

Chapter 671

1979 REPLACEMENT PART

Architects; Landscape Contractors

ARCHITECTS

- 671.010 Definitions for ORS 671.010 to 671.220
- 671.020 Practice of architecture without certificate of registration prohibited; use of stamp; architect to practice under his own name, exceptions
- 671.025 Certain plans to carry stamp
- 671.030 Activities not considered as "practice of architecture"
- 671.041 Practice of architecture by corporations, firms and partnerships; application to professional engineers and landscape architects; documents to be stamped
- 671.045 Liability of professional corporation
- 671.047 Application of general corporation law to professional corporations
- 671.050 Application for certificate of registration; qualifications
- 671.060 Examination of applicants; issuing certificates
- 671.065 Certification of registration without examination
- 671.080 Annual renewal; time for payment; effect of failure to pay; abandonment of practice
- 671.085 Schedule of maximum fees; fees fixed by administrative rule
- 671.090 Grounds for denial or revocation of certificates
- 671.100 Revocation of certificates or disciplinary action by board
- 671.105 Hearing required in license denial; judicial review of board orders
- 671.120 State Board of Architect Examiners; number of members; qualifications
- 671.125 Rulemaking authority of board
- 671.220 Enforcement of ORS 671.010 to 671.220; maintenance of proceedings relating to professional services

MISCELLANEOUS

- 671.310 Definitions for ORS 671.310

LANDSCAPE CONTRACTORS

- 671.510 Short title
- 671.520 Definitions for ORS 671.510 to 671.710
- 671.530 License or certificate required; advertising

- 671.540 Application of ORS 671.510 to 671.710; registration in lieu of licensing
- 671.550 Authority of department to investigate; confidentiality of information
- 671.560 Issuance of licenses; form of application
- 671.570 Qualification for license
- 671.580 Licenses not transferable
- 671.590 Issuance of licenses to persons acting as landscape contractors on July 1, 1975; reciprocity
- 671.600 New license required upon change of ownership; license expiration date
- 671.610 Grounds for license denial
- 671.620 License posting requirement
- 671.625 Minimum standards for written contracts and billings; work performed only under written contract
- 671.630 Establishment of advisory board; membership; function
- 671.650 License fees
- 671.660 Renewal of licenses; applications required for reissuance of expired license; penalty fees
- 671.670 Rulemaking authority
- 671.690 Surety bond or deposit required; effect of termination, withdrawal or reduction to less than required amount
- 671.700 Notice of claim against contractor to department
- 671.703 Filing claim against landscape contractor for negligent or improper work; hearing by department
- 671.705 Removal from department of claim for more than \$200 against landscape contractor; award of costs and fees by court; notice by department to landscape contractor
- 671.707 Effect of final determination on claim against landscape contractor by department
- 671.710 Priority on satisfaction of claims
- 671.720 Civil penalty for violations of ORS 671.530 to 671.600

PENALTIES

- 671.990 Penalties

CROSS REFERENCES

Administrative procedures and rules of state agencies, 183.310 to 183.500
Denial, suspension or revocation of license prohibited solely because of criminal conviction, 670.280
Engineering, land surveying law, applicability, 672.060
Extension of licensing or certification period, 670.410
Legislative review of need for agency, 182.615

Licensing of occupations and professions by agencies within Department of Commerce, 670.300 to 670.350
Licensing period authority to change, 670.410
Military or naval service, exemption from fees, 408.450
Professional corporations, generally, Ch. 58
Provisions applicable to state agencies generally, Ch. 182

OCCUPATIONS AND PROFESSIONS

671.020

Appraisal of real estate, when authorized, 696.030
Builders, registration requirements, exclusion for archi-
tects, 701.010

671.025

Structures of public assembly, approval of certain plans,
460.230

671.120

Director of Department of Commerce, ex officio member
of board, 184.545

ARCHITECTS

Note: Section 14, chapter 842, Oregon Laws 1977 is operative July 1, 1982, and provides:

Sec. 14. ORS 671.010, 671.020, 671.025, 671.030, 671.041, 671.045, 671.047, 671.050, 671.060, 671.070, 671.080, 671.085, 671.090, 671.100, 671.105, 671.120, 671.220 and 671.990 relating to architects are repealed.

671.010 Definitions for ORS 671.010 to 671.220. As used in ORS 671.010 to 671.060, 671.080 to 671.120 and 671.220, unless the context requires otherwise:

(1) "Architect" means an individual qualified and licensed to practice architecture under ORS 671.010 to 671.060, 671.080 to 671.120 and 671.220.

(2) "Board" means the State Board of Architect Examiners.

(3) "Building" means any structure consisting of foundations, floors, walls and roof, having footings, columns, posts, girders, beams, joists, rafters, bearing partitions, or a combination of any number of these parts, with or without other parts or appurtenances thereto.

(4) "Council" means the National Council of Architectural Registration Boards (NCARB).

(5) "Practice of architecture" means any one or combination of the following practices by a person: The planning, designing or supervision of the erection, enlargement or alteration of any building or of any appurtenance thereto other than exempted buildings. "Practice of architecture" does not include any contractor or his duly appointed superintendent or foreman directing the work of erection, enlargement or alteration of any building or any appurtenance thereto, under the supervision of a registered architect or registered professional engineer, as provided by ORS 671.010 to 671.060, 671.080 to 671.120 and 671.220.

(6) "Registered professional engineer" means a person defined by and described in ORS 672.002 to 672.310.

(7) "State Building Code" means the State of Oregon Structural Specialty Code and Fire and Life Safety Code. [Amended by 1957 c.408 §1; 1961 c.585 §1; 1977 c.803 §1]

671.020 Practice of architecture without certificate of registration prohibited; use of stamp; architect to practice under his own name, exceptions. (1) In order to

safeguard life, health and property and to eliminate unnecessary loss and waste in this state, no person shall practice the profession of architecture or assume or use the title of architect, or any title, sign, cards or device indicating, or tending to indicate, that such person is practicing architecture or is an architect, or represent in any manner that such person is an architect, without first qualifying before the board and obtaining a certificate of registration as provided by ORS 671.010 to 671.060, 671.080 to 671.120 and 671.220.

(2) No person shall practice or attempt to practice the profession of architecture, or assume the title of "architect," or use in connection with the business of such person any words, letters or figures indicating the title "architect" without first complying with ORS 671.010 to 671.060, 671.080 to 671.120 and 671.220.

