

# Enrolled House Bill 3304

Sponsored by Representatives HEARD, WITT; Representatives BARKER, BARRETO, BARTON, BENTZ, BUEHLER, CLEM, DAVIS, ESQUIVEL, GOMBERG, GORSEK, HACK, HAYDEN, HOYLE, HUFFMAN, JOHNSON, KENNEMER, KRIEGER, NOSSE, OLSON, PARRISH, POST, SMITH, STARK, WHISNANT, WHITSETT, Senator JOHNSON

CHAPTER .....

AN ACT

Relating to licenses issued by the State Landscape Contractors Board; creating new provisions; and amending ORS 671.570 and 671.617.

**Be It Enacted by the People of the State of Oregon:**

**SECTION 1. (1) The State Landscape Contractors Board shall establish a practical skills test for persons applying for a landscape construction professional license under ORS 671.570 or limited or specialty license under ORS 671.560. The board shall allow a person applying under ORS 671.570 the option of satisfying the examination requirement under ORS 671.570 (1)(d) either by passing a written examination approved by the board or by passing the practical skills test and attending the business practices class described in this section. If the board requires that applicants for a limited or specialty license pass an examination, the board shall allow a person applying for the limited or specialty license the option of satisfying the examination requirement either by passing a written examination or by passing an appropriate practical skills test and attending the business practices class described in this section.**

**(2) The board shall make practical skills testing available during three periods each year. Each of the periods must consist of two or more consecutive days on which applicants may take the practical skills test. The periods shall begin:**

- (a) Between March 1 and May 1;**
- (b) Between June 1 and August 1; and**
- (c) Between September 1 and November 1.**

**(3) The board shall design the practical skills test to determine whether the applicant has the ability to perform the tasks most commonly required of a landscape construction professional in a manner meeting or exceeding practice standards established by board rule. The board shall design the test to have a reasonable expected completion time that is less than eight hours. The board may not test the ability of an applicant to make an installation described in ORS 671.615.**

**(4) The board shall supply a site for practical skills testing that has adequate lighting and is free from extreme temperatures, falling or blowing snow, ice, high winds and heavy rainfall. The practical skills test must be conducted within an eight-hour period on a single day.**

**(5) The board shall evaluate task performance during a practical skills test by use of a standardized scoring checklist. If the evaluator determines that an item on the checklist**

was not performed in a manner meeting or exceeding practice standards established by board rule, the board shall provide written comments explaining in detail why the performance was unsatisfactory. The board shall establish the minimum score for passage of a practical skills test to be 70 percent of the maximum possible score. If an applicant does not pass a practical skills test, the board shall allow the applicant to review the checklist and written comments. If the applicant takes the practical skills test prior to the last day of a test availability period described in subsection (2) of this section, the board shall allow the applicant the opportunity to pay a new examination fee and retake the test during that same availability period.

(6) The board shall offer or approve a class on landscape contracting business practices, not to exceed six hours in length. The class shall be offered to applicants who have successfully completed the practical skills test and be available during the same periods that practical skills testing is available. The board may not test applicants on the class content. An applicant who passes the practical skills test and attends the business practices class satisfies the examination requirement established in ORS 671.570 (1)(d).

(7) The board shall establish fees for applicants described in this section in amounts reasonably calculated to offset the full program cost of conducting the practical skills test and business practices class described in this section.

(8) The board may subcontract or otherwise arrange for a third party to carry out any duty or function of the board regarding practical skills testing or the class on landscape contracting business practices.

**SECTION 2.** The State Landscape Contractors Board shall make practical skills testing and business practices classes available under section 1 of this 2015 Act no later than September 1, 2016.

**SECTION 3.** The State Landscape Contractors Board shall report to the Seventy-ninth Legislative Assembly in the manner provided in ORS 192.245 no later than May 15, 2017, regarding the implementation of the practical skills test and business practices class required under section 1 of this 2015 Act. The report must include, but need not be limited to, information regarding the content of the practical skills test, the date that the board first offered practical skills testing, the number and percentage of applicants for licensing as landscape construction professionals taking the practical skills test, the number and percentage of applicants passing the practical skills test and the number and percentage of applicants passing a written licensing examination.

**SECTION 4.** ORS 671.570 is amended to read:

671.570. (1) Each person applying for a landscape construction professional license must:

(a) Pay a nonrefundable application fee.

(b) Pay an examination fee.

(c) Pay to the State Landscape Contractors Board the landscape construction professional license fee required by ORS 671.650.

(d) Pass an examination, which the board shall offer at least once each six months, to determine the fitness of the applicant for licensing and within 10 years before the day the application for a license is made:

(A) Have at least 24 months of employment with a landscape contracting business; or

(B) Have at least 12 months of employment with a landscape contracting business and one full year of training in an area related to landscaping at an accredited school or college.

(e) Be employed by, or own, a landscape contracting business if performing landscaping work.

(2) Notwithstanding subsection (1) of this section, the board may adopt rules allowing a person who does not meet the education and experience requirements in subsection (1)(d) of this section to substitute other education and experience that demonstrate the fitness of the person for licensing as a landscape construction professional.

(3) **Notwithstanding ORS 192.310, upon request of the applicant, the board shall make an examination that the board offers under subsection (1)(d) of this section available in a format**

**in which instructions and questions stated in the English language are immediately followed by a Spanish language translation of those instructions and questions.**

**SECTION 5.** ORS 671.617 is amended to read:

671.617. (1) The State Landscape Contractors Board shall consult with the State Plumbing Board in developing any written and practical examinations for backflow assembly installer licenses.

(2) **Notwithstanding ORS 192.310, upon request of the applicant, the State Landscape Contractors Board shall make any written examination that the board offers for backflow assembly installer licensing available in a format in which instructions and questions stated in the English language are immediately followed by a Spanish language translation of those instructions and questions.**

**SECTION 6.** The amendments to ORS 671.570 and 671.617 by sections 4 and 5 of this 2015 Act apply to examinations offered by the State Landscape Contractors Board on or after May 1, 2016.

Passed by House June 17, 2015

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Timothy G. Sekerak, Chief Clerk of House

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Tina Kotek, Speaker of House

Passed by Senate June 24, 2015

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Peter Courtney, President of Senate

Received by Governor:

.....M.,....., 2015

Approved:

.....M.,....., 2015

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Kate Brown, Governor

Filed in Office of Secretary of State:

.....M.,....., 2015

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Jeanne P. Atkins, Secretary of State