

# Chapter 702

## 1987 REPLACEMENT PART

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## **OCCUPATIONS AND PROFESSIONS**

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**GENERAL PROVISIONS**

**702.010 Definitions.** As used in ORS 702 010 to 702 175, unless the context requires otherwise:

(1) "Commissioner" means the Commissioner of the Bureau of Labor and Industries

(2) "Consumer electronic entertainment equipment" means equipment normally used for the reception, production, reproduction and processing of audio, video and other electronic data for the consumer, but not including coin-operated consumer electronic entertainment equipment

(3) "Pickup point" means an office that accepts consumer electronic entertainment equipment, at which no servicing of the equipment is performed, and from which the equipment is transferred elsewhere for service

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

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

(6) "Technician" means a person certified under ORS 702 100 to service consumer electronic entertainment equipment

(7) "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, 1979 c 352 §4, 1983 c 411 §1, 1987 c 414 §91a, 1987 c 456 §7]

**702.020 Application.** Nothing in ORS 702 010 to 702 175 shall prohibit

(1) Any person from servicing the person's own or regular employer's consumer electronic entertainment equipment,

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

(3) Any student enrolled in an elementary or secondary public school from servicing consumer electronic entertainment 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,

(4) Any person from performing service or work for a cable television system operating under a franchise or permit, or

(5) Any person from servicing only consumer electronic entertainment equipment manufactured prior to 1957 [1971 c 771 §21, 1973 c 576 §1, 1983 c 411 §2]

**Note** The amendments to 702 020 by section 138, chapter 447, Oregon Laws 1987, take effect July 1, 1989 See section 143, chapter 447, Oregon Laws 1987 The text is set forth for the user's convenience

**Sec 138** Nothing in ORS 702 010 to 702 175 shall prohibit

(1) Any person from servicing the person's own or regular employer's consumer electronic entertainment equipment

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

(3) Any student enrolled in an elementary or secondary public school from servicing consumer electronic entertainment 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,

(4) Any person from performing service or work for a cable television system operating under a franchise or permit, or

(5) Any person from servicing only consumer electronic entertainment equipment manufactured prior to 1957

**REGULATION**

**702.050 Service dealer license required; representation by unlicensed person prohibited.** (1) No service dealer shall service any type of consumer electronic entertainment equipment unless the service dealer has obtained a license provided for by ORS 702 090 (1) for that type of consumer electronic entertainment equipment

(2) No service dealer shall permit a person in the employ of the service dealer to perform service on any type of consumer electronic entertainment equipment unless the person has a valid license to service that type of consumer electronic entertainment equipment

(3) Unless a person is licensed under the provisions of ORS 702 090 or is exempt under ORS 702 020, a person may not indicate or tend to indicate in any manner or represent that the person is in the business of repairing consumer electronic entertainment equipment [1971 c 771 §2, 1979 c 352 §5, 1983 c 411 §3]

**702.060 Service dealer billing procedure; contents of billing; estimates; 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 consumer electronic entertainment 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 commissioner 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

(5)(a) If a customer so requests, the service dealer shall tender a written or oral estimate of the cost of the repairs, including the charge for making the estimate, if any. The date and time of the estimate and the name of the customer or customer's agent shall be entered on, or attached to, the invoice

(b) If the final cost to the customer exceeds the estimate by more than 20 percent, the service dealer must obtain written or oral consent of the customer or customer's agent to complete the servicing. The date and time of the consent and the name of the person giving consent shall be entered on, or attached to, the invoice [1971 c 771 §12, 1973 c 832 §62, 1979 c 352 §6, 1983 c 411 §4]

**702.070 Technician license required; trainee status.** Except as provided in ORS 702 020, no person shall perform or offer to perform service on any type of consumer electronic entertainment equipment unless the person has obtained a license as a technician provided for by

ORS 702 100 (1) and (2) to service that type of consumer electronic entertainment equipment and is employed by a service dealer, is 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, 1983 c 411 §5]

