



Senate Bill 228 (2023)



SB 228 enhances consumer protections and provides the Construction Contractors Board (CCB) with additional enforcement tools to ensure that both consumers and contractors benefit from CCB protections and services. Increased effectiveness of licensing enforcement works to protect Oregon consumers, supports responsible licensed contractors and encourages confidence in Oregon's construction industry.

This bill makes several small changes to existing CCB authority, addressing three areas -- enhanced consumer protections, improved enforcement tools and authority for the agency to streamline and modernize its services.

Consumers - Enhanced Protections

- **Consumer Complaints:** The bill provides rulemaking authority to add flexibility regarding receipt of consumer complaints. Current law provides very little flexibility to accept a complaint outside of the strict limits set in statute, even in circumstances where substantial compliance was achieved. This bill allows CCB to identify by rule additional circumstances that would allow the agency to accept jurisdiction over a complaint that complies with submission deadlines to the maximum degree possible under the circumstances.
- **Breach of Settlement:** Contractors who enter into settlement agreements through CCB's mediation process and breach those agreements have a direct and serious financial impact on consumers. Their actions also diminish the trust consumers have for the construction industry and the CCB mediation process. As such, SB 228 adds failure to abide by a settlement agreement to the list of reasons the CCB may act on a contractor's license or impose a civil penalty.

Contractor Support – Improved Enforcement Tools

- **Condition a License:** The bill adds a provision allowing CCB to *condition* a license for violation of CCB standards. While the ability to revoke or suspend a license will still be available, occasionally violations warrant a lesser penalty like conditioning. This change would permit CCB to apply additional compliance measures on a licensee, to better protect consumers, while also allowing the contractor to continue performing work in the state. If the contractor abides by the terms of the conditioned license they can continue to operate and avoid losing the ability to work altogether. This is a tool available to other regulatory agencies.
- **Repeat Violators:** One of the major issues in CCB enforcement is previously sanctioned contractors reorganizing and becoming relicensed as a new entity. This bill makes various changes to strengthen CCB's authority to address this

issue. The language in the bill is modeled after language that exists in Chapter 455 – Building Codes.

Continuous Improvement - Support for modernization effort

- **Modernization:** This bill provides rule authority for CCB to streamline procedural requirements in support of technology changes and modernization efforts. Laws governing the actions of licensees should be clear and easy to understand. SB 228 includes minor corrections and edits to current language. These changes are non-substantive but work to make CCB statutes clearer and easier for a lay person – both consumers and contractors - to understand and to follow.