

Enrolled Senate Bill 883

Sponsored by Senator FERRIOLI, Representative BUTLER; Representative HUNT (at the request of Oregonians for Food and Shelter, Oregon Seed Council, Oregon Farm Bureau Federation, Oregon Wheat Growers League, Oregon Forest Industries Council, Oregon Cattlemen’s Association, Northwest Food Processors Association)

CHAPTER

AN ACT

Relating to penalties for violation of pesticide laws; creating new provisions; amending ORS 634.900; and declaring an emergency.

Be It Enacted by the People of the State of Oregon:

SECTION 1. ORS 634.900 is amended to read:

634.900. (1) In addition to any other liability or penalty provided by law, the Director of Agriculture may impose a civil penalty on a person for violation of any of the provisions of this chapter relating to pesticide application, sale or labeling. The civil penalty for a first violation shall be [*a fine of*] not more than \$1,000. [*Upon a second*] **For a subsequent violation**, the [*State Department of Agriculture*] **director** may impose a [*fine*] **civil penalty** of not more than \$2,000.

(2) Notwithstanding subsection (1) of this section, if the violation of a provision relating to pesticide application, sale or labeling results from gross negligence or willful misconduct, the civil penalty for a first or subsequent violation may not exceed \$10,000.

[(2)] (3) A civil penalty may not be imposed under this section for violations other than those involving pesticide application, sale or labeling violation under this chapter. [*The director in every case shall prescribe a reasonable time for elimination of a violation.*]

[(a) *Not to exceed 30 days after first notice of a violation; or*]

[(b) *In cases where the violation requires more than 30 days to correct, such time as is specified in a plan of correction found acceptable by the director.*]

SECTION 2. The amendments to ORS 634.900 by section 1 of this 2007 Act apply to civil penalties imposed for violations of pesticide application, sale or labeling laws committed on or after the effective date of this 2007 Act.

SECTION 3. This 2007 Act being necessary for the immediate preservation of the public peace, health and safety, an emergency is declared to exist, and this 2007 Act takes effect on its passage.

Passed by Senate May 3, 2007

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Secretary of Senate

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President of Senate

Passed by House June 4, 2007

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Speaker of House

Received by Governor:

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Approved:

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Governor

Filed in Office of Secretary of State:

.....M,....., 2007

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Secretary of State