

House Bill 2462

Introduced and printed pursuant to House Rule 12.00. Pre-session filed (at the request of House Interim Committee on Judiciary for Oregon State Bar)

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**. The statement includes a measure digest written in compliance with applicable readability standards.

Digest: Changes some of the time limits for complaints to the Construction Contractors Board. (Flesch Readability Score: 63.4).

Revises some of the time limits allowed for filing complaints with the Construction Contractors Board.

Takes effect on the 91st day following adjournment sine die.

A BILL FOR AN ACT

1
2 Relating to the periods of time allowed for filing complaints with the Construction Contractors
3 Board; amending ORS 701.143; and prescribing an effective date.

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

5 **SECTION 1.** ORS 701.143 is amended to read:

6 701.143. The Construction Contractors Board may not process a complaint against a licensed
7 contractor, including a complaint based upon a court judgment or an arbitration award, unless the
8 complaint is filed with the board in a timely manner as follows:

9 (1) Except as otherwise provided in this section, if the owner of a new structure files the com-
10 plaint, the board must receive the complaint no later than the earlier of:

11 (a) One year after the date the structure was first occupied; or

12 (b) Two years after substantial completion of the structure by the contractor [*filed against*]
13 **subject to the complaint.**

14 (2) Except as otherwise provided in this section, if the owner of an existing structure files the
15 complaint, the board must receive the complaint no later than [*one year after the date the work was*
16 *substantially completed by the contractor filed against.*] **the earlier of:**

17 (a) **Six years after the date on which the owner and the contractor enter into the con-**
18 **tract; or**

19 (b) **One year after the date on which the contractor delivers to the owner a written no-**
20 **tice of completed work that:**

21 (A) **Informs the owner that the contractor considers the work to be complete;**

22 (B) **Lists the total cost of the work; and**

23 (C) **States that any complaint to the board will be barred unless the owner files the**
24 **complaint within the earlier of:**

25 (i) **One year after the date the contractor delivers the notice to the owner; or**

26 (ii) **Six years after the date on which the owner and the contractor enter into the con-**
27 **tract.**

28 (3) Regardless of whether the complaint involves a new or an existing structure, if the owner

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 of the structure files the complaint and the licensed contractor failed to begin the work, the board
 2 must receive the complaint no later than one year after the date the parties entered into the con-
 3 tract.

4 (4) Regardless of whether the complaint involves a new or an existing structure, if the owner
 5 of the structure files the complaint and the licensed contractor failed to substantially complete the
 6 work, the board must receive the complaint no later than [*one year after the date the contractor*
 7 *ceased to work on the structure.*] **the earlier of:**

8 (a) **Six years after the date on which the owner and the contractor enter into the con-**
 9 **tract or the date on which the parties make a mutual bargain concerning the work, if the**
 10 **contractor does not use a written contract; or**

11 (b) **One year after the date on which the contractor that is the subject of the complaint**
 12 **delivers to the owner a written notice that:**

13 (A) **Informs the owner that the contractor considers the work to be complete or that the**
 14 **contractor does not intend to complete the work;**

15 (B) **Lists the contractor’s estimate of the value of the work performed; and**

16 (C) **States that any complaint to the board will be barred unless the owner files the**
 17 **complaint within the earlier of:**

18 (i) **One year after the date the contractor delivers the notice to the owner; or**

19 (ii) **Six years after the date on which the owner and the contractor enter into the con-**
 20 **tract or the date on which the parties make a mutual bargain concerning the work, if the**
 21 **contractor does not use a written contract.**

22 (5) Except as otherwise provided in this section, if a licensed contractor files the complaint
 23 against the licensed contractor performing work as a subcontractor on a new structure, the board
 24 must receive the complaint no later than the earlier of:

25 (a) Fourteen months after the date the structure was first occupied; or

26 (b) Two years after substantial completion of the structure.

27 (6) Except as otherwise provided in this section, if a licensed contractor files the complaint
 28 against the licensed contractor performing work as a subcontractor on an existing structure, the
 29 board must receive the complaint no later than 14 months after the date the work on the structure
 30 was substantially completed.

31 (7) If a licensed contractor files the complaint against the licensed contractor performing work
 32 as a subcontractor on a structure and the subcontractor failed to substantially complete the work,
 33 the board must receive the complaint no later than 14 months after the date the subcontractor
 34 ceased to work on the structure.

35 (8) If the licensed contractor’s employee, subcontractor or material or equipment supplier files
 36 the complaint, the board must receive the complaint no later than one year after the date the con-
 37 tractor incurred the indebtedness.

38 (9) The filing of a complaint with the Commissioner of the Bureau of Labor and Industries for
 39 unpaid wages constitutes the filing of a complaint for purposes of establishing timeliness of the filing
 40 of a complaint under this section.

41 **SECTION 2. This 2025 Act takes effect on the 91st day after the date on which the 2025**
 42 **regular session of the Eighty-third Legislative Assembly adjourns sine die.**