Chapter 702

1977 REPLACEMENT PART

Electronic Equipment Servicemen

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Note: Section 6, chapter 842, Oregon Laws 1977, is operative July 1, 1980 and provides:

Sec. 6. ORS 702.010, 702.020, 702.050, 702.070, 702.080, 702.090, 702.100, 702.105, 702.110, 702.120, 702.130, 702.140, 702.160, 702.170, 702.210, 702.220 and 702.230 relating to television and radio servicing are repealed.

GENERAL PROVISIONS

702.010 Definitions. As used in ORS 702.010 to 702.230, unless the context requires otherwise:

(1) "Board" means the State Television and Radio Service Advisory Board appointed under ORS 702.210.

(2) "Director" means the Director of Commerce.

(3) "Good moral character" means that the person would not represent a potential danger to persons or property while in a private home.

(4) "Receiving equipment" means television, Master Antenna Television (MATV), antennas, radio, tape recorder or phonograph equipment normally used or sold for use in the home.

(5) "Service" means the installation, testing, repair, maintenance and modification of receiving equipment but does not include testing of television and radio tubes by owners or sellers of such tubes in retail establishments.

(6) "Service dealer" means any person who provides service and makes a charge therefor.

(7) "Technician" means a person certified under ORS 702.100 or 702.110 to service receiving equipment.

(8) "Trainee" means a person who is not a certified technician but who has been certified as a trainee under ORS 702.120.
[1971 c.771 §1; 1973 c.832 §§61, 61a]

702.020 Application of chapter. Nothing in ORS 702.010 to 702.230 shall prohibit:

(1) Any person from servicing his own or his regular employer's receiving equipment;

(2) Any person from performing service or work for public utilities operating under regulations of the Public Utility Commissioner of Oregon or a federal regulatory commission, or a corporate affiliate of such utility; or

(3) Any student enrolled in an elementary or secondary public school from servicing receiving equipment belonging to the school, when such servicing is a part of the regular instructional program of the public school and is under the direct supervision of a properly licensed or certificated instructor.
[1971 c.771 §21; 1973 c.576 §1]

REGULATION

702.050 Service dealer license required for servicing receiving equipment. No service dealer shall service any type of receiving equipment unless he has obtained a license provided for by subsection (1) of ORS 702.090 for that type of receiving equipment.
[1971 c.771 §2]

702.060 Service dealer billing procedure; contents of billing; return of replaced parts; exceptions. (1) All charges made by a service dealer for service work shall be made out on duplicate bill form and shall not misrepresent the value of services performed.

(2) The billing shall:

(a) Indicate the nature and extent of the service for which the charge is made to include date the set is received for repair, date repair is completed and date customer received repaired set;

(b) Be itemized to show the charges for technical work, parts and material;

(c) Show the firm name and business address of the service dealer;

(d) Contain a notation sufficient to identify the technician or technicians responsible for the service;

(e) Show the customer's name and address;

(f) Show the make, model and serial number, if any, of the receiving equipment upon which the service was performed; and

(g) Show the grade of picture tube that was installed; that is, new, rebuilt, commercial, reject or used.

(3) One copy of the bill shall be given to the customer and one copy shall be retained by the service dealer.

(4) The service dealer shall return replaced parts to the customer excepting such parts as may be exempted from this requirement by the director and exempting picture tubes and such parts as the service dealer needs for return to the manufacturer or distributor under a warranty or rebuild exchange.
[1971 c.771 §12; 1973 c.832 §62]

702.070 Technician certificate required for servicing receiving equipment; employment by service dealer; trainee status. Except as provided in ORS 702.020, no person shall perform or offer to perform service on any type of receiving equipment unless he has obtained a certificate as a technician provided for by subsections (1), (2) and (3) of ORS 702.100 to service that type of receiving equipment and is employed by a service dealer, is himself a service dealer or is certified as a trainee under ORS 702.120 and the service performed is authorized by and performed under the supervision and control of a technician.
[1971 c.771 §3; 1973 c.576 §2]

702.080 Technician, trainee identification; display of service dealer license. (1) A technician or trainee shall be furnished by the service dealer who employs him with, and shall carry and exhibit to customers upon request, identification showing the firm name and business address of the employing service dealer, the name and certificate number of the technician or trainee and the expiration date of such certificate.

