

## 808-003-0035

### License Categories

(1) Licenses may be issued only for the following:

(a) All Phase;

**(b) Planting;**

~~(bc)~~ Standard; or

~~(ed)~~ Irrigation and Backflow Prevention.

~~(de)~~ Probationary All Phase Plus Backflow

(2) Except as set forth in section (3) of this rule, the following previously-issued limited licenses shall remain valid so long as the licensee continues to renew the license:

(a) Irrigation;

(b) Irrigation and Backflow Prevention;

(c) Sod & Seed; and

(d) Trees.

(3) The "All Phase" license shall include standard **(which includes planting)**, irrigation, and Backflow Prevention, unless, in lieu of Backflow Prevention, the landscape construction professional has signed an agreement with the Board prior to April 30, 1996 stating that the contractor will not perform Backflow Prevention work, with the penalty for violation of the agreement being \$1,000 and suspension of the landscape contracting business license and the landscape construction professional license who is the phase basis of the landscape contracting business.

## 808-003-0040

### Scope by License; Sanctions for Claims Filed against Probationary License; Tapping

(1) A licensed landscape contracting business may only advertise for or perform those phases of landscaping work for which its owners or employees hold a valid landscape construction professional license.

(2) The landscaping work a licensed landscape contracting business advertises for or performs shall be limited to the following:

(a) For an all phase license holder, all areas of landscaping work, plus the installation of backflow prevention assemblies unless, in lieu of Backflow Prevention, the landscape construction professional contractor has signed an agreement with the Board prior to April 30, 1996 stating that the landscape construction professional will not perform Backflow Prevention work;

(b) For an irrigation, no backflow limited license holder, irrigation functions, including the maintenance of irrigation systems with the use of compressed air;

(c) For a sod and seed limited license holder, grass seed planting or sod laying;

(d) For a tree limited license holder, install new or transplant trees;

**(e) For a planting limited license holder, install lawns, shrubs, vines, trees or nursery stock and perform grading and drainage services for the installation of nursery stock. A planting limited licensing holder cannot perform low voltage work.**

(ef) For a standard limited license holder, all areas of landscaping work except irrigation functions and the installation of backflow assemblies;

(fg) For an irrigation plus backflow license holder, irrigation functions, including the maintenance of irrigation systems with the use of compressed air and the installation of backflow assemblies.

(gh) For a probationary All Phase Plus Backflow license holder, all areas of landscaping work, provided all landscaping work on any given landscape job as defined in OAR 808-002-0495 must not exceed a total contract amount of \$15,000,

(3) A landscape contracting business may bid on a job or enter into a contract that includes the phase of landscaping work for which it is not licensed if that landscape contracting business:

(a) Upgrades the landscape contracting business license **phase** by employing a landscape construction professional licensed for that phase of landscaping work and notifies the board of this change in license prior to performing this landscaping work, or

(b) Subcontracts the landscaping work that is outside the phase of the license to another licensed landscape contracting business licensed for that phase of landscaping work and ~~provides the consumer with the subcontractors name, license number and a description of the work to be subcontracted~~ **comply with the minimum standards for written contracts** as required in OAR 808-002-0020(1)(k).

(4) If a landscape contracting business holds a probationary license and two or more claims are filed against the landscape contracting business within a 12 month period the owner or employee who holds the probationary landscape construction professional license and is providing supervision as described in ORS 671.540(15) and (16) or 671.565(1)(b) may be required to take specific continuing education hours (CEH) or approved courses as required by the board that are related to the claim issues. Failure to complete the required CEH or courses within the specified time frame may result, in addition to any civil penalties, revocation, refusal to renew or suspension of the probationary license of the landscape construction professional.

(5)(a) Tapping into the potable water supply and installation of irrigation or ornamental water feature backflow assemblies shall be done by a licensed landscape construction professional who has been qualified by examination to install backflow assemblies and who is either an employee or owner of a landscape contracting business. The landscape construction professional or landscape contracting business shall obtain all required permits prior to the installation of the backflow assembly and shall install the backflow assemblies in conformance with the applicable code requirements.

(b) If a landscape construction professional or landscape contracting business fails to obtain permits to tap into the potable water system for the installation of backflow assemblies for irrigation or ornamental water feature or fails to comply with applicable code requirements, the Board in addition to any other remedy, may suspend, condition or revoke the landscape construction professional or landscape contracting business license.

## **808-003-0045**

### **Change to Limited Licenses; Removal from Probationary Status**

(1) Landscape construction professionals holding limited licenses may upgrade that phase of license by passing additional sections of the exam. Licensees shall submit ~~the required fees and a~~ written request to take the additional sections of the exam.

