

**Oregon Administrative Rule
Division 003
Probationary License**

808-003-0015

Application for Landscaping Business and Landscape Contractor License

(1) Application for a landscaping business license must be on forms provided by the agency. Information provided on the form must include, but not be limited to:

(a) Name of business entity, all additional assumed business names under which the landscaping business is conducted and Corporation Division registry numbers (if applicable). The business entity name and all assumed business names listed must be the same as what appears on record with the Corporation Division, if applicable;

(b) Mailing and location address of the business entity;

(c) Name of all owners and percent of ownership of each owner;

(d) Name and license number of all licensed landscape contractors employed by the business as required under ORS 671.565 along with a signed and notarized verification of employment form provided by the agency. A business may meet the requirements of ORS 671.565, notwithstanding the conditions or ORS 657.044, if the licensed landscape contractor is a sole proprietor, a member of an LLC, a general partner in a partnership, or a stockholder of a Sub Chapter S-Corp and is actively involved in the landscaping business' operations and is receiving remuneration, whether by salary or other payment, for services provided.

(e) Independent contractor certification statement;

(f) A signed statement by the owner of the business, on which the landscaping business estimates the total maximum job charges for a single landscape job during the term of the license for the purpose of determining the correct bonding amount for that specific term of the license;

(g) List of all owners and percent of ownership of each owner;

(h) Social security number of the owner of a sole proprietorship or partners in a general partnership (where the partners are human beings);

(i) Signature of owner, partner, joint venturer, corporate officer, member or trustee, signifying that the information provided in the application is true and correct.

(2) Application for a landscaping business license must be accompanied by:

(a) Required license fee;

(b) A properly executed surety bond, irrevocable letter of credit or deposit as required under ORS 671.690;

(c) A Certificate of Liability Insurance as required under ORS 671.565 for an amount not less than \$100,000 listing the Landscape Contractors Board as the certificate holder;

(d) Copies of the original and amended articles of incorporation for corporations, organizational filings for limited liability companies, and partnership agreements for partnerships; and

(e) A completed, signed and notarized Verification form (provided by the board) for every licensed landscape contractor who is supervising work for the landscaping business as required in OAR 808-003-0018.

(3) Application for a landscape contractor license shall be on forms provided by the agency and shall be accompanied by:

(a) Required application and examination fees;

- (b) Verification of experience and/or transcripts or copies of completion certificates from courses of study; and
- (c) If applicable, name of employing licensed landscaping business or businesses.
- (4) Application for a probationary landscape construction professional license shall be on forms provided by the agency and shall be accompanied by:
 - (a) A non-refundable application fee,
 - (b) An examination fee, and
 - (c) If applicable the name of the employing licensed landscape contracting business or businesses.

808-003-0035

License Categories

- (1) Licenses may be issued only for the following:
 - (a) All Phase;
 - (b) Standard; or
 - (c) Irrigation and Backflow Prevention.
 - (d) Probationary All Phase Plus Backflow
- (2) Except as set forth in section (3) of this rule, the following previously-issued limited licenses shall remain valid so long as the licensee continues to renew the license:
 - (a) Irrigation;
 - (b) Irrigation and Backflow Prevention;
 - (c) Sod & Seed; and
 - (d) Trees.
- (3) The "All Phase" license shall include standard, irrigation, and Backflow Prevention, unless, in lieu of Backflow Prevention, the landscape contractor has signed an agreement with the Board prior to April 30, 1996 stating that the contractor will not perform Backflow Prevention work, with the penalty for violation of the agreement being \$1,000 and suspension of the landscaping business license and the landscape contractor license who is the phase basis of the landscaping business.

808-003-0040

Limitation of Service by License

- (1) A licensed landscaping business shall perform only those phases of landscape work for which its owners or employees who are landscape construction professionals are licensed.
- (2) The landscape work a licensed landscaping business offers to perform shall be limited to the following:
 - (a) An all phase** license holder is entitled to perform all areas of landscape work, plus the installation of backflow prevention assemblies unless, in lieu of Backflow Prevention, the landscape contractor has signed an agreement with the Board prior to April 30, 1996 stating that the contractor will not perform Backflow Prevention work;
 - (b) An irrigation; no backflow** limited license holder may only perform irrigation functions;
 - (c) A sod and seed** limited license holder may only perform grass seed planting or sod laying;
 - (d) A tree** limited license holder may only install new or transplant trees;
 - (e) A standard** limited license holder may perform all areas of landscape work except irrigation and the installation of backflow assemblies;

(f) An irrigation plus backflow license holder may perform only irrigation and the installation of backflow assemblies.

(g) A probationary All Phase Plus Backflow license holder may perform all areas of landscape contracting, provided all landscaping work on any given landscape job as defined in OAR 808-002-0495 must not exceed a total contract amount of \$15,000,

(h) If a landscape contracting business holds a probationary license and two or more claims are filed against the landscaping business within a 12 month period the owner or employee who holds the probationary license and is providing supervision as described in ORS 671.540(15) and (16) or 671.565(1)(b) may be required to take specific continued education hours (CEH) as required by the board that are related to the claim issues. Failure to complete the required CEH within the specified time frame may result, in addition to any civil penalties, revocation, refusal to renew or suspension of the probationary license of the landscape construction professional.

