terminate the contractor’s license if the contractor is
28 unwilling or unable to comply with the conditions of probation.

29 **“(4) The board may use the notification of a final order received**
30 **under section 2 of this 2019 Act for purposes of determining whether**

1 to:

2 “(a) Revoke, suspend or refuse to issue a license to a business under
3 subsection (2) of this section;

4 “(b) Notwithstanding the conditions specified for probation in sub-
5 section (3) of this section, place a contractor on probation as provided
6 in subsection (3) of this section; and

7 “(c) Require a contractor to pay a higher amount to obtain a surety
8 bond as required by a board condition or rule under ORS 701.068 (5)
9 or (6).

10 “**SECTION 7.** ORS 701.133 is amended to read:

11 “701.133. (1) Unless otherwise provided by the Construction Contractors
12 Board by rule, before filing a complaint under ORS 701.139, a person must
13 send notice to the contractor that the person intends to file the complaint.
14 The person must send the notice at least 30 days before filing the complaint.
15 The notice must be mailed by certified mail to the last known address of the
16 contractor as shown in board records. The board by rule may:

17 “(a) Specify the manner in which the person may show compliance with
18 this subsection at the time of filing the complaint.

19 “(b) Provide that all or part of the requirements for sending a notice un-
20 der this subsection may be waived if the contractor, by other means, has
21 actual notice of the dispute with the person filing the complaint.

22 “(2) If the notice described in subsection (1) of this section is mailed to
23 the contractor fewer than 45 days before expiration of the time limitation
24 under ORS 701.143 for the board to receive the complaint, the time limitation
25 for the board to receive the complaint does not expire until 60 days after the
26 notice is mailed.

27 “(3) The board by rule may impose a processing fee for complaints filed
28 under ORS 701.139. The fee amount may not exceed \$100. The board may
29 impose different processing fees for complaints processed under ORS 701.145
30 than for complaints processed under ORS 701.146.

1 “(4) If the board adopts rules under subsection (3) of this section, the
2 rules:

3 “(a) Except as provided in paragraphs (b) and (c) of this subsection, must
4 provide that a prevailing complainant recover processing fees.

5 “(b) Must provide that the board may waive or defer all or part of the
6 processing fee upon application by the person filing the complaint that shows
7 the person is unable to pay all or part of the fee. The application must be
8 made under oath and notarized. The application must show the average
9 monthly income and expenses of the complainant, assets and liabilities of the
10 complainant and any other information required by board rule.

11 “(c) May provide for the processing fee to be waived for all complaints
12 that are based on the furnishing of labor by a complainant to a contractor.
13 The board may provide for processing fee waiver under this paragraph only
14 if, in the opinion of the board, a majority of complainants who file com-
15 plaints based on the furnishing of labor to contractors are eligible for fee
16 waivers as described in paragraph (b) of this subsection.

17 “(5) **Notification and receipt of an order of determination under**
18 **section 2 of this 2019 Act satisfies the notice of intent to file a com-**
19 **plaint required by subsection (1) of this section.**

20 “**SECTION 8.** ORS 701.143 is amended to read:

21 “701.143. The Construction Contractors Board may not process a com-
22 plaint against a licensed contractor, including a complaint based upon a
23 court judgment or an arbitration award, unless the complaint is filed with
24 the board in a timely manner as follows:

25 “(1) Except as otherwise provided in this section, if the owner of a new
26 structure files the complaint, the board must receive the complaint no later
27 than the earlier of:

28 “(a) One year after the date the structure was first occupied; or

29 “(b) Two years after substantial completion of the structure by the con-
30 tractor filed against.

1 “(2) Except as otherwise provided in this section, if the owner of an ex-
2 isting structure files the complaint, the board must receive the complaint no
3 later than one year after the date the work was substantially completed by
4 the contractor filed against.

5 “(3) Regardless of whether the complaint involves a new or an existing
6 structure, if the owner of the structure files the complaint and the licensed
7 contractor failed to begin the work, the board must receive the complaint
8 no later than one year after the date the parties entered into the contract.

9 “(4) Regardless of whether the complaint involves a new or an existing
10 structure, if the owner of the structure files the complaint and the licensed
11 contractor failed to substantially complete the work, the board must receive
12 the complaint no later than one year after the date the contractor ceased to
13 work on the structure.

14 “(5) Except as otherwise provided in this section, if a licensed contractor
15 files the complaint against the licensed contractor performing work as a
16 subcontractor on a new structure, the board must receive the complaint no
17 later than the earlier of:

18 “(a) Fourteen months after the date the structure was first occupied; or

19 “(b) Two years after substantial completion of the structure.

20 “(6) Except as otherwise provided in this section, if a licensed contractor
21 files the complaint against the licensed contractor performing work as a
22 subcontractor on an existing structure, the board must receive the complaint
23 no later than 14 months after the date the work on the structure was sub-
24 stantially completed.

