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Construction Contractors Board 812

Agency and Division

Administrative Rules Chapter Number

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To become effective 07/01/2016 Rulemaking Notice was published in the April 2016 Oregon Bulletin.

**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.

**RULEMAKING ACTION**

Secure approval of new 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, 812-020-0062, 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:**

**AMEND AND RENUMBER:**

**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.

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## 812-006-0100

### Responsible Managing Individual

(1) As used in these rules, a responsible managing individual (RMI) has that meaning as provided in ORS 701.005(16).  
(2) Upon initial application, an applicant for a contractor's license shall designate at least one individual as the applicant's RMI and;

(a) Provide evidence that the applicant's RMI has completed the pre-licensure training and passed the test, as provided for in ORS 701.122, OAR 812-006-0150 and 812-006-0300; [øø]

(b) Document that the applicant's RMI has experience as required by OAR 812-006-0450[-]; **or**

**(c) Document that the applicant's RMI has:**

**(A) Completed the pre-licensure training as provided in OAR 812-006-0160;**

**(B) Passed the National Association of State Contractor Licensing Agencies (NASCLA) Accredited Examination for Commercial General Building Contractors as provided in OAR 812-006-0310; and**

**(C) Passed the Oregon pre-licensure test as provided in OAR 812-006-0300.**

(3) An individual who is not an owner may not be designated as the RMI of more than one licensee.

(4) An RMI may not be an approved pre-licensure training provider or the principal of an approved pre-licensure training provider or an approved pre-licensure trainer, as provided in OAR 812-006-0200, while serving as an RMI for a licensee. For purposes of this rule, the principal of an approved pre-licensure training provider includes any owner, partner, officer, member, manager or trustee of the provider.

(5) When an RMI leaves a business, the business shall:

(a) Immediately appoint another RMI; and

(b) Immediately notify the agency in writing of the name of the individual and the date the individual joined the business.

(6) An RMI appointed under section (5) of this rule must:

(a) Document completion of the pre-licensure training and testing requirements under ORS 701.122, OAR 812-006-0150 and 812-006-0300; [øø]

(b) Document that the RMI has experience as required by OAR 812-006-0450[-]; **or**

**(c) Document that the applicant's RMI has:**

**(A) Completed the pre-licensure training as provided in OAR 812-006-0160;**

**(B) Passed the National Association of State Contractor Licensing Agencies (NASCLA) Accredited Examination for Commercial General Building Contractors as provided in OAR 812-006-0310; and**

**(C) Passed the Oregon pre-licensure test as provided in OAR 812-006-0300.**

Stat. Auth.: ORS 670.310, 701.122 & 701.235

Stats. Implemented: ORS 701.005, 701.091 & 701.122

(12/01, 8/05, 5/06, 9/06, 6/08, 11/08, 4/13 eff. 5/1/13, 6/16 eff. 7/1/16)

(Amended and renumbered from 812-006-0011, 9/06)

## 812-006-0150

### Pre-Licensure Training Requirements

(1) **Except as provided in OAR 812-006-0160, the** [The] pre-licensure training required in ORS 701.122 shall cover the subjects listed in OAR 812-006-0250.

(2) Pre-licensure training shall consist of at least 16 hours.

(3) **Except as provided in OAR 812-006-0160, pre-licensure** [Pre-licensure] training must be provided by a [Pre-licensure] training provider approved by the agency as provided in OAR 812-006-0200.

(4) A person seeking to take the pre-licensure training shall:

(a) Pay any fees required by the pre-licensure training provider; and

(b) Provide approved government-issued picture identification to the pre-licensure training provider.

Stat. Auth.: ORS 670.310, 701.122 & 701.235

Stats. Implemented: ORS 701.122

(9/06, 6/08, 2/11 eff. 3/1/11, 4/13 eff. 5/1/13, 6/16 eff. 7/1/16)

## 812-006-0160

### **Pre-Licensure Training Requirements for NASCLA Accredited Examination for Commercial General Building Contractors**

**(1) RMIs that pass the NASCLA Accredited Examination for Commercial General Building Contractors and the Oregon pre-licensure test satisfy the pre-licensure training requirement in ORS 701.122 by studying the material contained in the reference list published by NASCLA or by any state that uses or accepts the NASCLA examination.**

**(2) Reference study materials may include, but are not limited to:**

**(a) BCSI: Guide to Good Practice for Handling, Installing, Restraining and Bracing of Metal Plate Connected Wood Trusses;**

**(b) Construction Jobsite Management;**

(c) NASCLA Contractors' Guide to Business, Law and Project Management;  
(e) Training and Certification of Field Personnel for Unbonded Post-Tensioning – Level One;  
(f) Management of Construction Projects – A Constructor's Perspective;  
(g) Manual of Construction with Steel Deck;  
(h) Pipe and Excavation Contracting;  
(i) Gypsum Construction Handbook;  
(j) Placing Reinforcing Bars, Recommended Practices;  
(k) Technical Digest No. 9 – Handling and Erection of Steel Joists and Joist Girders;  
(l) Modern Masonry – Brick, Block, Stone;  
(m) Principles and Practices of Commercial Construction;  
(n) Code of Federal Regulations, 29 CFR Part 1926 (OSHA);  
(o) Code of Federal Regulations, 29 CFR Part 1926 Selections by PSI;  
(p) Carpentry and Building Construction;  
(q) ANSI Accessible and Usable Buildings and Facilities;  
(r) Roofing Construction and Estimating;  
(s) The Contractor's Guide to Quality Concrete Construction;  
(t) Green Building Fundamentals; and  
(u) International Building Code.

**(3) Study of the reference materials qualifies as pre-licensure training under ORS 701.122, regardless of when the study was started and finished.**  
**Stat. Auth.: ORS 670.310, 701.122 & 701.235**  
**Stats. Implemented: ORS 701.122**  
**(6/16 eff. 7/1/16)**

#### 812-006-0200

##### Pre-Licensure Training Provider Approval

- (1) **Except as provided in OAR 812-006-0160, no** [Nø] 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~~] **agency-approved reference manual**.
- (4) **Except as provided in OAR 812-006-0160, no** [Nø] 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) **Except as provided in OAR 812-006-0160, no** [Nø] 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) Except as provided in OAR 812-006-0160, a [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~~] **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~~] **agency-approved 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 \$10,000 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, 6/14 eff. 7/1/14, 6/16 eff. 7/1/16)  
 (Amended and renumbered from 812-006-0030, 9/06, 11/08, 4/13 eff. 5/1/13)

**812-006-0310**

**Pre-Licensure Testing Based on NASCLA Accredited Examination for Commercial General Building Contractors**

**(1) An RMI may satisfy the pre-licensure requirements by passing the NASCLA Accredited Examination for Commercial General Building Contractors and the Oregon pre-licensure test developed by the CCB.**

