

Enrolled
Senate Bill 596

Sponsored by COMMITTEE ON WORKFORCE

CHAPTER

AN ACT

Relating to construction flagging contractors; and prescribing an effective date.

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

SECTION 1. Section 2 of this 2015 Act is added to and made a part of ORS chapter 701.

SECTION 2. (1) As used in this section:

(a)(A) "Construction flagger" means an individual who, for compensation or with the expectation of compensation, directs or controls the flow of motor vehicle traffic on a public roadway to prevent or reduce conflict between the flow of traffic and construction activity on or near the roadway.

(B) "Construction flagger" does not mean an individual performing work for the federal government, a public body as defined in ORS 174.109 or a business regulated by the Public Utility Commission.

(b) "Construction flagging contractor" means a person who employs, contracts with or obtains through a worker leasing company, one or more individuals to act as construction flaggers.

(2) Except as provided in this section, a person may not undertake, offer to undertake or submit a bid to do work as a construction flagging contractor unless the person holds a construction flagging contractor license issued by the Construction Contractors Board.

(3) This section does not require a person to obtain a construction flagging contractor license if the person holds a valid license and endorsement as a:

- (a) Residential general contractor;**
- (b) Commercial general contractor level 1;**
- (c) Commercial specialty contractor level 1;**
- (d) Commercial general contractor level 2; or**
- (e) Commercial specialty contractor level 2.**

(4) An applicant for a construction flagging contractor license must:

- (a) Submit an application in the manner described in ORS 701.046;**
- (b) Obtain a surety bond under ORS 701.068 in the amount of \$20,000; and**
- (c) Obtain general liability insurance under ORS 701.073 in an amount of not less than \$500,000.**

(5) A construction flagging contractor license authorizes a person to act as a construction flagging contractor but does not authorize the person to engage in any other activities that require a license issued under this chapter.

(6) Notwithstanding any other provision of this chapter, the board may not:

(a) Impose training or continuing education requirements for a construction flagging contractor or a responsible managing individual for the contractor.

(b) Require a construction flagging contractor or the responsible managing individual for the contractor to take a test measuring the knowledge of the contractor or responsible managing individual regarding business practices and laws affecting construction contractors.

SECTION 3. (1) The Construction Contractors Board shall make construction flagging contractor licenses available for issuance under section 2 of this 2015 Act no later than 180 days after the effective date of this 2015 Act.

(2) Notwithstanding section 2 of this 2015 Act and ORS 701.992, the board may not assess a civil penalty against a person for a failure to comply with section 2 of this 2015 Act during the period ending 90 days after the date that the board makes construction flagging contractor licenses available for issuance.

SECTION 4. This 2015 Act takes effect on July 1, 2017.

Passed by Senate April 30, 2015

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Lori L. Brocker, Secretary of Senate

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Peter Courtney, President of Senate

Passed by House May 28, 2015

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Tina Kotek, Speaker of House

Received by Governor:

.....M.,....., 2015

Approved:

.....M.,....., 2015

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Kate Brown, Governor

Filed in Office of Secretary of State:

.....M.,....., 2015

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Jeanne P. Atkins, Secretary of State