(3) Every registered architect shall, upon registration, obtain a stamp of the design authorized by the board, bearing the name of the registrant and the legend "Registered Architect, State of Oregon." All drawings and the title page of all specifications intended to be used as construction documents in the practice of architecture shall bear the stamp of a registered architect and shall be signed by the architect. The stamp and signature shall constitute certification that the architect has exercised the requisite professional judgment about and made the decisions upon all matters embodied within those construction documents, that such documents were prepared either by the architect or under the direct control and supervision of the architect and that the architect accepts responsibility for them.

(4) A licensed architect shall pursue the profession under the architect's own name only, as it appears in the architect's license, except as provided by ORS 671.041. [Amended by 1955 c.407 §1; 1957 c.408 §2; 1961 c.585 §4; 1971 c.587 §1; 1977 c.803 §2; 1979 c.354 §1]

671.025 Certain plans to carry stamp. Any person applying for a license or permit required under the laws of this state or the ordinances of the county or city in which the person proposes to erect, construct, enlarge, alter, repair, move, improve, remove or convert a building shall submit an original or reproduction of the plans and specifications for the work proposed. The plans and specifications shall bear the stamp of a registered architect, or of a registered professional engi-

neer, where the services of a registered architect or of a registered professional engineer are required by the provisions of ORS 671.010 to 671.060, 671.080 to 671.120 and 671.220, and shall be drawn to scale with sufficient clarity to indicate the nature and extent of the work proposed and that the work proposed conforms to ORS 671.010 to 671.060, 671.080 to 671.120 and 671.220, State Building Code and to any other applicable laws and ordinances. [1961 c.585 §3; 1977 c.803 §3]

671.030 Activities not considered as "practice of architecture." (1) ORS 671.010 to 671.060, 671.080 to 671.120 and 671.220 shall not be construed to affect or prevent the practice of naval or landscape architecture or of engineering by a registered professional engineer or to any person engaged in architecture or engineering work as an employe of an architect or registered professional engineer; nor shall it prevent draftsmen, clerks of the work, superintendents and other employes of registered architects and registered professional engineers, under provisions of ORS 671.010 to 671.060, 671.080 to 671.120 and 671.220, from acting under the instructions, control or supervision of their employers. Such persons shall not use the designation "architect," "architectural" or "architecture" unless licensed under the provisions of ORS 671.010 to 671.060, 671.080 to 671.120 and 671.220.

(2) Nothing contained in ORS 671.010 to 671.060, 671.080 to 671.120 and 671.220 shall prevent any person from making plans, specifications for, or supervising the erection, enlargement or alteration of a building, or any appurtenance thereto, if the building is to be used for a single family residential building or farm building or is a structure used in connection with or auxiliary to a single family dwelling or farm building, such as a three-car garage, barn, shed, shelter used for the housing of domestic animals, livestock, etc.; nor shall anything in ORS 671.010 to 671.060, 671.080 to 671.120 and 671.220 prevent any person from making plans, specifications for, or supervising the erection, enlargement or alteration of any building, or any appurtenance thereto, where the building has a ground area of 4,000 square feet or less and is not more than 20 feet in height from the top surface of lowest flooring to the highest interior or overhead finish of the structure.

(3) Nothing in ORS 671.010 to 671.060, 671.080 to 671.120 and 671.220 shall prevent a person from planning, designing, specifying

or supervising the alterations or repairs to a building when the structural part of a building, i.e., the foundation walls, floors, roof, footings, bearing partitions, beams, columns, joists, etc., is not involved.

(4) Nothing in ORS 671.010 to 671.060, 671.080 to 671.120 and 671.220 shall prevent a person practicing marine, naval or landscape architecture from designating himself as a marine, naval or landscape architect as long as his work is confined and limited to work coming under those classifications.

[Amended by 1955 c.407 §2; 1957 c.408 §3]

671.040 [Amended by 1961 c.585 §5; 1965 c.303 §1; repealed by 1969 c.596 §1 (671.041 enacted in lieu of 671.040)]

671.041 Practice of architecture by corporations, firms and partnerships; application to professional engineers and landscape architects; documents to be stamped. (1) A corporation, firm or partnership may engage in the practice of architecture under a corporate or assumed business name if all of the stockholders of the corporation or all of the members of the firm or partnership are registered as architects or landscape architects under ORS 671.010 to 671.060, 671.080 to 671.120, 671.220, 671.310 and 671.990 or as professional engineers under ORS 672.002 to 672.310; provided, however:

(a) That the persons holding a majority of the stock of the corporation, or a majority of the members of the firm or partnership, shall be architects;

(b) That no corporate or assumed business name shall include the surname of an individual who is not presently or was not previously associated in the practice of architecture or engineering with the named entity or its members or predecessors; and

(c) That the corporate or assumed business name identifies the corporation, firm or partnership as being engaged in the practice of architecture.

(2) The president of a corporation or senior principal of a firm or partnership practicing architecture under an assumed name must file annually during the month of January with the board the names of all stockholders of the corporation or all principals or partners of the firm or partnerships.

(3) All professional documents issued by the corporation, firm or partnership which are required by ORS 671.010 to 671.060, 671.080

to 671.120 and 671.220 to bear the stamp of an architect shall bear the stamp of the architect responsible for the preparation thereof and shall also bear the corporate or assumed business name of the corporation, firm or partnership. [1969 c.596 §2 (enacted in lieu of 671.040); 1971 c.587 §2; 1977 c.803 §4]

671.045 Liability of professional corporation. ORS 671.041 to 671.047 do not affect the law applicable to the professional relationship and liabilities between a person rendering professional service and a person receiving the service, and it does not affect the standards of professional conduct of a profession. A shareholder, director, officer, employe or agent of a professional corporation may be held personally liable for negligent or wrongful acts or misconduct committed by him, or by a person under his direct supervision and control, while rendering professional service on behalf of the corporation to a person receiving the service the same as though he were rendering service as an individual and may also be held liable for his own negligent or wrongful acts or misconduct in participation with such acts or misconduct of another shareholder, director, officer, employe or agent of the corporation. The corporation is jointly and severally liable up to the full value of its assets for such acts or misconduct. However, the shareholders, directors, officers, employes and agents of the corporation are not personally liable for the debts or other contractual obligations of the corporation. [1969 c.596 §3; 1977 c.803 §5]

671.047 Application of general corporation law to professional corporations. The Oregon Business Corporation Act is applicable to professional corporations and they enjoy the powers and privileges and are subject to the duties, restrictions and liabilities of corporations organized under the Oregon Business Corporation Act, except when inconsistent with ORS 671.041 to 671.047. ORS 671.041 to 671.047 takes precedence in the event of any conflict with provisions of the Oregon Business Corporation Act or other law. [1969 c.596 §4; 1977 c.803 §6]

671.050 Application for certificate of registration; qualifications. (1) Any person desiring the right to practice architecture in the State of Oregon shall make application to the board 15 days prior to any meeting of the board upon such forms and in such manner as may be provided by the board. In addition to the qualifications required by ORS 671.010 to

671.060, 671.080 to 671.120 and 671.220, each applicant shall be at least 18 years of age.