**(2) Proof of passing the NASCLA Accredited Examination for Commercial General Building Contractors is established when the name of the RMI is entered in the NASCLA National Examination Database (NED).**

**(3) Passing the NASCLA Accredited Examination for Commercial General Contractors and the Oregon pre-licensure test qualifies as pre-licensure testing under ORS 701.122, regardless of when the tests were taken and passed.**

**Stat. Auth.: ORS 670.310, 701.122 & 701.235**

**Stats. Implemented: ORS 701.122**

**(6/16 eff. 7/1/16)**

**812-006-0400**

**Pre-Licensure Training and Testing Period**

(1) The pre-licensure training and testing required under ORS 701.122 (1) and (3) shall be valid for 24 months from the date the ~~[pre-licensure training was completed]~~ **responsible managing individual passed the test.** ~~[Pre-licensure training and testing that is past the 24 month period from the date of the completed pre-licensure training will not be considered for the purposes of fulfilling the requirements set forth in ORS 701.091.]~~

~~[(2) An RMI may satisfy the requirements of ORS 701.091 provided that the RMI:~~

- ~~(a) Has completed the pre-licensure training and passed the test;~~
- ~~(b) Has been the RMI of a licensee within two years of the date of application by the new applicant; and~~
- ~~(c) The license of the licensee that was previously owned by or that previously employed the RMI has not lapsed or, if lapsed, has lapsed for not more than 24 months.]~~

~~[(3)]~~ **(2)** ~~[Sections (1) and (2)]~~ **Section (1)** of this rule ~~[do]~~ **does** not apply to an RMI that meets the experience requirements under **OAR 812-006-0450.**

**(3) Section (1) of this rule does not apply to an RMI that meets the training and testing requirements of OAR 812-006-0160 and 812-006-0310.**

Stat. Auth.: ORS 670.310, 701.122 & 701.235

Stats. Implemented: ORS 701.122

(9/06, temp. 11/06, 3/07, 6/08, 5/09, 4/13 eff. 5/1/13, 6/16 eff. 7/1/16)

## 812-008-0020

### Definitions

The following definitions apply to Division 8 of OAR chapter 812:

- (1) "Administrator" means the Administrator of the agency.
- (2) "Agency" means the Oregon Construction Contractors Board.
- (3) "Automatic safety controls" means the devices designed and installed to protect systems and components from excessively high or low pressures and temperatures, excessive electrical current, loss of water, loss of ignition, fuel, leaks, fire, freezing, or other unsafe conditions.
- (4) "Central air conditioning" means a system that uses ducts to distribute cooled and/or dehumidified air to more than one room or uses pipes to distribute chilled water to heat exchangers in more than one room, and that is not plugged into an electrical convenience outlet.
- (5) "Certified individual" means an individual who successfully passed a test accredited by the agency or who successfully passed the National Home Inspector Examination and who completes the education required for renewal and satisfies any other requirements established by OAR chapter 812.
- (6) "Component" means a readily accessible and observable aspect of a system, such as a floor, or wall, but not individual pieces such as boards or nails where many similar pieces make up the component. "Component" also includes, but is not limited to, the separate parts of an installed appliance or an electric or gas-powered system, including, but not limited to, a water heater, furnace or air conditioning unit.
- (7) "Conspicuous" as used in these regulations shall mean a term or clause is conspicuous when it is so written that a reasonable person against whom it is to operate ought to have noticed it. A printed heading in capitals (as: NONNEGOTIABLE BILL OF LADING) is conspicuous. Language in the body of a form is "conspicuous" if it is in larger or other contrasting type or color. But in a telegram any stated term is "conspicuous." Whether a term or clause is "conspicuous" or not is for decision by the court.
- (8) "Cross connection" means any physical connection or arrangement between potable water and any source of contamination.
- (9) "Dangerous or adverse situations" means situations that pose a threat of injury to the Oregon certified home inspector, or damage to the property.
- (10) "Describe" means report in writing a system or component by its type, or other observed characteristics, to distinguish it from other components or system used for the same purpose.
- (11) "Dismantle" means to take apart or remove any component, device or piece of equipment that is bolted, screwed or fastened by other means and that would not be dismantled by a homeowner in the course of normal household maintenance.
- (12) "Energy audit" means evaluation or testing of components or systems with a focus on energy efficiency or renewable energy, which may lead to recommendations that improve energy efficiency or renewable energy generation. "Energy audit" also includes quality assurance review or verification of installed or retrofitted components or systems impacting energy efficiency or renewable energy generation.
- (13) "Enter" means to go into an area and observe all visible components.
- (14) "Forensic evaluation" means evaluation or testing of components or systems for purposes of envelope analysis, materials testing or failure due to water intrusion or other external causes.
- (15) "Functional drainage" means a drain is functional when it empties in a reasonable amount of time.
- (16) "Functional flow" means a reasonable flow at the highest fixture in a dwelling when another fixture is operated simultaneously.
- (17) "Home performance testing" means evaluation or testing of components or systems for purposes of comfort, energy efficiency, safety or indoor air quality.
- (18) "Home inspection" means an inspection of substantially all of the components or systems as set forth in 812-008-0205 through 812-008-0214 for the purpose of determining the overall physical condition and habitability of the inspected structure at the time of inspection. A home inspection is not a re-inspection of isolated repairs made as part of a real estate transaction. A home inspection does not include energy audit, forensic evaluation or home performance testing.
- (19) "Installed" means attached or connected such that the installed item requires tools for removal.
- (20) "Normal operating controls" means homeowner-operated devices such as but not limited to thermostat, wall switch, or safety switch.
- (21) "Observe" means the act of making a visual examination.
- (22) "On-site water supply quality" means water quality based on the bacterial, chemical, mineral, and solids content of the water.
- (23) "On-site water supply quantity" means the water quantity based on the rate of flow of water.
- (24) "Operate" means to cause systems or equipment to function.
- (25) "Oregon certified home inspector" means a person certified pursuant to ORS chapter 701, chapter 814, 1997 Oregon Laws and OAR chapter 812.
- (26) "Readily accessible panel" means a panel provided for homeowner inspection and maintenance that has removable or operable fasteners or latch devices in order to be lifted off, swung open, or otherwise removed by one person; and its

edges and fasteners are not painted into place. This definition is limited to those panels within normal reach or from a four-foot stepladder, and that are not blocked by stored items, furniture, or building components.

(27) "Representative number" for multiple identical components such as windows and electrical outlets means one such component per room; for multiple identical exterior components, one such component on each side of the building.

(28) "Roof drainage systems" means gutters, downspouts, leaders, splash blocks, and similar components used to carry water off a roof and away from a building.

(29) "Shut down" means a piece of equipment or a system is shut down when it cannot be operated by the device or control that a homeowner should normally use to operate it or detached from a plug source. If its safety switch or circuit is in the "off" position or its fuse is missing or blown, the inspector is not required to reestablish the circuit for the purpose of operating the equipment or system.

