

Secretary of State
Certificate and Order for Filing
TEMPORARY ADMINISTRATIVE RULES
A Statement of Need and Justification accompanies this form.

FILED
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ARCHIVES DIVISION
SECRETARY OF STATE

I certify that the attached copies are true, full and correct copies of the TEMPORARY Rule(s) adopted on Upon filing, by the
Construction Contractors Board

Agency and Division

Catherine Dixon

Rules Coordinator

700 Summer St. NE, Suite 300, Salem, OR 97310

Address

To become effective 05/05/2014 through 10/31/2014.

Administrative Rules Chapter Number

812
(503) 934-2185

Telephone

RULE CAPTION

CCB License Application Fees

Not more than 15 words that reasonably identifies the subject matter of the agency's intended action.

RULEMAKING ACTION

Secure approval of new rule numbers with the Administrative Rules Unit prior to filing.

ADOPT:

812-003-0142

AMEND:

812-003-0260, 812-003-0340, 812-003-0350, 812-003-0360, 812-003-0370, 812-003-0380

SUSPEND:

Statutory Authority:

ORS 670.310, 701.235, 701.238

Other Authority:

Statutes Implemented:

ORS 25.270, 25.785, 25.990, 701.035, 701.050, 701.056, 701.063, 701.068, 701.073, 701.081, 701.088, 701.122, 701.238

RULE SUMMARY

812-003-0142 is adopted to replace the previous rule (812-003-0140) that was mistakenly included in a repeal of rules in December 2013. This rule establishes the fees for CCB licensure. The current fees were adopted in January 26, 2010 and became effective 7/1/10 as authorized by the CCB Legislatively Approved Budget (LAB) (budget).

812-003-0260, 812-003-0340, 812-003-0350, 812-003-0360, 812-003-0370, and 812-003-0380 are amended to correct the cite references to the match the new license application fee rule (812-003-0142).

Catherine Dixon

Rules Coordinator Name

Catherine.A.Dixon@state.or.us

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NOTE: In order to save postage and printing costs in these difficult times, CCB is only providing a copy of the notice. To view the language of each individual rule change, please go to our web site at http://www.oregon.gov/CCB/Laws_Rules.shtml#Administrative_Rule_Notices. If you don't have web access, contact Cathy Dixon at (503) 934-2185 for assistance in receiving a copy.

Secretary of State
STATEMENT OF NEED AND JUSTIFICATION
A Certificate and Order for Filing Temporary Administrative Rules
accompanies this form

FILED
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ARCHIVES DIVISION
SECRETARY OF STATE

Construction Contractors Board
Agency and Division

812
Administrative Rules Chapter Number

CCB License Application Fees

Rule Caption (Not more than 15 words that reasonably identifies the subject matter of the agency's intended action.)

In the Matter of:

Amendments to OAR 812

Statutory Authority:

ORS 670.310, 701.235, 701.238

Other Authority:

Statutes Implemented:

ORS 25.270, 25.785, 25.990, 701.035, 701.050, 701.056, 701.063, 701.068, 701.073, 701.081, 701.088, 701.122, 701.238

Need for the Temporary Rule(s):

With respect to these rules, CCB finds that failure to promptly adopt OAR 812-003-0142 and amend the references to the fee rule will result in serious prejudice to the public interest because contractors and agency staff will not know what CCB's fees are for new applications and renewal nor the refund policy fees. This omission is causing confusion on the part of contractors and agency staff.

812-003-0142 is adopted to establish CCB' license fees, the previous rule (812-003-0140) that was mistakenly included in a repeal of rules in December 2013. OAR 812-003-0142 establishes the fees for CCB licensure: license and renewal fee of \$325 and refund of the renewal application fee less \$40 processing fee. The current fees were adopted in January 26, 2010 and became effective 7/1/10 as authorized by the CCB Legislatively Approved Budget (LAB) (budget).

812-003-0260, 812-003-0340, 812-003-0350, 812-003-0360, 812-003-0370, and 812-003-0380 are amended to correct the cite references to the match the new license application fee rule (812-003-0142).

