

Construction Contractors Board NEWSLETTER  
the

# TOOL BOX

January 2023



Construction  
Contractors Board

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[www.oregon.gov/ccb](http://www.oregon.gov/ccb)

## Check Out CCB's New 3-Hour Webinar Presentation

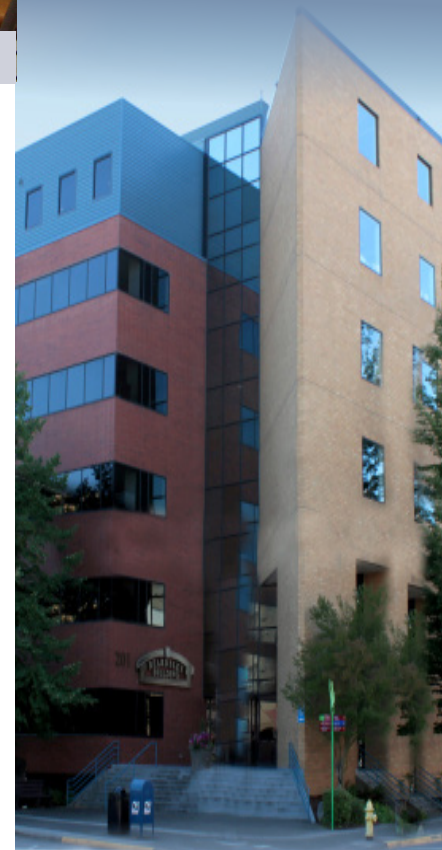
Residential contractors are required to take 3 hours of CCB Laws, Rules and Business practices (LRB) classes every 2 years to renew their license. Each 3-hour class features a presentation from CCB and presentations from other state agencies. Every two years, we try to update the CCB's presentation to deliver new content to LRB attendees. This November, we debuted our new presentation with updated content and interactive features.

Classes are scheduled through the end of April – sign up now!

Remember, you can take continuing education throughout the licensing cycle – you don't have to wait until it's time to renew to sign up for classes. Get your credits today to avoid a last-minute rush when it's time to renew.

You can view the schedule below or on this website:

<https://www.oregon.gov/ccb/Pages/ccbclasses.aspx>



These classes are **free**.

<b>Date</b>	<b>Sign Up</b>	<b>Speakers</b>
Wed. February 15th	<a href="#">click here to register</a>	CCB, OSHA, Workers Comp
Tue. February 28th	<a href="#">click here to register</a>	CCB, DEQ
Wed. March 15th	<a href="#">click here to register</a>	CCB, OSHA, DFR
Tue. March 21st	<a href="#">click here to register</a>	CCB, DEQ
Wed. April 5th	<a href="#">click here to register</a>	CCB, OSHA and 811
Tue. April 25th	<a href="#">click here to register</a>	CCB, DEQ

### About the Speakers

- **OSHA (Oregon Occupational Safety and Health Administration)** varies its presentation based on current events and hot topics in the industry. Recent topics have included information about COVID-19 safety in the workplace, worker safety during wildfire season and heat illness prevention.
- **DEQ (Department of Environmental Quality)** presents information about compliance with asbestos regulations.
- **DFR (Division of Financial Regulation)** presents information on insurance best practices, financial security and more.
- **Workers Compensation Division** presents information on workers comp best practices and updates.

### No Time for a Webinar? You Have Options

If you're unable to take a live webinar, you can still fulfill your 3 hour LRB requirement by taking on-demand classes through your online services account: <https://portal.ccb.state.or.us/>

### Unable to take classes through an online services account?

CCB education section has solutions and can help. Call today at 503-934-2227 or email at [ccbeducation@ccb.oregon.gov](mailto:ccbeducation@ccb.oregon.gov)