25 “(7) If a licensed contractor files the complaint against the licensed con-
26 tractor performing work as a subcontractor on a structure and the subcon-
27 tractor failed to substantially complete the work, the board must receive the
28 complaint no later than 14 months after the date the subcontractor ceased
29 to work on the structure.

30 “(8) If the licensed contractor’s employee, subcontractor or material or

1 equipment supplier files the complaint, the board must receive the complaint
2 no later than one year after the date the contractor incurred the indebt-
3 edness.

4 **“(9) The filing of a complaint with the Commissioner of the Bureau**
5 **of Labor and Industries for unpaid wages constitutes the filing of a**
6 **complaint for purposes of establishing timeliness of the filing of a**
7 **complaint under this section.**

8 **“SECTION 9.** ORS 701.146 is amended to read:

9 “701.146. For a complaint described in ORS 701.139 (2) or (3)(c) or a com-
10 plaint under ORS 701.139 (3)(b) that a complainant elects to have resolved
11 under this section:

12 “(1) The person seeking to file the complaint with the Construction Con-
13 tractors Board must:

14 “(a) Bring an action on the dispute against the licensed contractor in a
15 court of competent jurisdiction; or

16 “(b) Initiate a proceeding to resolve the dispute through binding arbi-
17 tration substantially in conformance with ORS 36.600 to 36.740.

18 “(2) The complainant must file the complaint with the Construction Con-
19 tractors Board by delivering to the board a copy of the complainant’s court
20 pleading or the demand for arbitration or other document necessary to ini-
21 tiate arbitration. The pleading, demand or other document must be accom-
22 panied by a completed board complaint form. The complainant must also give
23 notice to the surety on the bond by delivering to the surety a copy of the
24 complainant’s court pleading or the demand for arbitration or other docu-
25 ment necessary to initiate arbitration and a copy of the completed board
26 complaint form. Delivery to the board and the surety must be accomplished
27 by certified mail, return receipt requested, no later than the earlier of:

28 “(a) The 90th day after filing the court action or after filing or making
29 the arbitration demand or other initiation of arbitration;

30 “(b) The 14th day before the first day of trial or arbitration; or

1 “(c) The 30th day before:

2 “(A) The court issues a judgment in the action; or

3 “(B) The arbitrator issues an award on the arbitration.

4 “(3) Filing the complaint with the board under subsection (2) of this sec-
5 tion constitutes filing the complaint for purposes of establishing timeliness
6 of the complaint under ORS 701.143 and priority of the complaint for possible
7 payment from the bond under ORS 701.157.

8 “(4) Except as provided in this subsection and subsection [(7)] (8) of this
9 section, if the complainant properly gives notice to the surety under sub-
10 section (2) of this section, a judgment or award against the contractor en-
11 tered in the action or arbitration is binding on the surety. If the complainant
12 delivers the notice required under subsection (2) of this section to the wrong
13 surety, the surety receiving the notice may avoid being bound by a judgment
14 or award by delivering notice of the mistake to the complainant or the
15 complainant’s attorney of record, and to the board, on or before the 30th day
16 after the surety receives notice under subsection (2) of this section. Delivery
17 of the notice of mistake must be by certified mail, return receipt requested,
18 or by facsimile machine or other form of transmission with an acknowledg-
19 ment of receipt.

20 “(5) A surety under subsection (2) of this section has an absolute right
21 to intervene in an action or arbitration brought or initiated under subsection
22 (1) of this section. A complainant may not join a surety as a party to an
23 action or arbitration unless the complainant disputes the validity or timeli-
24 ness of the surety’s notice of mistake or the surety disputes the validity or
25 timeliness of the delivery to the surety of the notice required by subsection
26 (2) of this section. If the surety elects to intervene or is joined as a party,
27 the surety is bound by all issues of fact and law determined by the court or
28 arbitrator and may not seek board review of those determinations.

29 “(6) If a court issues a judgment on an action, or reduces an arbitration
30 award to judgment, against a contractor on a complaint described in sub-

1 section (1) of this section, the complainant must deliver a certified copy of
2 the judgment to the board and to the surety no later than the 30th day after
3 entry of the judgment in order to maintain the complaint and possibly re-
4 ceive payment from the bond. The entry of a final judgment against the
5 contractor concludes the contractor's involvement in any proceedings to de-
6 termine whether the complaint is subject to payment from the bond. The
7 complainant and the surety are the only parties to the administrative process
8 set forth in subsection [(7)] (8) of this section.