(2) A service dealer shall display a copy of his license prominently in his place of business.
[1971 c.771 §13]

LICENSING

702.090 Service dealer license; application; qualifications; fee; renewal. (1) Upon application therefor, accompanied by a fee of $75, the director shall grant a license as a service dealer to an applicant who furnishes satisfactory evidence that he:

(a) Is of good moral character.

(b) Is a technician or that a technician is employed full time by him and is responsible for the quality of the service performed.

(c) Will be engaged in the business of servicing receiving equipment at a fixed place of business.

(d) Maintains electronic testing equipment and other equipment necessary to provide the service which he represents himself or his business as capable of performing, and will furnish a list of the major items to the director.

(e) Has complied with all applicable provisions of ORS 702.010 to 702.230 and the applicable rules and regulations of the director.

(2) The license of a service dealer shall be renewable annually on payment of a fee of $75 on or before the anniversary of issuance of the license.
[1971 c.771 §§6, 10; 1973 c.832 §63; 1977 c.873 §24; 1977 c.874 §6a]

702.100 Technician certificate; application; qualifications; fee; renewal. (1) Upon application therefor, accompanied by a fee of $35, the director shall grant a technician certificate to any applicant who, except as provided in ORS 702.110, performs to the satisfaction of the director in the written, oral and manual examination prescribed by the director and furnishes satisfactory evidence that he:

(a) Is of good moral character; and either

(b) Has satisfactorily completed a course in electronics and the servicing of receiving equipment at a post-high school public educational agency, or at a school licensed by the State Board of Education and approved by the director; or

(c) Has satisfactorily completed a course in electronics and the servicing of receiving equipment in the Armed Forces of the United States; or

(d) Has been engaged, in a state other than the State of Oregon, in the business of servicing receiving equipment for at least four years and has experience or training that is equal to the training required in paragraph (b) of this subsection. Time credit may be granted toward the four-year requirement by completion of the courses of instruction authorized in paragraphs (b) and (c) of this subsection, the amount of credit to be determined by the director and the advisory board.

(2) An applicant for a technician certificate who has not passed the examinations but who otherwise meets the qualifications of subsection (1) of this section and gives proof of four years of experience in servicing receiving equipment or such proof of experience as the director may require, may be granted a temporary technician certificate which shall be valid for a period of 90 days after issuance.

(3) The technician certificate shall be renewable annually on payment of a fee of $35 on or before the renewal date which is the anniversary of issuance of the certificate.

(4) No examination shall be required for the renewal of a technician certificate unless the competency of the technician is questioned. If the competency is so questioned by written complaint to the director, he shall investigate the complaint and may conduct a

hearing for the purpose of determining whether or not the technician shall be required to complete the examination with a passing score before his certificate shall be renewed.
[1971 c.771 §§5, 9; 1973 c.832 §§64, 64a; 1977 c.873 §25; 1977 c.874 §7a]

702.105 Examination for technician certificate; reexamination; fee. The director shall provide for the examination and reexamination of persons desiring to obtain a technician certificate. Examinations and reexaminations shall be in such written, oral or manual form as the director considers appropriate. In addition to the fee required to be submitted with an application for a technician certificate, the director may require the payment of a fee in an amount to cover the costs of administration for each reexamination of an applicant if the reexamination is in oral or manual form. In no event shall any additional reexamination fee exceed $25.
[1973 c.799 §6]

702.110 Provisional technician, Master Antenna Television, and antenna technician certificates; application; qualifications; fees. (1) Upon application therefor filed on or before December 31, 1971, accompanied by a fee of $15, the director shall grant a provisional technician certificate, without examination, to any applicant who furnishes satisfactory evidence that he:

(a) Is of good moral character.

(b) Has been engaged in the business of servicing receiving equipment for at least four years prior to July 1, 1971.

