

B-Engrossed Senate Bill 94

Ordered by the House May 14
Including Senate Amendments dated March 3 and House Amendments
dated May 14

Printed pursuant to Senate Interim Rule 213.28 by order of the President of the Senate in conformance with pre-session filing rules, indicating neither advocacy nor opposition on the part of the President (at the request of Governor Kate Brown for State Landscape Contractors Board)

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.

Changes design requirement for practical skills tests offered by State Landscape Contractors Board. Deletes requirement that board provide physical location for practical skills testing. Deletes requirement that board conduct practical skills test within eight-hour period on single day.

Requires that board class on landscape contracting business practices be offered at least once every 12 months.

A BILL FOR AN ACT

1
2 Relating to the State Landscape Contractors Board; amending ORS 671.561.

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

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

5 671.561. (1) The State Landscape Contractors Board shall establish a **hands-on, written or**
6 **electronic** practical skills test for at least two of the types of limited or specialty licenses offered
7 by the board under ORS 671.560. The board may establish a **hands-on, written or electronic**
8 practical skills test for additional types of licenses offered under ORS 671.560 or 671.570. If the
9 board establishes a **hands-on, written or electronic** practical skills test for a type of license, the
10 board shall, **when all such test types are available to the board, contractually or otherwise,**
11 allow an applicant for the license the option of satisfying all or parts of any examination require-
12 ment for the license *[either]* by **passing:**

13 *[(a) Passing a written examination; or]*

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

16 **(a) A handwritten examination;**

17 **(b) An electronic examination; or**

18 **(c) The hands-on, written or electronic practical skills test and attending the business**
19 **practices class described in this section.**

20 (2) If the board establishes a **hands-on, written or electronic** practical skills test for a type
21 of license, the board must offer the practical skills test at least once every 12 months.

22 (3) The board shall design a **hands-on, written or electronic** practical skills test to determine
23 whether the applicant has the *[ability]* **minimum knowledge required** to perform the tasks most
24 commonly required of a licensee in a manner meeting or exceeding practice standards established
25 by board rule. A **hands-on, written or electronic** practical skills test may include, but may not

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 be limited to, the use of written multiple choice questions. The board shall design a test to have a
2 reasonable expected completion time that is less than eight hours. The board may not test the ability
3 of an applicant for a limited or specialty license to perform a task that is not authorized by the type
4 of limited or specialty license sought. If the board establishes a practical skills test option for li-
5 censing under ORS 671.570, the board may not test the ability of an applicant to make an installa-
6 tion described in ORS 671.615.

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

10 *[(5) The board shall evaluate task performance during a practical skills test by use of a standard-
11 ized scoring checklist. If the evaluator determines that an item on the checklist was not performed in
12 a manner meeting or exceeding practice standards established by board rule, the board shall provide
13 written comments explaining in detail why the performance was unsatisfactory. The board shall estab-
14 lish the minimum score for passage of a practical skills test to be 70 percent of the maximum possible
15 score. If an applicant does not pass a practical skills test, the board shall allow the applicant to review
16 the checklist and written comments.]*

17 [(6)] (4) The board shall offer or approve a class on landscape contracting business practices,
18 not to exceed six hours in length. The class shall be offered to applicants who choose the option
19 of taking a **hands-on, written or electronic** practical skills test and be made available to those
20 applicants **at least once every 12 months**. *[on a schedule that facilitates taking the class in con-
21 junction with taking the practical skills test.]* The board may test applicants on the class content but
22 may not consider the test results for purposes of conditioning, limiting or refusing a license.

23 [(7)] (5) The board shall establish fees for applicants described in this section in amounts rea-
24 sonably calculated to offset the full program cost of conducting the practical skills test and business
25 practices class described in this section.

26 [(8)] (6) The board may subcontract or otherwise arrange for a third party to carry out any duty
27 or function of the board regarding practical skills testing or the class on landscape contracting
28 business practices.

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