

Enrolled
House Bill 2188

Introduced and printed pursuant to House Rule 12.00. Presession filed (at the request of House Interim Committee on Education)

CHAPTER

AN ACT

Relating to career school civil penalties; amending ORS 345.995; and declaring an emergency.

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

SECTION 1. ORS 345.995 is amended to read:

345.995. (1) After consultation with the advisory committee established under ORS 345.330, the State Board of Education shall adopt by rule a schedule or schedules establishing the amount of civil penalty that may be imposed for a particular violation of ORS 345.010 to 345.450. [No] A civil penalty [shall] **may not** exceed \$500 per violation. The board shall consult with the Attorney General before adopting the schedule of penalties for violations of ORS 345.120 (2)(d).

(2) In imposing a penalty for violation of ORS 345.010 to 345.450 pursuant to the schedule or schedules authorized by this section, the Superintendent of Public Instruction shall consider the following factors:

(a) The past history of the person incurring a penalty in taking all feasible steps or procedures necessary or appropriate to correct any violation.

(b) Any prior violations of ORS 345.010 to 345.450 or rules adopted pursuant thereto.

(c) The economic and financial conditions of the person incurring a penalty.

(3) The penalty imposed under this section may be remitted or mitigated upon such terms and conditions as the superintendent considers proper and consistent with the public welfare.

(4) The superintendent may impose penalties [which] **that** may be remitted or mitigated on condition that a particular violation not continue or occur after a certain period not to exceed 15 days.

(5) From each penalty recovered under this section, the superintendent may retain reasonable costs related to the investigation and assessment of the penalty. This subsection does not apply to penalties that are required to be deposited in the Tuition Protection Fund established under ORS 345.110.

SECTION 2. ORS 345.995, as amended by section 39, chapter 104, Oregon Laws 2012, is amended to read:

345.995. (1) After consultation with the advisory committee established under ORS 345.330, the Higher Education Coordinating Commission shall adopt by rule a schedule or schedules establishing the amount of civil penalty that may be imposed for a particular violation of ORS 345.010 to 345.450. [No] A civil penalty [shall] **may not** exceed \$500 per violation. The commission shall consult with the Attorney General before adopting the schedule of penalties for violations of ORS 345.120 (2)(d).

(2) In imposing a penalty for violation of ORS 345.010 to 345.450 pursuant to the schedule or schedules authorized by this section, the commission shall consider the following factors:

(a) The past history of the person incurring a penalty in taking all feasible steps or procedures necessary or appropriate to correct any violation.

(b) Any prior violations of ORS 345.010 to 345.450 or rules adopted pursuant thereto.

(c) The economic and financial conditions of the person incurring a penalty.

(3) The penalty imposed under this section may be remitted or mitigated upon such terms and conditions as the commission considers proper and consistent with the public welfare.

(4) The commission may impose penalties [which] that may be remitted or mitigated on condition that a particular violation not continue or occur after a certain period not to exceed 15 days.

(5) From each penalty recovered under this section, the commission may retain reasonable costs related to the investigation and assessment of the penalty. This subsection does not apply to penalties that are required to be deposited in the Tuition Protection Fund established under ORS 345.110.

SECTION 3. This 2013 Act being necessary for the immediate preservation of the public peace, health and safety, an emergency is declared to exist, and this 2013 Act takes effect on its passage.

Passed by House June 19, 2013

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Ramona J. Line, Chief Clerk of House

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Tina Kotek, Speaker of House

Passed by Senate June 29, 2013

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Peter Courtney, President of Senate

Received by Governor:

.....M,....., 2013

Approved:

.....M,....., 2013

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John Kitzhaber, Governor

Filed in Office of Secretary of State:

.....M,....., 2013

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Kate Brown, Secretary of State