## Tree Work Licensing FAQ

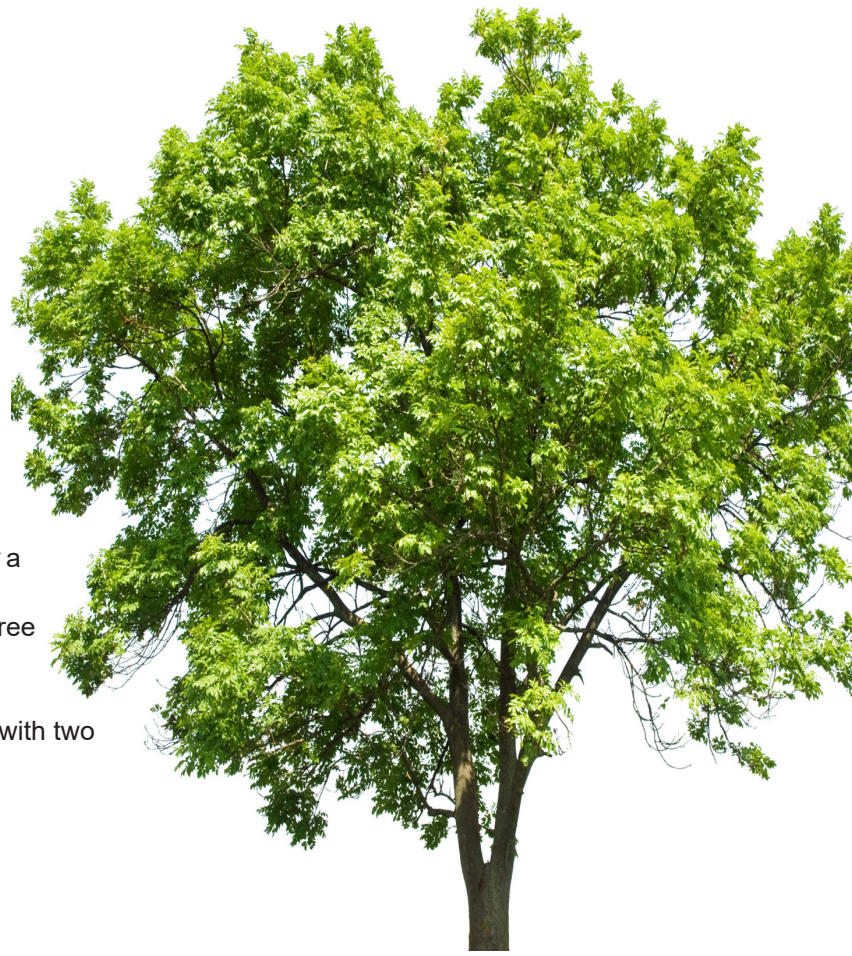
Which license is required to do tree work – a Landscape Contractors Board license, or a CCB license?

This FAQ, brought to you by Landscape Contractors Board and CCB, answers questions asked by many contractors. Before you start work on a tree, be sure you have the right type of license for the work you're doing.

### What kind of license do I need to perform tree work in Oregon?

Most tree work can be done with either an LCB license **or** a CCB license. If you have either one of these licenses, you can remove, trim, prune or guy trees. You can also grind tree stumps.

If you wish to **plant** trees, you will need an LCB license – with two exceptions (see below).





## KEY CONTACTS

### Licensing questions:

503-378-4621

### Report unlicensed activity:

503-934-2229

### Dispute resolution

#### (mediation) questions:

503-934-2247

### Education questions:

503-934-2227

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Eric Olsen, Monmouth

Susan Steward, Portland

## Under what circumstances can CCB contractors plant trees?

There are two very specific exemptions related to new residential construction that allows CCB contractors to plant trees:

- Under contract for the construction of a new residential dwelling, CCB licensed contractors may perform up to \$3,850 of landscaping work (planting only; no irrigation work).
- Planting street trees on new residential property that are directly related to local building code requirements or occupancy ordinances (planting only; no irrigation work)

## I'd like to plant trees. What are the requirements for being licensed to do tree work with the LCB?

In recognition of the extensive training certified arborists have obtained, the LCB created an Arborist license phase. The requirements to obtain this special license phase are:

- ISA certification
- Only one exam section: Laws, Rules, and Business Practices

## What is the scope of work for the LCB Arborist license?

- Tree Planting (see definition of trees below)
- Preparing the property for planting of trees
- Grading and drainage (for trees only)
- Tree removal, trimming, pruning, stump grinding, and guying
- May be added to other phases of licenses (e.g.; Irrigation + Arborist), except the Modified license

## What is the definition of a tree?

For the purpose of planting trees, a tree is considered a woody plant usually having a dominant trunk, or trunks, and a mature height greater than 15 feet (4.5 meters), and which generally has few or no branches on its lower part and is crowned with a head of branches and foliage or, as in palms, of foliage only.

## If I am not an ISA Certified Arborist, how can I get licensed to plant trees?

Any LCB license phase will allow for tree planting, except for the Irrigation phase. Please visit the [LCB website](#) for more information about qualifications and exams required for each license phase.