**702.080 Display of service dealer license.** A service dealer shall display a copy of the license of the dealer prominently in the place of business [1971 c 771 §13, 1983 c 411 §6]

**702.083 Dealer to inform commissioner of names of employed technicians or trainees.** At the time of license issuance or renewal a service dealer shall inform the commissioner of the names of technicians or trainees in the dealer's employ [1979 c 352 §2, 1983 c 411 §7]

**702.087 Unlicensed pickup point prohibited.** No person shall operate a pickup point without a license for the pickup point [1979 c 352 §16]

## LICENSING

**702.090 Service dealer license, fee; qualifications.** (1) Upon application therefor, accompanied by the required fee, the commissioner shall grant a license as a service dealer to an applicant who satisfies the requirements in subsections (2) and (3) of this section

(2) The applicant must furnish satisfactory evidence that the applicant

(a) Is a technician or employs a technician full time and is responsible for the quality of the service performed

(b) Will be engaged in the business of servicing consumer electronic entertainment equipment at a fixed place of business

(c) Has complied with all applicable provisions of ORS 702 010 to 702 175 and the applicable rules of the commissioner

(3) The applicant must certify to the commissioner that the applicant maintains and will continue during the licensing period to maintain electronic testing equipment and other equipment necessary to provide the service represented as being within the capability of the applicant or the applicant's business

(4) If a consumer electronic entertainment equipment business changes ownership, irrespective of the name, the new owner or manager shall make application for a service dealer license accompanied with the required fee

(5) A new license shall be required if the service dealer relocates. The commissioner shall issue the new license without charge.

(6) A branch office or a pickup point of a service dealer shall be licensed separately [1971 c 771 §6, 10, 1973 c 832 §63, 1977 c 873 §24, 1977 c 874 §6a, 1979 c 352 §7, 1983 c 411 §9, 1985 c 269 §1]

**702.100 Technician license; fee; qualifications.** (1) Upon application therefor, accompanied by the required fee, the commissioner shall grant a technician license to any applicant who performs to the satisfaction of the commissioner in the written or oral examination prescribed by the commissioner and furnishes satisfactory evidence that the applicant

(a) Has been engaged in the business of servicing consumer electronic entertainment equipment for at least three years,

(b) Has been engaged in the business of servicing consumer electronic entertainment equipment for at least two years and has satisfactorily completed a program in the servicing of consumer electronic entertainment equipment

(A) At a post-high school public education agency,

(B) At a school approved by the commissioner,

(C) In a correspondence program approved by the commissioner,

(D) In a program for instruction of apprentices or trainees that meets the requirements of ORS chapter 660,

(E) In a program, approved by the commissioner, in the Armed Forces of the United States, or

(c) Has other experience or qualifications that the commissioner finds sufficient

(2) An applicant for a technician license who has not passed the examination but who otherwise meets the qualifications of subsection (1) of this section and gives such proof of experience as the commissioner may require, may be granted a temporary technician license which shall be valid for a period of 90 days after issuance and shall not be renewable

(3) Except as provided in ORS 702.135 (3), no examination shall be required for the renewal of a technician license unless the competency of the technician is questioned. If the competency is so questioned by written complaint to the commissioner, the commissioner shall investigate the complaint to determine if the technician shall be required to complete the examination with a passing score before the license shall be renewed

[1971 c 771 §§5, 9, 1973 c 832 §§64, 64a, 1977 c 873 §25, 1977 c 874 §7a, 1979 c 352 §8, 1983 c 411 §10, 1987 c 456 §1]

**702.105 Examination for technician license; reexamination.** The commissioner shall provide for the examination and reexamination of persons desiring to obtain a technician license. Examinations and reexaminations shall be in such written or oral form as the commissioner considers appropriate. In addition to the fee required to be submitted with an application for a technician license, the commissioner may require the payment of a fee in an amount to cover the costs of administration for each examination or reexamination of an applicant [1973 c 799 §6, 1979 c 352 §9, 1983 c 411 §11]

