

## **812-003-0152**

### **Residential Bonds Generally**

(1) A properly executed residential bond must:

(a) Be signed by an authorized agent of the surety or by one having power of attorney; must bear a bond number; and must be filed within the time stated on the bond.

(b) Be in the form adopted by the Construction Contractors Board as the “Construction Contractors Board Residential Surety Bond” dated November 8, 2015.

(2) If a complaint is filed against a licensee for work done during the work period of a contract entered while the security required under ORS 701.068 or 701.088 is in effect, the security must be held until final disposition of the complaint.

(3) Bond documents received at the agency office from a surety company or agent via electronic facsimile or as a PDF file transmitted by e-mail or electronically may be accepted as original documents. The surety must provide the original bond document to the agency upon request.

(4) A residential bond is available only for payments determined by the agency involving residential or small commercial structures or for the development of property zoned or intended for use compatible with residential or small commercial structures.

Stat. Auth.: ORS 670.310 and 701.235

Stats. Implemented: ORS 701.068 and 701.081

(2/08, 6/08, 12/13 eff. 1/1/14, 10/17 eff. 12/1/17)

## **812-003-0153**

### **Commercial Bonds Generally**

(1) A properly executed commercial bond must:

(a) Be signed by an authorized agent of the surety or by one having power of attorney; must bear a bond number; and must be filed within the time stated on the bond.

(b) Be in the form adopted by the Construction Contractors Board as the “Construction Contractors Board Commercial Surety Bond” dated November 28, 2015.

(2) If a complaint is filed against a licensee for work done during the work period of a contract entered while the security required under ORS 701.068 is in effect, the security must be held until final disposition of the complaint.

(3) Bond documents received at the agency office from a surety company or agent via electronic facsimile or as a PDF file transmitted by e-mail or electronically may be accepted as original documents. The surety must provide the original bond document to the agency upon request.

(4) A commercial bond is available only for payments determined by the agency involving small or large commercial structures or for the development of property zoned or intended for use compatible with large or small commercial structures.

Stat. Auth.: ORS 670.310 and 701.235

Stats. Implemented: ORS 701.068 and 701.084

(2/08, 6/08, 12/13 eff. 1/1/14, 10/17 eff. 12/1/17)

## **812-003-0154**

### **Construction Flagger Bonds**

(1) A properly executed construction flagger bond must:

(a) Be signed by an authorized agent of the surety or by one having power of attorney; must bear a bond number; and must be filed within the time stated on the bond.

(b) Be in the form adopted by the Construction Contractors Board as the “Construction Flagging Contractor Surety Bond” dated July 1, 2017.

(2) If a complaint is filed against a licensee for work done during the work period of a contract entered while the security required under ORS 701.068 and 701.470 is in effect, the security must be held until final disposition of the complaint.

(3) Bond documents received at the agency office from a surety company or agent via electronic facsimile or as a PDF file transmitted by e-mail or electronically may be accepted as original documents. The surety must provide the original bond document to the agency upon request.

(4) A construction flagger bond is available only for payments determined by the agency involving construction flagging.

Stat. Auth.: ORS 670.310 and 701.235

Stats. Implemented: ORS 701.470

(10/17, eff. 12/1/17, 10/17 eff. 12/1/17)

## **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 or number associated with United States government-issued identification 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 driver license number or number associated with United States government-issued identification 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)(1)(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 812-003-0142;

(c) A properly executed bond, letter of credit or assignment of savings as required under OAR 812-003-0152, 812-003-0153, 812-003-0154 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, 6/14 eff. 7/1/14, 10/17 eff. 12/1/17)

### **812-006-0300**

#### **Pre-Licensure Testing Requirements**

(1) The test required in ORS 701.122 shall cover the subjects listed in OAR 812-006-0250.

(2) A person seeking to take the test shall:

(a) Pay any fees required by the test administrator;

(b) Provide approved United States federal or state government issued picture identification to the test administrator;

(c) Pay for the authorized translator needed to take the test; and

(d) Complete the test within a time limit approved by the agency.

(3) A person taking the test shall be allowed to use an Oregon Contractor's Reference Manual and one language translation book during the test.