(30) "Solid fuel heating device" means any wood, coal, or other similar organic fuel burning device, including but not limited to fireplaces whether masonry or factory built, fireplace inserts and stoves, wood stoves (room heaters), central furnaces, and combinations of these devices.

(31) "Structural component" means a component that supports non-variable forces or weights (dead loads) and variable forces or weights (live loads).

(32) "System" means a combination of interacting or interdependent components, assembled to carry out one or more functions. "System" also includes, but is not limited to, an installed appliance or an electric or gas-powered system, including but not limited to, a water heater, furnace or air conditioning unit.

(33) "Technically exhaustive" means an inspection involving the extensive use of measurements, instruments, testing, calculations, and other means to develop scientific or engineering findings, conclusions, and recommendations.

~~[(34) "Test" means a test administered by the agency.]~~

~~[(35)]~~ (34) "Underfloor crawl space" means the area within the confines of the foundation and between the ground and the underside of the lowest floor structural component.

Stat. Auth.: ORS 670.310, 701.235, 701.350 & 701.355

Stats. Implemented: ORS 701.350 & 701.355

(2/98, 12/04, 6/06, 12/11 eff. 1/1/12, 7/15 eff. 10/1/15, 6/16 eff. 7/1/16)

## 812-008-0072

### Approved Continuing Education Units

The following continuing education units (CEUs) are approved:

(1) One CEU for each completed clock hour of instruction of approved subject matter in OAR 812-008-0074(1) given by the following:

(a) Education providers approved under OAR 812-008-0074(3).

(b) Accredited colleges or universities.

(c) Federal, state or local government agencies.

(d) Education providers approved or accredited by federal, state or local government agencies.

(2) One CEU for accompanying a plumbing, electrical, or heating and air conditioning contractor who is licensed with the Building Codes Division, on a repair or maintenance job that lasts a minimum of four hours. No more than one CEU shall be granted in each of the three areas per two-year renewal period for a total of three CEUs.

(3) One CEU for each year completed for serving as an officer of an Oregon or national home inspector professional trade association.

(4) ~~[One CEU for each Home Inspector Advisory Committee meeting attended as a Construction Contractors Board Home Inspector Advisory Committee member.]~~ **One CEU for each clock hour for providing "ride-along" inspection training, as authorized by OAR 812-008-0040(3)(c), to home inspector certification applicants.**

Stat. Auth.: ORS 670.310, 701.235 & 701.350

Stats. Implemented: ORS 701.350 & 701.355

(6/99, 9/99, 2/00, 8/00, 11/02, 6/03, 1/06, 12/06, 2/11 eff. 3/1/11, 6/16 eff. 7/1/16)

## 812-008-0074

### Approved Course Subjects and Education Providers

(1) The following subject areas are approved for continuing education units: Report writing, communication skills, business practices, legal issues, ethics, ~~[home inspector study guide items,]~~ **national examination content items,** building codes, construction, renovation, lead-based paint and home inspector standards of practice.

(2) If applicable, a foreign company applying to be an education provider must be authorized by the Oregon Corporation Division to do business in Oregon. All education provider applicants must register their assumed business name(s) used in Oregon with the Oregon Corporation Division.

(3) Education provider applicants shall complete an application form prescribed by the agency that shall include but is not limited to the following information:

(a) Evidence that the education provider applicant complies with section (2) of this rule.

(b) An outline that demonstrates the goals and objectives of the education program are appropriate for Oregon Home Inspectors;

- (c) Certification that the courses intended for Oregon Home Inspectors are in the approved subject matter stated in OAR 812-008-0074(1).
  - (d) Certification that the instructors are qualified and have:
    - (A) Experience in subject matter.
    - (B) Licenses, certificates, and/or degrees in subject matter.
    - (C) Background in training or adult education; and
    - (D) Knowledge of home inspection industry.
  - (e) Certification that the criteria used by the education provider to approve and evaluate instructors and courses are stringent and ongoing.
  - (4) Education providers offering continuing education units as defined in 812-008-0072(1)(a) shall provide completion certificates to course attendees within 30 days from the date of course completion. Course completion certificates shall include but are not limited to the following:
    - (a) Education provider's name;
    - (b) Attendee's name;
    - (c) Date of course;
    - (d) Subject areas covered in course;
    - (e) Number of clock hours or continuing education units; and
    - (f) Signature of education program designee.
  - (5) The agency may terminate a provider's program if they do not meet the agency's approved criteria.
- Stat. Auth.: ORS 670.310, 701.235 & 701.350  
 Stats. Implemented: ORS 701.350 & 701.355  
 (9/99, 6/03, 5/06, 12/06, 8/10 eff. 9/1/10, 12/10 eff. 1/1/11, 2/11 eff. 3/1/11, 6/16 eff. 7/1/16)

**812-020-0050**

**Authority, Purpose, and Scope of Rules – Continuing Education for Commercial Contractors**

- (1) Authority. These rules are promulgated in accordance with ORS 670.310(1) and 701.086, which authorize CCB to adopt rules to administer a continuing education system for commercial contractors.
  - (2) Purpose. The purpose of these rules is to further explain and detail the requirements for continuing education under ORS 701.086.
  - (3) Scope. These rules establish:
    - (a) Procedures for commercial contractors to report continuing education hours; **and**
    - (b) Sanctions for commercial contractors failing to comply; ~~and~~
    - ~~(c) Processes for prorating requirements].~~
- Stat. Auth.: ORS 670.310, 701.086 & 701.235  
 Stats. Implemented: 701.086  
 (11/08, 6/14 eff. 7/1/14, 6/16 eff. 7/1/16)

**812-020-0062**

**Exemptions – Continuing Education for Commercial Contractors**

- (1) Commercial contractors subject to regulation under ORS 479.510 to 479.945 or 480.510 to 480.670 or ORS chapter 693 do not need to satisfy the continuing education requirements. These contractors include, but are not limited to:
  - (a) Electrical contractors subject to regulation under ORS 479.510 to 479.945.
  - (b) Plumbing contractors subject to regulation under ORS 447.040 and chapter 693.
  - (c) Boiler contractor subject to regulation under ORS 480.510 to 480.670.
  - (d) Elevator contractors subject to regulation under ORS 479.510 to 479.945.
  - (e) Renewable energy contractors subject to regulation under ORS 479.510 to 479.945.
  - (f) Pump installation contractors subject to regulation under ORS 479.510 to 479.945.
  - (g) Limited sign contractors subject to regulation under ORS 479.510 to 479.945.
- (2) Commercial contractors endorsed only as commercial developers do not need to satisfy the continuing education requirements.
- (3) Contractors owned by or having an officer or an employee who is an electrician licensed under ORS 479.510 to 479.945 do not need to satisfy the continuing education requirement.**
- (4) Contractors owned by or having an officer or an employee who is a plumber licensed under ORS chapter 693 do not need to satisfy the continuing education requirement.**
- (5) Contractors owned by or having an officer or an employee who is an architect registered under ORS 671.010 to 671.020 do not need to satisfy the continuing education requirement.**
- (6) Contractors owned by or having an officer or an employee who is a professional engineer licensed under ORS 672.002 to 672.325 do not need to satisfy the continuing education requirement.**
- (7) Contractors licensed as landscape contracting businesses under ORS 671.510 to 671.760 do not need to satisfy the continuing education requirement.**



