

TITLE 52

OCCUPATIONS AND PROFESSIONS

- Chapter 670. Occupations and Professions Generally
- 671. Architects; Landscape Contractors
 - 672. Professional Engineers; Land Surveyors; Geologists
 - 673. Accountants; Tax Consultants
 - 675. Psychologists; Occupational Therapists; Clinical Social Workers
 - 676. Health Professions Generally
 - 677. Physicians; Physicians' Assistants; Emergency Medical Technicians
 - 678. Nurses; Nursing Home Administrators
 - 679. Dentists
 - 680. Dental Hygienists and Auxiliaries; Denturists
 - 681. Audiologists and Speech Pathologists
 - 682. Podiatrists
 - 683. Optometrists
 - 684. Chiropractors
 - 685. Naturopaths
 - 686. Veterinarians; Veterinary Medicine
 - 687. Massage Technicians and Massage Businesses
 - 688. Physical Therapists; Radiologic Technologists
 - 689. Pharmacists; Drug Outlets; Drug Sales
 - 690. Barbers and Hairdressers
 - 692. Funeral Directors and Embalmers; Funeral Establishments
 - 693. Plumbers
 - 694. Hearing Aid Dealers
 - 695. Watch Dealers
 - 696. Real Estate and Escrow Activities; Business Brokers
 - 697. Billing, Factoring and Collection Agencies; Debt Consolidating Agencies
 - 698. Auctions and Auctioneers
 - 699. Innkeepers and Hotelkeepers
 - 700. Sanitarians
 - 701. Builders
 - 702. Electronic Equipment Servicemen
 - 703. Polygraph Examiners
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Chapter 670

1979 REPLACEMENT PART

Occupations and Professions Generally

EDUCATIONAL REQUIREMENTS

- 670.010 Waiver of educational requirement for admission to examination for license or certificate to practice profession, trade or calling
- 670.020 Filing evidence of completion of educational requirement after taking examination

REGULATION OF BUSINESS

- 670.210 Definitions for ORS 670.210 to 670.240 and 670.990
- 670.220 Regulation of businesses by county ordinances; business licenses
- 670.230 Adoption of ordinances; hearings; effective date; referral to voters
- 670.240 Revocation of business license; appeal

LICENSING ADMINISTRATION

(Generally)

- 670.275 Policy statement
- 670.280 Denial, suspension or revocation of license prohibited solely because of criminal conviction
- 670.283 Power of state agency to suspend license includes power to reinstate
- 670.290 Prohibited uses of juvenile records in employment, licensing or admission

(Department of Commerce)

- 670.300 Licensing and advisory board officers; quorum and meeting requirements; compensation and expenses of members
- 670.306 Administrative officers for boards; other employees

- 670.310 Rulemaking authority; board seal
- 670.315 Administration of oaths; obtaining and taking evidence at board proceedings; failure to obey board subpoena punished as contempt of court
- 670.320 Records required to be maintained by board; reports to Department of Commerce; maintaining information about licensees; authority to charge fee for register
- 670.325 Proceedings on denial of license; restraining violations; authority of hearing officers; record of proceedings
- 670.330 Appointment and functions of advisory boards
- 670.335 Disposition of fees received by boards; procedure for payment of board expenses
- 670.340 Qualifications for board membership; terms; vacancies; removal
- 670.345 Procedure for filling vacancies on board
- 670.350 Administration of professional qualification examinations

(Reciprocal Agreements)

- 670.380 When reciprocal licensing or registration agreements authorized; termination

(Licensing Period)

- 670.410 Changing of licensing period

PENALTIES

- 670.990 Penalties

CROSS REFERENCES

Administrative rules and procedures, 183.310 to 183.500
Attorneys, Ch. 9
Discrimination prohibited, 30.670
Driver training schools, registration and licensing by Motor Vehicles Division, 481.555 to 481.580
Elevator installation, repairs, operation, 460.045
Escrow agents, 696.511
Milk handlers and producer-handlers, 583.440
Nurserymen, 571.055
Pressure vessel inspectors, 480.570

Prior convictions, procuring order to set aside in certain cases, 137.225
Private vocational schools, agents and salesmen, 345.030
Professional corporations, Ch. 58
Water well contractors and operators, 537.747 to 537.759
Wrecker of motor vehicles, 481.345

670.325

Proceedings against pilots, 776.465

EDUCATIONAL REQUIREMENTS

Note: Section 24, chapter 842, Oregon Laws 1977, as amended by section 30, chapter 593, Oregon Laws 1979, is operative on July 1, 1984 and provides:

Sec. 24. ORS 670.275, 670.300, 670.306, 670.310, 670.315, 670.320, 670.325, 670.330, 670.335, 670.340, 670.345, 670.350 and 670.380 relating to the Department of Commerce are repealed.

