

# House Bill 2206

Sponsored by Representative NEARMAN (Presession filed.)

## SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**.

Eliminates education, experience and examination requirements for issuance or renewal of landscape contracting business license or landscape construction professional license.

## A BILL FOR AN ACT

1  
2 Relating to landscaping; creating new provisions; amending ORS 671.520, 671.560 and 671.660; and  
3 repealing ORS 671.561, 671.570, 671.571, 671.572, 671.590, 671.595 and 671.676.

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

5 **SECTION 1.** ORS 671.520 is amended to read:

6 671.520. As used in ORS 671.510 to 671.760, unless the context requires otherwise:

7 (1) "Landscape construction professional" means an individual who for compensation or with the  
8 intent to be compensated performs or supervises activities [*requiring the art, ability, experience,*  
9 *knowledge, science and skill*] to:

10 (a) Plan or install lawns, shrubs, vines, trees or nursery stock;

11 (b) Prepare property on which lawns, shrubs, vines, trees or nursery stock is to be installed;

12 (c) Install, maintain or repair ornamental water features and landscape drainage systems;

13 (d) Maintain irrigation systems with the use of compressed air and as otherwise provided by the  
14 State Landscape Contractors Board by rule;

15 (e) Install or repair landscape irrigation systems as provided by the board by rule; or

16 (f) Plan, install, maintain or repair fences, decks, arbors, patios, landscape edging, driveways,  
17 walkways or retaining walls.

18 (2) "Landscape contracting business" means a business that for compensation or with the intent  
19 to be compensated arranges, submits a bid, or otherwise offers or contracts, for the performance of  
20 activities described in subsection (1) of this section.

21 (3) "Licensee" means a person that is licensed under ORS 671.510 to 671.760 as a landscape  
22 construction professional or landscape contracting business.

23 (4) "Nursery stock" means nursery stock:

24 (a) As defined by ORS 571.005 other than stock grown for commercial resale or reforestation;

25 or

26 (b) As defined by the board by rule.

27 (5) "Ornamental water features" means fountains, ponds, waterfalls, man-made streams and other  
28 decorative water-related constructions as identified by the board by rule.

29 **SECTION 2.** ORS 671.560 is amended to read:

30 671.560. [(1) *Except as provided in ORS 671.571 and 671.590, the State Landscape Contractors*  
31 *Board shall issue a landscape construction professional license to an applicant who satisfies the re-*

**NOTE:** Matter in **boldfaced** type in an amended section is new; matter [*italic and bracketed*] is existing law to be omitted.  
New sections are in **boldfaced** type.

1 *quirements of ORS 671.570.]*

2 **(1) The State Landscape Contractors Board shall issue a landscape construction profes-**  
 3 **sional license to an applicant who:**

4 **(a) Is employed by, or owns, a landscape contracting business and performs landscaping**  
 5 **work;**

6 **(b) Pays a nonrefundable application fee; and**

7 **(c) Pays the landscape construction professional license fee required by ORS 671.650.**

8 (2) The board shall issue a landscape contracting business license to an applicant who *[satisfies*  
 9 *the requirements of]* the board **determines to be in compliance with the insurance, surety and**  
 10 **other applicable requirements under ORS 671.510 to 671.760. A landscape contracting business**  
 11 **that qualifies for the exemption described in ORS 571.045 shall indicate on its license appli-**  
 12 **cation or license renewal application under this section the reasons the business qualifies for**  
 13 **the exemption.**

14 (3) An applicant for a license under this section shall apply to the board upon a form furnished  
 15 by the board and give such information as the board considers necessary.

16 *[(4)(a) The board may issue a limited or specialty license if the applicant is required to have a*  
 17 *landscape construction professional license or landscape contracting business license but is not quali-*  
 18 *fied or required to be licensed for all phases of landscape work.]*

19 *[(b) The board may adopt rules to limit or restrict the landscape work performed by probationary*  
 20 *landscape construction professionals.]*

21 *[(5) A landscape contracting business that qualifies for the exemption described in ORS 571.045*  
 22 *shall indicate on its license application or license renewal application under this section the reasons*  
 23 *the business qualifies for the exemption.]*

24 **SECTION 3.** ORS 671.660 is amended to read:

25 671.660. (1) The fee for renewal of a license issued under ORS 671.510 to 671.760 shall be paid  
 26 annually on or before the last day of the month of the anniversary of issuance.

27 (2) The State Landscape Contractors Board may not issue a new license to a person who has  
 28 been previously licensed under ORS 671.510 to 671.760 and whose license has expired, unless the  
 29 person makes written application on a form approved by the board and pays the required annual fee.  
 30 The board may require the person to also pay a penalty fee.

31 (3) If a license lapses for two years or more, the person must reapply as for initial issuance of  
 32 the license.

33 (4) When a landscape contracting business renews its license, the business must submit the  
 34 names of all employees who are licensed landscape construction professionals.

35 *[(5) When a person renews a landscape construction professional license, the person must:]*

36 *[(a) Submit the name of the employer if the person is currently performing landscaping work;*  
 37 *and]*

38 *[(b) Demonstrate that the person has complied with the continuing education requirement adopted*  
 39 *by the board.]*

40 **(5) When a person renews a landscape construction professional license, the person must**  
 41 **submit the name of the employer if the person is currently performing landscaping work.**

42 **SECTION 4.** ORS 671.561, 671.570, 671.571, 671.572, 671.590, 671.595 and 671.676 are repealed.

43 **SECTION 5.** The amendments to ORS 671.520, 671.560 and 671.660 by sections 1 to 3 of this  
 44 **2017 Act and the repeal of ORS 671.561, 671.570, 671.571, 671.572, 671.590, 671.595 and 671.676**  
 45 **by section 4 of this 2017 Act apply to a landscape contracting business or landscape con-**

1 **struction professional license issuance or renewal application on which the State Landscape**  
2 **Contractors Board takes final action on or after the effective date of this 2017 Act.**  
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