

**PRELIMINARY STAFF MEASURE SUMMARY****CARRIER:**

House Committee on Transportation &amp; Economic Development

**REVENUE:** No revenue impact**FISCAL:** Minimal fiscal impact, no statement issued**SUBSEQUENT REFERRAL TO:** No subsequent referral**Action:****Vote:**

Yeas:

Nays:

Exc.:

**Prepared By:** Troy Rayburn, Administrator**Meeting Dates:** 4/24**WHAT THE MEASURE DOES:** Authorizes Director of Department of Aviation to impose civil penalties for violations of aviation laws, rules and orders. Declares emergency, effective on passage.**ISSUES DISCUSSED:**

Issues discussed in the House Committee on Transportation and Economic Development:

- Administrative Procedures Act
- Rule-making / narrow scope of definition
- Safety issue

Issues discussed in Senate Committee on Business and Transportation:

- Examples of violations to which civil penalties might apply
- Emergency clause

**EFFECT OF COMMITTEE AMENDMENT:** No amendment.**BACKGROUND:** Senate Bill 178 passed out of the Senate Committee on Business and Transportation 5-0-1. Passed the Senate chamber 26-2-2.

The Oregon Department of Aviation (ODA) currently has the authority to issue citations for offenses as outlined in ORS 837 in cases where the offense is witnessed by the Director or his/her representative. Given that the Department manages 28 airports across Oregon, however, the circumstances under which Department staff may be present to witness such events are extremely rare. Senate Bill 178 provides the ODA with the authority to issue a civil penalty of up to \$720 for violations of provisions of ORS 837, of rules adopted, or of orders issued under the chapter.

Senate Bill 178 also provides the Department with authority to impose a larger civil penalty of up to \$2,500 for violations under ORS 837.080. Such offenses include operating an aircraft while under the influence of intoxicating liquor, drugs or controlled substances, or doing so in a careless or reckless manner so as to endanger the life or property of another person.