(2) Notwithstanding any other provision of ORS 702.010 to 702.230, all certificates granted pursuant to subsection (1) of this section expire on June 30, 1975. Any provisionally certified technician who, after June 30, 1975, engages in activities for which a certificate is required by subsections (1) and (2) of ORS 702.100 must obtain such a certificate from the director before July 1, 1975. Any such provisionally certified technician must satisfy all requirements of subsections (1) and (2) of ORS 702.100, except for those provided in paragraphs (b), (c) and (d) of subsection (1) of ORS 702.100.

(3) Upon application therefor filed on or before July 31, 1974, accompanied by a fee of $15, the director shall grant a provisional Master Antenna Television (MATV), or antenna technician certificate, without examination, to any applicant who furnishes satisfactory evidence that he:

(a) Is of good moral character.

(b) Has been engaged in the business of servicing Master Antenna Television (MATV) or antenna equipment for at least four years prior to January 1, 1974.

(4) Notwithstanding any other provision of ORS 702.010 to 702.230, all MATV certificates granted under subsection (3) of this section expire on December 31, 1976. Any provisionally certified MATV technician who, after December 31, 1976, engages in activities for which a certificate is required by subsections (1) and (2) of ORS 702.100 shall obtain a MATV certificate from the director before January 31, 1976. Any provisionally certified technician shall satisfy all requirements of subsections (1) and (2) of ORS 702.100, except for those provided in paragraphs (b), (c) and (d) of subsection (1) of ORS 702.100.

(5) Notwithstanding any other provision of this chapter, any provisionally certified technician possessing a valid certificate granted pursuant to subsection (1) of this section as of June 1, 1975, who wishes to continue to be provisionally certified after July 1, 1975, must:

(a) Perform to the satisfaction of the director in a written examination prescribed by the director; and

(b) Must accumulate a total of 75 points based on the following point rating system:

(A) One and one-half points for each year of age, and

(B) One point for each year he has been engaged in the business of servicing receiving equipment as claimed on his application made pursuant to subsection (1) of this section.
[1971 c.771 §7; 1973 c.799 §3; 1973 c.832 §65; 1974 s.s. c.69 §1; 1975 c.787 §1]

702.120 Trainee certificate; application; educational requirements. (1) Upon application therefor, the director shall grant a trainee certificate to any applicant who furnishes satisfactory evidence that he is of good moral character and that he is employed to service receiving equipment and works under the supervision of a technician, is taking, or has completed, a course in electronics and the servicing of receiving equipment and furnishes proof of enrollment in or completion of:

(a) A post-high school public education agency;

(b) A school licensed by the State Board of Education and approved by the director;

(c) A correspondence course approved by the director; or

(d) A program for the instruction of apprentices or trainees that meets the requirements of ORS chapter 660.

(2) For those trainees who meet the requirements of ORS chapter 660, the Department of Commerce shall request notices of registrations, completions, and cancellations from the Bureau of Labor for apprentices in the electronics technician training program.

(3) Either a completion certificate or a transcript of grades for all trainees shall be reviewed prior to annual renewal of a trainee certificate.
[1971 c.771 §4; 1973 c.832 §66]

702.130 Limited certificates and licenses. (1) If an applicant for a certificate or license under ORS 702.090 to 702.120 requests in his application that the certificate or license be limited to the servicing of a certain type or types of receiving equipment, the director may grant such a limited certificate or license by indorsing thereon the limitation.

(2) In the case of applications for limited certificates or licenses, the director shall require only those certificate or license qualifications that are directly related to the particular type of certificate or license requested.
[1971 c.771 §7a; 1973 c.799 §4]

702.140 License or certificate denial; grounds; procedure. (1) The director may refuse to issue a license or certificate or may suspend or revoke the license or certificate of any person who:

(a) Has violated any provision of ORS 702.010 to 702.230 or any rule or regulation promulgated under ORS 702.010 to 702.230.

(b) Has obtained or attempted to obtain a license or certificate under ORS 702.010 to 702.230 by fraud or misrepresentation.

(c) Has serviced any type of receiving equipment without being licensed or certified to service that type of receiving equipment.

(d) Has practiced dishonesty or fraud in servicing receiving equipment.

(e) Is guilty of gross negligence or gross incompetence in servicing receiving equipment.