~~[(3)]~~ **(8)**If, during the two years immediately preceding the expiration date of the license, a commercial contractor served on active duty in the United States armed forces, including but not limited to mobilization or deployment, the continuing education requirement is waived for that two-year period. This exemption applies only if the commercial contractor is a:

- (a) Sole proprietor;
- (b) Sole owner of a corporation; or
- (c) Sole member of a limited liability company.

Stat. Auth.: ORS 670.310, 701.086 & 701.235

Stats. Implemented: 701.086

(11/08, 11/09 eff. 1/1/10, 6/14 eff. 7/1/14, 6/16 eff. 7/1/16)

### **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) For purposes of this rule, the required amount of continuing education hours for the renewing contractor is determined based on the contractor's endorsement status as of the previous date of license issuance, reissuance or renewal. If the contractor was not endorsed as a commercial contractor on the previous date, **commercial** continuing education does not apply. **If the contractor was endorsed, on the previous date, as a residential contractor subject to continuing education, the contractor must complete residential continuing education.**
- (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)

### **812-020-0071**

#### **Hours Earned as Residential Contractor – Continuing Education for Commercial Contractors**

~~(1) Until December 31, 2015, a commercial contractor also endorsed as a residential contractor may take credit for continuing education earned under ORS 701.126 and OAR division 21 before January 1, 2014.~~

~~[(2)] A commercial contractor also endorsed as a residential contractor may take credit for continuing education earned under ORS 701.082 and OAR division 22.~~

Stat. Auth.: ORS 670.310, 701.086 & 701.235

Stats. Implemented: ORS 701.082 & 701.086

(6/09, 6/14 eff. 7/1/14, 6/16 eff. 7/1/16)

### **[812-020-0080**

#### **~~Inactive Commercial Contractor – Continuing Education for Commercial Contractors~~**

~~If a commercial contractor's license is placed in an inactive status during any part of the license period, the commercial contractor needs only complete the continuing education hours for the period the license was active. The continuing education hours required under OAR 812-020-0070 will be prorated for the period that the license was active. For example, if a commercial contractor is inactive 6 months during the license period (inactive 25% of the time), the contractor needs to certify completion of 75% of the hours otherwise required.]~~

Stat. Auth.: ORS 670.310, 701.086 & 701.235

Stats. Implemented: 701.086

(11/08, 6/14 eff. 7/1/14, 6/16 eff. 7/1/16)

**[812-021-0000**

**Authority, Purpose, Scope—Continuing Education for Residential Contractors**

(1) Authority. These rules are promulgated in accordance with ORS 701.126, which requires CCB to establish a continuing education system for contractors, other than licensed developers.

(2) Purpose. The purpose of these rules is to create a continuing education system, including training in:

- (a) Construction means and methods;
- (b) Compliance with the state building code;
- (c) Business practices; and
- (d) Other topics as determined by the Board.

(3) Scope.

(a) These rules establish the content and hours required for continuing education.

(b) These rules establish procedures for recordkeeping, for verifying continuing education hours and for sanctions for failing to comply.

(c) These rules establish procedures for provider and course approval.

(d) These rules establish fees for provider and course approvals and for training offered by the agency.]

Stat. Auth.: ORS 670.310, 701.126 & 701.235

Stats. Implemented: ORS 701.126

(6/09, 6/16 eff. 7/1/16)

**[812-021-0005**

**Definitions—Continuing Education for Residential Contractors**

The following definitions apply to OAR 812-021-0000 to 812-021-0047:

(1) “BEST” means Building Exterior Shell Training.

(2) “Building code” means a specialty code as defined in ORS 455.010(7).

(3) “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 licensed under ORS 656.850(2).

(c) “Employee” does not include a subcontractor, which is an independent contractor, or a temporary employee.

(4) “Green” or sustainable building practices” means the practice of increasing the efficiency with which buildings use resources such as energy, water, and materials, while reducing building impacts on human health or the environment.

(5) “License 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.

(6) “Officer” means an individual person as defined in OAR 812-002-0533.

(7) “Owner” means an individual person as defined in OAR 812-002-0537.

(8) “Residential contractor” means a licensed contractor as defined in ORS 701.005(12).

(9) “Responsible managing individual (RMI)” means an individual person as defined in ORS 701.005(15).]

Stat. Auth.: ORS 670.310, 701.126 and 701.235

Stats. Implemented: ORS 701.126

(6/09, temp. 1/13/12 eff. 1/13/12, 4/12 eff. 5/1/12, 12/13 eff. 1/1/14, 6/16 eff. 7/1/16)

**[812-021-0010**

**Effective Date—Continuing Education for Residential Contractors**

OAR 812-021-0000 to 812-021-0047 take effect upon passage, and apply to residential contractors that renew their licenses on or after October 1, 2011.]

Stat. Auth.: ORS 670.310, 701.126 & 701.235

Stats. Implemented: ORS 701.126

(6/09, 6/16 eff. 7/1/16)

**[812-021-0011**

**Residential Developer Exemption—Continuing Education for Residential Contractors**

Residential developers are exempt from the continuing education requirements in OAR 812-021-0000 to 812-021-0047.]

Stat. Auth.: ORS 670.310, 701.126 & 701.235

Stats. Implemented: ORS 701.126

(6/09, 6/16 eff. 7/1/16)