**702.110** [1971 c 771 §7, 1973 c 799 §3, 1973 c 832 §65, 1974 ss c 69 §1, 1975 c 787 §1, 1979 c 352 §10, repealed by 1983 c 411 §21]

**702.120 Trainee license; qualifications; renewal.** (1) Upon application therefor, the commissioner shall grant a trainee license to any applicant who furnishes satisfactory evidence that the applicant is employed to service consumer electronic entertainment equipment and works under the supervision of a technician, is taking, or has completed, a program in electronics and the servicing of consumer electronic entertainment equipment and furnishes proof of enrollment in or completion of

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

(b) A school approved by the commissioner,

(c) A correspondence program approved by the commissioner,

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

(e) A program, approved by the commissioner, in the Armed Forces of the United States

(2) Notwithstanding subsection (1) of this section, upon application therefor, the commissioner may grant a trainee license to any applicant who, in the judgment of the commissioner, furnishes evidence of other satisfactory experience or qualifications

(3) Either a completion certificate or a transcript of grades for all trainees shall be reviewed prior to annual renewal of a trainee license

(4) Within 60 days prior to the end of the third year or upon completion of the requirements of ORS 702.100 (1) a trainee who holds a license under this section must apply and pay the fees for and take the technician examination. If the trainee fails to pass the examination, the

trainee may renew the trainee license by paying the appropriate fee. Annually thereafter, the trainee must apply and pay the fee for and take the technician examination before the trainee license can be renewed [1971 c 771 §4, 1973 c 832 §66, 1979 c 352 §11, 1983 c 411 §12, 1987 c 414 §92, 1987 c 456 §2]

**702.130 Limited licenses.** (1) If an applicant for a license under ORS 702.090 to 702.120 requests in the application that the license be limited to the servicing of a certain type or types of consumer electronic entertainment equipment, the commissioner may grant such a limited license by indorsing thereon the limitation

(2) In the case of applications for limited licenses, the commissioner shall prescribe by rule experience and training requirements and shall require only those license qualifications that are directly related to the particular type of license requested [1971 c 771 §7a, 1973 c 799 §4, 1979 c 352 §12, 1983 c 411 §13]

**702.135 Renewal of licenses.** (1) A licensee may renew the license annually by payment of the renewal fee on or before the expiration date of the license. If payment is transmitted by postal service, the envelope must be postmarked on or before the expiration date of the license

(2) A license which has expired for two years or less may be renewed upon payment of the renewal fee and late penalty fee

(3) A person whose license has expired for more than two years must apply for a new license, pay the applicable fees and pass the required examination [1979 c 352 §3, 1983 c 411 §14]

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

(a) Has violated any provision of ORS 702.010 to 702.175 or any rule adopted under ORS 702.010 to 702.175

(b) Has obtained or attempted to obtain a license under ORS 702.010 to 702.175 by fraud or misrepresentation

(c) Has serviced any type of consumer electronic entertainment equipment without being licensed to service that type of consumer electronic entertainment equipment

(d) Has practiced dishonesty or fraud in servicing consumer electronic entertainment equipment

(e) Is guilty of gross negligence or gross incompetence in servicing consumer electronic entertainment equipment

(f) As a service dealer, has employed an unlicensed person as a technician or trainee

(g) Has violated the terms of an assurance of voluntary compliance that has been approved and filed with the appropriate court under ORS 646.632 or is the subject of any permanent injunction or final judgment or order of the court made under ORS 646.632 or 646.636

(2) All proceedings conducted by the commissioner to suspend or revoke a license and any hearing requested in relation to the refusal to grant a license shall be conducted under the provisions of ORS 183.310 to 183.550 [1971 c 771 §8, 1979 c 352 §13, 1983 c 411 §15, 1987 c 456 §3]

**702.150 Fees.** Fees required to be paid to the commissioner shall be paid in amounts determined by the commissioner and approved by the Executive Department, except that no fee shall exceed the following

