



## PERMANENT ADMINISTRATIVE ORDER

**LCB 4-2025**  
**CHAPTER 808**  
**LANDSCAPE CONTRACTORS BOARD**

**FILED**

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& LEGISLATIVE COUNSEL

FILING CAPTION: Updates bond requirement per SB864 to \$20,000 for all licensees excluding probationary phase licenses.

EFFECTIVE DATE: 01/01/2026

AGENCY APPROVED DATE: 09/12/2025

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### RULES:

808-003-0015, 808-003-0230, 808-003-0613, 808-004-0600

AMEND: 808-003-0015

NOTICE FILED DATE: 07/29/2025

RULE SUMMARY: Updates bond requirement per SB 864 to \$15,000 for probationary phase licenses and \$20,000 for all other phase of licenses.

### CHANGES TO RULE:

808-003-0015

Application for Landscape Contracting Business and Landscape Construction Professional License; Age Minimum ¶¶

(1) Application for a landscape contracting business license shall be on forms provided by the agency. Information provided on the form must include, but not be limited to:¶¶

(a) Name of business entity, all additional assumed business names under which the landscaping work is conducted and Corporation Division registry numbers (if applicable). The business entity name and all assumed business names listed must be the same as what appears on record with the Corporation Division, if applicable;¶¶

(b) Mailing and physical address of the business entity;¶¶

(c) Name of all owners and percent of ownership of each owner;¶¶

(d) Name and license number of all licensed landscape construction professionals employed by the business as required under ORS 671.565 along with a signed and notarized verification of employment form provided by the agency. A business may meet the requirements of ORS 671.565, notwithstanding the conditions of 657.044, if the licensed landscape construction professional is a sole proprietor, a member of an LLC, a general partner in a partnership, or a stockholder of a Sub Chapter S-Corp and is actively involved in the landscape contracting business' operations and is receiving remuneration, whether by salary or other payment, for services provided;¶¶

(e) Name and address of owner or managing employee;¶¶

(f) Independent contractor certification statement;¶¶

(g) A signed statement by the owner of the business, on which the landscape contracting business estimates the total maximum job charges for a single landscape job during the term of the license for the purpose of determining the correct bonding amount for that specific term of the license;¶¶

- ~~(h)~~ Social security number of the owner of a sole proprietorship or partners in a general partnership (where the partners are human beings). Effective January 1, 2020, in lieu of a social security number, a federal individual taxpayer identification number or other federally-issued identification number;¶¶
- ~~(i)~~ Complete questions to Licensing and Litigation History and Criminal Background sections;¶¶
- ~~(j)~~ State Tax Identification number, if applicable;¶¶
- ~~(k)~~ Federal Employer ID Number (EIN), if applicable;¶¶
- ~~(l)~~ Workers Compensation Information, if nonexempt; and¶¶
- ~~(m)~~ Signature of owner, partner, joint venturer, corporate officer, member or trustee, signifying that the information provided in the application is true and correct.¶¶
- (2) Application for a landscape contracting business license must be accompanied by:¶¶
  - (a) A non-refundable application fee;¶¶
  - (b) A required license fee;¶¶
  - (c) A properly executed surety bond, irrevocable letter of credit or deposit as required under ORS 671.690;¶¶
  - (d) A Certificate of Liability Insurance as required under ORS 671.565 for an amount not less than \$100,000 if the application is received prior to January 1, 2106 and not less than \$500,000 if the application is received after January 1, 2016 listing the Landscape Contractors Board as the certificate holder;¶¶
  - (e) A Certificate of Completion of Owner/Managing Employee course from an approved course provider and proof of passing the Laws, Rules & Business Practice examination if the managing owner or managing employee does not hold an active landscape construction professional license;¶¶
  - (f) Documentation of any unpaid court judgment, arbitration award or administrative agency final order entered or issued in any state that requires the applicant to pay damages arising out of the performance of, or a contract for, landscaping work issued on or after January 1, 2008, along with the status of any appeal or exceptions. For purposes of this rule and ORS 671.563, "applicant" has the same meaning as owner as defined in OAR 808-002-0734.¶¶
  - (g) Copies of the original and amended articles of incorporation for corporations, organizational filings for limited liability companies, and partnership agreements for partnerships;¶¶
  - (h) A completed, signed and notarized Verification form (provided by the board) for every licensed landscape construction professional who is supervising work for the landscape contracting business as required in OAR 808-003-0018; and¶¶
  - (i) Certificate of Insurance verifying workers' compensation insurance coverage for all employees, if the applicant qualifies as nonexempt.¶¶
- (3) Application for a landscape construction professional license shall be on forms provided by the agency and shall be accompanied by:¶¶
  - (a) A non-refundable application fee;¶¶
  - (b) Verification of experience and/or transcripts or copies of completion certificates from courses of study;¶¶
  - (c) If applicable, name of employing licensed landscape contracting business or businesses;¶¶
  - (d) Documentation of any unpaid court judgment, arbitration award or administrative agency final order entered or issued in any state that requires the applicant to pay damages arising out of the performance of, or a contract for, landscaping work issued on or after January 1, 2008, along with the status of any appeal or exceptions. For purposes of this rule and ORS 671.563, "applicant" means the person applying for the individual landscape construction professional license;¶¶
  - (e) Complete questions to Licensing and Litigation History and Criminal Background sections;¶¶
  - (f) Social security number of the applicant. Effective January 1, 2020, in lieu of a social security number, a federal individual taxpayer identification number or other federally-issued identification number;¶¶
  - (g) Mailing and physical address of the applicant; and¶¶
  - (h) Signature of applicant.¶¶
- (4) Application for a probationary landscape construction professional license shall be on forms provided by the agency and shall be accompanied by:¶¶
  - (a) A non-refundable application fee;¶¶
  - (b) If applicable the name of the employing licensed landscape contracting business or businesses.¶¶
  - (c) Documentation of any unpaid court judgment, arbitration award or administrative agency final order entered or issued in any state that requires the applicant to pay damages arising out of the performance of, or a contract for, landscaping work issued on or after January 1, 2008, along with the status of any appeal or exceptions. For purposes of this rule and ORS 671.563, "applicant" means the person applying for the individual probationary landscape construction professional license;¶¶
  - (d) Complete questions to Licensing and Litigation History and Criminal Background sections;¶¶
  - (e) Social security number of the applicant. Effective January 1, 2020, in lieu of a social security number, a federal individual taxpayer identification number or other federally-issued identification number;¶¶
  - (f) Mailing and physical address of the applicant; and¶¶

