

Senate Bill 283

Sponsored by Senator BOQUIST (Pre-session filed.)

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**.

Permits person to request Secretary of State to verify whether another person that is engaged in business in this state is registered with Secretary of State as provided under applicable law. Requires Secretary of State to investigate person's business and verify if person is registered. Provides that if Secretary of State finds that person is not registered as required, Secretary of State shall notify person of requirement to register and specify date for compliance. Provides that Secretary of State shall charge fee of \$50 for registration in addition to applicable filing fees.

Provides that Secretary of State shall impose civil penalty of \$1,000 on person that fails to register by specified date and additional civil penalty of \$1,000 for each 90-day period after date of initial penalty during which person continues to engage in business without registering.

Becomes operative 91 days after effective date of Act.

Declares emergency, effective on passage.

A BILL FOR AN ACT

1
2 Relating to registration requirements for persons engaging in business in this state; and declaring
3 an emergency.

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

5 **SECTION 1. Section 2 of this 2013 Act is added to and made a part of ORS chapter 56.**

6 **SECTION 2. (1) A person may request that the Secretary of State verify whether another**
7 **person that is engaged in business in this state is registered with the Secretary of State. The**
8 **person that makes the request shall provide the office of the Secretary of State with infor-**
9 **mation sufficient to identify and contact the person that is engaged in business in this state.**

10 **(2) The Secretary of State, for the purposes set forth in this section, shall investigate the**
11 **nature of the business activities of the person that is the subject of a request under sub-**
12 **section (1) of this section only to the extent necessary to determine whether applicable law**
13 **requires the person to register with the office of the Secretary of State. If the Secretary of**
14 **State determines that the person must register, the Secretary of State, using information**
15 **available to the Secretary of State in carrying out the Secretary of State's business registry**
16 **functions under ORS 56.022, shall verify whether the person that is the subject of a request**
17 **under subsection (1) of this section has registered.**

18 **(3) If the Secretary of State finds that a person that must register has not registered**
19 **as provided under the law that applies to the type of business in which the person is engaged,**
20 **the Secretary of State shall notify the person of the requirement to register, specifying a**
21 **date by which the person must comply with the applicable law. The date by which the person**
22 **must comply may not be more than 30 days after the date of the notice. The Secretary of**
23 **State shall charge and collect from a person that registers under this section a fee of \$50 in**
24 **addition to and not in lieu of any applicable filing fees.**

25 **(4) The Secretary of State shall impose a civil penalty of \$1,000 on a person that does not**
26 **comply with a notice from the Secretary of State under subsection (3) of this section by the**

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.

1 **date specified for compliance. After the date on which the Secretary of State imposes the**
2 **initial civil penalty under this subsection, the Secretary of State shall impose an additional**
3 **civil penalty of \$1,000 for each 90-day period during which the person continues to engage in**
4 **business without registering under applicable law. The Secretary of State shall impose a civil**
5 **penalty under this paragraph in accordance with ORS 183.745.**

6 **(5) The Secretary of State shall deposit moneys the Secretary of State collects under**
7 **subsection (3) or (4) of this section into the Secretary of State Administration Division Ac-**
8 **count as provided in ORS 177.140.**

9 **(6) The Secretary of State by rule shall prescribe a form and manner in which a person**
10 **may make a request under subsection (1) of this section and the form and contents of the**
11 **notice required under subsection (3) of this section.**

12 **SECTION 3. (1) Section 2 of this 2013 Act becomes operative 91 days after the effective**
13 **date of this 2013 Act.**

14 **(2) The Secretary of State may take any action before the operative date specified in**
15 **subsection (1) of this section that is necessary to enable the Secretary of State to exercise,**
16 **on and after the operative date specified in subsection (1) of this section, all of the duties,**
17 **functions and powers conferred on the Secretary of State by section 2 of this 2013 Act.**

18 **SECTION 4. This 2013 Act being necessary for the immediate preservation of the public**
19 **peace, health and safety, an emergency is declared to exist, and this 2013 Act takes effect**
20 **on its passage.**

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