

Enrolled
Senate Bill 485

Sponsored by Senator BONAMICI (at the request of Jon and Lynn Putnam) (Pre-session filed.)

CHAPTER

AN ACT

Relating to the Real Estate Agency; and declaring an emergency.

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

SECTION 1. (1) If the Real Estate Agency has reason to believe that a person has engaged, is engaging or is about to engage in a violation of ORS 696.020 (2) or 696.603 (1), the agency may, subject to ORS chapter 183, issue an order directing the person to cease and desist from the violation or threatened violation.

(2) A cease and desist order issued under subsection (1) of this section must include:

(a) A statement of the facts constituting the violation.

(b) A provision requiring the person named in the order to cease and desist from the violation.

(c) The effective date of the order.

(d) A notice to the person named in the order of the right to a contested case hearing under ORS chapter 183.

(3) A cease and desist order issued under subsection (1) of this section becomes effective 30 days after the date of the order unless the person named in the order requests a hearing on the order.

(4) A final cease and desist order issued under subsection (1) of this section may be recorded in the County Clerk Lien Record in the manner provided by ORS 205.125 and enforced in the manner provided by ORS 205.126. After the order is recorded, and subject to any other requirements that may apply to the enforcement remedy sought by the agency, the agency may commence proceedings for the enforcement of the order in the same manner as provided for the enforcement of judgments issued by a court, including contempt proceedings.

(5) The Attorney General, the prosecuting attorney of any county or the agency, in its own name, may maintain an action for an injunction in a court of competent jurisdiction against a person violating ORS 696.020 (2), 696.511 (1) or 696.603 (1). An injunction may be issued without proof of actual damage sustained by any person. An injunction does not relieve a person from criminal prosecution for violation of this section or from any other civil, criminal or disciplinary remedy.

SECTION 2. This 2011 Act being necessary for the immediate preservation of the public peace, health and safety, an emergency is declared to exist, and this 2011 Act takes effect on its passage.

Passed by Senate April 19, 2011

Repassed by Senate June 16, 2011

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Robert Taylor, Secretary of Senate

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Peter Courtney, President of Senate

Passed by House June 14, 2011

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Bruce Hanna, Speaker of House

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Arnie Roblan, Speaker of House

Received by Governor:

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Approved:

.....M,....., 2011

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John Kitzhaber, Governor

Filed in Office of Secretary of State:

.....M,....., 2011

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Kate Brown, Secretary of State