(2) The following sections must be passed to upgrade to a standard landscape license:

(a) Sod & Seed license holders must pass ~~General A, General B, General C, and General D~~ **Plants, Grading and Drainage, and Hardscaping.**

(b) Tree license holders must pass ~~General A, General B, General C, and General D~~ **Plants, Grading and Drainage, and Hardscaping.**

**(c) Planting license holders must pass Hardscaping.**

(3) Holders of a **Standard license, Sod & Seed license, Planting license** or a Tree license must pass the irrigation and Backflow Prevention sections of the landscape examination to upgrade that phase of license to **include** irrigation plus backflow

(4) If the phase of license for a landscape contracting business license changes, the landscape contracting business must immediately stop advertising for or performing those phases of landscaping work for which the business no longer holds a license.

(5) Probationary license holders may obtain removal from probationary status by:

(a) Demonstrating one or more of the following after the date of obtaining the probationary license:

(A) Completion of 24 months or more of employment with an actively licensed landscape contracting business under the direct supervision of a non-probationary licensed landscape construction professional,

(B) Completion of 24 months or more as an owner or employee of an actively licensed landscape contracting business providing supervision as described in ORS 671.540 (15) or 671.565(1)(b) for a period of 24 months where the landscaping work performed on any landscape job by the landscape contracting business did not exceed \$15,000 and where the landscape contracting business filed and maintained with the board a bond, letter of credit or deposit in the amount of \$15,000, or

(C) Completion of 24 months or more as an actively licensed construction contractor under ORS Chapter 701.

(b) Submitting a written request to the board for removal of the probationary status.

## **808-003-0060**

### **Examinations**

(1) The exam will consist of the following sections:

(a) Laws, Rules and Business Practice which includes Contract Law, General Business, and Agency Involvement;

**(b) Plants;**

**(c) Grading and Drainage;**

**(d) Hardscaping;**

**(e) Irrigation Systems, which includes, but is not limited to pipes and fittings, electrical, head and nozzles, Hydraulics, installation/practical application, plan questions, winterizing, repair/troubleshooting, valves, plant culture, drip irrigation, design, and pumps; and**

**(f) Backflow, which includes, but is not limited to the installation of irrigation and ornamental water feature backflow assemblies, cross connections, piping, valves, and related plumbing code provisions.**

(b) General which includes the following sections:

(A) Plants and turf;

(B) General construction;

(C) Grading and drainage; and

(D) General safety, estimating, soil science, chemicals and landscape design.

(c) Irrigation, which includes, but is not limited to pipes and fittings, electrical, head and nozzles, Hydraulics, installation/practical application, plan questions, winterizing, repair/troubleshooting, valves, plant culture, drip irrigation, design, and pumps.

(d) Backflow Prevention, which includes, but is not limited to the installation of irrigation and ornamental water feature backflow assemblies, cross connections, piping, valves, and related plumbing code provisions.

(2) All applicants must successfully pass the Laws, Rules and Business Practice section.

(3) **To obtain an All Phase plus Backflow License** If an applicant desires to be able to perform all areas of landscaping work including irrigation and the installation of the backflow assemblies, the applicant must successfully pass the Laws, Rules and Business Practice, **General Plants, Grading and Drainage, Hardscaping, Low Voltage; Design; & Personal Safety**, Irrigation and Backflow Prevention sections.

(4) **To obtain a Standard license** If an applicant desires to be able to perform all areas of landscaping work except irrigation and the installation of the backflow assemblies, the applicant must successfully pass the Laws, Rules and Business Practice, and **General Plants, Grading and Drainage, and Hardscaping** sections.

(5) **To obtain an Irrigation license** If an applicant desires to be able to perform only irrigation and the installation of the backflow assemblies, the applicant must successfully pass the Laws, Rules and Business Practice, Irrigation and Backflow Prevention sections.

**(6) To obtain a Planting license the applicant must successfully pass the Laws, Rules and Business Practice, Planting, and Grading and Drainage sections.**

**(67) To obtain a Probationary All Phase plus Backflow License** If an applicant desires to be able to perform all areas of landscaping work including irrigation and the installation of the backflow assemblies, the applicant must

successfully pass the Laws, Rules and Business Practice, ~~General~~**Plants,**  
**Grading and Drainage, Hardscaping,** Irrigation and Backflow Prevention  
sections within 12 months after the first sitting of any section of the examination.