

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

FILED
5-5-14 3:09 PM
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 812

Agency and Division Administrative Rules Chapter Number
Catherine Dixon (503) 934-2185

Rules Coordinator Telephone
700 Summer St. NE, Suite 300, Salem, OR 97310

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

RULE CAPTION

Pre-Licensure Training Providers Bond Requirements

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:

812-006-0205

AMEND:

812-006-0200

SUSPEND:

Statutory Authority:

ORS 670.310, 701.122, 701.235

Other Authority:

Statutes Implemented:

ORS 701.122

RULE SUMMARY

812-006-0200 is amended to require pre-licensure training providers obtain a surety bond as part of the approval process to provide the CCB pre-licensure training.

812-006-0205 is adopted to establish the bond form.

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.

Catherine Dixon
Rules Coordinator Name

Catherine.A.Dixon@state.or.us
Email Address

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

FILED
5-5-14 3:09 PM
ARCHIVES DIVISION
SECRETARY OF STATE

Construction Contractors Board
Agency and Division

812
Administrative Rules Chapter Number

Pre-Licensure Training Providers Bond Requirements

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, 701.122, 701.235

Other Authority:

Statutes Implemented:

ORS 701.122

Need for the Temporary Rule(s):

Failure to promptly amend OAR 812-006-0200 and adopt 812-006-0205 will result in serious prejudice to the public interest. Without the temporary rule, the agency will not be able to enter into agreements with pre-licensure training providers that include the financial protection of a surety bond. The current agreements will expire in June 2014. Permanent rulemaking cannot be completed until at least August 2014.

812-006-0200 is amended to require pre-licensure training providers obtain a surety bond as part of the approval process to provide the CCB pre-licensure training.

812-006-0205 is adopted to establish the bond form.

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, would result in serious prejudice to the public interest. Failure to promptly amend OAR 812-006-0200 and adopt 812-006-0205 will result in serious prejudice to the public interest. Without the temporary rule, the agency will not be able to enter into agreements with pre-licensure training providers that include the financial protection of a surety bond. The current agreements will expire in June 2014. Permanent rulemaking cannot be completed until at least August 2014.

Catherine Dixon

Printed Name

Catherine.A.Dixon@state.or.us

Email Address

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:

HEARING DATE:

TEMPORARY:

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)

812-006-0200 is amended to require pre-licensure training providers obtain a surety bond as part of the approval process to provide the CCB pre-licensure training.

812-006-0205 is adopted to establish the bond form.

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

Failure to promptly amend OAR 812-006-0200 and adopt 812-006-0205 will result in serious prejudice to the public interest. Without the temporary rule, the agency will not be able to enter into agreements with pre-licensure training providers that include the financial protection of a surety bond. The current agreements will expire in June 2014. Permanent rulemaking cannot be completed until at least August 2014.

- 812-006-0200 is amended to require pre-licensure training providers obtain a surety bond as part of the approval process to provide the CCB pre-licensure training.
- 812-006-0205 is adopted to establish the bond form.

List of rules adopted or amended:

Adopt: 812-006-0205

Amend: 812-006-0200

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. We estimate that the cost of the \$20,000 Surety Bond is approximately \$400.

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. We estimate that the cost of the \$20,000 Surety Bond is approximately \$400.

*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

EMAIL ADDRESS: catherine.a.dixon@state.or.us

812-006-0200

Pre-Licensure Training Provider Approval

(1) No pre-licensure training shall meet the requirements of ORS 701.122 unless it is offered by a pre-licensure training provider approved by the agency.

(2) To receive agency approval, individuals and organizations shall make application and sign an agreement with the agency prior to offering the pre-licensure training.

(3) The pre-licensure training provider application shall include, but will not be limited to, provisions for:

(a) Recording the name, address, contact information, and name of responsible administrator of the pre-licensure training provider.

(b) Submitting trainer resumes or work summaries that demonstrate that all its trainers have at least four years work experience or four years education, or any combination of both, in subject areas that they instruct as outlined in the Oregon Contractors Reference Manual.