670.010 Waiver of educational requirement for admission to examination for license or certificate to practice profession, trade or calling. Any state board or commission that examines applicants for license or certification to practice a profession or engage in a trade or calling may, in its discretion, waive the educational requirement for admission to such examination, provided that the applicant furnishes evidence satisfactory to such state board or commission that he is currently enrolled in a school, college or university approved by such state board or commission and that he will satisfy the educational requirement for admission to such examination on satisfactory completion of courses for which he is currently enrolled and that this educational requirement will be met not later than four calendar months from the first day of the month following the month in which the examination is given. [1953 c.103 §1; 1975 c.429 §5; 1977 c.47 §1]

670.020 Filing evidence of completion of educational requirement after taking examination. (1) Evidence of completion of the educational requirement waived as provided in ORS 670.010 shall be filed with such state board or commission not later than four calendar months from the first day of the month following the month in which the examination is taken. State boards and commissions shall withhold official certification of the successful completion of the examination until such evidence is furnished. The affidavit of the registrar or administrative head of the school, college or university shall be deemed satisfactory evidence.

(2) If any candidate admitted to an examination as provided in ORS 670.010 shall fail or neglect within said period to present satisfactory evidence of the completion of the educational requirement for such examination, then the completion of the examination by such candidate shall be null and void, and of no effect. The state board or commission

which examined him, however, shall retain any examination fee paid by the candidate. [1953 c.103 §2; 1975 c.429 §6]

REGULATION OF BUSINESS

670.210 Definitions for ORS 670.210 to 670.240 and 670.990. As used in ORS 670.210 to 670.240 and 670.990, unless the context requires otherwise:

(1) "Business" is limited to the following occupations or trades:

(a) Peddlers or itinerant merchants who sell goods, wares or merchandise.

(b) Entertainment businesses.

(c) Drive-in restaurants.

(d) Junk dealers or secondhand dealers.

(2) "Board of county commissioners" or "board" includes county court.

(3) "Peddler" or "itinerant merchant" means:

(a) Every person who, for himself or as agent of another, goes from place to place or from house to house, carrying for sale and offering or exposing for sale any goods, wares or merchandise.

(b) Every person who, for himself or as agent of another, goes from place to place or from house to house, selling or offering to sell for future delivery, by sample or catalog, at retail, to individual purchasers who are not dealers in the articles sold, any goods, wares or merchandise. [1967 c.344 §1; 1971 c.648 §31]

670.220 Regulation of businesses by county ordinances; business licenses. For the protection of the public health, welfare, safety and morals, the board of county commissioners of any county may enact ordinances regulating any business or businesses set forth in subsection (1) of ORS 670.210 which are doing business outside the limits of cities. An ordinance may:

(1) Provide reasonable requirements for the conduct or operation of a business considered by the board to be desirable for the protection of the public health, welfare, safety and morals, including the requirement that persons conducting or operating such business shall comply with applicable state and federal laws and regulations.

(2) Require a person conducting or operating such business to obtain a license in the manner provided by ordinance.

(3) Prohibit the conduct or operation of any such business without first obtaining a license from the county.

(4) Prescribe the period of time for which a license is issued and the procedure for application, issuance, renewal, suspension or revocation of a license and fix license fees at reasonable rates to provide for the cost of administering the licensing ordinance.

(5) ORS 670.210 to 670.240 and 670.990 do not apply to:

(a) Any business that is licensed by a state agency.

(b) An auction mart operator or other person subject to ORS 698.510 to 698.770.

[1967 c.344 §§2, 3; 1971 c.648 §32]

670.230 Adoption of ordinances; hearings; effective date; referral to voters.

(1) An ordinance authorized by ORS 670.220 may be adopted only after a hearing conducted by the board, and shall take effect 30 days after the date of enactment unless a later effective date is specified in the ordinance. Notice of such a hearing shall be published for two successive days, not less than 10 days before the hearing, in a newspaper considered by the board to be of general circulation within the county. The board may also cause the notice to be published by radio and television stations located within the county, or heard or viewed in the county.