(2) Each applicant for a certificate of registration shall pay to the board the required fee. [Amended by 1973 c.827 §62; 1973 c.832 §21; 1974 s.s. c.36 §20; 1977 c.803 §7]

671.060 Examination of applicants; issuing certificates. (1) Examinations of applicants for certificates of registration shall be made by the board according to the method deemed by it to be the most practicable to test the applicants' qualifications. Examinations shall be written or oral or both written and oral and shall cover such subjects and be graded on such basis as the board shall determine by administrative rule. The board may adopt the examination and the recommended grading procedures of the National Council of Architectural Registration Boards. The board shall prescribe the minimum educational and experience requirements for applicants by administrative rule.

(2) A certificate of registration shall be granted to all applicants who after the examinations are, in the opinion of a majority of the board, properly qualified. A certificate shall be denied to applicants who, in the opinion of the majority of the board, are not properly qualified. [Amended by 1973 c.832 §22]

671.065 Certification of registration without examination. (1) Any person not registered to practice architecture in this state but who is certified by the council or has lawfully been issued a license or certificate to practice in another state or territory of the United States, the District of Columbia or another country, the qualifications and licensing examinations of which are substantially similar to those required in this state, may, at the discretion of the board, be entitled to a certificate of registration without examination.

(2) Any person seeking to practice architecture in this state and who meets the requirements of certification as set forth in subsection (1) of this section may be admitted to this state for the purpose of offering to render architectural services for that purpose only without having been issued a certificate of registration by the board, provided that the architect advises his prospective client and the board in writing and submits an application for registration in this state. Such persons may while offering to render architectural services use the title, "architect," but shall not represent in any manner that he is qualified

to practice under ORS 671.010 to 671.060, 671.080 to 671.120 and 671.220. [1977 c.803 §9]

Note: 671.065 was enacted into law by the Legislative Assembly and was added to and made a part of ORS chapter 671 but was not added to or made a part of any series therein by legislative action. See the Preface to Oregon Revised Statutes for further explanation.

671.070 [Repealed by 1977 c.803 §18 and 1977 c.842 §14]

671.080 Annual renewal; time for payment; effect of failure to pay; abandonment of practice. (1) Every person holding a certificate of registration, as provided for in ORS 671.010 to 671.060, 671.080 to 671.120 and 671.220, who desires to continue to practice his profession in this state, shall annually, during the time he continues to practice, pay to the board on or before the anniversary of issuance of the certificate the required fee; and the board administrator thereupon shall issue to such registered architect a certificate of renewal of his registration for a period of one year. Upon failure to have his certificate renewed on or before the anniversary of issuance of the certificate, the certificate holder shall be deemed to be delinquent; but such person may renew his certificate not later than the 60th day after the renewal date, without penalty, upon payment of renewal fees or after the 60th day after the renewal date, upon payment of renewal fees plus a penalty in an amount to be prescribed by board rule, not to exceed \$10 for each month of delinquency.

(2) Any person who fails to pay the renewal fee, with accrued penalties, for a period of one year, shall forfeit the right to practice architecture in this state and may be reinstated as an architect only upon passing examinations required by the board and by paying any required examination fees, renewal fee and penalties.

(3) The board may grant a suspension to any registered architect who gives up his practice and while in good standing makes such request in writing to the board. The architect may resume his practice within five years upon payment of the annual fees for the renewal of registration for the current year provided, however, that where a license suspension has been in effect for more than two years the board may require the architect to take and pass an examination on the State of Oregon Structural Specialty Code and Fire and Life Safety Code. [Amended by 1957 c.408 §4; 1973 c.832 §23; 1977 c.803 §10; 1977 c.873 §2a]

671.085 Schedule of maximum fees; fees fixed by administrative rule. The following schedule establishes the fees to be charged individuals and corporations for the practice of architecture in Oregon.

Registration Fee.....	\$ 55
Renewal Fee.....	40
Oregon Resident	
Examination Fees	
Qualification Test.....	60
Professional Examination.....	60
Nonresident	
Examination Fees	
Qualification Test.....	85
Professional Examination.....	85
Reciprocal Application Fee.....	70
Duplicate Certificate Fee	15
Corporation Renewal Fee.....	10
Corporation Registration Fee....	25

[1973 c.832 §20; 1977 c.803 §11]

671.090 Grounds for denial or revocation of certificates. The board may refuse to grant or renew, may revoke or may suspend a certificate of registration to practice architecture in this state upon the following grounds:

(1) The employment of fraud or deception in applying for a certificate of registration or in passing an examination as provided in ORS 671.010 to 671.060, 671.080 to 671.120 and 671.220.

(2) Upon proof that the applicant or the holder of the certificate of registration is falsely impersonating a practitioner or former practitioner.

(3) Upon proof that the holder of a certificate is practicing under an assumed, fictitious, or a corporate name contrary to the provisions of ORS 671.010 to 671.060, 671.080 to 671.120 and 671.220.

(4) Upon proof that the applicant or the holder of the certificate of registration is guilty of fraud or deceit, or of gross negligence, incompetency or misconduct in the practice of architecture.

(5) Upon proof that the applicant or the holder of the certificate of registration wilfully evaded or tried to evade any law, ordinance, code or regulation of the state, or counties and cities of this state, governing construction of buildings.

(6) Upon proof that the holder of the certificate of registration stamped and signed

any plans, specifications or drawings that were not prepared by the architect or under the architect's direct control and supervision.

(7) Upon proof that the holder of the certificate of registration, unbeknown to a party for whom the architect is doing work, received rebates, commissions, grants of moneys or favors which the architect is not entitled to or justified in receiving.

(8) Upon proof that the applicant or the holder of the certificate is practicing contrary to the provisions and requirements of ORS 671.010 to 671.060, 671.080 to 671.120 and 671.220. [Amended by 1973 c.832 §24; 1977 c.803 §12; 1979 c.354 §2]

671.100 Revocation of certificates or disciplinary action by board. (1) The board may revoke, suspend or annul the certificate of registration to practice architecture in this state of an architect, or reprimand, censure or otherwise discipline an architect, as provided in this section.