- (1) Service dealer license, \$75
- (2) Pickup point license, \$25
- (3) Technician license, \$35
- (4) Temporary technician license, \$35
- (5) Trainee license, \$35
- (6) Technician license examination fee, \$25
- (7) Technician license reexamination fee, \$25
- (8) Late renewal fee of service dealer, \$20
- (9) Late renewal fee of technician, \$10
- (10) Late renewal fee of trainee, \$5
- (11) Late renewal fee of pickup point, \$5
- (12) Duplicate license fee, \$35 [1979 c 352 §14, 1983 c 411 §16]

## ADMINISTRATION

**702.160 Duties and powers of commissioner.** (1) In carrying out functions under ORS 702.010 to 702.175, the commissioner shall

(a) Develop and adopt rules as are necessary to carry out and implement the provisions of ORS 702.010 to 702.175 to the fullest extent allowed by law, provided they are consistent with the intent and purpose of ORS 702.010 to 702.175

(b) Conduct hearings to determine whether new or improved techniques in servicing can be reasonably incorporated into the rules adopted by the commissioner

(c) Administer ORS 702.010 to 702.175 for the protection of the public

(d) Maintain records of all hearings and meetings conducted in carrying out functions under ORS 702 010 to 702 175

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

(f) Receive from any person, or initiate personally, a complaint charging any person licensed under ORS 702 010 to 702 175 with dishonest or incompetent performance in any service capacity

(g) Enter the place of business of any service dealer subject to ORS 702 010 to 702 175 at any reasonable time and determine whether persons there engaged in any service capacity are operating in compliance with ORS 702 010 to 702 175 and the rules adopted thereunder

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

(1) Establish classes of licenses that authorize the servicing of only certain types of consumer electronic entertainment equipment

(2) The commissioner shall appoint pursuant to the State Personnel Relations Law such personnel as are necessary to carry out ORS 702 010 to 702 175 [1971 c 771 §§11, 18, 1983 c 411 §17, 1987 c 456 §8]

**702.165 When mailing of notice accomplishes service.** Mailing any notice required under ORS 702 010 to 702 175 by certified mail, registered mail or first class mail to the last-known address of any person or licensee accomplishes service of the notice. Refusal of the letter containing the notice by the person or licensee is prima facie evidence of receipt of the notice [1987 c 456 §5]

**702 170** [1971 c 771 §14, repealed by 1979 c 31 §1]

**702.175 Commissioner as arbitrator; arbitration procedure; costs.** In a dispute arising out of a contractual agreement between a

licensed service dealer and a member of the general public of the state, the commissioner may act as arbiter of the dispute. Upon agreement of all parties to such arbitration, the findings of the commissioner shall be binding on all parties to the dispute. There shall be no costs borne by any party for such arbitration [1987 c 456 §10]

**702 210** [1971 c 771 §15, 1983 c 411 §18, 1985 c 269 §2, repealed by 1987 c 414 §93a and 1987 c 456 §13]

**702 220** [1971 c 771 §16, 1979 c 352 §15, 1983 c 411 §20, repealed by 1987 c 456 §13]

**702.230** [1971 c 771 §17, 1973 c 832 §67, repealed by 1987 c 456 §13]

## PENALTIES

**702.990 Criminal 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]

**702.995 Civil Penalties.** (1) In addition to any other liability or penalty provided by law, a person who violates ORS 702 050 is subject to payment of a civil penalty to the Bureau of Labor and Industries in an amount of not more than \$1,000 for each offense

(2) A civil penalty under this section shall be determined and assessed by the commissioner in a contested case proceeding under ORS 183 310 to 183 550

(3) If a person against whom a civil penalty is assessed under this section does not pay the civil penalty within 60 days after the order assessing the penalty becomes final, the order shall have the same effect as a judgment of a court of record and the commissioner may file and execute upon this order in the same manner as the judgment of a court of record in this state

(4) All penalties shall be deposited in the General Fund in accordance with ORS 670 335 [1987 c 456 §12]

## **OCCUPATIONS AND PROFESSIONS**

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