(2) The board may refer an ordinance adopted under ORS 670.220 to the voters of the county for their approval or rejection. An ordinance adopted under ORS 670.220 is a local law within the meaning of, and subject to, ORS 254.310 (1977 Replacement Part), relating to initiative and referendum. [1967 c.344 §4]

670.240 Revocation of business license; appeal. (1) The board, after reasonable notice to a licensee and a public hearing, if requested, may revoke a business license in the manner provided by ordinance if the board finds that the licensee has violated the ordinance.

(2) Any licensee whose license is revoked may, within 30 days from the date of the order revoking the license, appeal the decision to the circuit court, in which case the respondent shall have the burden of proof. In event of an appeal, the revocation shall be stayed until determination of the matter by the circuit court. [1967 c.344 §5]

**LICENSING
ADMINISTRATION
(Generally)**

670.275 Policy statement. In enacting chapter 753, Oregon Laws 1971, it is the intention of the Legislative Assembly to provide for the more effective coordination of the administrative functions of boards charged with responsibility for protecting the public through the licensing and regulating of certain professions practiced in this state. Further, it is the intention of the Legislative Assembly to retain responsibility for decisions on qualifications, standards of practice, licensing, discipline and other discretionary functions relating to professional activities in the professional licensing boards, members of which are qualified by education, training and experience to make the necessary judgments. [Formerly 184.575]

Note: The Legislative Counsel has not, pursuant to 173.160, undertaken to substitute specific ORS references for the words "this Act" in 670.275. Chapter 753, Oregon Laws 1971, enacted into law and amended ORS sections which may be found by referring to the 1971 Comparative Section Table located in volume 6A of Oregon Revised Statutes.

670.280 Denial, suspension or revocation of license prohibited solely because of criminal conviction. Notwithstanding any other law, no licensing board or agency shall deny, suspend or revoke an occupational or professional license or certification solely for the reason that the applicant or licensee has been convicted of a crime, but it may consider the relationship of the facts which support the conviction and all intervening circumstances to the specific occupational or professional standards in determining the fitness of the person to receive or hold such license or certificate. [1973 c.359 §1]

670.283 Power of state agency to suspend license includes power to reinstate. If a state agency, board or commission has the power to issue any license, certification or registration necessary to practice any profession or engage in any trade or calling, any statute granting the state agency, board or commission the power to suspend the license, certification or registration includes the power to reinstate:

(1) At a time certain; or

(2) When the person subject to suspension fulfills conditions for reinstatement set by the agency, board or commission. [1979 c.201 §1]

670.285 [1975 c.759 §10; renumbered 183.435]

670.290 Prohibited uses of juvenile records in employment, licensing or admission. It shall be unlawful for any state agency or licensing board, including the Oregon State Bar, to:

(1) Require that an applicant for employment, licensing or admission answer any questions regarding the existence or contents of a juvenile record that has been expunged pursuant to ORS 419.805 to 419.835;

(2) Bar or discharge from employment or refuse to hire or employ such individual because of the existence or contents of a juvenile record that has been expunged pursuant to ORS 419.805 to 419.835; or

(3) Deny, revoke or suspend a license because of the existence or contents of a juvenile record that has been expunged pursuant to ORS 419.805 to 419.835. [1977 c.801 §2]

(Department of Commerce)

670.300 Licensing and advisory board officers; quorum and meeting requirements; compensation and expenses of members. (1) Except as otherwise provided by law, every professional licensing and advisory board in the Department of Commerce shall select annually one of its members as chairman and another as vice chairman, with such powers and duties necessary for the performance of the functions of such offices as the board shall determine.

(2) The majority of the members of the board constitutes a quorum for the transaction of business.

(3) The board shall meet at least once a year, not later than July 1, at a place, day and hour determined by the board. The board shall also meet at such other times and places as are specified by the call of the chairman or a majority of the members of the board.

(4) Members of the board are entitled to compensation and expenses as provided in ORS 292.495. [1971 c.753 §8]

670.305 [1971 c.753 §9; repealed by 1973 c.659 §1 (670.306 enacted in lieu of 670.305)]

670.306 Administrative officers for boards; other employes. (1) Subsections (2) and (3) of this section shall apply only to the professional licensing boards in the Department of Commerce as follows:

(a) State Board of Accountancy

(b) State Board of Architect Examiners

(c) State Board of Auctioneers

(d) Board of Barber Examiners

(e) Builders Board

(f) State Board of Cosmetic Therapy

(g) State Board of Engineering Examiners

(h) State Board of Landscape Architects

(i) Oregon Board of Pilot Commissioners

(j) State Board of Tax Service Examiners

(k) State Board of Watchmakers

(2) Every licensing board, after consultation with the Director of Commerce, shall fix the qualifications of and appoint an administrative officer who shall not be a member of the board. Subject to the applicable rules of the State Merit System Law, the board shall fix the compensation of its appointee, who shall be in the unclassified service.