**[812-021-0015**

**Minimum Continuing Education Requirements—Continuing Education for Residential Contractors**

- (1) Residential contractors, other than residential limited contractors, shall have an owner, officer, RMI or employee, or a combination of those persons, who complete a minimum of 16 hours of continuing education every license period as described in sections (3) and (4).
- (2) Residential limited contractors shall have an owner, officer, RMI or employee, or a combination of those persons, who complete:
- (a) A minimum of eight hours of continuing education as described in subsection (3)(a), for license renewals on or after October 1, 2011, and before October 1, 2013;
- (b) A minimum of eight hours of continuing education, for license renewals on or after October 1, 2013 as follows:
- (A) Five core hours as described in subsection (5)(a); and
- (B) Three elective hours as described in OAR 812-021-0019.
- (3) For a residential contractor renewing on or after October 1, 2011, and before October 1, 2013, continuing education hours shall consist of the following:
- (a) Eight core hours consisting of the following:
- (A) Three hours of BEST offered by the agency or an approved provider;
- (B) Two hours of education on one or more building codes offered by:
- (i) A provider approved by the agency to offer courses in building codes; or
- (ii) A provider offering a building codes course completed by the contractor on or before June 30, 2012, and approved by the Oregon Department of Consumer and Business Services, Building Codes Division, or the International Codes Council; and
- (C) Three hours of education on laws, regulations, and business practices offered by the agency.
- (b) For residential contractors renewing on or after October 1, 2011, and before October 1, 2013, education on "green" or sustainable building practices may satisfy the requirement for education on one or more building codes as required in paragraph (B) of subsection (a) provided that the contractor completes the education on "green" or sustainable building practices on or before September 30, 2011.
- (c) Eight elective hours which may be satisfied by completing additional core hours or by completing other construction related courses or as otherwise set forth in OAR 812-021-0019.
- (4) Effective October 1, 2011, if a residential contractor renews its license on or after October 1, 2011, but before October 1, 2013, for that renewal period only, the contractor may include any continuing education hours that it earned from July 1, 2009, to the renewal date.
- (5) For a residential contractor renewing on or after October 1, 2013, continuing education hours shall consist of the following:
- (a) Five core hours consisting of the following:
- (A) Two hours of education on one or more building codes offered by a provider approved by the agency to offer courses in building codes; and
- (B) Three hours of education on laws, regulations, and business practices offered by the agency.
- (b) Eleven elective hours which may be satisfied by completing additional core hours or by completing other construction related courses or as otherwise set forth in OAR 812-021-0019.
- (6) Courses shall be a minimum of one clock hour to qualify for one hour of continuing education credit.
- (7) Credit shall not be given for a person repeating the same continuing education course during a two-year period.
- (8) 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 continuing education requirement is waived for that two-year 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, 701.126 & 701.235  
 Stats. Implemented: ORS 701.126  
 (6/09, temp. 7/1/11 eff. 7/1/11, 9/11 eff. 10/1/11, temp. 11/18/11, 3/12, 6/16 eff. 7/1/16)

**[812-021-0016**

**Fees for Agency Courses—Continuing Education for Residential Contractors**

- (1) The agency may charge a fee of \$15 per course hour for the following courses:
- (a) Building Exterior Shell (BEST), offered by the agency as provided in OAR 812-021-0015(3)(a)(A).
- (b) Construction Laws, Regulations, and Business Practices, offered by the agency as provided in OAR 812-021-0015(4)(a)(B).
- (2) In addition to the fee for the course, CCB may charge for processing, shipping and handling course materials made available other than online.]
- Stat. Auth.: ORS 670.310, 701.126 & 701.235  
 Stats. Implemented: ORS 701.126  
 (8/10 eff. 9/1/10, temp 4/28/11, 6/11 eff. 7/1/11, 6/16 eff. 7/1/16)

**[812-021-0019**

**Elective Hours—Continuing Education for Residential Contractors**

(1) Elective hours may be earned by completing construction or construction business related offerings provided by any of the following:

- (a) Post secondary institutions such as colleges or universities;
- (b) Trade schools;
- (c) Trade associations;
- (d) Professional societies;
- (e) Private companies;
- (f) Public agencies;
- (g) Business associations;
- (h) Contractor provided in house training programs;
- (i) Non profit organizations; or
- (j) Manufacturers or businesses in the construction industry.

(2) Elective hours may be earned by completing trainings or demonstrations offered by building component manufacturers on product use, capabilities, or installation.

(3) Elective hours may be earned by completing education classes required to maintain another construction industry license, such as a certified home inspector or a registered professional engineer.

(4) Elective hours may be earned by completing core classes not otherwise completed for core credit.]

Stat. Auth.: ORS 670.310, 701.126 & 701.235

Stats. Implemented: ORS 701.126

(6/09, 6/11 eff. 7/1/11, 3/12, 6/16 eff. 7/1/16)

**[812-021-0021**

**Exemptions from Continuing Education**

(1) For purposes of this rule, “dwelling” means a shelter in which people live, such as buildings used exclusively for residential occupancy, including single family, two family (e.g. duplex) and multi family (e.g. apartment) buildings.

(2) For purposes of this rule, “outbuilding” means a building accessory to a dwelling that is used by the persons who occupy the dwelling, including detached garages, shops, sheds and barns.

(3) The following persons are exempt from obtaining BEST education as required under OAR 812-021-0015(2) or (3)(a)(A):

(a) Contractors that are licensed as:

(A) Plumbing contractors under ORS 447.010 to 447.156; or

(B) Electrical contractors under ORS 479.630.

(b) Contractors that have an owner or officer who is licensed as:

(A) An architect under ORS 671.010 to 671.220, whether or not operating within the scope of that registration; or

(B) A professional engineer under ORS 672.002 to 672.325, whether or not operating within the scope of that license.

(c) Unless provided otherwise, contractors that do not perform work on a residential structure that is a dwelling or an outbuilding, including but not limited to:

(A) Contractors that only perform tree pruning, tree and stump removal, or tree and limb guying;

(B) Contractors that only forge, weld or fabricate ornamental iron, so long as the contractor does not attach or install the ornamental iron in or on a residential structure that is a dwelling or outbuilding;

(d) The following contractors are not exempt under subsection (c) of this section:

(A) Contractors that perform excavation for residential construction;

(B) Contractors that perform grading for residential construction;

(C) Contractors that perform concrete work for residential construction; and

(D) Contractors that perform paving for residential construction.

(4) The following persons are exempt from obtaining education in building codes as required under OAR 812-021-0015(2), (3)(a)(B) or (4)(a)(A):

(a) Contractors that are licensed as:

(A) Plumbing contractors under ORS 447.010 to 447.156; or

(B) Electrical contractors under ORS 479.630.

(b) Contractors that have an owner or officer who is licensed as:

(A) An architect under ORS 671.010 to 671.220, whether or not operating within the scope of that registration; or

(B) A professional engineer under ORS 672.002 to 672.325, whether or not operating within the scope of that license.

(c) Unless provided otherwise, contractors that do not perform work on a residential structure that is a dwelling or outbuilding, including but not limited to:

(A) Contractors that only perform tree pruning, tree and stump removal, or tree and limb guying;

(B) Contractors that only forge, weld or fabricate ornamental iron, so long as the contractor does not attach or install the ornamental iron in or on a residential structure that is a dwelling or an outbuilding;

(d) The following contractors are not exempt under subsection (c) of this section:

- (A) Contractors that perform excavation for residential construction;
  - (B) Contractors that perform grading for residential construction;
  - (C) Contractors that perform concrete work for residential construction; and
  - (D) Contractors that perform paving for residential construction.
- (5) Contractors that are exempt from the continuing education requirements under sections (3) or (4) of this rule must complete additional elective continuing education, as provided in OAR 812-021-0019, in an amount totaling the number of core hours that the contractor would otherwise be required to complete under OAR 812-021-0015 but for the exemption.]