(4) No pre-licensure training provider may offer or provide any pre-licensure training until there is a fully executed agreement between the pre-licensure training provider and the agency.

(5) No pre-licensure training provider may offer or provide any pre-licensure training if, at the time of offering or providing the pre-licensure training, the pre-licensure training provider is an RMI of a licensee.

(6) A pre-licensure training provider must comply at all times with the following requirements:

(a) The pre-licensure training provider will provide 16-hours of training under OAR 812-006-0150.

(b) The pre-licensure training provider will verify that each student taking the pre-licensure training has a current agency-approved manual.

(c) The pre-licensure training provider will use agency-approved curriculum and the agency-approved Oregon Contractors Reference Manual.

(d) The pre-licensure training provider will send electronic records of completion to the agency in a format approved by the agency and keep records of completion for a minimum of six years.

(e) The pre-licensure training provider will communicate law changes and program procedural changes received from the agency to the pre-licensure training provider's trainers and will implement these changes within 30 business days.

(f) The pre-licensure training provider will use only approved trainers who have at least four years work experience or four years education, or any combination of both, in the subject that they instruct as outlined in the Oregon Contractors Reference Manual. CCB will not approve as a trainer any individual who, at the time of offering or providing the pre-licensure training, is an RMI of a licensee.

(g) The pre-licensure training provider will request and receive, in writing, agency approval of all trainers at least 10 business days before trainers are scheduled to teach.

(h) The pre-licensure training provider will provide a mechanism for students to contact their trainer(s) outside of class for a minimum of one hour per week for 90 days from date of enrollment.

(i) The pre-licensure training provider will give all students information about how to contact trainers and hours of availability before the end of the pre-licensure training.

(j) The pre-licensure training provider will comply with all applicable federal and state laws.

(k) Except as provided in OAR 812-006-0205(2), the pre-licensure training provider will obtain and maintain a surety bond as described in OAR 812-006-0205 in the amount of \$20,000 obligating the surety to pay the State of Oregon for the benefit of third-parties.

(7) The agency may publicize a pre-licensure training provider's test passage rate for its students.

(8) The agency may revoke a pre-licensure training provider's right to offer training and terminate the agreement of a pre-licensure training provider at any time the pre-licensure training provider fails to:

(a) Meet any requirement of the agreement; or

(b) Comply with these rules.

(9) The agency may revoke a pre-licensure training provider's right to offer pre-licensure training and terminate the agreement of a pre-licensure training provider:

(a) Whose students do not pass the agency test on their first attempt at least 70 percent of the time after the pre-licensure training provider has provided pre-licensure training for at least three months, or whose students fail to maintain the 70 percent first attempt test passing rate during the remaining period of the agreement; or

(b) Who acquires or attempts to acquire agency test questions by unauthorized means, including but not limited to, photographing, photocopying or videotaping any part of the agency's test or paying or offering incentives to individuals or business entities to write down, photograph or videotape any part of the agency's test.

Stat. Auth.: ORS 670.310, 701.122 & 701.235

Stats. Implemented: ORS 701.122

(1/92, 2/92, 5/00, 12/01, 5/02, 6/03, temp. 1/05, 6/05, 8/05, 12/05, 9/06, 6/08, temp. 5/5/14)

(Amended and renumbered from 812-006-0030, 9/06, 11/08, 4/13 (eff. 5/1/13))

812-006-0205

Surety Bond to Assure Performance of Agency Agreements

(1) Providers approved under OAR 812-006-0200 will maintain a surety bond in the amount of \$20,000, issued by a surety company authorized to do business in the State of Oregon, for the benefit of the State of Oregon, Construction Contractors Board. The bond must be in the form "Approved Pre-Licensure Training Provider Surety Bond," dated May 5, 2014.

(2) Section (1) of this rule does not apply to Oregon public community colleges or small business development centers (including BizCenter Online Learning).

Stat. Auth.: ORS 670.310, 701.122 & 701.235

Stats. Implemented: ORS 701.122

(temp. 5/5/14)