(3) Subject to applicable rules of the State Merit System Law, the administrative officer shall appoint all subordinate employes, prescribe their duties and fix their compensation. [1973 c.659 §2 (enacted in lieu of 670.305); 1975 c.429 §7; 1975 c.464 §1]

670.310 Rulemaking authority; board seal. (1) Except as otherwise provided by law and in accordance with any applicable provisions of ORS 183.310 to 183.500, every professional licensing board and advisory board in the Department of Commerce may make such reasonable rules and regulations as are necessary or proper for the administration of the laws such board is charged with administering.

(2) Every professional licensing board and advisory board in the Department of Commerce may adopt a seal. [1971 c.753 §10]

670.315 Administration of oaths; obtaining and taking evidence at board proceedings; failure to obey board subpoena punished as contempt of court. (1) Except as otherwise provided by law every professional licensing board or advisory board in the Department of Commerce, acting through its chairman or vice chairman or a hearing officer, may administer oaths, take depositions and issue subpoenas to compel the attendance of witnesses and the production of books, papers, records, memoranda or other information necessary to the carrying out of the laws the board is charged with administering.

(2) If any person fails to comply with a subpoena issued under this section or refuses to testify on any matters on which he may be

lawfully interrogated, the procedure provided in ORS 183.440 shall be followed to compel obedience. [1971 c.753 §11]

670.320 Records required to be maintained by board; reports to Department of Commerce; maintaining information about licensees; authority to charge fee for register. (1) Except as otherwise provided by law the Director of Commerce shall prescribe by rule the records of proceedings and other materials to be maintained by every professional licensing and advisory board in the Department of Commerce and shall also prescribe the content and frequency of reports to be made by such boards to the department.

(2) The Director of Commerce shall require each professional licensing and advisory board in the Department of Commerce to maintain a register of the names and current addresses of all persons holding valid licenses, certificates of registration or other evidence of authority required to practice the profession within the jurisdiction of such board and to file a copy of the register at or make the equivalent information available to the office of the department.

(3) Any board that is authorized or required to distribute a register described in this section may collect a fee to cover the costs of publication, such fee to be handled as other receipts of the board are handled. [1971 c.753 §12]

670.325 Proceedings on denial of license; restraining violations; authority of hearing officers; record of proceedings. (1) All proceedings for the refusal to issue, or the suspension or revocation of any license, certificate of registration or other evidence of authority required to practice any profession subject to the authority of any professional licensing or advisory board within the Department of Commerce shall be conducted pursuant to the procedure for contested cases required or authorized by ORS 183.310 to 183.500.

(2) If any professional licensing or advisory board in the Department of Commerce decides that any person has or is about to engage in any activity that is or will be a violation of law the board is charged with enforcing, the board may institute a proceeding in an appropriate circuit court to restrain the activity or proposed activity. An injunction may be issued without proof of actual damages, but does not relieve the defendant of any criminal liability.

(3) Any hearing officer appointed by a professional licensing board is vested with full authority of the board to schedule and conduct hearings on behalf and in the name of the board on all matters referred to him for hearing by the board, including proceedings for placing persons registered or licensed by the board on probation and for suspension and revocation of registration or licenses, and shall cause to be prepared and furnished to the board, for decision thereon by the board, a complete written transcript of the record of the hearing. The transcript shall contain all evidence introduced at the hearing and all pleas, motions and objections and all rulings of the hearing officer. Each hearing officer may administer oaths and issue summonses, notices and subpoenas, but may not place any registrant or licensee on probation or issue, refuse, suspend or revoke a registration or license. [1971 c.753 §13]

670.330 Appointment and functions of advisory boards. (1) The Director of Commerce, with the approval of the Governor, shall appoint an advisory board composed of the number of members fixed pursuant to ORS 670.340 who are qualified by education, training and experience to advise the director in matters of policy affecting the administration of any professional activity within the Department of Commerce for which a license, certificate of registration or other evidence of authority is authorized or required and for which no professional licensing or advisory board is created by law.

(2) The advisory board shall make recommendations to the Department of Commerce regarding the qualifications of applicants for licenses, certificates or other authority and as to the revocation or suspension thereof.