Documents Relied Upon, and where they are available:

ORS 701 and OAR 812. Documents are on the agency website at www.oregon.gov/ccb or a paper copy is available upon request.

Justification of Temporary Rule(s):

The CCB finds that following the permanent rulemaking process, instead of taking this temporary rulemaking action, that serious prejudice to the public interest may occur. Failure to promptly adopt OAR 812-003-0142 and amend the references to the fee rule will result in serious prejudice to the public interest because contractors and agency staff will not know what CCB's fees are for new applications and renewal nor the refund policy fees. This omission is causing confusion on the part of contractors and agency staff. OAR 812-003-0140 is adopted to establish CCB' license fees, the previous rule (812-003-0140) that was mistakenly included in a repeal of rules in December 2013. OAR 812-003-0142 establishes the fees for CCB licensure: license and renewal fee of \$325 and refund of the renewal application fee less \$40 processing fee. The current fees were adopted in January 26, 2010 and became effective 7/1/10 as authorized by the CCB Legislatively Approved Budget (LAB) (budget).

Catherine Dixon

Printed Name

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HOUSING COST IMPACT STATEMENT

FOR ESTIMATING THE EFFECT OF A PROPOSED RULE OR ORDINANCE ON THE COST OF DEVELOPING
A *TYPICAL 1,200 SQ FT DETACHED SINGLE FAMILY DWELLING ON A 6,000 SQ FT PARCEL OF LAND.
(ORS 183.534)

FOR ADMINISTRATIVE RULES

AGENCY NAME: Construction Contractors Board
ADDRESS: 700 Summer St. NE Ste 300
CITY/STATE: Salem OR 97309
PHONE: (503) 378-4621

PERMANENT:
TEMPORARY:

HEARING DATE:
EFFECTIVE DATE: May 5, 2014

**BELOW PLEASE PROVIDE A DESCRIPTION OF THE ESTIMATED SAVINGS OR ADDITIONAL COSTS THAT WILL
RESULT FROM THIS PROPOSED CHANGE.**

PROVIDE A BRIEF EXPLANATION OF HOW THE COST OR SAVINGS ESTIMATE WAS DETERMINED.
IDENTIFY HOW CHANGE IMPACTS COSTS IN CATEGORIES SPECIFIED

Description of proposed change: (Please attach any draft or permanent rule or ordinance)

- 812-003-0142 is adopted to replace the previous rule (812-003-0140) that was mistakenly included in a repeal of rules in December 2013. This rule establishes the fees for CCB licensure. The current fees were adopted in January 26, 2010 and became effective 7/1/10 as authorized by the CCB Legislatively Approved Budget (LAB) (budget).
- 812-003-0260, 812-003-0340, 812-003-0350, 812-003-0360, 812-003-0370, and 812-003-0380 are amended to correct the cite references to the match the new license application fee rule (812-003-0142).

Description of the need for, and objectives of the rule:

With respect to these rules, CCB finds that failure to promptly adopt OAR 812-003-0142 and amend the references to the fee rule will result in serious prejudice to the public interest because contractors and agency staff will not know what CCB's fees are for new applications and renewal nor the refund policy fees. This omission is causing confusion on the part of contractors and agency staff.

- 812-003-0142 is adopted to establish CCB' license fees, the previous rule (812-003-0140) that was mistakenly included in a repeal of rules in December 2013. OAR 812-003-0142 establishes the fees for CCB licensure: license and renewal fee of \$325 and refund of the renewal application fee less \$40 processing fee. The current fees were adopted in January 26, 2010 and became effective 7/1/10 as authorized by the CCB Legislatively Approved Budget (LAB) (budget).
- 812-003-0260, 812-003-0340, 812-003-0350, 812-003-0360, 812-003-0370, and 812-003-0380 are amended to correct the cite references to the match the new license application fee rule (812-003-0142).

List of rules adopted or amended:

Adopt: 812-003-0142

Amend:

812-003-0260 812-003-0340 812-003-0350 812-003-0360 812-003-0370 812-003-0380

Materials and labor costs increase or savings:

The rule amendments have no known impact on materials and labor costs.

Estimated administrative construction or other costs increase or savings:

The rule amendments have no measurable impact on administrative construction or other cost increases or savings.