9 **“(7) If a complaint is filed under ORS 701.140 (4), the complainant**
10 **may recover payment from the bond of the contractor as provided in**
11 **subsection (4) or (8) of this section or by obtaining a final order issued**
12 **by the Bureau of Labor and Industries that states an amount of unpaid**
13 **wages that the licensed contractor owes to the wage claimant.**

14 “[7)] (8) Upon receipt of a timely delivered certified copy of the judgment
15 as described in subsection (6) of this section, the board shall issue a deter-
16 mination that the surety must pay the amount stated by the board. The de-
17 termination issued by the board is an order in other than a contested case
18 proceeding. The determination shall include the amount of the judgment to-
19 gether with any costs, interest and attorney fees awarded under the judg-
20 ment, to the extent that the judgment, costs, interest and fees are within the
21 jurisdiction of the board. The board's determination of the complaint is lim-
22 ited to whether the complaint comes within the jurisdiction of the board and
23 is subject to payment by the surety.

24 **“SECTION 10.** ORS 701.153 is amended to read:

25 “701.153. (1) If an order of the Construction Contractors Board determines
26 a complaint against a residential contractor that was filed with the board
27 prior to July 1, 2011, and the order becomes final by operation of law or on
28 appeal and remains unpaid 10 days after the date the order becomes final,
29 the complainant may file the order with the county clerk in any county of
30 this state.

1 “(2) Upon receipt of an order described in subsection (1) of this section,
2 the clerk shall record the order in the County Clerk Lien Record. In addition
3 to any other remedy provided by law, recording an order described in sub-
4 section (1) of this section in the County Clerk Lien Record pursuant to the
5 provisions of this section has the effect provided for in ORS 205.125 and
6 205.126, and the order may be enforced as provided in ORS 205.125 and
7 205.126.

8 “(3)(a) Payments from the surety bond of a residential contractor pursu-
9 ant to a board determination under ORS 701.145 are satisfied in the following
10 priority in any 90-day period:

11 “(A) Board determinations as a result of complaints against a residential
12 contractor by the owner of a residential or small commercial structure have
13 payment priority to the full extent of the bond over all other types of com-
14 plaints.

15 “(B) If the determinations described in subparagraph (A) of this paragraph
16 do not exhaust the bond, then amounts due under board determinations for
17 all other types of residential or small commercial structure complaints filed
18 with the board within that 90-day period may be paid from the bond, except
19 that the total amount paid from any one bond to nonowner complainants
20 may not exceed \$3,000.

21 “(b) A 90-day period begins on the date the first complaint is filed with
22 the board. Subsequent 90-day periods begin on the date the first complaint
23 is filed with the board after the close of the preceding 90-day period.

24 “(4) If the total amount payable under determinations issued by the board
25 for complaints against a residential contractor filed with the board within
26 90 days after the board receives notice of the first complaint against the
27 contractor exceed the amount of the bond available for payment, subject to
28 the priorities under this section, the board shall decide how payment of the
29 determined amounts from the bond is to be apportioned.

30 “(5) If the total amount payable under determinations issued by the board

1 as a result of complaints that were filed with the board within 90 days after
2 the board receives notice of the first complaint do not exceed the amount
3 of the bond available for payment, those determinations have payment pri-
4 ority over amounts due under determinations resulting from subsequently
5 filed complaints.

6 “(6) The total amount paid from a residential contractor bond for costs
7 and interest under all determinations issued by the board under ORS 701.145
8 may not exceed \$3,000.

9 “(7)(a) **Notwithstanding subsection (3)(a)(B) of this section, if the**
10 **board determines that the bond required a higher amount than the**
11 **amount required ordinarily of a licensee to file a bond under ORS**
12 **701.081, the \$3,000 limit payable from the bond for a nonowner com-**
13 **plaint under subsection (3)(a)(B) shall be increased in an amount that**
14 **is proportional to the increased amount required to file the bond, as**
15 **determined by the board under ORS 701.068 (5) or (6).**

16 “(b) **If a complaint filed under ORS 701.140 (4) or a notice received**
17 **under section 2 of this 2019 Act contributes to the board’s determi-**
18 **nation under ORS 701.068 (5) or (6) that a licensee must file a bond in**
19 **an amount that is higher than the amount required ordinarily of a**
20 **licensee, the total amount available for payment of nonowner com-**
21 **plaints shall be \$3,000 plus up to 50 percent of the amount of the bond**
22 **as required by the board that exceeds the bond amount ordinarily re-**
23 **quired under ORS 701.081 or 701.084.**

24 “**SECTION 11. Section 12 of this 2019 Act is added to and made a**
25 **part of ORS chapter 701.**

26 “**SECTION 12. Upon receipt of the notification provided by the**
27 **Commissioner of the Bureau of Labor and Industries under section 2**
28 **of this 2019 Act stating that a contractor has failed to pay the amount**
29 **of a wage claim as ordered in a final determination order within 60**
30 **days of the issuance of the order, the Construction Contractors Board**

1 shall, after notice and opportunity for a hearing under ORS chapter
2 183, suspend the license of the contractor.

3 **“SECTION 13. The amendments to ORS 652.332 by section 4 of this**
4 **2019 Act apply to wages owed for labor performed on or after the ef-**
5 **fective date of this 2019 Act.”.**

6 _____