

Secretary of State
NOTICE OF PROPOSED RULEMAKING HEARING*
A Statement of Need and Fiscal Impact accompanies this form

FILED
3-7-16 11:43 AM
ARCHIVES DIVISION
SECRETARY OF STATE

Construction Contractors Board
Agency and Division

812
Administrative Rules Chapter Number

Leslie Culpepper
Rules Coordinator

(503) 934-2228

Telephone

Construction Contractors Board, 201 High St. SE, Suite 600, Salem, OR 97301
Address

RULE CAPTION

Pre-Licensing Training and Testing, Home Inspectors, Commercial and Residential Continuing Education

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

Hearing Date	Time	Location	Hearings Officer
4-15-16	10:00 a.m.	201 High St. SE, Salem, OR 97301	Leslie Culpepper

RULEMAKING ACTION

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

ADOPT:

812-006-0160
812-006-0310

AMEND:

812-006-0100
812-006-0150
812-006-0200
812-006-0400
812-008-0020
812-008-0072
812-008-0074
812-020-0050
812-020-0062
812-020-0070
812-020-0071
812-022-0010
812-022-0021

REPEAL:

812-020-0080
812-021-0000
812-021-0005
812-021-0010
812-021-0011
812-021-0015
812-021-0016
812-021-0019
812-021-0021
812-021-0023
812-021-0025
812-021-0028
812-021-0030
812-021-0031
812-021-0032
812-021-0033
812-021-0034
812-021-0035
812-021-0037
812-021-0040

812-021-0042
812-021-0045
812-021-0047
812-022-0011

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

AMEND AND RENUMBER: Secure approval of new rule numbers with the Administrative Rules Unit prior to filing.

Statutory Authority:

ORS 670.310, 701.082, 701.083, 701.086, 701.122, 701.126, 702.235, 701.350, 701.355

Other Authority:

Statutes Implemented:

ORS 701.005, 701.082, 701.083, 701.086, 701.091, 701.122, 701.126, 701.350, 701.355

RULE SUMMARY

ADOPT:

- 812-006-0160 is adopted to set forth the pre-licensure training requirement for individuals that take and pass the NASCLA examination.
- 812-006-0310 is adopted to provide an alternative method to obtain a contractor's license by: (1) studying for the NASCLA examination; (2) passing the NASCLA examination; and (3) passing the Oregon pre-licensure test.

AMEND:

- 812-006-0100 is amended to provide an alternative method by which an applicant/RMI may qualify a contractor for licensing.
- 812-006-0150 is amended to create an exemption from the standard pre-licensure training for persons who study for and pass the NASCLA examination.
- 812-006-0200 is amended to create an exemption from the standard pre-licensure training for persons who study for and pass the NASCLA examination and modifies the reference to the agency-approved reference manual that is the basis for the 16-hour training.
- 812-006-0400 is amended to clarify the requirement and align it with common expectations - contractors will have 24 months from the date their RMI passes the test to become licensed. The change does not affect certain contractors may obtain a license based on experience ("grandfathered" contractors).
- 812-008-0020 is amended to delete the term "test," which is defined as a "test administered by the agency." See OAR 812-008-0020(34) (eff. 10/1/15). This term is no longer necessary to be defined.
- 812-008-0072 is amended to eliminate the continuing education unit (CEU) for attending a Home Inspector Advisory Committee. Home inspectors may earn CEUs by providing "ride-along" training to new applicants.
- 812-008-0074 is amended to eliminate the inspector study guide to replace it with the national examination content items..
- 812-020-0050 is amended to allow all commercial contractors two years in which to complete the continuing education requirements.
- 812-020-0062 amends the exemptions for commercial and residential contractors to be the same, with the exception that home inspectors and master builders are not exempt from commercial CE since their work involves exclusively residential structures. Exemptions for contractors that perform plumbing and electrical work or are owned by or hire persons who perform plumbing and electrical work are clarified.
- 812-020-0070 is amended to clarify that if a contractor was a residential contractor at time of the previous endorsement, the contractor must complete residential CE to renew the license.
- 812-020-0071 is amended to eliminate Section 1; obsolete after Dec. 31, 2015.
- 812-022-0010 is amended to clarify that division 22 rules applies to all residential contractors that renew their licenses on or after January 1, 2016.
- 812-022-0021 is amended to retain the exemptions previously allowed, while expanding the language to clarify a broader scope of electrical and elevator contractor licenses (ORS chapter 479), adds the residential developer exemption previously in OAR 812-022-0011. The rule mirrors the exemptions for commercial contractors in OAR 812-020-0062, corrects the citation for plumbing contractors, creates new exemptions for boiler contractors and elevator contractors, adds exemptions for: (1) contractors owned by (or employing) a licensed electrician; (2) contractors owned by (or employing) a licensed plumber; (3) contractors licensed as landscape contracting businesses; (4) contractors owned by (or employing) a home inspector; and (5) contractors certified as master builders. This rule does not include an exemption for contractors serving on active duty in the US armed forces. This because that exclusion is already in Division 22 - in OAR 812-022-0015(6).