Land costs increase or savings:

The rule amendments have no measurable impact on the cost of new home or a building lot.

Other costs increase or savings:

The proposed rules have no known fiscal impact on state agencies, units of local government or the public.

- 812-003-0142 is adopted to establish CCB' license fees, the previous rule (812-003-0140) that was mistakenly included in a repeal of rules in December 2013. OAR 812-003-0142 establishes the fees for CCB licensure: license and renewal fee of \$325 and refund of the renewal application fee less \$40 processing fee. The current fees were adopted in January 26, 2010 and became effective 7/1/10 as authorized by the CCB Legislatively Approved Budget (LAB) (budget).
- 812-003-0260, 812-003-0340, 812-003-0350, 812-003-0360, 812-003-0370, and 812-003-0380 are amended to correct the cite references to the match the new license application fee rule (812-003-0142).

*Typical-Single story 3 bedrooms, 1 ½ bathrooms, attached garage (calculated separately) on land with good soil conditions with no unusual geological hazards.

PREPARERS NAME: Catherine Dixon

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812-003-0142

License Application Fees

(1) The application fee for all new, renewal, or reissued licenses is \$325.

(2) Except as provided in section (3) of this rule, application fees will not be refunded.

(3) If a licensee submits an application to renew a license and the agency cannot renew the license because the applicant has formed a new business entity, the agency may refund the renewal application fee, less a \$40 processing fee.

(4)(a) Any licensee in the United States armed forces need not pay a license renewal fee if such fee would be due during the licensee's active duty service.

(b) A licensee in the United States armed forces shall pay the next license renewal fee that will become due after the licensee is discharged from active duty service.

(c) The agency may request that the licensee provide documentation of active duty status and of discharge.

(d) Section (4) of this rule applies to licensees that are sole proprietors or partners in a general partnership.

Stat. Auth.: ORS 670.310, 701.238 & 701.235

Stats. Implemented: ORS 701.056, 701.063, & 701.238

(temp. 5/5/14)

812-003-0260

Application for New License

(1) Each entity must complete an application form prescribed by the agency. Information provided on the form must include, but not be limited to:

(a) Name of business entity, all additional business names, including assumed business names, under which business as a contractor is conducted, and Corporation Division registry numbers (if applicable);

(b) Mailing and location address of the business entity;

(c) Legal name and address (which may be the business address) of:

(A) The owner of a sole proprietorship;

(B) All partners of a general partnership or limited liability partnership;

(C) All joint venturers of a joint venture;

(D) All general partners of a limited partnership;

(E) All corporate officers of a corporation;

(F) All trustees of a trust;

(G) The manager and all members of a manager-managed limited liability company, and, if one or more of the members is a partnership, limited liability partnership, joint venture, limited partnership, corporation, trust or limited liability company, the general partners, venturers, corporate officers, trustees, managers or members of the entity that is a member of the limited liability company that is the subject of this paragraph;

(H) All members of a member-managed limited liability company, and, if one or more of the members is a partnership, limited liability partnership, joint venture, limited partnership, corporation, trust or limited liability company, the general partners, venturers, corporate officers, trustees, managers or members of the entity that is a member of the limited liability company that is the subject of this paragraph; or

(I) The responsible managing individual designated by the applicant.

(d) Except for a public company, the date of birth and driver license number of:

(A) The owner of a sole proprietorship;

(B) All partners of a general partnership or limited liability partnership;

(C) All joint venturers of a joint venture;

(D) All general partners of a limited partnership;

(E) All corporate officers of a corporation;

(F) All trustees of a trust;

(G) The manager and all members of a manager-managed limited liability company, and, if one or more of the members is a partnership, limited liability partnership, joint venture, limited partnership, corporation, trust or limited liability company, the general partners, venturers, corporate officers, trustees, managers or members of the entity that is a member of the limited liability company that is the subject of this paragraph;

(H) All members of a member-managed limited liability company, and, if one or more of the members is a partnership, limited liability partnership, joint venture, limited partnership, corporation, trust or limited liability company, the general partners, venturers, corporate officers, trustees, managers or members of the entity that is a member of the limited liability company that is the subject of this paragraph; or

(I) The responsible managing individual designated by the applicant.

