

# Senate Bill 883

Sponsored by Senator FERRIOLI, Representative BUTLER (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)

## SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**.

Allows imposition of civil penalty not to exceed \$10,000 if violation of pesticide application, sale or labeling laws results from gross negligence or willful misconduct.

Declares emergency, effective on passage.

## A BILL FOR AN ACT

1  
2 Relating to penalties for violation of pesticide laws; creating new provisions; amending ORS 634.900;  
3 and declaring an emergency.

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

5 **SECTION 1.** ORS 634.900 is amended to read:

6 634.900. (1) In addition to any other liability or penalty provided by law, the Director of Agri-  
7 culture may impose a civil penalty on a person for violation of any of the provisions of this chapter  
8 relating to pesticide application, sale or labeling. The civil penalty for a first violation shall be [*a*  
9 *fine of*] not more than \$1,000. [*Upon a second*] **For a subsequent** violation, the [*State Department*  
10 *of Agriculture*] **director** may impose a [*fine*] **civil penalty** of not more than \$2,000.

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

14 [(2)] (3) A civil penalty may not be imposed under this section for violations other than those  
15 involving pesticide application, sale or labeling violation under this chapter. [*The director in every*  
16 *case shall prescribe a reasonable time for elimination of a violation.*]

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

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

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

23 **SECTION 3.** This 2007 Act being necessary for the immediate preservation of the public  
24 peace, health and safety, an emergency is declared to exist, and this 2007 Act takes effect  
25 on its passage.  
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**NOTE:** Matter in **boldfaced** type in an amended section is new; matter [*italic and bracketed*] is existing law to be omitted.  
New sections are in **boldfaced** type.