## Working on Pre-1978 Homes? Get a Lead-based Paint License

Do you have a lead-based paint license? You should, if you bid or work on pre-1978 homes. Oregon enforces federal regulations for contractors working on housing or child-occupied facilities built before 1978. Only contractors that are licensed for lead-based paint renovation can bid or work on pre-1978 homes. Oregon contractors that violate lead-based paint rules can be fined by the EPA and CCB – and both of them are in the field checking up on jobsites for compliance with lead-based paint rules.

### Fines for Lead-based Paint Renovation Without a License

The U.S. EPA's Region 10 recently reached settlements with 22 residential home renovators in Idaho and Washington for violations of federal lead-based paint regulations. You can read about these violations on the [EPA's website](#). Under the terms of the settlements, the companies agreed to pay civil penalties and to certify that they are complying with the Renovation, Repair and Painting certification requirements prior to offering and performing renovations, as required by the RRP Rule.

Don't run the risk of getting a fine. If you bid or work on pre-1978 homes, get your Lead-based Paint Renovation license.

## How to Get a Lead-based Paint License

To get a lead-based paint license, at least one owner or employee of a contractor's business must complete the eight-hour Renovation, Repair and Painting (RRP) training from an accredited provider. Once a certificate is obtained, you must apply for a lead license with the CCB and link to an active CCB#.

- The Oregon Health Authority maintains a [training calendar](#) . It also has a list of [accredited training providers](#)
- You can also call 971-673-0440 or email [lead.program@state.or.us](mailto:lead.program@state.or.us).
- This initial certification is valid for five years. Before your certification expires, you must take a four-hour refresher course from an Oregon Health Authority approved provider. If your initial certificate expires before you take the refresher course, you must take the full eight-hour course again, and until you do, you can't legally perform work on, or bid on, houses that require a lead-based paint license.

Have questions? See [CCB's website](#).

## An Important Law Change Affecting Workers Comp

There has been an important law change that might affect the employment status of subcontractors.

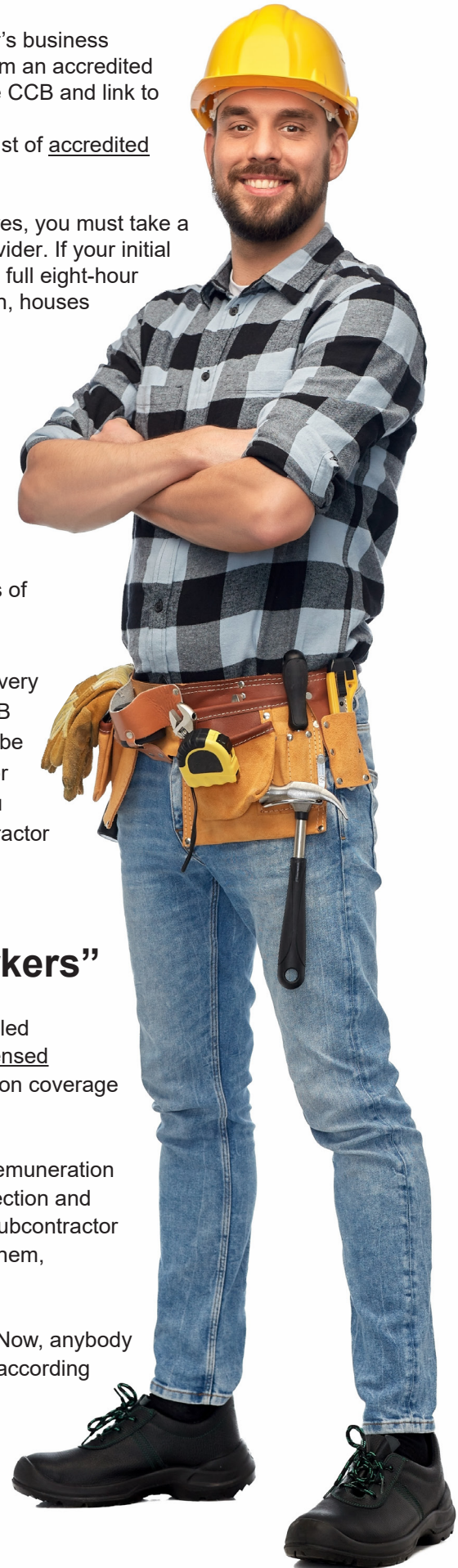
Under Oregon law, a person must provide workers' compensation coverage for every worker they employ, unless the worker is covered by an exemption. CCB and LCB licensees are almost always exempt because they are conclusively presumed to be independent contractors for workers' compensation purposes (with some limits for LLCs and corporations.) This means that if you hire a licensed subcontractor, you very likely are not responsible for having workers' compensation for that subcontractor or their employees.

