

# Enrolled Senate Bill 94

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CHAPTER .....

AN ACT

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

**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 **hands-on, written or electronic** 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 **hands-on, written or electronic** practical skills test for additional types of licenses offered under ORS 671.560 or 671.570. If the board establishes a **hands-on, written or electronic** practical skills test for a type of license, the board shall, **when all such test types are available to the board, contractually or otherwise**, allow an applicant for the license the option of satisfying all or parts of any examination requirement for the license [either] by **passing**:

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

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

**(a) A handwritten examination;**

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

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

(2) If the board establishes a **hands-on, written or electronic** 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 a **hands-on, written or electronic** practical skills test to determine whether the applicant has the [*ability*] **minimum knowledge required** to perform the tasks most commonly required of a licensee in a manner meeting or exceeding practice standards established by board rule. A **hands-on, written or electronic** practical skills test may include, but may not be limited to, the use of written multiple choice questions. The board shall design 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.]*

**[(6)] (4)** 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 **hands-on, written or electronic** practical skills test and be made available to those applicants **at least once every 12 months.** *[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)] (5)** 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)] (6)** 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.

**Passed by Senate March 10, 2021**

**Received by Governor:**

**Repassed by Senate May 25, 2021**

.....M.,....., 2021

**Approved:**

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Lori L. Brocker, Secretary of Senate

.....M.,....., 2021

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Peter Courtney, President of Senate

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Kate Brown, Governor

**Passed by House May 20, 2021**

**Filed in Office of Secretary of State:**

.....M.,....., 2021

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Tina Kotek, Speaker of House

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Shemia Fagan, Secretary of State