(J) For purposes of this subsection, a “public company” means any business entity that offers securities registered for sale by the federal Securities and Exchange Commission to the general public.

(e) Social security number of the owner of a sole proprietorship or partners, if partners are human beings, in a general partnership;

(f) Class of independent contractor license and employer account numbers as required under OAR 812-003-0250;

(g) License endorsement sought, as provided for under OAR 812-003-0131;

(h) The identification number of the responsible managing individual who has completed the education and passed the examination required under ORS 701.122 or is otherwise exempt under division 6 of these rules;

(i) The Standard Industrial Classification (SIC) numbers of the main construction activities of the entity;

(j) Names and certification numbers of all certified locksmiths if the entity is a Residential Locksmith Services Contractor or will do work providing locksmith services under ORS 701.475 to 701.490;

(k) Names and certification numbers of all certified home inspectors if the entity will do work as a home inspector under ORS 701.350;

(L) Names and certification numbers of all certified home energy assessors if the entity is a Home Energy Performance Score Contractor providing home energy performance scores under ORS 701.527 to 701.536 or will do work providing home energy performance scores.

(m) For each person described in subsection (1)(c) of this section, the following information if related to construction activities:

(A) If unsatisfied on the date of application, a copy of a final judgment by a court in any state entered within five years preceding the application date that requires the person to pay money to another person or to a public body;

(B) If unsatisfied on the date of application, a copy of a final order by an administrative agency in any state issued within five years preceding the application date that requires the person to pay money to another person or public body;

(C) If pending on the date of application, a copy of a court complaint filed in any state that alleges that the person owes money to another person or public body; or

(D) If pending on the date of application, a copy of an administrative notice of action issued in any state that alleges that the person owes money to another person or public body.

(n) For each person described in subsection (1)(c) of this section, the following information if related to construction activities;

(A) A copy of a judgment of conviction for a crime listed in ORS 701.098(1)(i), entered within five years preceding the application date; or

(B) A copy of an indictment for a crime listed in ORS 701.098(1)(i), entered within five years preceding the application date.

(C) In addition to documents required in paragraphs (1)(l)(A) and (B) of this section, copies of police reports, parole or probation reports indicating parole or probation officer’s name and phone number, and letters of reference.

(o) Independent contractor certification statement and a signed acknowledgment that if the licensee qualifies as an independent contractor the licensee understands that the licensee and any heirs of the licensee will not qualify for workers' compensation or unemployment compensation unless specific arrangements have been made for the licensee’s insurance coverage and that the licensee’s election to be an independent contractor is voluntary and is not a condition of any contract entered into by the licensee;

(p) Signature of owner, partner, joint venturer, corporate officer, member or trustee, signifying that the information provided in the application is true and correct; and

(2) A complete license application includes but is not limited to:

(a) A completed application form as provided in section (1) of this rule;

(b) The new application license fee as required under OAR [~~812-003-0140~~] **812-003-0142**;

(c) A properly executed bond, letter of credit or assignment of savings as required under OAR 812-003-0152, 812-003-0153, or 812-003-0155; and

(d) The certification of insurance coverage as required under OAR 812-003-0200.

(3) The agency may return an incomplete license application to the applicant with an explanation of the deficiencies.

(4) All entities listed in section (1) of this rule that are otherwise required to be registered with the Oregon Corporation Division must be registered with the Oregon Corporation Division and be active and in good standing. All assumed business names used by persons or entities listed in section (1) of this rule must be registered with the Oregon Corporation Division as the assumed business name of the person or entity using that name.

Stat. Auth.: ORS 670.310 and 701.235

Stats. Implemented: ORS 25.270, 25.785, 25.990, 701.035, 701.050, 701.056, 701.068, 701.073, 701.081, 701.088 and 701.122

(12/04, 8/05, 5/06, 9/06, 12/06, 8/07, 12/07, 2/08, 3/08, 6/08, 9/08, 12/13 eff. 1/1/14, 4/30/14, temp. 5/5/14)

812-003-0340

Inactive Status Request at Renewal

(1) A request to convert a license to inactive status made at the time of renewal of the license must be accompanied by fees required under OAR [~~812-003-0140~~] **812-003-0142**.