Stat. Auth.: ORS 670.310, 701.126 and 701.235

Stats. Implemented: ORS 701.126

(temp. 7/11 eff. 7/1/11, temp. 9/2/11 eff. 9/2/11, 9/11 eff. 10/1/11, 12/13 eff. 1/1/14, 6/16 eff. 7/1/16)

### **[812-021-0023**

#### **~~Carry Forward of Excess Hours—Continuing Education for Residential Contractors~~**

~~If a residential contractor exceeds the requirement for continuing education in any license period, the residential contractor may carry forward a maximum of eight education hours into the next license period. The carry forward hours will be credited as elective hours.]~~

Stat. Auth.: ORS 670.310, 701.126 & 701.235

Stats. Implemented: ORS 701.126

(6/09, 6/16 eff. 7/1/16)

### **[812-021-0025**

#### **Provider Approval, Standards, Fees, Renewal and Withdrawal for Core—Continuing Education for Residential Contractors**

- (1) ~~The agency will review and approve providers offering core continuing education.~~
- (2) ~~Providers will apply for approval on a form prescribed by the agency. Providers may, but need not, apply for approval at the same time they apply for course approval.~~
- (3) ~~Providers seeking approval to offer training in BEST or building codes 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 provider business plan;~~
  - (d) ~~Description of the core subject area(s) provider intends to offer; and~~
  - (e) ~~Such other information or documentation as the agency may request.~~
- (4) ~~Notwithstanding sections (1) through (3) of this rule, a provider offering education on “green” or sustainable building practices that obtained provider approval before January 1, 2011, may continue to offer courses qualifying for mandatory core continuing education until September 30, 2011.~~
- (5) ~~Providers must remit to the agency together with their application:~~
  - (a) ~~A non-refundable fee of \$2,000 if applying to offer BEST;~~
  - (b) ~~A non-refundable fee of \$500 if applying to offer building codes; or~~
  - (c) ~~A non-refundable fee of \$2,500 if applying to offer both BEST and building codes.~~
- (6) ~~To qualify for approval, providers must:~~
  - (a) ~~Certify the programs offered meet the minimum standards and content objectives established by the Board;~~
  - (b) ~~Employ or contract with educators who have at least four years work experience or four years of education, or any combination of both, in the subject that they instruct;~~
  - (c) ~~Be capable of entering and transmitting electronic data to the agency;~~
  - (d) ~~Describe a process for prompt resolution of complaints by registrants;~~
  - (e) ~~Describe a process for cancellations and refunding registrant payments; and~~
  - (f) ~~If applying to offer BEST, provide a surety bond in an amount of \$20,000 obligating the surety to pay registrants to whom the provider owes money for cancellation or other refunds that the provider fails to pay. The bond must be in the form adopted by the board as the “Continuing Education Provider Surety Bond” dated December 1, 2009.~~
- (7) ~~Only an approved provider may offer or provide training to a contractor or a contractor’s employees.~~
- (8) ~~An approved provider may not allow any person not approved by the agency as a provider to offer or provide training or courses of the approved provider.~~
- (9) ~~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.~~
- (10) ~~Provider approval will be valid for two (2) years from the date the provider is approved by the agency.~~
- (11) ~~Providers must re-submit application and fees required under sections (3) and (5) of this rule for renewal of approval. Renewal of approval will be subject to the same requirements as initial approval.~~
- (12) ~~The agency may withdraw approval issued to any provider that violates ORS 701.126 or any rule of the agency.]~~

Stat. Auth.: ORS 670.310, 701.126 & 701.235

Stats. Implemented: ORS 701.126

(6/09, 12/09 eff. 1/1/10, 8/10 eff. 9/1/10, 9/11 eff. 10/1/11, temp. 2/12 eff. 2/9/12, 3/12, 4/12 eff. 5/1/12, 6/16 eff. 7/1/16)

**[812-021-0028**

**Course Approval, Standards, Fees and Renewal for Core—Continuing Education for Residential Contractors**

- (1) The agency will approve courses that provide training in BEST or building codes.
- (2) Approved courses may be offered as an individual course or as part of a comprehensive curriculum.
- (3) A provider seeking approval of its courses must submit the following:
  - (a) Course name, course description, objectives of the offered course, and number of hours of continuing education credit;
  - (b) A written description of the course educator's credentials;
  - (c) Copies of the course materials provided to registrants as described in section (4)(b);
  - (d) Cost of the offered course(s) to registrant;
  - (e) For live classes and classes held in real time:
    - (A) Anticipated date, time, place of the course; and
    - (B) Number of registrants that each course can accommodate;
  - (f) For self study 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; and
  - (g) A non refundable fee of \$50 per credit hour submitted for approval.
- (4) To meet minimum standards for course approval, the provider must:
  - (a) Submit the course syllabus describing the course objectives and content on BEST or building codes, as appropriate;
  - (b) Submit a comprehensive course outline on BEST or building codes, as appropriate;
  - (c) Have materials for each registrant:
    - (A) Of sufficient explanation and quality to provide information about the subject of BEST or building codes, as appropriate;
    - (B) A course syllabus; and
    - (C) A statement that the provider is responsible for the content of the course.
  - (d) Have no attendance restrictions except for payment of money or membership in the provider organization.
- (5) Notwithstanding sections (1) through (4) of this rule, a course on "green" or sustainable building practices that obtained approval before January 1, 2011, may continue to qualify for mandatory core continuing education if completed on or before September 30, 2011.
- (6) Providers seeking to offer BEST must offer training substantially equivalent to criteria established by the agency.
- (7) Except as provided in section (5) of this rule, course approval will be valid for two (2) years from the date the course is approved by the agency.
- (8) Providers must re-submit application and fees under this section for renewal of approval. Renewal of approval will be subject to the same requirements as initial approval.]

Stat. Auth.: ORS 670.310, 701.126 & 701.235

Stats. Implemented: ORS 701.126

(6/09, temp. 7/1/11 eff. 7/1/11, 9/11 eff. 10/1/11, 6/16 eff. 7/1/16)

**[812-021-0030**

**~~Core Hours: BEST—Continuing Education for Residential Contractors~~**

(1) Only the agency and providers approved by the agency as BEST providers may offer or provide BEST. For purposes of this section, “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 the approved provider in advertising or soliciting the courses.

(2) Only the agency or approved providers may charge contractors for BEST. Approved providers may charge contractors an amount determined by the provider.]