## Unlicensed Subcontractors are Now "Workers"

A subcontractor who is not licensed by CCB or LCB, or whose license was canceled or expired, is not covered by this exemption. This means that if you hire an [unlicensed](#) subcontractor who qualifies as a "worker," you must provide workers' compensation coverage for them, unless they are covered by some other exemption.

Prior to January 1, 2022, a "worker" was anyone who performed a service for a remuneration (i.e. money or some other form of compensation) and who was subject to the direction and control of an employer. Under that definition, a person who hired an unlicensed subcontractor might or might not have needed to provide workers' compensation coverage for them, depending on how much control the person had over the details of their work.

However, that changed effective January 1, 2022, with the passage of HB 3188. Now, anybody who performs a service for a remuneration *and is not an independent contractor* according to ORS 670.600 is a "worker." Under ORS 670.600, an unlicensed contractor or subcontractor IS NEVER AN INDEPENDENT CONTRACTOR while performing work that requires a license; and if someone is not an independent contractor and they are working for pay or other remuneration, they are considered to be a worker employed by the person who is paying.



# Penalties for Hiring Workers Without Workers Comp

Noncompliance with workers' compensation coverage requirements could result in substantial penalties. If a business does not have coverage and a worker is injured and files a claim, the business's officers, directors, managers, members, or partners could also be found personally liable for any claims costs, which may not be dischargeable in bankruptcy. For the purposes of penalties and claim costs, a person who is personally liable is not protected by any limits to liability as a shareholder in a corporation or a member in an LLC. Noncompliance might also jeopardize your CCB or LCB license, and possibly result in fines from those agencies.

If you have any questions about whether your employees are subject workers, or questions about any other workers' compensation related issues, please call the Employer Compliance Unit at the Oregon Workers' Compensation Division at 503-947-7815. You can also call the Oregon Small Business Ombudsman at 503-378-4209.

## Avoid Working With Unlicensed Subcontractors – Use E-Watch

CCB's online service, E-Watch, enables you to monitor the status of any contractor's license on an ongoing basis. If a license status changes, an email will alert you. This quick notification enables you to address issues quickly, allowing everyone to get back to work.

### Signing Up is Easy

If you have an online services account, you can sign up for E-Watch.

1. Sign in to your online services account.
2. Click the E-Watch link, located on the left-hand side of the screen.
3. Click on an existing tab or create a new tab to start adding licenses.
4. Enter the license number of any contractor.
5. Click submit.