(2) Any person may prefer charges against a holder of a certificate of registration to practice architecture. The charges shall be in writing and sworn to by the complainant. They shall be forwarded to the board which shall act on the charges at its next regular meeting. [Amended by 1971 c.734 §105]

671.105 Hearing required in license denial; judicial review of board orders. (1) Where the board proposes to refuse to issue or renew a license, or proposes to revoke or suspend a license, or to reprimand, censure or otherwise discipline an architect, opportunity for hearing shall be accorded as provided in ORS 183.310 to 183.500.

(2) Judicial review of orders under subsection (1) of this section shall be as provided in ORS 183.310 to 183.500. [1971 c.734 §107]

Note: 671.105 was enacted into law by the Legislative Assembly and was added to and made a part of ORS chapter 671 but was not added to and made a part of 671.010 to 671.220 by legislative action. See the Preface to Oregon Revised Statutes for further explanation.

671.110 [Amended by 1955 c.407 §3; repealed by 1971 c.734 §21]

671.120 State Board of Architect Examiners; number of members; qualifications. There is created in the Department of Commerce the State Board of Architect Examiners. The board shall be composed of seven members, five shall be architects who are residents of Oregon and have resided and practiced the profession of architecture in this

state for a period of not less than five years, and two shall be members of the general public. [Amended by 1963 c.580 §24; 1971 c.753 §25; 1977 c.803 §13]

671.125 Rulemaking authority of board. In accordance with any applicable provisions of ORS 183.310 to 183.500, the board may:

(1) Promulgate reasonable rules necessary for the administration of the laws the board is charged with administering; and

(2) Promulgate reasonable rules prescribing standards of professional conduct for architects. The board may give consideration to national practices as well as local practices when promulgating such rules. [1977 c.803 §15]

Note: 671.125 was enacted into law by the Legislative Assembly and was added to and made a part of ORS chapter 671 but was not added to and made a part of 671.010 to 671.220 by legislative action. See the Preface to Oregon Revised Statutes for further explanation.

671.130 [Amended by 1963 c.580 §25; repealed by 1971 c.753 §74]

671.140 [Amended by 1969 c.596 §5; repealed by 1971 c.753 §74]

671.150 [Amended by 1957 c.408 §5; 1969 c.596 §6; repealed by 1971 c.753 §74]

671.160 [Repealed by 1971 c.753 §74]

671.165 [1961 c.431 §27; repealed by 1971 c.753 §74]

671.170 [Amended by 1961 c.585 §6; repealed by 1971 c.753 §74]

671.180 [Repealed by 1961 c.585 §8]

671.190 [Amended by 1957 c.408 §6; 1969 c.314 §73; repealed by 1971 c.753 §74]

671.200 [Repealed by 1971 c.753 §74]

671.210 [Amended by 1955 c.407 §4; repealed by 1971 c.753 §74]

671.220 Enforcement of ORS 671.010 to 671.220; maintenance of proceedings relating to professional services. (1) Any person who violates any provision of ORS 671.010 to 671.060, 671.080 to 671.120 and this section or any rule promulgated thereunder shall forfeit and pay to the State Board of Architect Examiners a civil penalty in an amount determined by the board of not more than \$1,000 for each offense. Such civil penalty may be recovered by the Attorney General in an action brought in the name of the State of Oregon in any court of appropriate jurisdiction. The provisions of this section are in addition to and not in lieu of any other penalty or sanction provided by law.

(2) If the board decides that any person has or is about to engage in an activity that is or will be a violation of any provision of ORS 671.020 or 671.041, 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 from criminal prosecution for violation of ORS 671.010 to 671.060, 671.080 to 671.120 and this section. The board may employ special counsel for the proceeding.

(3) No person, firm, partnership or corporation practicing architecture is entitled to maintain a proceeding in any court of this state relating to services in practicing architecture unless it is alleged and proven that the person, firm, partnership or corporation was licensed to practice architecture under ORS 671.010 to 671.060, 671.080 to 671.120 and this section at the time services were rendered. [Amended by 1961 c.585 §7; 1977 c.803 §16]

MISCELLANEOUS

671.310 Definitions for ORS 671.310. As used in ORS 671.310, unless the context requires otherwise:

(1) "Board" means the State Board of Landscape Architect Examiners.

(2) "Landscape architecture" or the "practice of landscape architecture" means the preparation of plans and specifications and supervising the execution of projects involving the arranging of land and the elements used thereon for public and private use and enjoyment, embracing drainage, soil conservation, grading and planting plans and erosion control, in accordance with the accepted professional standards of public health and safety. [1961 c.431 §1; 1963 c.580 §31]

671.320 [1961 c.431 §2; repealed by 1977 c.842 §10 (see note under 671.990)]

671.330 [1961 c.431 §§4,5; 1973 c.832 §24a, 1975 c.429 §19; repealed by 1977 c.842 §10 (see note under 671.990)]

671.340 [1961 c.431 §3; 1973 c.827 §63; repealed by 1977 c.842 §10 (see note under 671.990)]

671.360 [1961 c.431 §7; 1973 c.827 §64; repealed by 1977 c.842 §10 (see note under 671.990)]

671.370 [1961 c.431 §§8, 11; 1973 c.832 §24b; repealed by 1977 c.842 §10 (see note under 671.990)]

671.380 [1961 c.431 §9; 1973 c.832 §24c; 1975 c.429 §8; 1977 c.873 §3; repealed by 1977 c.842 §10 (see note under 671.990)]

671.390 [1961 c.431 §10; 1973 c.827 §65; repealed by 1977 c.842 §10 (see note under 671.990)]

671.400 [1961 c.431 §13; repealed by 1977 c.842 §10 (see note under 671.990)]

671.405 [1971 c.734 §109; repealed by 1977 c.842 §10 (see note under 671.990)]

671.410 [1961 c.431 §14; repealed by 1971 c.734 §21]

671.420 [1961 c.431 §16; repealed by 1977 c.842 §10 (see note under 671.990)]

671.430 [1961 c.431 §15; repealed by 1971 c.734 §21 and by 1971 c.753 §74]

671.440 [1961 c.431 §12; repealed by 1977 c.842 §10 (see note under 671.990)]

671.450 [1961 c.431 §21; repealed by 1977 c.842 §10 (see note under 671.990)]

671.455 [1963 c.580 §28; 1969 c.314 §74; 1971 c.753 §26; repealed by 1977 c.842 §10 (see note under 671.990)]

671.460 [1961 c.431 §§17, 19, 20; repealed by 1963 c.580 §103]

671.465 [1963 c.580 §29; repealed by 1971 c.753 §74]

671.470 [1961 c.431 §22; repealed by 1963 c.580 §103]

671.475 [1963 c.580 §30; repealed by 1971 c.753 §74]

671.480 [1961 c.431 §23; 1967 c.637 §26; repealed by 1971 c.753 §74]

LANDSCAPE CONTRACTORS

671.510 Short title. ORS 671.510 to 671.710 may be cited as the Landscape Contractors Law. [1971 c.764 §1; 1973 c.832 §25]

671.520 Definitions for ORS 671.510 to 671.710. As used in ORS 671.510 to 671.710 and subsection (3) of 671.990, unless the context requires otherwise:

(1) "Board" means the State Landscape Contractors Advisory Board.