(4) A person taking the test shall not:

(a) Retake the same version of the test on consecutive attempts.

(b) Be accompanied by anyone while taking the test, except an authorized translator.

(5) After the test is completed, a person shall not review the test questions or answers.

(6) There are no reciprocal agreements with other states or organizations that test contractors.

Stat. Auth.: ORS 670.310 & 701.235

Stats. Implemented: ORS 701.122

(5/00, 12/01, 3/03, 8/03, 12/05, 9/06, 3/07, 6/08, 5/09, 4/13 eff. 5/1/13, 10/17 eff. 12/1/17)

(Amended and renumbered from 812-006-0012, 9/06)

### **812-020-0070**

#### **Certification of Hours – Continuing Education for Commercial Contractors**

- (1) Upon renewal, a commercial contractor must certify that one or more key employees obtained the continuing education required by OAR 812-020-0050 to 812-020-0073.
  - (2) For a commercial general or specialty contractor – level 1 with five or more key employees, the commercial contractor must certify that one or more key employees completed at least 80 hours during the preceding license period.
  - (3) For a commercial general or specialty contractor – level 1 with four or fewer key employees, the commercial contractor must certify as follows:
    - (a) With four key employees, that one or more key employees completed at least 64 hours during the preceding license period.
    - (b) With three key employees, that one or more key employees completed at least 48 hours during the preceding license period.
    - (c) With two key employees, that one or more key employees completed at least 32 hours during the preceding license period.
    - (d) With one key employee, that the key employee completed at least 16 hours during the preceding license period.
  - (4) For a commercial general or specialty contractor – level 2, the commercial contractor must certify that one or more key employees completed at least 32 hours during the preceding license period.
  - (5) If a contractor changes its endorsement during the license period or at the time of renewal, the contractor may elect to complete either residential continuing education or commercial continuing education for that license period.
  - (6) For purposes of this rule, if a contractor is subject to the continuing education requirement, the number of key employees is the number of such persons employed by the commercial contractor as of the previous date of license issuance, reissuance or renewal as a commercial contractor.
- Stat. Auth.: ORS 670.310, 701.086 & 701.235  
Stats. Implemented: 701.086  
(11/08, 1/09 eff. 2/1/09, 2/10, 6/14 eff. 7/1/14, 6/16 eff. 7/1/16, 10/17 eff. 12/1/17)

## **812-022-0005**

### **Definitions – Continuing Education for Residential Contractors**

The following definitions apply to OAR 812-022-0000 to 812-022-0047:

- (1) “Employee” means:
    - (a) Any individual employed by a contractor; or
    - (b) A leased worker provided to a contractor by contract with a worker leasing company defined under 701.005(19) (2013) or licensed under ORS 656.850(2).
    - (c) “Employee” does not include a subcontractor, which is an independent contractor, or a temporary employee.
  - (2) “Instructor” means:
    - (a) Any individual who develops, or assists in developing, curriculum for any course;
    - (b) Any individual who presents a course in live format; or
    - (c) Any individual who is available to answer questions from course attendees or participants.
  - (3) “Licensing period” means the two-year period from the date a contractor’s license is first issued or last renewed until the date the license is next scheduled to expire.
  - (4) “Officer” means an individual person as defined in ORS 701.005(12).
  - (5) “Owner” means an individual person as defined in OAR 812-002-0537.
  - (6) “Residential contractor” means a licensed contractor as defined in ORS 701.005(13).
  - (7) “Responsible managing individual (RMI)” means an individual person as defined in ORS 701.005(16).
- Stat. Auth.: ORS 670.310, 701.126 & 701.235  
Stats. Implemented: ORS 701.082; 701.005 & 701.035

(10/24/13, 4/30/14, 10/17 eff. 12/1/17)

### **812-022-0015**

#### **Minimum Continuing Education Requirements – Continuing Education for Residential Contractors**

(1) Except as provided in section (3), residential contractors shall have an owner, officer, RMI or employee, or a combination of those persons, who complete a minimum of eight hours of continuing education every licensing period as described in sections (2) and (3).