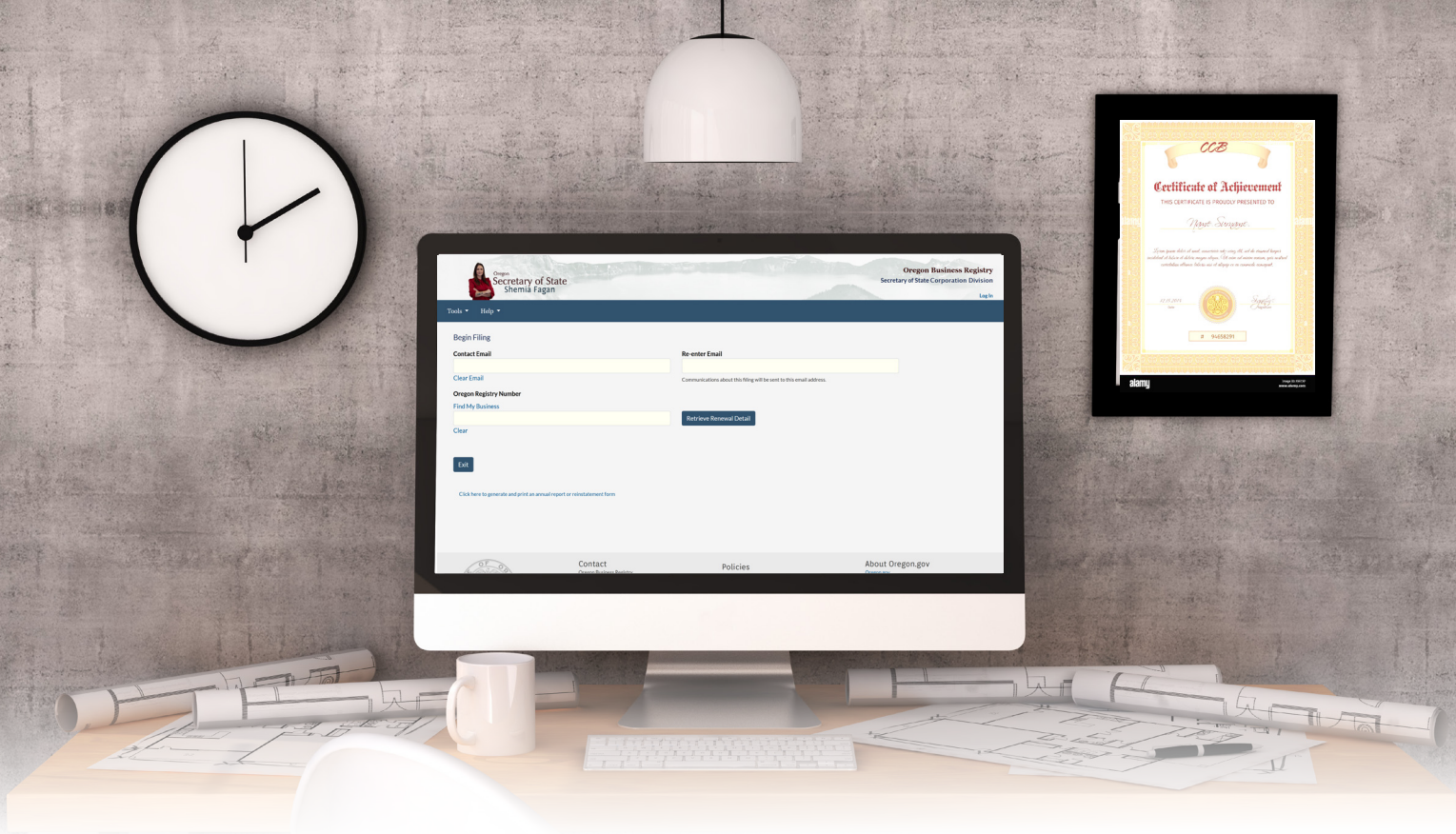
If the license expires, is suspended, or becomes inactive, you'll receive an email about the change.

### Stay Up to Date on Any License

You can monitor more than just a subcontractor's license; you can also monitor your own. If your license is suspended or expires, you'll know when it happens.

To find out more about E-Watch, visit your online service portal at <https://portal.ccb.state.or.us/>, or call the CCB at 503-378-4621.





## Be Aware of Businesses Offering to File Secretary of State Fees for You

Contractors are required by law to register with Oregon’s Secretary of State and renew their business registration every year. The reporting fee is \$100. However, some Oregon businesses due to renew their registration may receive a solicitation offering to renew for a fee of **\$185**. These solicitations are often sent by for-profit, out-of-state companies that offer to file the Annual Report for an extra \$85 “processing fee.”

It is not required to renew your registration with the Secretary of State through these companies. For \$100, you can renew your registration on your own, saving \$85.

These solicitations can easily be mistaken for official correspondence from the State of Oregon. Don’t be fooled into thinking that you’re receiving an official Oregon form when you receive these solicitations. How can you tell the difference?

### **Official Annual Report notices or forms from the Secretary of State will always include the following:**

1. The State of Oregon official state seal. No one is allowed to use the state seal or modify its image without permission from the Oregon Secretary of State’s office.
2. The Corporation Division address, 255 Capitol St. NE, Suite 151, Salem, OR 97310.
3. The Corporation Division phone number, 503-986-2200.

Additionally, the outer envelope will specify the mailing is from the “Secretary of State – Corporation Division.”

You can also look to see if there’s a disclaimer on letters stating that the letter or company is not affiliated with a government. Many solicitations will have such a disclaimer to avoid allegations of fraud or misrepresentation.

If you’d like to know when your Annual Report is due to be filed with the Secretary of State, visit [sos.oregon.gov/bizsearch](https://sos.oregon.gov/bizsearch). Secretary of State sends a reminder via postal mail approximately 50 days before an Annual Report is due. The easiest way to file an annual report or to renew a business is through our online services at [sos.oregon.gov/renew](https://sos.oregon.gov/renew).