(g) Signature of applicant.¶¶

(5) If an applicant as defined in subsections (1), (3) and (4) of this rule has any unpaid damages as stated in subsections (1), (3) and (4) of this rule and there are no appeals or exceptions filed, the applicant must show current payments are being made. If payments are not being made, the Landscape Contractors Board may refuse to issue the license.¶¶

(6) Pursuant to ORS 109.510 an applicant for a landscape construction professional or a landscape contracting business license as defined in subsections (1), (3) and (4) of this rule must be at least 18 years of age except as provided in ORS 419B.552(1).

Statutory/Other Authority: ORS 183.671, ORS 671.320

Statutes/Other Implemented: ORS 671.560, ORS 671.563, ORS 671.565, ORS 671.570, ORS 671.571

AMEND: 808-003-0230

NOTICE FILED DATE: 07/29/2025

RULE SUMMARY: Updates bond requirement per SB 864 to \$15,000 for probationary phase licenses and \$20,000 for all other phases of licenses.

CHANGES TO RULE:

808-003-0230

Renewal of Landscaping Contracting Business and Landscape Construction Professional License ¶¶

The following rule sections apply to all applications except for those filed by a person holding an endorsement as a residential or commercial general contractor licensed under ORS chapter 701 seeking a landscape construction professional or landscape contracting business license that is a modified phase of license pursuant to OAR 808-003-0500. As of September 30, 2019, SB 935 (Chapter 682, 2019 legislative session), which amended ORS 671.560(4)(b), issuance, or reissuance, of such licenses is prohibited.¶¶

(1) Application for renewal of a landscape contracting business license shall comply with ORS 671.660 and be:¶¶

(a) Accompanied by:¶¶

(A) Required renewal fee; and¶¶

(B) Documentation of any unpaid court judgment, arbitration award or administrative agency final order entered or issued in any state that requires the applicant to pay damages arising out of the performance of, or a contract for, landscaping work issued on or after January 1, 2008, along with the status of any appeal or exceptions. For purposes of this rule and ORS 671.560 and 671.563, "applicant" has the same meaning as owner as defined in OAR 808-002-0734.¶¶

(b) On forms provided by the agency and the licensee shall update the following items:¶¶

(A) Mailing address;¶¶

(B) Assumed business name;¶¶

(C) Entity type;¶¶

(D) Employer status as required by ORS 671.525 and OAR 808-003-0090;¶¶

(E) Listing of owners/officers and percentage of ownership of each owner;¶¶

(F) List of landscape construction professional(s), with accompanying license numbers employed by the business;¶¶

(G) ~~Bond amount as required by~~ Surety bond, letter of credit or cash deposit as required by ORS 671.571(2)(b)(A), ORS 671.690 and OAR 808-003-0613;¶¶

(H) Insurance expiration date as required by OAR 808-003-0095; and¶¶

(I) Name of the owner/managing employee, if applicable as required by ORS 671.595¶¶

(2) Application for renewal of a landscape construction professional license shall comply with ORS 671.660 and be:¶¶