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

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

(4) "Landscape contractor" means any person who solicits or engages in a business requiring the art, ability, experience, knowledge, science and skill to plan and install lawns, shrubs, vines, bushes, trees and other decorative vegetation including the grading and preparation of plots and areas of land, constructing fountains, drainage and irrigation systems for architectural horticulture, decorative treatment and arrangement; or to do any part or any combination of any thereof.

(5) "Licensee" means a person who is licensed under ORS 671.510 to 671.710 and subsection (3) of 671.990 as a landscape contractor.

(6) "Nursery stock" means nursery stock as defined by ORS 571.005 and as further defined by the department after public hearing. [1971 c.764 §2; 1973 c.832 §26; 1975 c.757 §1]

671.530 License or certificate required; advertising of unlicensed persons restricted. (1) Except as provided in ORS 671.540, no person shall operate as a landscape contractor in this state without a valid landscape contractor's license issued pursuant to ORS 671.560 or a valid certificate of registration issued under subsection (2) of ORS 671.540.

(2) Except as provided in ORS 671.540, no person shall use the title of landscape contractor, or any title, sign, card or device indicating, or tending to indicate, or represent in any manner that the person is a landscape contractor unless the person has a valid landscape contractor's license issued pursuant to ORS 671.560. [1971 c.764 §3; 1973 c.832 §27; 1975 c.757 §2; 1979 c.840 §1a]

671.540 Application of ORS 671.510 to 671.710; registration in lieu of licensing. (1) ORS 671.510 to 671.710 and subsection (3) of 671.990, do not apply to:

(a) Any federal or state agency or any political subdivision performing landscaping on property owned or leased by such political subdivision.

(b) Any landscape architect registered pursuant to ORS 671.310 to 671.455 and practicing as provided therein.

(2) In lieu of becoming a licensee, a landscape contractor whose annual gross income from landscape contracting is less than \$5,000 may register with the department under this subsection. Any landscape contractor who registers with the department under this subsection:

(a) May operate as a landscape contractor in this state without a landscape contractor's license issued under ORS 671.560;

(b) Shall pay to the department fees equal to 75 percent of any fees required of licensees under ORS 671.650;

(c) Shall be issued a certificate of registration by the department without meeting the requirements for examination and experience under ORS 671.570;

(d) Except as otherwise provided in this subsection or under ORS 671.510 to 671.710, is subject to the same conditions, requirements and regulations under ORS 671.510 to 671.710 as a licensee, including, but not limited to, fees, bonding requirements and suspension, revocation, issuance and renewal of registration; and

(e) Is not licensed for purposes of subsection (2) of ORS 671.530. [1971 c.764 §4; 1973 c.832 §28; 1979 c.840 §2]

671.550 Authority of department to investigate; confidentiality of information.

(1) The department may inquire into and inspect:

(a) Any services performed or materials furnished by a licensee or person registered under subsection (2) of ORS 671.540.

(b) The financial records of a licensee or person registered under subsection (2) of ORS 671.540.

(c) The financial records of a person who it reasonably believes is operating in violation of ORS 671.530.

(d) The services performed or materials furnished by a person who it reasonably believes is operating in violation of ORS 671.530.

(2) Except when used for legal action or by the department to determine negligent or improper work under ORS 671.703, the information obtained by an inspection authorized by this section is confidential. However, the department shall furnish copies of any inspection to the person that is subjected to such inspection. [1971 c.764 §5; 1979 c.840 §3]

671.560 Issuance of licenses; form of application. (1) Except as provided in ORS 671.590, the department shall issue a landscape contractor's license to an applicant who satisfies the requirements of ORS 671.570.

(2) An applicant shall apply to the department upon a form furnished by the department and give such information as the department considers necessary.

(3) The department may issue a limited or specialty license if the applicant is required to have a landscape contractor's license but is not qualified or required to be licensed for all phases of landscape contracting as defined in subsection (4) of ORS 671.520. [1971 c.764 §6; 1975 c.757 §4]

671.570 Qualification for license. Except as provided in ORS 671.590, each applicant for a landscape contractor's license shall pay to the department the fee required by ORS 671.650 and:

(1) Pass an examination which will be offered at least once each six months by the department to determine the fitness of the applicant for licensing and have, within 10 years before the day the application for a license is made, at least:

(a) Twenty-four months of employment with a landscape contractor;

(b) Twelve months of employment with a landscape contractor and one full year of training in an area related to landscaping at an accredited school or college;

(c) Twenty-four months of experience as a person registered with the department under subsection (2) of ORS 671.540; or

(2) Prove to the satisfaction of the director by test and experience that the applicant is qualified. [1971 c.764 §7; 1973 c.832 §29; 1975 c.757 §5; 1979 c.840 §4]

671.580 Licenses not transferable. A license issued pursuant to ORS 671.560 is a personal privilege and is not transferable. [1971 c.764 §8]

671.590 Issuance of licenses to persons acting as landscape contractors on July 1, 1975; reciprocity. The department:

(1) Shall license without examination any person who grossed less than \$5,000 and is operating as a landscape contractor in this state on July 1, 1975, if the person applies for the license not later than the 120th day after July 8, 1975. However, any person licensed pursuant to this subsection shall be required to pass the examination referred to in paragraph (b) of subsection (1) of ORS 671.570 prior to June 30, 1977.