(2) If a license is converted to inactive status at the time of renewal of the license, the effective date of the renewed license shall be the expiration date of the previous license. An inactive license, if renewed, shall expire two years after its effective date.

Stat. Auth.: ORS 670.310 & 701.235

Stats. Implemented: ORS 701.063

(12/04, 2/08, temp. 5/5/14)

812-003-0350

Inactive Status Request at Interim Renewal Period

(1) A request to convert a license to inactive status made prior to the expiration date of the license, but at a time other than the time of renewal of the license, will be accepted only if the licensee making the request has paid all applicable fees required under OAR [~~812-003-0140~~] **812-003-0142** and 812-003-0320.

(2) If a license is converted to inactive status prior to the expiration date of the license but at a time other than the time of renewal of the license, the effective dates of the license will remain unchanged and the license will expire at the upcoming expiration date.

Stat. Auth.: ORS 670.310 & 701.235

Stats. Implemented: ORS 701.063

(12/04, 6/05, 6/08, temp. 5/5/14)

812-003-0360

Inactive Status Request after Lapse

(1) A request to renew a license and convert it to inactive status made after a lapse due to the expiration of the license must be accompanied by fees required under OAR [~~812-003-0140~~] **812-003-0142**.

(2) If a license is renewed and converted to inactive status after a lapse due to expiration of the license, the agency will establish the effective date of the license. An inactive license, if renewed, shall expire two years after its effective date.

Stat. Auth.: ORS 670.310 & 701.235

Stats. Implemented: ORS 701.063

(12/04, 2/08, temp. 5/5/14)

812-003-0370

Renewal of Inactive Status

To renew an inactive license in an inactive status:

- (1) If the licensee was subject to discipline by the agency, the licensee must satisfy any conditions imposed by the agency as a result of the discipline;
- (2) The licensee must submit the request to renew the license in inactive status on forms provided by the agency; and
- (3) The licensee must submit the fees required under OAR [~~812-003-0140~~] **812-003-0142**.
Stat. Auth.: ORS 670.310 & 701.235
Stats. Implemented: ORS 701.056 & 701.063
(12/04, 6/08, temp. 5/5/14)

812-003-0380

Converting From Inactive Back to Active Status

- (1) To convert from an inactive status to an active status, the licensee must:
 - (a) Submit a request to convert to an active status on forms provided by the agency; and
 - (b) Comply with section (3), (4) or (5) of this rule as applicable.
- (2) A licensee requesting conversion from an inactive status to an active status at the time of renewal must:
 - (a) Submit the fees required under OAR [~~812-003-0140~~] **812-003-0142**;
 - (b) Submit the required surety bond, or letter of credit, or cash deposit, and general liability insurance for the category requested; and
 - (c) Comply with all other licensing requirements prescribed by the Board.
- (3) A licensee requesting conversion from an inactive status to an active status at a time other than renewal and prior to the expiration date of the license must:
 - (a) Submit all fees to date as required by OAR [~~812-003-0140~~] **812-003-0142** and 812-003-0320;
 - (b) Submit the required surety bond, or letter of credit, or cash deposit, and general liability insurance for the category requested; and
 - (d) Comply with all other licensing requirements prescribed by the Board.
- (4) A licensee requesting conversion from an inactive status to an active status during a lapse due to the expiration of the license must:
 - (a) Request the conversion within two years from the date of lapse;
 - (b) Comply with all licensing requirements prescribed by the Board;
 - (c) Submit the required surety bond, or letter of credit, or cash deposit, and general liability insurance for the category requested; and
 - (d) Submit all fees required under OAR [~~812-003-0140~~] **812-003-0142**.
- (5) If a license is converted from an inactive to an active status, the agency shall establish the effective date of the license.
Stat. Auth.: ORS 670.310 & 701.235
Stats. Implemented: ORS 701.056, 701.063 & 701.088
(12/04, 6/05, 12/07, 6/08, temp. 5/5/14)