REPEAL:

- 812-020-0080 is repealed because the agency no longer prorates the number of hours that a commercial contractor must complete.

- 812-021-0000, 812-021-0005, 812-021-0010, 812-021-0011, 812-021-0015, 812-021-0016, 812-021-0019, 812-021-0021, 812-021-0023, 812-021-0025, 812-021-0028, 812-021-0030, 812-021-0031, 812-021-0032, 812-021-0033, 812-021-0034, 812-021-0035, 812-021-0037, 812-021-0040, 812-021-0042, 812-021-0045, 812-021-0047 are repealed because they were effective through December 31, 2015.
- 812-022-0011 is repealed because content is moved to 812-022-0021.

NOTE: In order to save postage and printing costs in these difficult times, CCB is only providing a link to the notice. To view the notice and language of each individual rule change please go to our web site at <http://www.oregon.gov/CCB/laws-rules/Pages/proposed-rules.aspx>. If you don't have web access, contact Leslie Culpepper at (503) 934-2228 for assistance in receiving a copy.

The Agency requests public comment on whether other options should be considered for achieving the rule's substantive goals while reducing negative economic impact of the rule on business.

04-15-2016 5:00 p.m.	Leslie Culpepper	leslie.culpepper@ccb.state.or.us
Last Day (m/d/yyyy) and Time for public comment	Rules Coordinator Name	Email Address

*The Oregon Bulletin is published on the 1st of each month and updates the rule text found in the Oregon Administrative Rules Compilation.

Secretary of State
STATEMENT OF NEED AND FISCAL IMPACT
A Notice of Proposed Rulemaking Hearing accompanies this form.

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3-7-16 11:43 AM
ARCHIVES DIVISION
SECRETARY OF STATE

Construction Contractors Board
Agency and Division

812
Administrative Rules Chapter Number

Pre-Licensing Training and Testing, Home Inspectors, Commercial and Residential Continuing Education

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, 701.082, 701.083, 701.086, 701.122, 701.126, 702.235, 701.350, 701.355

Other Authority:

Statutes Implemented:

ORS 701.005, 701.082, 701.083, 701.086, 701.091, 701.122, 701.126, 701.350, 701.355

Need for the Rule(s):

ADOPT:

- 812-006-0160 is adopted to set forth the pre-licensure training requirement for individuals that take and pass the NASCLA examination.
- 812-006-0310 is adopted to provide an alternative method to obtain a contractor's license by: (1) studying for the NASCLA examination; (2) passing the NASCLA examination; and (3) passing the Oregon pre-licensure test.

AMEND:

- 812-006-0100 is amended to provide an alternative method by which an applicant/RMI may qualify a contractor for licensing.
- 812-006-0150 is amended to create an exemption from the standard pre-licensure training for persons who study for and pass the NASCLA examination.
- 812-006-0200 is amended to create an exemption from the standard pre-licensure training for persons who study for and pass the NASCLA examination and modifies the reference to the agency-approved reference manual that is the basis for the 16-hour training.
- 812-006-0400 is amended to clarify the requirement and align it with common expectations - contractors will have 24 months from the date their RMI passes the test to become licensed. The change does not affect certain contractors may obtain a license based on experience ("grandfathered" contractors).
- 812-008-0020 is amended to delete the term "test," which is defined as a "test administered by the agency." See OAR 812-008-0020(34) (eff. 10/1/15). This term is no longer necessary to be defined.
- 812-008-0072 is amended to eliminate the continuing education unit (CEU) for attending a Home Inspector Advisory Committee. Home inspectors may earn CEUs by providing "ride-along" training to new applicants.
- 812-008-0074 is amended to eliminate the inspector study guide to replace it with the national examination content items..
- 812-020-0050 is amended to allow all commercial contractors two years in which to complete the continuing education requirements.
- 812-020-0062 amends the exemptions for commercial and residential contractors to be the same, with the exception that home inspectors and master builders are not exempt from commercial CE since their work involves exclusively residential structures. Exemptions for contractors that perform plumbing and electrical work or are owned by or hire persons who perform plumbing and electrical work are clarified.
- 812-020-0070 is amended to clarify that if a contractor was a residential contractor at time of the previous endorsement, the contractor must complete residential CE to renew the license.
- 812-020-0071 is amended to eliminate Section 1; obsolete after Dec. 31, 2015.
- 812-022-0010 is amended to clarify that division 22 rules applies to all residential contractors that renew their licenses on or after January 1, 2016.
- 812-022-0021 is amended to retain the exemptions previously allowed, while expanding the language to clarify a broader scope of electrical and elevator contractor licenses (ORS chapter 479), adds the residential developer exemption previously in OAR 812-022-0011. The rule mirrors the exemptions for commercial contractors in OAR 812-020-0062, corrects the citation for plumbing contractors, creates new exemptions for boiler contractors and elevator contractors, adds exemptions for: (1) contractors owned by (or employing) a licensed electrician; (2) contractors owned by (or employing) a licensed plumber; (3) contractors licensed as landscape contracting businesses; (4)

contractors owned by (or employing) a home inspector; and (5) contractors certified as master builders. This rule does not include an exemption for contractors serving on active duty in the US armed forces. This because that exclusion is already in Division 22 - in OAR 812-022-0015(6).