(2) May license without examination any person who is a landscape contractor licensed, certified or registered under the laws of another state, territory of the United States, the District of Columbia or another country where the requirements on the date the applicant was licensed, certified or registered were substantially equal to the requirements for licensing of landscape contractors in this state on the date of application by the person. [1971 c.764 §9; 1973 c.832 §30; 1975 c.757 §6; 1979 c.840 §5]

671.600 New license required upon change of ownership; license expiration date. A new license shall be required whenever there is a change in ownership, irrespective of whether the business name is changed. If prior approval is obtained from the department, a licensee may move to another location without relicensing. [1971 c.764 §10; 1973 c.832 §31]

671.610 Grounds for license denial. The department may suspend, revoke or refuse to issue or renew the license of any person who:

(1) Has obtained or attempted to obtain a license under ORS 671.510 to 671.710 and subsection (3) of 671.990, by fraud or material misrepresentation;

(2) Has made a material misrepresentation about the quality of any material or service he provides;

(3) Has performed defective work;

(4) Has furnished defective materials;

(5) Has made misleading statements when advertising his services or materials; or

(6) Has violated a provision of ORS 671.510 to 671.710 and subsection (3) of 671.990. [1971 c.764 §11]

671.620 License posting requirement. A licensee shall post his license in a conspicuous place in the principal office of the business. In addition, the licensee shall post a copy of his license in a conspicuous place in each of his branch offices. [1971 c.764 §12]

671.625 Minimum standards for written contracts and billings; work performed only under written contract. (1) The department shall by rule adopt minimum standards for written contracts and billings of landscape contractors. The standards shall set forth requirements for information that must be contained in contracts and billings. The information required will be any information the department determines is necessary to provide protection for consumers of the services and materials provided by landscape contractors.

(2) Work subject to ORS 671.510 to 671.710 shall only be performed subject to a written contract. Any contract or billing for such work must conform to the standards adopted under subsection (1) of this section.

(3) A contract that does not substantially comply with this section may not be enforced

by a landscape contractor in any court or other proceedings within this state. [1979 c.840 §13]

Note: Section 14, chapter 840, Oregon Laws 1979, provides:

Sec. 14. Section 13 of this 1979 Act applies only to contracts entered into after the effective date of this 1979 Act [October 3, 1979].

671.630 Establishment of advisory board; membership; function. (1) There is established within the Department of Commerce the State Landscape Contractors Advisory Board. The board shall consist of seven members appointed by the director who shall make appointments from all segments of the landscape contracting industry, at least two of whom shall be public members.

(2) The function of the board established by this section shall be to counsel and advise the department in the administration and enforcement of ORS 671.510 to 671.710 and subsection (3) of 671.990. [1971 c.764 §14; 1973 c.832 §32; 1975 c.757 §7]

671.640 [1971 c.764 §15; 1973 c.832 §33; repealed by 1975 c.757 §8]

671.650 License fees. (1) The landscape contractor's license fees shall be established by the department, after public hearing in accordance with ORS 183.310 to 183.500. Such fees shall be established on the basis of annual gross dollar volume income from work performed during the calendar year immediately preceding the license period, and shall not exceed four mills per dollar of annual sales, but no such fee shall be less than \$20 nor more than \$300. The fees shall be established on a uniform millage rate, and shall be sufficient to allow the department to administer and enforce the provisions of ORS 671.510 to 671.710 and subsection (3) of 671.990 and to maintain an emergency fund with an unencumbered balance not to exceed the cost of administration and enforcement of such provisions during a representative four-month period.

(2) In addition to the fee required by subsection (1) of this section, the applicant shall pay a separate fee of \$20 for each of his branch offices.

(3) The fee for renewal of a landscape contractor's license shall be established as provided under subsections (1) and (2) of this section.

(4) The fee for a new business shall be \$25.

(5) The license fee for an out-of-state landscape contractor operating in Oregon shall be \$25, unless the business operated during any part of the previous calendar year in Oregon. If so, the fee will be computed the same as for an Oregon landscape contractor as provided in subsection (1) of this section. [1971 c.764 §17; 1973 c.832 §34]

671.660 Renewal of licenses; applications required for reissuance of expired license; penalty fees. (1) The fee for renewal of a landscape contractor's license shall be paid on or before the renewal date which is the anniversary of the date of issuance.

(2) A person who has been previously licensed to operate as a landscape contractor and whose license has expired shall not be issued another license except upon written application to the department accompanied by a penalty fee equal to 10 percent of the fee required by ORS 671.650.

(3) No penalty fee shall be required of a person whose application for renewal of a license is accompanied by a signed statement that he has not operated as a landscape contractor during the 12-month period immediately preceding the application or since the expiration of his last license, whichever is less. [1971 c.764 §18; 1973 c.832 §35; 1977 c.873 §5]

671.670 Rulemaking authority. In accordance with any applicable provision of ORS 183.310 to 183.500, the department may promulgate rules for the administration and enforcement of ORS 671.510 to 671.710 and subsection (3) of 671.990. [1971 c.764 §19]

671.680 [1971 c.764 §21; repealed by 1975 c.757 §8]

671.690 Surety bond or deposit required; effect of termination, withdrawal or reduction to less than required amount. (1) A person applying for a landscape contractor's license shall file with the department a surety bond with one or more corporate sureties authorized to do business in this state. The amount of the bond shall be:

(a) \$1,000, for a landscape contractor registered with the department under subsection (2) of ORS 671.540.

(b) \$3,000, for a licensee.

(2) The bond required under subsection (1) of this section shall be conditioned that the applicant will pay:

(a) All taxes and contributions due to the State of Oregon;

(b) All persons furnishing labor or material, or renting or supplying equipment to the landscape contractor;

(c) All amounts that may be adjudged against the landscape contractor by reason of negligent or improper work or breach of contract in performing any work subject to this chapter; and

(d) All amounts from the bond or deposit the department orders paid under ORS 671.703.

(3) In lieu of the surety bond required under subsection (1) of this section, the landscape contractor may file with the department, under the same terms and conditions as when a bond is filed, a deposit in cash or negotiable securities acceptable to the department.

(4) The deposit or bond required by this section shall be continuously on file with the department in the amount required by this section. Upon termination or cancellation of the bond, withdrawal of the deposit or reduction of the bond or deposit to less than the required amount, the licensee shall immediately:

(a) File a replacement bond or deposit; or

(b) Surrender the license to the department and cease operating as a landscape contractor. [1973 c.832 §29b; 1979 c.840 §6]

671.700 Notice of claim against contractor to department. A person having a claim against a landscape contractor shall give the department notice of the claim by registered or certified mail 90 days before any action on the bond or deposit is commenced. [1973 c.832 §29c]

671.703 Filing claim against landscape contractor for negligent or improper work; hearing by department. (1) If any person has a claim against a landscape contractor issued a license under ORS 671.560 or registered under subsection (2) of ORS 671.540 for negligent or improper work performed by the landscape contractor for the person, the person may file the claim and a request for hearing with the department if the claim:

(a) Does not exceed the amount of the landscape contractor's bond or deposit required under ORS 671.690;

(b) Has not been determined by proceedings in any court or is not the subject of proceedings pending in any court; and

(c) Has not been removed from the department under ORS 671.705.