Stat. Auth.: ORS 670.310, 701.126 & 701.235

Stats. Implemented: ORS 701.126

(6/09, temp. 2/12 eff. 2/9/12, 4/12 eff. 5/1/12, 6/16 eff. 7/1/16)

**[812-021-0031**

**~~Core Hours: Building Codes—Continuing Education for Residential Contractors~~**

(1) Only providers approved by the agency in building codes may offer or provide training in their approved subject area. For purposes of this section, “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 the approved provider in advertising or soliciting the courses.

(2) Only approved providers may charge contractors for building code training. Approved providers may charge contractors an amount determined by the provider.

(3) Notwithstanding sections (1) and (2) of this rule, a provider approved by the agency before January 1, 2011 as qualified to offer training in “green” or sustainable building practices for mandatory core education may:

(a) Offer such training, so long as the course is completed on or before September 30, 2011; and

(b) Charge contractors for such training in an amount determined by the provider.]

Stat. Auth.: ORS 670.310, 701.126 & 701.235

Stats. Implemented: ORS 701.126

(6/09, 9/11 eff. 10/1/11, temp. 2/12 eff. 2/9/12, 4/12 eff. 5/1/12, 6/16 eff. 7/1/16)

**[812-021-0032**

**~~Core Hours: Agency Law, Rules, and Business Practices—Continuing Education for Residential Contractors~~**

(1) The agency will make available to all contractors education on agency laws, regulations, and business practices.

(2) The agency may charge contractors for the law, regulation training, and business practices.]

Stat. Auth.: ORS 670.310, 701.126 & 701.235

Stats. Implemented: ORS 701.126

(6/09, 6/16 eff. 7/1/16)

**[812-021-0033**

**~~Notification of Completion of Core Hours—Continuing Education for Residential Contractors~~**

Provider will transmit data, as directed by the agency, notifying the agency when a contractor completes an approved course.]

Stat. Auth.: ORS 670.310, 701.126 & 701.235

Stats. Implemented: ORS 701.126

(6/09, 6/16 eff. 7/1/16)

**[812-021-0034**

**~~Notification of Completion of Elective Hours—Continuing Education for Residential Contractors~~**

(1) Contractors may provide data, as directed by the agency, notifying the agency when a contractor has taken an elective course.

(2) Contractors will certify completion of elective hours upon renewal.]

Stat. Auth.: ORS 670.310, 701.126 & 701.235

Stats. Implemented: ORS 701.126

(6/09, 6/16 eff. 7/1/16)

**[812-021-0035**

**~~Agency Tracking of Hours—Continuing Education for Residential Contractors~~**

(1) The agency will track completion of core hours.

(2) The agency may notify contractors, in advance of their renewal dates, of the number and type of core hours left to be completed before renewal.

(3) The agency may notify contractors, in advance of their renewal dates, of the reported elective hours and the number left to be completed before renewal.]

Stat. Auth.: ORS 670.310, 701.126 & 701.235

Stats. Implemented: ORS 701.126  
(6/09, 9/11 eff. 10/1/11, 6/16 eff. 7/1/16)

**[812-021-0037**

**Certification, Recordkeeping, and Review—Continuing Education for Residential Contractors**

- (1) Contractors shall maintain records of continuing education courses completed for a period of:  
(a) 24 months after the renewal date for which the education was reported; or  
(b) For a lapsed license, a period of 24 months after the date the license ceased to be lapsed.  
(2) The agency may request any contractor's continuing education records for review.  
(3) If a contractor cannot prove that it completed the continuing education, the agency may suspend or refuse to renew the license until the contractor proves compliance or completes the missing courses.]

Stat. Auth.: ORS 670.310, 701.126 & 701.235

Stats. Implemented: ORS 701.126  
(6/09, 10/12 eff. 11/1/12, 6/16 eff. 7/1/16)

**[812-021-0040**

**Inactive Status During the License Period or Upon Renewal—Continuing Education for Residential Contractors**

- (1) If a contractor is inactive for less than a year and seeks to renew in an active status, the contractor must complete the total continuing education hours required in OAR 812-021-0015 in order to renew. If the inactive contractor cannot prove that it completed the continuing education, the agency may refuse to convert the license to active status until the contractor proves compliance or completes the missing courses.  
(2) If a contractor is inactive for one year or more during the license period and seeks to renew in an active status, the contractor is not required to complete the continuing education hours as required in OAR 812-021-0015 in order to renew.  
(3) If a contractor is inactive for any period of time and seeks to renew in an inactive status, the contractor is not required to complete the continuing education hours required in OAR 812-021-0015 in order to renew.  
(4) If a contractor is active at the time of renewal and seeks to renew in an inactive status, the contractor is not required to complete the continuing education hours required in OAR 812-021-0015 in order to renew.  
(5) Notwithstanding section (4) of this rule, if an active contractor renews to an inactive status and seeks to change to active status during the two-year license renewal period, the contractor must complete the continuing education requirements in OAR 812-021-0015 in order to change to active status. Continuing education hours earned during the prior two-year license period and the period of inactivity may be included for determining compliance. If the inactive contractor cannot prove that it completed the continuing education, the agency may refuse to convert the license to active status until the contractor proves compliance or completes the missing courses. Notwithstanding OAR 812-021-0015, hours completed during this same period and credited towards renewal to active may not be included for the contractor's next renewal.]

Stat. Auth.: ORS 670.310, 701.126 & 701.235

Stats. Implemented: ORS 701.063; 701.126  
(6/09, 3/12, 10/12 eff. 11/1/12, 6/16 eff. 7/1/16)

**[812-021-0042**

**Lapse in License—Continuing Education for Residential Contractors**

If a license lapses and the contractor applies for renewal as provided in ORS 701.063(4) and OAR 812-003-0300, the contractor must satisfy the continuing education requirement in OAR 812-021-0015. The contractor may satisfy the requirement by continuing education completed during the lapse period.]

Stat. Auth.: ORS 670.310, 701.126 & 701.235

Stats. Implemented: ORS 701.126  
(6/09, 6/16 eff. 7/1/16)

**[812-021-0045**

**Claiming Continuing Education Credits—Continuing Education for Residential Contractors**

- (1) A contractor may claim continuing education hours for courses completed during the time an employee is employed by the contractor. If the employee is a leased worker, the employee must complete the continuing education hours while leased to the contractor.  
(2) If an employee completed continuing education before being hired by a contractor, the contractor may not claim those hours to satisfy its continuing education requirement.  
(3) A contractor may claim continuing education hours for courses completed at the time the owner, officer or RMI is associated with the contractor.  
(4) If an owner, officer or RMI completed continuing education before associating with a contractor, the contractor may not claim those hours to satisfy the continuing education requirement.]