REPEAL:

- 812-020-0080 is repealed because the agency no longer prorates the number of hours that a commercial contractor must complete.
- 812-021-0000, 812-021-0005, 812-021-0010, 812-021-0011, 812-021-0015, 812-021-0016, 812-021-0019, 812-021-0021, 812-021-0023, 812-021-0025, 812-021-0028, 812-021-0030, 812-021-0031, 812-021-0032, 812-021-0033, 812-021-0034, 812-021-0035, 812-021-0037, 812-021-0040, 812-021-0042, 812-021-0045, 812-021-0047 are repealed because they were effective through December 31, 2015.
- 812-022-0011 is repealed because content is moved to 812-022-0021.

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.

Fiscal and Economic Impact:

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

The rule changes have no known economic impact on state agencies, units of local government or the public.

The rule changes do not increase the reporting, recordkeeping or other administrative activities for businesses. The rule changes will not increase costs of compliance for businesses.

The rule changes will not increase the cost of a new single-family dwelling.

Statement of Cost of Compliance:

1. Impact on state agencies, units of local government and the public (ORS 183.335(2)(b)(E)):

These rule amendments may have a minimal impact on small businesses.

2. Cost of compliance effect on small business (ORS 183.336):

a. Estimate the number of small business and types of businesses and industries with small businesses subject to the rule:

Some CCB licensees will see a reduction in costs as a result of new exemptions to CCB continuing education. These exemptions are created for select licensees who currently must comply with continuing education requirements imposed by multiple state agencies.

b. Projected reporting, recordkeeping and other administrative activities required for compliance, including costs of professional services:

These rule amendments do not impact reporting, recordkeeping or other administrative activities required for compliance.

c. Equipment, supplies, labor and increased administration required for compliance:

These rule amendments do not impact reporting, recordkeeping or other administrative activities required for compliance.

How were small businesses involved in the development of this rule?

The agency drafted rules in response to licensees seeking changes in the continuing education program as well as future contractors confused about a timeline for obtaining a CCB license. Additionally, the agency consulted key stakeholders, including industry association representatives, prior to entering into rulemaking. It received feedback from some of those stakeholders, incorporating a change to rules affecting home inspectors as a result. Finally, draft rules were discussed at several board meetings and the information included in board informational packets that are posted on the website. Six of the current eight Board members are business owners.

Administrative Rule Advisory Committee consulted?: No

If not, why?:

The agency drafted rules in response to licensees seeking changes in the continuing education program as well as future contractors confused about a timeline for obtaining a CCB license. Additionally, the agency consulted key stakeholders, including industry association representatives, prior to entering into rulemaking. It received feedback from some of those stakeholders, incorporating a change to rules affecting home inspectors as a result. Finally, draft rules were discussed at several board meetings and the information included in board informational packets that are posted on the website. Six of the current eight Board members are business owners.

04-15-2016 5:00 p.m.	Leslie Culpepper	leslie.culpepper@ccb.state.or.us
Last Day (m/d/yyyy) and Time for public comment	Printed Name	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 **PERMANENT:** **HEARING DATE:** 4/15/16
ADDRESS: 201 High St SE Ste 600
CITY/STATE: Salem OR 97301 **TEMPORARY:** **EFFECTIVE DATE:**
PHONE: (503) 378-4621

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)

ADOPT:

- 812-006-0160 is adopted to set forth the pre-licensure training requirement for individuals that take and pass the NASCLA examination.
- 812-006-0310 is adopted to provide an alternative method to obtain a contractor's license by: (1) studying for the NASCLA examination; (2) passing the NASCLA examination; and (3) passing the Oregon pre-licensure test.

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- 812-022-0011 is repealed because content is moved to 812-022-0021.

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

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List of rules adopted or amended:

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812-006-0310

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812-006-0150	812-008-0020	812-020-0050	812-020-0071	
812-006-0200	812-008-0072	812-020-0062	812-022-0010	

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812-020-0080	812-021-0011	812-021-0021	812-021-0030	812-021-0034	812-021-0042
812-021-0000	812-021-0015	812-021-0023	812-021-0031	812-021-0035	812-021-0045
812-021-0005	812-021-0016	812-021-0025	812-021-0032	812-021-0037	812-021-0047
812-021-0010	812-021-0019	812-021-0028	812-021-0033	812-021-0040	812-022-0011

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.

*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: Leslie Culpepper

EMAIL ADDRESS: leslie.culpepper@state.or.us