[ORS 671.610(k)]

(3)(a) Tapping into the potable water supply and installation of irrigation or ornamental water feature backflow assemblies shall be done by plumbers licensed by the State Plumbers Board or by licensed landscape contractors who have been qualified by examination to install backflow assemblies and who are either employees or owners of landscaping businesses. If the backflow assembly is installed by a landscape contractor, the landscape contractor or landscaping business shall obtain all required permits and shall install the backflow assemblies in conformance with the permits;

(b) If a landscape contractor or landscaping business fails to obtain permits to tap into the potable water system and install irrigation or ornamental water feature backflow assemblies or fails to comply with applicable code requirements, in addition to any other remedy, the Board may suspend, condition or revoke the landscape contractor or landscaping business license.

808-003-0045

Change to Limited Licenses

(1) Landscape contractors holding limited licenses may add to the phase of landscape work they perform by taking and passing additional sections of the exam. Licensees shall submit the required fees and a written request to take the additional sections of the exam.

(2) The following sections must be taken and passed to hold a standard landscape license:

(a) General license holders must take Laws and Rules, General A, General B, General C, and General D;

(b) Sod & Seed license holders must take General A, General B, General C, and General D.

(c) Tree license holders must take General A, General B, General C, and General D.

(3) Holders of a General license, Sod & Seed license or a Tree license must take and pass the irrigation and Backflow Prevention sections of the landscape examination to become licensed to perform irrigation work and install backflow prevention devices.

(4) Probationary license holders may obtain removal from probationary status by:

(a) demonstrating one or more of the following after the date of obtaining the probationary license:

(A) Completion of 24 months or more of employment with an actively licensed landscape contracting business under the direct supervision of a non-probationary licensed landscape construction professional,

(B) Completion of 24 months or more as an owner or employee of an actively licensed landscape contracting business providing supervision as described in ORS 671.540 (15) or 671.565(1)(b) for a period of 24 months where the landscaping work performed on any landscape job by the landscape contracting business did not exceed \$15,000 and where the landscape contracting business filed and maintained with the board a bond, letter of credit or deposit in the amount of \$15,000, or

(C) Completion of 24 months or more as an actively licensed construction contractor under ORS Chapter 701.

(b) Submitting a written request to the board for removal of the probationary status.

(5) A landscaping business shall notify the agency in writing (regular mail, fax or email) within ten (10) days after the date a landscape business' phase of license changes:

(a) because the license phase of an owner or employee who is the licensed landscape contractor and phase basis of the business, changes; or

(b) because landscape contractor ceases to own or be employed by the business, and

(c) The business for which this licensee worked must immediately stop performing those phases of work until they have an owner or employee who is licensed to perform those phases of work.

(6) An individual licensed landscape contractor shall notify the agency in writing within ten (10) days of the date of departure of the individual license holder for a business who leaves the employ or ceases to be an owner of the business, and

(7) When license limitations change, the agency will issue new a license at no cost to the licensee. The landscape business shall not offer or perform services for which it does not employ or have as an owner a landscape contractor licensed to perform those phases of landscape work.

808-003-0060

Examinations

(1) The exam will consist of the following sections:

(a) Laws & Rules which includes Contract Law, General Business, and Agency Involvement;

(b) General which includes the following sections:

(A) Plants and turf;

(B) General construction;

(C) Grading and drainage; and

(D) General safety, estimating, soil science, chemicals.

(c) Irrigation, which includes, but is not limited to pipes and fittings, electrical, head and nozzles, Hydraulics, installation/practical application, plan questions, winterizing, repair/troubleshooting, valves, plant culture, drip irrigation, design, and pumps.

(d) Backflow Prevention, which includes, but is not limited to irrigation and ornamental water feature backflow assemblies, piping, valves, and related plumbing code provisions.

(2) All applicants must take and successfully pass the Laws & Rules section.

(3) If an applicant desires to be able to perform all landscaping including irrigation and the installation of the backflow assemblies, the applicant must take and successfully pass the Laws & Rules, General, Irrigation and Backflow Prevention sections.

(4) If an applicant desires to be able to perform all landscaping except irrigation and the installation of the backflow assemblies, the applicant must take and successfully pass the Laws and Rules and General sections.

(5) If an applicant desires to be able to perform only irrigation and the installation of the backflow assemblies, the applicant must take and successfully pass the Laws and Rules, Irrigation and Backflow Prevention sections.

(6) If an applicant desires to obtain the probationary All Phase Plus Backflow license, the applicant must take and successfully pass the Laws & Rules, General, Irrigation and Backflow Prevention sections within 12 months after the first sitting of any section of the examination.