

D R A F T

SUMMARY

Limits requirement that State Landscape Contractors Board offer practical skills test option as substitute for examination. Allows use of practical skills test as partial substitute for examination. Reduces schedule for offering practical skills testing. Allows inclusion of written multiple choice questions as part of practical skills test. Allows testing for landscape contracting business practices class.

Revises content required for 2017 board report to Legislative Assembly regarding practical skills testing and business practices class implementation.

Declares emergency, effective on passage.

A BILL FOR AN ACT

1
2 Relating to State Landscape Contractors Board licensing processes; amend-
3 ing ORS 671.561 and section 3, chapter 652, Oregon Laws 2015; and de-
4 claring an emergency.

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

6 **SECTION 1.** ORS 671.561 is amended to read:

7 671.561. *[(1) The State Landscape Contractors Board shall establish a*
8 *practical skills test for persons applying for a landscape construction profes-*
9 *sional license under ORS 671.570 or limited or specialty license under ORS*
10 *671.560. The board shall allow a person applying under ORS 671.570 the option*
11 *of satisfying the examination requirement under ORS 671.570 (1)(d) either by*
12 *passing a written examination approved by the board or by passing the prac-*
13 *tical skills test and attending the business practices class described in this*
14 *section. If the board requires that applicants for a limited or specialty license*
15 *pass an examination, the board shall allow a person applying for the limited*

1 *or specialty license the option of satisfying the examination requirement either*
2 *by passing a written examination or by passing an appropriate practical skills*
3 *test and attending the business practices class described in this section.]*

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

8 [(a) *Between March 1 and May 1;*]

9 [(b) *Between June 1 and August 1; and]*

10 [(c) *Between September 1 and November 1.*]

11 **(1) The State Landscape Contractors Board shall establish a prac-**
12 **tical skills test for at least two of the types of limited or specialty li-**
13 **censes offered by the board under ORS 671.560. The board may**
14 **establish a practical skills test for additional types of licenses offered**
15 **under ORS 671.560 or 671.570. If the board establishes a practical skills**
16 **test for a type of license, the board shall allow an applicant for the**
17 **license the option of satisfying all or parts of any examination re-**
18 **quirement for the license either by:**

19 **(a) Passing a written examination; or**

20 **(b) Passing the practical skills test and attending the business**
21 **practices class described in this section.**

22 **(2) If the board establishes a practical skills test for a type of li-**
23 **cense, the board must offer the practical skills test at least once every**
24 **12 months.**

25 **(3) The board shall design [the] a practical skills test to determine**
26 **whether the applicant has the ability to perform the tasks most commonly**
27 **required of a [landscape construction professional] licensee in a manner**
28 **meeting or exceeding practice standards established by board rule. A prac-**
29 **tical skills test may include, but may not be limited to, the use of**
30 **written multiple choice questions. The board shall design [the] a test to**
31 **have a reasonable expected completion time that is less than eight hours.**

1 **The board may not test the ability of an applicant for a limited or**
2 **specialty license to perform a task that is not authorized by the type**
3 **of limited or specialty license sought. If the board establishes a prac-**
4 **tical skills test option for licensing under ORS 671.570,** the board may
5 not test the ability of an applicant to make an installation described in ORS
6 671.615.

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

11 (5) The board shall evaluate task performance during a practical skills
12 test by use of a standardized scoring checklist. If the evaluator determines
13 that an item on the checklist was not performed in a manner meeting or
14 exceeding practice standards established by board rule, the board shall pro-
15 vide written comments explaining in detail why the performance was unsat-
16 isfactory. The board shall establish the minimum score for passage of a
17 practical skills test to be 70 percent of the maximum possible score. If an
18 applicant does not pass a practical skills test, the board shall allow the ap-
19 plicant to review the checklist and written comments. *[If the applicant takes*
20 *the practical skills test prior to the last day of a test availability period de-*
21 *scribed in subsection (2) of this section, the board shall allow the applicant the*
22 *opportunity to pay a new examination fee and retake the test during that same*
23 *availability period.]*

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

31 **(6) The board shall offer or approve a class on landscape contracting**

1 **business practices, not to exceed six hours in length. The class shall**
2 **be offered to applicants who choose the option of taking a practical**
3 **skills test and be made available to those applicants on a schedule that**
4 **facilitates taking the class in conjunction with taking the practical**
5 **skills test. The board may test applicants on the class content but may**
6 **not consider the test results for purposes of conditioning, limiting or**
7 **refusing a license.**

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

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

15 **SECTION 2.** Section 3, chapter 652, Oregon Laws 2015, is amended to
16 read:

17 **Sec. 3. (1)** The State Landscape Contractors Board shall report to the
18 Seventy-ninth Legislative Assembly in the manner provided in ORS 192.245
19 no later than May 15, 2017, regarding the implementation of the practical
20 skills [test] **tests** and business practices class required under [section 1 of this
21 2015 Act] **ORS 671.561 (1). The report requirement applies only to the**
22 **implementation of tests and classes for two types of limited or spe-**
23 **cialty licenses as described in ORS 671.561 (1). For each of the two**
24 **types of licenses** the report must include, but need not be limited to, in-
25 formation regarding:

26 (a) The content of the practical skills test[.];

27 (b) The date that the board first offered practical skills testing[, *the*
28 *number and percentage of applicants for licensing as landscape construction*
29 *professionals taking the practical skills test, the number and percentage of*
30 *applicants passing the practical skills test and the number and percentage of*
31 *applicants passing a written licensing examination.*];

- 1 **(c) The number of applicants for licensing;**
2 **(d) The percentage of applicants electing to satisfy all or part of the**
3 **examination requirement through practical skills testing;**
4 **(e) The passage rate for applicants taking a practical skills test; and**
5 **(f) The passage rate for applicants taking a written examination.**
6 **(2) Section 2, chapter 652, Oregon Laws 2015, and subsection (1) of**
7 **this section do not limit the discretion of the board under ORS 671.561**
8 **to at any time establish a practical skills test and business practices**
9 **class for additional types of license.**

10 **SECTION 3.** **This 2016 Act being necessary for the immediate pres-**
11 **ervation of the public peace, health and safety, an emergency is de-**
12 **clared to exist, and this 2016 Act takes effect on its passage.**

13