



**Testimony of Kimberly McCullough, Legislative Director
Concerning SB 844 and the -1 Amendments
Joint Committee Implementing Measure 91
March 23, 2015**

Chair Lininger, Chair Burdick, and Members of the Committee:

Thank you for the opportunity to submit comments regarding SB 844, and more specifically regarding the proposed -1 amendments, which are based upon the Oregon Liquor Control Commission's suggested changes to Measure 91. The ACLU of Oregon has concerns about the following provisions of the -1 amendments:

Section 9 (page 11, line 27) and Section 16 (page 16, line 20): Requires identification be checked for all sales of marijuana, even if there is no reasonable doubt that the purchaser is over 21 years of age and allows OLCC to require marijuana sellers to use ID scanners to verify that purchasers are over 21 years of age. If enacted, these provisions will lead to a system where every purchaser of marijuana will have their ID card swiped at the time of purchase. The ACLU of Oregon has concerns about the privacy implications of such a system.

First, it is unclear why purchasers who are clearly far beyond 21 years of age must have their identities checked. State law related to alcohol sales requires IDs to be checked when there is "any reasonable doubt of the person's having reached 21 years of age." ORS 471.130. Checking identification in the context of recreational marijuana sales should be no different. Certainly, checking identification for age verification is necessary to curtail sales to minors, but checking identification for individuals about whom there is no doubt that they exceed 21 years of age does not serve any apparent lawful purpose.

Second, if all purchasers are required to have their ID checked and the use of ID scanners is mandated, such a system would conflict with ORS 807.745 and ORS 807.750, which place restrictions on swiping drivers' licenses and identification cards by private entities. These restrictions were enacted by the legislature in 2009 in order to protect Oregonians' privacy.

More specifically, the 2009 Legislative Assembly acknowledged that "[m]achine-readable features found on driver licenses, driver permits and identification cards are intended to facilitate verification of age or identity, not to facilitate collection of personal information about individuals nor to facilitate the creation of private databases of transactional information associated with those individuals," and "[e]asy access to the information found on driver licenses, driver permits and identification cards facilitates the crime of identity theft, which is a major concern in Oregon."

Under ORS 807.750, private entities may not swipe ID cards except to verify that the identity of a person using a credit card matches their ID card, to verify age of an individual "about whom there is

any reasonable doubt of the person's having reached 21 years of age," to prevent fraud, and to verify electronic funds transfers. In addition, the entity may not store, sell, or share the information obtained by swiping the card (except in very limited circumstances enumerated in the statute).

Section 29 (page 30, line 27): Allows imposition of civil penalties up to \$5000 per day, per violation.

The ACLU of Oregon is concerned about the severity of monetary penalties authorized under this section. \$5000 per day, per violation, far exceeds analogous civil penalties imposed by the OLCC related to alcohol. More specifically, ORS 471.990 provides that the maximum civil penalty the OLCC may impose related to alcohol regulation is a single fine (not multiplied for each day the violation continues) of \$500 for individuals and \$1000 for corporations, with a presumptive fine of \$160. The ACLU of Oregon urges the committee to adopt fines which more closely track the fines for alcohol.

Thank you for your attention to the concerns addressed above. Please feel free to contact me with any questions.

cation card may be renewed only upon presentation of valid documentation, as determined by the department by rule, that the status by which the applicant qualified for the limited term driver license, limited term driver permit or limited term identification card has been extended or is still in effect.

(5) A limited term driver license or limited term driver permit grants the same privileges as a driver license or driver permit.

(6) A limited term identification card shall bear a statement to the effect that the limited term identification card is not a license or any other grant of driving privileges to operate a motor vehicle and is to be used for identification purposes only. [2008 c.1 §4; 2009 c.258 §1]

807.735 Providing assistance to applicants for driver licenses, driver permits and identification cards. (1) Using existing resources, the Department of Transportation shall provide ombudsman services to applicants for a driver license, a driver permit or an identification card. An ombudsman shall assist applicants who are otherwise qualified for issuance, renewal or replacement of a driver license, a driver permit or an identification card but who are unable to produce the documentation required by the department under ORS 807.021 and 807.730.

