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ARCHIVES DIVISION
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NOTICE OF PROPOSED RULEMAKING
INCLUDING STATEMENT OF NEED & FISCAL IMPACT

CHAPTER 808
LANDSCAPE CONTRACTORS BOARD

FILED
09/27/2018 3:15 PM
ARCHIVES DIVISION
SECRETARY OF STATE

FILING CAPTION: Increases amount of landscaping work a residential general contractor may perform

LAST DAY AND TIME TO OFFER COMMENT TO AGENCY: 10/24/2018 5:00 PM

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

A public rulemaking hearing may be requested in writing by 10 or more people, or by a group with 10 or more members, within 21 days following the publication of the Notice of Proposed Rulemaking in the Oregon Bulletin or 28 days from the date the Notice was sent to people on the agency mailing list, whichever is later. If sufficient hearing requests are received, the notice of the date and time of the rulemaking hearing must be published in the Oregon Bulletin at least 14 days before the hearing.

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Filed By:
Kim Gladwill-Rowley
Rules Coordinator

NEED FOR THE RULE(S):

ORS 671.540(1)(h) requires the Landscape Contractors Board to adjust the exemption to the amount of landscaping work a residential general contractor may perform. There are other requirements for this exemption that must also be met.

DOCUMENTS RELIED UPON, AND WHERE THEY ARE AVAILABLE:

ORS 671.540(1) is available on the Board's website at www.oregon.gov/lcb

FISCAL AND ECONOMIC IMPACT:

There is no fiscal and economic impact

COST OF COMPLIANCE:

(1) Identify any state agencies, units of local government, and members of the public likely to be economically affected by the rule(s). (2) Effect on Small Businesses: (a) Estimate the number and type of small businesses subject to the rule(s); (b) Describe the expected reporting, recordkeeping and administrative activities and cost required to comply with the rule(s); (c) Estimate the cost of professional services, equipment supplies, labor and increased administration required to comply with the rule(s).

There is no affect to other agencies or small businesses and no other requirements for the Board.

DESCRIBE HOW SMALL BUSINESSES WERE INVOLVED IN THE DEVELOPMENT OF THESE RULE(S):

Several Board members are small business owners.

WAS AN ADMINISTRATIVE RULE ADVISORY COMMITTEE CONSULTED? NO IF NOT, WHY NOT?

The Board acts as its own Rule Advisory Committee

AMEND: 808-003-0210

RULE SUMMARY: Increases amount of landscaping work a residential general contractor may perform in specific circumstances

CHANGES TO RULE:

808-003-0210

Value of Landscaping Work Performed by a Residential General Contractor ¶

A general contractor licensed under ORS 701 who meets the exemption listed in 671.540(1)(h) may perform landscaping work if the total value of the landscaping work is:¶

(1) \$3,000 if the landscaping work was completed September 1, 2003 and before September 1, 2008;¶

(2) \$3,400 if the landscaping work was completed on September 1, 2008 and before September 1, 2013;¶

(3) \$3,800 if the landscaping work was completed on September 1, 2013 and before December 1, 2018; or¶

~~(34) \$3,8050 if the landscaping work was completed on or after SeptDecember 1, 20138.~~

Statutory/Other Authority: ORS 670.310, 671.670

Statutes/Other Implemented: ORS 671.540