(a) Accompanied by:¶¶

(A) Required renewal fee; and¶¶

(B) Documentation of any unpaid court judgment, arbitration award or administrative agency final order entered or issued in any state that requires the applicant to pay damages arising out of the performance of, or a contract for, landscaping work issued on or after January 1, 2008, along with the status of any appeal or exceptions. For purposes of this rule and ORS 671.560 and 671.563, "applicant" has the same meaning as owner as defined in OAR 808-002-0734.¶¶

(b) On forms provided by the agency and the licensee shall update the following items:¶¶

(A) Mailing address;¶¶

(B) Name of landscape contracting business(es) individual is employed by, if applicable;¶¶

(C) Listing of continuing education courses completed, if applicable; and¶¶

(D) Signature of applicant.¶¶

(3) If a landscape construction professional is on active military duty, that servicemember may place a license on "inactive military" status, and may renew the license to "inactive military" status without paying the renewal fee. The servicemember must submit a request in writing for "inactive military" status and submit written documentation that substantiates the licensee's call to active duty. Only active duty and honorably discharged military personnel are exempt from LCB license renewal fees; but civilian and dishonorably discharged military personnel are not exempt.¶¶

(4) To convert an inactive military status license to active or inactive status upon an honorable discharge, the servicemember must submit a written request within 60 days from the date of discharge. If the holder of an inactive military status license does not make a timely application for reinstatement, the license will expire upon its expiration date and the holder must meet all reinstatement requirements in effect at the time of the

reinstatement.¶¶

(5) If an applicant as defined in subsections (1) and (2) of this rule has any unpaid damages as stated in subsections (1) and (2) of this rule and there are no appeals or exceptions filed, the applicant must show current payments are being made. If payments are not being made, the Landscape Contractors Board may refuse to renew the license.¶¶

(6) If an applicant satisfies all requirements for license renewal before the expiration date:¶¶

(a) The license is renewed;¶¶

(b) The effective date of the license is the expiration date; and¶¶

(c) The license is valid until the last day of the anniversary month of the initial issues of the license.¶¶

(7) If an applicant satisfies all requirements for license renewal within two years after the expiration date:¶¶

(a) The license will be renewed;¶¶

(b) The effective date of the license is the date the agency updates the record; and¶¶

(c) The license is valid until the last day of the anniversary month of initial issuance of the license¶¶

(8) If an applicant satisfies all requirements for renewal more than two years after the expiration date, the license cannot be renewed or reissued. The applicant must apply for a new license under OAR 808-003-0015.

Statutory/Other Authority: ORS 670.310, ORS 671.670

Statutes/Other Implemented: ORS 671.574, ORS 671.568, ORS 671.560

AMEND: 808-003-0613

NOTICE FILED DATE: 07/29/2025

RULE SUMMARY: Updates bond requirement per SB 864 to \$15,000 for probationary phase licenses and \$20,000 for all other phases of licenses.

CHANGES TO RULE:

808-003-0613

Bond, Letter of Credit or Cash Deposit Amounts ¶¶

(1) Except as provided in subsection (2) ~~below of this rule~~, a surety bond, letter of credit or cash deposit required under ORS 671.690 must be in ~~one of the following amounts:~~¶

~~(a) \$3,000 for an applicant, unless the applicant is described in subsections (b), (c), (d) or (e) of this rule the amount of \$ 2,000.¶~~

~~(b) \$10,000 for an applicant, who not in conjunction with the performance of landscaping work, constructs fences, decks, arbors, patios, landscape edging, driveways, walkways or retaining walls, unless the applicant is made subject to paragraph (c) of this subsection by work on other jobs performed by the applicant.¶~~

~~(c) \$10,000 for an applicant who charges more than \$10,000, but less than \$25,000, for a landscape job.¶~~

~~(d) \$15,000 for an applicant who charges \$25,000, but less than \$50,000 for a landscape job.¶~~

~~(e) \$20,000 for an applicant who charges \$50,000 or more for a landscape job.¶~~

~~(e) \$15,000~~ A surety bond, letter of credit or cash deposit required under ORS 671.571 for a Probationary All Phase Plus Backflow license phase.¶

(2) A landscape contracting business may obtain or maintain a bond, letter of credit or cash deposit in an amount that exceeds the amount required under section (1) of this rule if the bond, letter of credit or cash deposit obtained or maintained is in an amount that is equal to an amount required under section (1) of this rule.¶

(3) A landscape contracting business is subject to a higher bond, letter of credit or cash deposit before the landscape contracting business submits a bid or contract to a customer, whichever occurs first.¶

(4) A landscape contracting business must increase or file an additional bond, letter of credit or cash deposit when the cost of the landscape project makes the licensee subject to a higher bond, letter of credit or cash deposit must in the amoutn of not less than \$15,000.