(2) All proceedings conducted by the director to suspend or revoke a license or certificate and any hearing requested in relation to the refusal to grant a license or certificate shall be conducted under the provisions of ORS 183.310 to 183.500.
[1971 c.771 §8]

ADMINISTRATION

702.160 Duties and powers of director. (1) In carrying out his functions under ORS 702.010 to 702.230, the director may:

(a) Develop and promulgate, with the advice of the board, such rules and regulations as are necessary to carry out and implement the provisions of ORS 702.010 to 702.230 to the fullest extent allowed by law, provided they are consistent with the intent and purpose of ORS 702.010 to 702.230.

(b) Conduct hearings with the board to determine whether new or improved techniques in servicing can be reasonably incorporated into the rules and regulations promulgated by him.

(c) Administer ORS 702.010 to 702.230, with the advice of the board, for the protection of the public.

(d) Request information and written recommendations from the board with respect to establishing policy for the issuance, renewal, suspension or revocation of all licenses or certificates provided for by ORS 702.010 to 702.230.

(e) Maintain records of all hearings and meetings of the board.

(f) Maintain as a public record a register of the names and addresses of all licensed service dealers and all certified technicians and trainees.

(g) Receive from any person, or initiate on his own, a complaint charging any person licensed or certified under ORS 702.010 to 702.230 with dishonest or incompetent performance in any service capacity.

(h) Enter the place of business of any service dealer subject to ORS 702.010 to 702.230 at any reasonable time and determine whether persons there engaged in any service capacity are operating in compliance with ORS 702.010 to 702.230 and the rules and regulations promulgated thereunder.

(i) Require a service dealer to make available any records in his possession or control that are deemed necessary by the director in investigating charges of dishonest or incompetent performance by anyone presently or formerly engaged in a service capacity at that place of business.

(j) Establish classes of certificates or licenses that authorize the servicing of only certain types of receiving equipment.

(2) The director shall appoint pursuant to the State Merit System Law such personnel as

are necessary to carry out ORS 702.010 to 702.230.
[1971 c.771 §§11, 18]

702.170 Disposition of fees. All fees and other money received by the director under ORS 702.010 to 702.230 and 702.990 shall be placed in the General Fund and credited to the Commerce Administration Account and shall be available and constitute a continuing appropriation for the purpose of carrying out ORS 702.010 to 702.230 and 702.990.
[1971 c.771 §14]

ADVISORY BOARD

702.210 State Television and Radio Service Advisory Board; members; terms; vacancy. (1) There hereby is created in the Department of Commerce the State Television and Radio Service Advisory Board consisting of three licensed service dealers, two technicians who are not service dealers and two representatives of the public appointed by the director. The term of members of the board shall be four years but the members serve at the pleasure of the director.

(2) A vacancy for any cause shall be filled by the director by appointment for the unexpired term.
[1971 c.771 §15]

702.220 Board officers; meetings; quorum. The board shall elect annually a chairman, a vice chairman and a secretary from the members of the board and shall meet at least four times each year at the call of the director. The director may call a special meeting at anytime he considers it necessary and proper to do so after giving 48 hours' notice to all members. Four members of the board shall constitute a quorum.
[1971 c.771 §16]

702.230 Expenses and compensation of board members; clerical assistance for board. The director shall make provisions for clerical assistance to the board; for the expense of such assistance and for compensation and expenses to members of the board as provided in ORS 292.495.
[1971 c.771 §17; 1973 c.832 §67]

PENALTIES

702.990 Penalties. Violation of ORS 702.050 or 702.070 is punishable upon conviction by:

(1) A fine of not more than $100 for each day the violation continues where the violation is a continuing violation.

(2) A fine of not more than $500 where the violation is not a continuing violation.
[1971 c.771 §22]

CERTIFICATE OF LEGISLATIVE COUNSEL

Pursuant to ORS 173.170, I, Thomas G. Clifford, Legislative Counsel, do hereby certify that I have compared each section printed in this chapter with the original section in the enrolled bill, and that the sections in this chapter are correct copies of the enrolled sections, with the exception of the changes in form permitted by ORS 173.160 and other changes specifically authorized by law.

Done at Salem, Oregon,
October 1, 1977.

Thomas G. Clifford
Legislative Counsel