(3) Recommendations of the advisory board shall be adopted by the director and the department, unless, after hearing, the director determines that the board's recommendation is incorrect. [1971 c.753 §14]

670.335 Disposition of fees received by boards; procedure for payment of board expenses. All fees or other funds received by any professional licensing or advisory board in the Department of Commerce shall be paid into the State Treasury monthly. Such payments shall be credited to separate accounts in the General Fund for each board, and any such payments shall constitute a continuous appropriation of such amounts from the General Fund for the purpose of

carrying out the functions of the board making the payment. All necessary expenses of each board shall be paid from the amounts paid by such board in the same manner as other claims against the state are paid, after approval thereof by the chairman or administrator of the board and its treasurer. [1971 c.753 §15]

670.340 Qualifications for board membership; terms; vacancies; removal. (1) Subject to applicable provisions of law, the Director of Commerce shall fix the number of members on each professional licensing and advisory board in the Department of Commerce at not fewer than three nor more than 11 members. Members shall be citizens of the United States and residents of this state.

(2) Unless otherwise provided by law, members of boards described in subsection (1) of this section shall serve for terms of three years and no members shall be eligible for appointment to more than three terms of office.

(3) Notwithstanding any other provision of law, the Director of Commerce shall fix the terms of office of his initial appointments to boards described in subsection (1) of this section in order to assure an orderly rotation of terms and to avoid a disproportionate number of the appointments he is authorized to make being required to be made on the same date.

(4) Upon the expiration of the term of the member of a board described in subsection (1) of this section, the director shall appoint a successor or may reappoint the incumbent member if he is eligible for reappointment.

(5) The director shall fill vacancies on the boards as they may occur and a member appointed to fill a vacancy shall serve the unexpired term of his predecessor.

(6) The director may remove a member for good cause and may also remove any member appointed to represent a particular interest, occupation or geographic area when he ceases to represent the interest, occupation or area. [1971 c.753 §16]

670.345 Procedure for filling vacancies on board. At least 60 days before a vacancy is to occur on any professional licensing or advisory board in the Department of Commerce, the professional organizations representing persons subject to licensing or other regulation by the board may nominate at least three qualified persons for each vacancy, and shall certify its nominees to the

Director of Commerce who shall consider these nominees in selecting successors to retiring board members. This section does not apply to appointment of public members. [1971 c.753 §17]

670.350 Administration of professional qualification examinations. Every professional licensing and advisory board in the Department of Commerce that is authorized or required by law to administer an examination as part of its determination of professional qualifications shall administer such examinations at least once each year at such time and place as the board shall designate. [1971 c.753 §18]

(Reciprocal Agreements)

670.380 When reciprocal licensing or registration agreements authorized; termination. (1) If the Director of Commerce determines that the standards, qualifications and examinations for licensing or registration of building trades and mechanical and specialty skills of another state are substantially similar to the standards, qualifications and examinations required under applicable Oregon statutes and administrative rules administered by the Building Codes Division as specified in ORS 456.790 the director, with approval of the designated, examining or advisory board, may, when it is in the best interest of the economy of the State of Oregon, enter into a reciprocal agreement with such other state to issue without examination licenses or certificate of registration upon proof of licensing or registration in such other state and upon payment of appropriate fees.

(2) Reciprocal agreements may be terminated by the director with approval of the designated, examining or advisory board, upon a determination that the other party is not maintaining and enforcing standards, qualifications and examinations substantially similar to those of Oregon. [1974 s.s. c.47 §§1, 2]

(Licensing Period)

670.410 Changing of licensing period. (1) After consultation with the Director of Commerce, the appropriate licensing or advisory board or agency may vary the date upon which the registration, license or certificate of a person shall expire. Notwithstanding any

other law, registrations, licenses and certificates may be made to expire on a biennial basis.

c.873 §27; 1979 c.107 §1]

(2) In accordance with subsection (1) of this section, the appropriate licensing or advisory board or agency shall give a person written notice of the new renewal date assigned and make appropriate adjustments in the renewal fee.

(3) This section only applies to those registrations, licenses and certificates issued under ORS 479.640 or ORS chapters 671, 672, 673, 690, 693, 695, 698, 701, 702 and 776. [1977

PENALTIES

670.990 Penalties. Any person who conducts or operates a business in violation of an ordinance enacted pursuant to ORS 670.220 is punishable, upon conviction, by imprisonment for not more than 30 days or by a fine of not more than \$1,000, or both. A failure from day to day to comply with such an ordinance shall be a separate offense for each such day. [1967 c.344 §6]

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, 1979.

Thomas G. Clifford
Legislative Counsel