(2) Residential continuing education hours consist of the following:

(a) Three hours of education on laws, regulations and business practices offered by the agency or by an approved provider under an agreement with the agency; and

(b) Five hours of education, approved by the agency and offered by approved providers, in one or more of the following subjects:

(A) Construction business practices;

(B) Marketing;

(C) Customer service;

(D) Accounting;

(E) Business law;

(F) Bidding;

(G) Building Codes;

(H) Safety;

(I) Energy;

(J) Trade specific courses, including, but not limited to, roofing, excavation and exterior shell construction;

(K) Environmental hazards, including, but not limited to, asbestos, lead and radon.

(3) Residential contractors that have not been licensed as a residential contractor during any part of the six-years immediately preceding their scheduled renewal date must complete an additional eight hours of residential continuing education in one or more of the subjects listed in section (2)(b).

(4) Courses shall be a minimum of 50 minutes to qualify for one hour of residential continuing education credit. Courses shall be at least one credit hour.

(5) Credit shall not be given for an individual student repeating the same residential continuing education course during a two-year licensing period, or for more than three hours of laws, regulations and business practices courses provided by the agency during a two-year licensing period.

(6) If, during the two years immediately preceding the expiration date of the license, a residential contractor served on active duty in the United States armed forces, including but not limited to mobilization or deployment, the residential continuing education requirement is waived for that two-year licensing period. This exemption applies only if the residential contractor is a:

(a) Sole proprietor without employees;

(b) Sole owner of a corporation; or

(c) Sole member of a limited liability company.

Stat. Auth.: ORS 670.310, 701.082, & 701.235

Stats. Implemented: ORS 701.082

(10/24/13, temp. 11/26/13, 2/6/14, 6/14 eff. 7/1/14, 10/17 eff. 12/1/17)

### **812-022-0025**

#### **Provider Approval – Continuing Education for Residential Contractors**

(1) The agency will review and approve providers offering residential continuing education.

(2) Providers will apply for approval on a form prescribed by the agency.

(3) Providers seeking approval to offer residential continuing education must submit the following to the agency:

- (a) Name, address and contact information of the provider;
- (b) Business entity type of the provider and, if applicable, the Corporation Division business registry number;
- (c) Description of the subject area(s) the provider intends to offer; and
- (d) Any other information or documentation as the agency may request.

(4) To qualify for approval, providers must:

- (a) Employ or contract with instructors who have at least four years work experience or four years of education, or any combination of both, in the subject that they instruct;
- (b) If the provider charges fees for courses, describe a process for cancellations and refunding registrant payments. If the provider does not permit cancellation or refunds, it must provide notice of that fact in a conspicuous manner in its advertising, solicitation and registration materials;
- (c) Describe and follow attendance verification procedures; and
- (d) Maintain records available for agency to inspect for at least six years.

(5) Only an approved provider may offer or provide residential continuing education to a contractor or a contractor's employees.

(6) An approved provider may not allow any person not approved by the agency as a provider to offer or provide courses of the approved provider. For purposes of this rule, "offer or provide" includes, but is not limited to, assisting the contractor or the contractor's employees in obtaining or completing the courses or acting on behalf of an approved provider in advertising or soliciting the courses.

(7) Provider approval will be valid for two (2) years from the date the provider is approved by the agency. If the agency grants provider approval after the provider has already offered courses, approval is valid for two (2) years from the date the courses were first offered.

(8) Providers must re-submit an application for renewal of approval every two years. Renewal of approval will be subject to the same requirements as initial approval.

(9) The agency may withdraw approval issued to any provider that violates ORS 701.265 or ORS 701.265 or any rule of the agency.

Stat. Auth.: ORS 670.310, 701.265 and 701.235

Stats. Implemented: ORS 701.265 & 701.267

(10/24/13, temp. 10/29/13, temp. 12/12/13, 2/6/14, 6/17 eff. 7/1/17, 10/17 eff. 12/1/17)

## **812-022-0028**

### **Course Approval – Continuing Education for Residential Contractors**

(1) The agency will approve residential continuing education courses. Providers seeking course approval must be approved providers under OAR 812-022-0025.