Statutory/Other Authority: ORS 670.310, ORS 671.670

Statutes/Other Implemented: ORS 671.690

AMEND: 808-004-0600

NOTICE FILED DATE: 07/29/2025

RULE SUMMARY: Updates bond requirement per SB 864 to \$15,000 for probationary phase licenses and \$20,000 for all other phases of licenses.

CHANGES TO RULE:

808-004-0600

Payment from Bond, Irrevocable Letter of Credit or Other Security; Exhaustion of Bond, Irrevocable Letter of Credit or Other Security ¶¶

- (1) The board may notify the surety company of claims pending.¶¶
- (2) The board shall notify the surety company or deposit holder of claims ready for payment. This notice shall constitute notice that payment is due on the claim.¶¶
- (3) Claims are ready for payment when:¶¶
  - (a) An arbitration award has been issued and is ready for payment under OAR 808-008-0440 after 30 days have elapsed to allow the respondent time to pay the award or file exceptions with the circuit court; or¶¶
  - (b) A final order has been issued in a contested case and 30 days have elapsed to allow the respondent time to pay the order; or¶¶
  - (c) The board has not granted a stay of enforcement of the final order pending judicial review by the Court of Appeals; or¶¶
  - (d) When there is a court judgment and 30 days have elapsed; or¶¶
  - (e) The board has received no evidence that the respondent has complied with the final order, arbitration award, or court judgment; and¶¶
  - (f) All other claims filed against the licensee under ORS 671.510 to 671.710 within the same or prior 90-day period under ORS 671.710 have either been resolved, been closed or have reached the same state of processing as the subject claim.¶¶
- (4) For purposes of subsection (5) of this rule "work period" is as defined in OAR 808-002-0920.¶¶
- (5) Except as provided in sections (6) and (7) of this rule, claims related to jobs that are satisfied from a surety bond, irrevocable letter of credit or deposit shall be paid as follows:¶¶
  - (a) If a surety bond, irrevocable letter of credit or deposit was in effect when the work period began, payment shall be made from that surety bond or deposit.¶¶
  - (b) If no surety bond, irrevocable letter of credit or deposit was in effect when the work period began, but a surety bond, irrevocable letter of credit or deposit subsequently became effective during the work period of the contract, payment must be made from the first surety bond, irrevocable letter of credit or deposit to become effective after the beginning of the work period.¶¶
- (5) A surety bond, letter of credit or cash deposit that is liable for a claim under subsection (4)(a) or (b) of this rule is liable for all claims related to the job and any subsequent surety bonds, letters of credit or cash deposits have no liability for any claim related to the job.¶¶
- (6) Except as provided in subsection (7) of this rule, if during a landscape job the job charges increase to an amount that requires an increase in the bonding amount for a landscape contracting business, any claims filed on that specific landscape job and any other landscape jobs contracted for by this business after the effective date of the increased bond amount will have access to the higher bond amount.7) Landscape jobs that were contracted for before the effective date of a bond increase will only have access to the bond amount in effect at the time of entering into the contract for that job unless the job charges on that contracted job increase to an amount requiring an equal to or greater bond amount for the landscape contracting business.¶¶
- (7) If a landscape contracting business accepts a payment, offers a written or verbal proposal which is later accepted as a contract, enters into a contract, or begins construction on a landscape job where the job charges would require a higher bond amount, and the landscape contracting business increases the bond to a higher amount during the work period, any claim filed on that specific landscape job will have access to the higher bond amount.¶¶
- (8) The full penal sum of the bond, irrevocable letter of credit or deposit shall be available to pay claims under this rule, notwithstanding that the penal sum may exceed the bond amount required under ORS 671.690.¶¶
- (9) Unless the order provides otherwise, if an award or a final order provides that two or more respondents are jointly and severally liable for an amount due to a claimant and payment is due from the surety bonds, irrevocable letters of credit or deposits of the respondents, payment shall be made in equal amounts from each bond, irrevocable letter of credit or deposit subject to payment. If one or more of the bonds, irrevocable letters of credit or deposits is or becomes exhausted, payment shall be made from the remaining bond, irrevocable

letter of credit or deposit or in equal amounts from the remaining bond, irrevocable letter of credit s or deposits. If one of the respondents liable on the claim makes payment on the claim, that payment shall reduce the payments required from that respondent's bond, irrevocable letter of credit or deposit under this section by an amount equal to the payment made by the respondent.¶¶

(10) A surety company may not condition payment of a claim on the execution of a release by claimant.¶¶

(11) An inactive, expired, suspended, revoked, or terminated status of the license of the respondent does not excuse payment by a surety company required under this rule.¶¶

(12) The agency may continue processing a claim even though the surety bond, letter of credit or cash deposit related to that claim is exhausted by prior claims.

Statutory/Other Authority: ORS 183, ORS 670.310, ORS 671.670

Statutes/Other Implemented: ORS 671.690, ORS 671.710