(2) Upon receipt of a claim and request for hearing that qualifies under this section, the department shall initiate hearings procedures on the claim. The parties involved in the claim shall have the right to appear and be heard at the hearing. A hearing under this section is subject to the provisions of ORS 183.310 to 183.500.

(3) If the department determines that the landscape contractor performed negligent or improper work, the department, after final resolution of any appeals permitted under ORS 183.310 to 183.500, shall order the landscape contractor to pay the claim determined by the department within 20 days. If the landscape contractor does not pay the claim as required by this subsection, the department shall order the claim paid out of the deposit or bond required under ORS 671.690.

(4) The department shall not:

(a) Determine damages under this section in excess of the amount of the landscape contractor's bond or deposit required under ORS 671.690.

(b) Accept for filing or hold hearings under this section on any claim that does not meet the qualifications under subsection (1) of this section.

(c) Hold hearings under this section on any claim if the amount of the bond or deposit is not sufficient to pay the claim after payment of other claims under ORS 671.710. [1979 c.840 §8]

671.705 Removal from department of claim for more than \$200 against landscape contractor; award of costs and fees by court; notice by department to landscape contractor. (1) If any claim in an amount of more than \$200 is filed with the department against a landscape contractor under ORS 671.703, the landscape contractor may remove the claim from the department's determination under that section by filing within 20 days of the landscape contractor's receipt of notice of the claim, a request with the department to remove the claim.

(2) Upon receipt of a request to remove a claim under subsection (1) of this section, the department shall:

(a) Discontinue hearings procedures under ORS 671.703; and

(b) Notify the person filing the claim that the department cannot determine the claim

but that the person may file the claim in an appropriate court of this state.

(3) If a court of this state awards damages on a claim against a landscape contractor to the person bringing the suit or action, the court shall award reasonable costs, expert witness fees and attorney fees to the person bringing the suit or action if the same claim has been:

(a) Filed with the department under ORS 671.703; and

(b) Removed from the department under this section.

(4) The department shall provide a landscape contractor with notice of rights and liabilities under this section when the department gives the landscape contractor notice of a claim filed against the landscape contractor under ORS 671.703.

(5) A person whose claim is removed from the department under this section does not have a claim filed with the department for purposes of establishing priority under ORS 671.710. [1979 c.840 §9]

671.707 Effect of final determination on claim against landscape contractor by department. A final determination on a claim under ORS 671.703 shall have the effect of a final determination given by a court of this state in any subsequent proceeding or action. [1979 c.840 §10]

671.710 Priority on satisfaction of claims. (1) Claims shall be satisfied from the bond or deposit required by ORS 671.690 in the order the claims are filed with the department. For purposes of priority under this section:

(a) A claim determined by the department under ORS 671.703 is filed when the claim is first filed with and accepted by the department.

(b) A claim based on a determination by a court is filed when evidence of liability under a final determination by a court is filed with the department.

(2) If a claim filed with the department is made part of an action filed in a court before final determination of the claim by the department:

(a) The department shall dismiss the claim and discontinue any hearing on the claim; and

(b) The claim shall have priority under this section based on the time the final deter-

mination of the court is filed with the department.

(3) The bond or deposit shall not be used to satisfy claims filed more than one year following the date of expiration of the license in force at the time the work was completed.

[1973 c.832 §29d; 1979 c.840 §11]

671.720 Civil penalty for violations of ORS 671.530 to 671.600. (1) Any person who violates any provision of ORS 671.530 to 671.600 or any rule promulgated thereunder shall forfeit and pay into the General Fund a civil penalty in an amount determined by the department of not more than \$1,000 for each offense, in accordance with ORS 670.335.

(2) Such civil penalty may be recovered by the Attorney General in an action brought in the name of the State of Oregon in any court of appropriate jurisdiction. [1975 c.757 §11]

PENALTIES

671.990 Penalties. (1) Violation of any of the provisions of ORS 671.010 to 671.060, 671.080 to 671.120 and 671.220 is subject to the provisions of ORS 671.220.

(2) Violation of any provision of subsection (1) of ORS 671.320 or of ORS 671.440 is a misdemeanor.

(3) Violation of ORS 671.530 is a misdemeanor. [Subsection (2) enacted as 1961 c.431 §24; subsection (3) enacted as 1971 c.764 §22; 1977 c.803 §17]

Note: 671.320, 671.330, 671.340, 671.360, 671.370, 671.380, 671.390, 671.400, 671.405, 671.420, 671.440, 671.450 and 671.455 are repealed effective July 1, 1980. For the convenience of the user the text of those sections is set forth as follows:

671.320 (1) Unless he is a landscape architect registered under the provisions of ORS 671.310 to 671.455 or holds a permit issued under ORS 671.390, an individual shall not use the title of landscape architect, or any title, sign, card or device indicating, or tending to indicate, or represent in any manner that he is a landscape architect.

(2) ORS 671.310 to 671.455 is not intended to restrict or otherwise affect the right of any individual to practice architecture under ORS 671.010 to 671.060, 671.080 to 671.120 and 671.220, or engineering under ORS 672.002 to 672.310, or to engage in the occupation of growing and marketing nursery stock, or to use the title "nurseryman" or "landscape nurseryman" provided that no individual shall use the title "landscape architect" unless he has complied with the provisions of ORS 671.310 to 671.455.

(3) Each landscape architect may, upon registration, obtain a stamp of the design authorized by the State Board of Landscape Architect Examiners, bearing the name of the registrant, date of registration, number of certificate and the legend "registered landscape architect." All professional documents, including maps, plans,

designs, drawings, specifications, estimates and reports, issued by a registrant may be stamped only while the registrant's certificate is in full force and effect.

671.330 (1) Any individual desiring to be registered as a landscape architect may apply in writing to the State Board of Landscape Architect Examiners, upon such form and in such manner as provided by the board.

(2) Except as provided in ORS 671.360, each application shall include or be accompanied by evidence, under oath or affirmation and satisfactory to the board, that the applicant possesses the qualifications prescribed by ORS 671.340.

(3) Except as provided in ORS 671.360, each applicant for registration as a landscape architect shall include in his application a request for examination. Each applicant who requests examination shall pay to the board at the time of filing his application a fee to be determined by the board and uniformly required of all applicants, but not to exceed \$75.

(4) The board shall annually examine, or cause to have examined, at such times and places as it may determine, applicants for registration as landscape architects who request examination under subsection (3) of this section. The examinations shall be designed to ascertain that an applicant is qualified in the theory and practice of landscape architecture.