Stat. Auth.: ORS 670.310, 701.126 and 701.235



Stats. Implemented: ORS 701.126  
(6/09, 12/13 eff. 1/1/14, 6/16 eff. 7/1/16)

**[812-021-0047**

**Personnel of More than One Contractor—Continuing Education for Residential Contractors**

(1) If an employee who completes a continuing education course is employed by more than one contractor at the time the employee completes the course, each employing contractor may claim the continuing education hours. For purposes of this rule, “employed by more than one contractor” does not include leased workers leased by more than one contractor. For leased workers, only one contractor may claim the continuing education credits.

(2) If an owner, officer or RMI who completes a continuing education course is associated with more than one contractor at the time the owner, officer or RMI completes the course, each affiliated contractor may claim the continuing education hours.]

Stat. Auth.: ORS 670.310, 701.126 and 701.235

Stats. Implemented: ORS 701.126

(6/09, 12/13 eff. 1/1/14, 6/16 eff. 7/1/16)

**812-022-0010**

**Effective Date – Continuing Education for Residential Contractors (SB 783)**

[~~(4)~~] **Effective January 1, 2016**, OAR 812-022-0000 to 812-022-0047 apply to **all** residential contractors **that renew licenses.** ~~[-~~

(a) ~~That have active, non lapsed licenses that expire on or after January 1, 2014.~~

(b) ~~That renew lapsed licenses with expiration dates on or after January 1, 2014.~~

(c) ~~That renew lapsed licenses with expiration dates before January 1, 2014, but that are renewed on or after January 1, 2014.~~

(2) ~~Notwithstanding section (1), until December 31, 2015, a residential contractor may apply hours earned from attending the courses, completed during the licensing period immediately preceding January 1, 2014, towards the new residential continuing education requirements regardless of whether the courses would qualify under the new law. These courses may include the following.~~

(a) ~~Construction Contractor Board laws, regulations and business practices (up to three hours). Hours earned will be applied towards the three hours of Construction Contractor Board laws, regulations and business practices required for the new residential continuing education.~~

(b) ~~Building codes courses approved by CCB before January 1, 2014, (up to two hours). Hours earned will be applied towards the five hours of Series A courses required for the new residential continuing education.~~

(c) ~~Building Exterior Shell Training (BEST) (up to three hours). Hours earned will be applied towards the five hours of Series A courses required for the new residential continuing education.~~

(d) ~~Elective courses. Hours earned will be applied towards the eight hours of Series B courses required for the new residential continuing education for contractors licensed less than six years.~~

(3) ~~Notwithstanding section (1), a residential contractor renewing a license on or after January 1, 2014, that expired before October 1, 2013, must complete three hours of BEST and two hours of building code courses. The BEST and building code course hours will substitute for required Series A Course hours.~~

(4) ~~Notwithstanding section (1), a residential contractor renewing a license on or after January 1, 2014, which expired between October 1, 2013, and December 31, 2013, must complete two hours of building code course. The hours will substitute for required Series A Course hours.~~

(5) ~~Notwithstanding OAR 812-021-0028(7) and (8), providers approved pursuant to OAR 812-021-0025 or 812-022-0025 may continue to offer BEST or building codes courses previously approved by CCB under OAR 812-021-0028 without submitting additional application or fees for provider or course approval.~~

(6) ~~Notwithstanding section (1), a contractor renewing its license between January 1, 2014, and March 31, 2014, may elect to renew the license pursuant to OAR 812-021-0015 rather than renewing its license pursuant to this rule. A contractor making this election will need to maintain record of the continuing education courses it completes to satisfy OAR 812-021-0015 for which the provider does not otherwise submit notification of completion of core hours.]~~

Stat. Auth.: ORS 670.310, 701.082, 701.126 and 701.235

Stats. Implemented: ORS 701.082

(10/24/13, temp. 10/29/13, 2/6/14, temp. 3/26/14, 6/16 eff. 7/1/16)

**[812-022-0011**

**~~Residential Developer Exemption—Continuing Education for Residential Contractors (SB 783)~~**

~~Residential developers are exempt from the residential continuing education requirements in OAR 812-022-0000 to 812-022-0047.]~~

Stat. Auth.: ORS 670.310, 701.082 & 701.235

Stats. Implemented: ORS 701.082

(10/24/13, 4/30/14, 6/16 eff. 7/1/16)

**812-022-0021**

**Exemptions from Continuing Education – Continuing Education for Residential Contractors (SB 783)**

[The following contractors are exempt from continuing education requirements as required by OAR division 22:

- (1) Contractors licensed as plumbing contractors under ORS 447.010 to 447.156;
- (2) Contractors licensed as electrical contractors under ORS 479.630;
- (3) Contractors owned by, or having an officer who is, an architect registered under ORS 671.010 to 671.220; and
- (4) Contractors owned by, or having an officer who is, a professional engineer licensed under ORS 672.002 to 672.325.]

**(1) Residential contractors subject to regulation under ORS 479.510 to 479.945 or 480.510 to 480.670 or ORS chapter 693 do not need to satisfy the continuing education requirements. These contractors include, but are not limited to:**

**(a) Electrical contractors subject to regulation under ORS 479.510 to 479.945.**

**(b) Plumbing contractors subject to regulation under ORS 447.040 and chapter 693.**

**(c) Boiler contractors subject to regulation under ORS 480.510 to 480.670.**

**(d) Elevator contractors subject to regulation under ORS 479.510 to 479.945.**

**(e) Renewable energy contractors subject to regulation under ORS 479.510 to 479.945.**

**(f) Pump installation contractors subject to regulation under ORS 479.510 to 479.945.**

**(g) Limited sign contractors subject to regulation under ORS 479.510 to 479.945. (2) Residential contractors endorsed only as residential developers do not need to satisfy the continuing education requirement.**

**(3) Contractors owned by or having an officer or an employee who is an electrician licensed under ORS 479.510 to 479.945 do not need to satisfy the continuing education requirement.**

**(4) Contractors owned by or having an officer or an employee who is a plumber licensed under ORS chapter 693 do not need to satisfy the continuing education requirement.**

**(5) Contractors owned or having an officer or employee who is an architect registered under ORS 671.010 to 671.020 do not need to satisfy the continuing education requirement.**

**(6) Contractors owned by or having an officer or employee who is a professional engineer licensed under ORS 672.002 to 672.325 do not need to satisfy the continuing education requirement.**

**(7) Contractors licensed as landscape contracting businesses under ORS 671.510 to 671.760 do not need to satisfy the continuing education requirement.**

**(8) Contractors owned by or having an employee who is a home inspector certified under ORS 701.350 do not need to satisfy the continuing education requirement.**

**(9) Contractors certified as master builders under ORS 455.810 do not need to satisfy the continuing education requirement.**

Stat. Auth.: ORS 670.310, 701.082, 701.083, & 701.235

Stats. Implemented: ORS 701.082 and 701.083

(10/24/13, temp. 11/26/13, 2/6/14, temp. 3/26/14, 6/14 eff. 7/1/14, 6/16 eff. 7/1/16)