(2) A provider seeking approval for live or online courses must submit the following:

- (a) Course name, course description, objective of the offered course, and number of hours of continuing education credit sought (must be no less than one hour);
- (b) A written description of the course instructors' credentials, including years of education and experience in the subject matter they instruct;
- (c) Course syllabus (for live courses only);
- (d) Copies of the course materials provided to students;
- (e) Cost of the offered course;
- (f) For live classes and classes held in real time, anticipated date, time, and place of course.;
- (g) For self-study or online courses:
  - (A) Anticipated date when the course will first be offered;
  - (B) Description of provider's procedures to answer student questions; and

- (C) The length of time a student has to complete the course and receive credit.
  - (h) Any other information as directed by the agency.
  - (3) The agency will only approve courses that the agency, in its sole discretion, considers offer high quality in the following respects:
    - (a) The course relates to one or more of the subjects listed in OAR 812-022-0015(2)(b);
    - (b) The course’s use of animation, audio, video or color to stimulate multiple learning styles;
    - (c) The course holds interest through the use of visual, textual, audio or interactive components;
    - (d) The course material is presented in a logical and understandable manner;
    - (e) The spelling, grammar and sentence structure in written materials are correct;
    - (f) For courses using internet, video, audio or other electronic media, the course program is technically sufficient (e.g., video does not “stutter”; internet material does not “lock up”); and
    - (g) For courses using internet, video, audio or other electronic media, there is adequate instruction and guidance to navigate from the beginning to the end of the course.
  - (4) The agency will only approve courses that provide qualified instructors to answer questions in real-time, either in person, by telephone or by electronic means (e.g. chat rooms, e-mail, instant message).
  - (5) Course approval will be valid for two (2) years from the date the agency approves the course or the date the course was first offered, if approval is retroactive.
  - (6) Providers must re-submit an application for renewal of course approval every two years. Renewal of approval will be subject to the same requirements as initial approval.
  - (7) Courses offered by the State of Oregon, the United States government or any other state or local governmental agencies are deemed approved.
  - (8) Courses offered by accredited universities, colleges or community colleges are deemed approved.
  - (9) Courses offered through the Oregon Small Business Development Center Network are deemed approved.
- Stat. Auth.: ORS 670.310, 701.235, 701.265 and 701.267  
 Stats. Implemented: ORS 701.265 and 701.267  
 (10/24/13, temp. 10/29/13, 2/6/14, 6/17 eff. 7/1/17, 10/17 eff. 12/1/17)

### **812-022-0033**

#### **Provider Rosters – Continuing Education for Residential Contractors**

- (1) Providers that transmit course completion data electronically to the agency should include the following when they submit rosters to the agency:
  - (a) Course name and any other information identifying course, as required by agency;
  - (b) Contractor’s name;
  - (c) Contractor’s license number;
  - (d) Name of individual attending or completing the course;
  - (e) Relationship of individual completing the course to contractor (e.g. owner, officer, member, employee);
  - (f) Date individual attended or completed the course;
  - (g) Number of hours credit obtained by attending or completing the course; and
  - (h) Certification by individual completing the course that the identified individual:
    - (A) Attended or completed the entire course; and
    - (B) No other individual attended, completed or assisted in completing the course in place of the individual.
- (2) Upon satisfactory completion of each course, providers will prepare a certificate of completion for the person completing the course. The certificate of completion will contain the following information:
  - (a) Provider name;
  - (b) Provider number assigned by the agency (if applicable);
  - (c) Course name;
  - (d) Course number assigned by the agency (if applicable);

- (e) Number of credit hours;
- (f) Date of course completion;
- (g) Student name;
- (h) Name of contractor with which student is associated;
- (i) Contractor CCB number; and
- (j) Any other information required by the agency.

Stat. Auth.: ORS 670.310, 701.267 & 701.235

Stats. Implemented: ORS 701.267

(10/24/13, 4/30/14, 10/17 eff. 12/1/17)

**[812-022-0034 Repealed 12/1/17]**

**[812-022-0035 Repealed 12/1/17]**

**[812-022-0036 Repealed 12/1/17]**