671.340 Except as provided in ORS 671.360, each applicant for registration as a landscape architect shall pass to the satisfaction of the State Board of Landscape Architect Examiners an examination conducted by the board to determine the fitness of the applicant for registration, be 18 years of age or older, and:

(1) Have been graduated from a school of landscape architecture with a four-year curriculum, which school is approved by the board, and have two years of training-experience under the supervision of a landscape architect registered under the provisions of ORS 671.310 to 671.455 or other qualified person approved by the board; or

(2) Have been graduated from a school of landscape architecture with a five-year curriculum, which school is approved by the board, and have one year of training-experience under the supervision of a landscape architect registered under the provisions of ORS 671.310 to 671.455 or other qualified person approved by the board; or

(3) Have completed seven years of work related to the practice of landscape architecture. Such work must have been under the supervision of a landscape architect registered under the provisions of ORS 671.310 to 671.455 or other qualified person approved by the board. Each year of education completed in a school of landscape architecture approved by the board shall be considered to be equivalent to one year of such work.

671.360 (1) The State Board of Landscape Architect Examiners, in its discretion, may register as a landscape architect, without examination, any individual who is 18 years of age or older, and who:

(a) Applies for such registration as provided in subsection (1) of ORS 671.330; and

(b) On the date of making application is a landscape architect licensed or registered under the laws of any other state or territory of the United States, if the re-

quirements for the licensing or registration of landscape architects in the state or territory in which the applicant is licensed or registered on the date of his licensing or registration in such state or territory were substantially equal to the requirements for the registration of landscape architects in this state on the date of his application.

(2) Each applicant under this section shall pay to the board at the time of filing his application an original registration fee in the amount provided in subsection (2) of ORS 671.370.

671.370 (1) The State Board of Landscape Architect Examiners shall register as a landscape architect each applicant who demonstrates to the satisfaction of the board his fitness for such registration as provided in ORS 671.310 to 671.455.

(2) Each applicant under ORS 671.330 shall pay to the board upon his registration as a landscape architect an original registration fee to be determined by the board and uniformly required of all applicants, but not to exceed \$60.

(3) The board shall issue to each individual registered a certificate of registration. The certificate shall be prima facie evidence of the right of the individual to whom it is issued to represent himself as a landscape architect, subject to the provisions of ORS 671.310 to 671.455.

(4) Upon payment to the board of a fee of \$10 the board shall furnish to any landscape architect registered under the provisions of ORS 671.310 to 671.455 a duplicate of his certificate of registration.

671.380 (1) Each landscape architect registered under the provisions of ORS 671.310 to 671.455 shall apply to the State Board of Landscape Architect Examiners on or before the anniversary of the registration for a renewal of his registration. Each applicant for renewal of his registration shall pay to the board at the time of filing his application therefor a fee to be determined by the board and uniformly required of all applicants for renewal of registration, but not to exceed \$60.

(2) The board may, in its discretion, suspend the registration of any landscape architect registered under the provisions of ORS 671.310 to 671.455 who fails to renew his registration and pay the fee therefor. The board may reinstate any registration so suspended upon the payment of all past renewal fees.

671.390 (1) The State Board of Landscape Architect Examiners, in its discretion, and without examination, may issue to a landscape architect practicing outside this state a permit to assume or use the title of landscape architect for a specific, designated and described site within this state if the landscape architect:

(a) Applies in writing to the board, upon such form and in such manner as provided by the board, for a permit, and pays to the board at the time of filing his application a fee of \$25.

(b) Is 18 years of age or older.

(c) Presents satisfactory evidence to the board that he is competent to practice landscape architecture.

(2) The board, in its discretion, may designate a specific period for which the permit issued under subsection (1) of this section shall be valid. Upon expiration of the period designated for the permit a new permit may be issued upon application in the manner provided in this section.

671.400 The State Board of Landscape Architect Examiners may refuse to register any applicant, may refuse to renew the registration of any landscape architect registered under the provisions of ORS 671.310 to 671.455, may suspend for a period not exceeding one year or revoke the registration of any landscape architect registered under the provisions of ORS 671.310 to 671.455 or a permit issued under ORS 671.390 to a person who:

(1) Has obtained or attempted to obtain registration, or a permit, under ORS 671.310 to 671.455 by fraud or material misrepresentation.

(2) Is impersonating or has attempted to impersonate a landscape architect or a former landscape architect, or is practicing under an assumed or fictitious name.

(3) Is found by the board to have been guilty of fraud, deceit or gross negligence in the practice of landscape architecture.

(4) Has affixed his signature to plans, drawings, specifications or other professional documents which have not been prepared by him or under his immediate and responsible direction or has permitted his name to be used for the purpose of assisting any individual, not a landscape architect, to evade the provisions of ORS 671.310 to 671.455.

671.405 (1) Where the State Board of Landscape Architect Examiners proposes to revoke or suspend a registration, opportunity for hearing shall be accorded as provided in ORS 183.310 to 183.500.

(2) Promulgation of rules, conduct of hearings, issuance of orders and judicial review of rules and orders

shall be in accordance with ORS 183.310 to 183.500.

671.420 After revocation of the registration of a landscape architect registered under the provisions of ORS 671.310 to 671.455 for gross negligence in the practice of landscape architecture as provided in subsection (3) of ORS 671.400 the State Board of Landscape Architect Examiners may not renew or reissue such license without an examination. The individual whose registration is revoked may file a new application for an examination with the board, and upon showing that all loss caused by the gross negligence for which the license was revoked has been fully satisfied and that all conditions imposed by the decision of revocation have been complied with, the board may at its discretion issue a new license.

671.440 No person shall:

(1) Obtain or attempt to obtain registration as a landscape architect or a permit under ORS 671.390 by fraud or material misrepresentation.

(2) Wilfully make a false oath or affirmation under subsection (1) or (2) of ORS 671.330, ORS 671.360 or 671.390.

671.450 The State Board of Landscape Architect Examiners may, upon its own motion or upon the verified complaint in writing of any person, investigate any alleged violation of ORS 671.310 to 671.455. The board may, in its discretion, disregard any complaint filed more than two years after the act or omission alleged as a violation of ORS 671.310 to 671.455.

671.455 There is created in the Department of Commerce the State Board of Landscape Architect Examiners. The board shall consist of three members to be appointed by the Director of Commerce with the approval of the Governor. Each of the members shall be a landscape architect registered under the provisions of ORS 671.310 to 671.455, and shall be a resident of this state.

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

