

FISCAL IMPACT OF PROPOSED LEGISLATION

Measure: SB 54

Seventy-Sixth Oregon Legislative Assembly – 2011 Regular Session
Legislative Fiscal Office

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Measure Description:

Permits Director of Oregon Department of Aviation to impose civil penalties for violations of aviation laws, rules or orders.

Government Unit(s) Affected:

Department of Aviation (ODA)

Summary of Expenditure Impact – See Comments

Summary of Revenue Impact – See Comments

Local Government Mandate:

This bill does not affect local governments' service levels or shared revenues sufficient to trigger Section 15, Article XI of the Oregon Constitution.

Analysis:

SB 54 permits the Director of the Oregon Department of Aviation to impose civil penalties for violation of aviation laws, rules or orders. Revenue from these civil penalties would be deposited in the General Fund.

The Director of the Department of Aviation currently may issue citations for violations of ODA rules, laws and orders in ORS 837.100. Violations of ODA rules and orders are Class A violations. Violations related to prohibited operation of an aircraft are Class B misdemeanors. SB 54 expands the enforcement authority of ODA by also allowing the Director to impose a civil penalty, not to exceed \$750, for each violation of ODA rules and orders and to impose a civil penalty, not to exceed \$2,500 for violations related to prohibited operation of an aircraft.

ODA would use the civil penalty authority as a last resort when other remedies have been exhausted. ODA estimates that there would be approximately 20 civil penalties imposed on violations of rules and orders in the 2011-13 biennium. Approximately 5 civil penalties would be imposed in the 2011-13 biennium for violations related to prohibited use of an aircraft.

ODA reports that it can absorb the additional workload with existing staff. ODA will incur additional Attorney General and hearing notice costs of approximately \$23,375 in 2011-13. ODA also estimates that \$27,500 General Fund in civil penalty revenue might be generated.

ODA also estimates that this additional enforcement authority will enable the agency to improve its collection of fees that are owed to the agency, including aircraft and pilot registration fees. The agency estimates that it could collect \$15,153 in fees in 2011-13 that would otherwise not be collected.