(2) The department may not provide ombudsman services to an applicant unless the applicant certifies in writing that the applicant is, to the best of the applicant's knowledge, legally present in the United States. [2008 c.1 §34]

Note: 807.735 was enacted into law by the Legislative Assembly but was not added to or made a part of the Oregon Vehicle Code or any chapter or series therein by legislative action. See Preface to Oregon Revised Statutes for further explanation.

807.745 Findings regarding personal information contained in driver licenses, driver permits and identification cards. The Legislative Assembly finds that:

(1) Oregon recognizes the importance of protecting the confidentiality and privacy of an individual's personal information contained in driver licenses, driver permits and identification cards.

(2) Machine-readable features found on driver licenses, driver permits and identification cards are intended to facilitate verification of age or identity, not to facilitate collection of personal information about individuals nor to facilitate the creation of

private databases of transactional information associated with those individuals.

(3) Easy access to the information found on driver licenses, driver permits and identification cards facilitates the crime of identity theft, which is a major concern in Oregon. [2009 c.546 §1]

Note: 807.745 and 807.750 were enacted into law by the Legislative Assembly but were not added to or made a part of the Oregon Vehicle Code or any chapter or series therein by legislative action. See Preface to Oregon Revised Statutes for further explanation.

807.750 Restrictions on swiping driver licenses or identification cards. (1) As used in this section:

(a) "Driver license" means a license or permit issued by this state or any other jurisdiction as evidence of a grant of driving privileges.

(b) "Identification card" means the card issued under ORS 807.400 or a comparable provision in another state.

(c) "Personal information" means an individual's name, address, date of birth, photograph, fingerprint, biometric data, driver license number, identification card number or any other unique personal identifier or number.

(d) "Private entity" means any nongovernmental entity, such as a corporation, partnership, company or nonprofit organization, any other legal entity or any natural person.

(e) "Swipe" means the act of passing a driver license or identification card through a device that is capable of deciphering, in an electronically readable format, the information electronically encoded in a magnetic strip or bar code on the driver license or identification card.

(2) Except as provided in subsection (6) of this section, a private entity may not swipe an individual's driver license or identification card, except for the following purposes:

(a) To verify the authenticity of a driver license or identification card or to verify the identity of the individual if the individual pays for a good or service with a method other than cash, returns an item or requests a refund.

(b) To verify the individual's age when providing an age-restricted good or service to any person about whom there is any reasonable doubt of the person's having reached 21 years of age.

(c) To prevent fraud or other criminal activity if an individual returns an item or requests a refund and the private entity uses a fraud prevention service company or system.

(d) To transmit information to a check services company for the purpose of approving negotiable instruments, electronic funds transfers or similar methods of payment.

(3) A private entity that swipes an individual's driver license or identification card under subsection (2)(a) or (b) of this section may not store, sell or share personal information collected from swiping the driver license or identification card.

(4) A private entity that swipes an individual's driver license or identification card under subsection (2)(c) or (d) of this section may store or share the following information collected from swiping an individual's driver license or identification card for the purpose of preventing fraud or other criminal activity against the private entity:

- (a) Name;
- (b) Address;
- (c) Date of birth; and

(d) Driver license number or identification card number.

(5)(a) A person other than an entity regulated by the federal Fair Credit Reporting Act, 15 U.S.C. 1681 et seq., who receives personal information from a private entity under subsection (4) of this section may use the personal information received only to prevent fraud or other criminal activity against the private entity that provided the personal information.

(b) A person who is regulated by the federal Fair Credit Reporting Act and who receives personal information from a private entity under subsection (4) of this section may use or provide the personal information received only to effect, administer or enforce a transaction or prevent fraud or other criminal activity, if the person provides or receives personal information under contract from the private entity.

(6)(a) Subject to the provisions of this subsection, a private entity that is a commercial radio service provider that provides service nationally and that is subject to the Telephone Records and Privacy Protection Act of 2006 (18 U.S.C. 1039) may swipe an individual's driver license or identification card if the entity obtains permission from the

individual to swipe the individual's driver license or identification card.

(b) The private entity may swipe the individual's driver license or identification card only for the purpose of establishing or maintaining a contract between the private entity and the individual. Information collected by swiping an individual's driver license or identification card for the establishment or maintenance of a contract shall be limited to the following information from the individual:

- (A) Name;
- (B) Address;
- (C) Date of birth; and
- (D) Driver license number or identification card number.

(c) If the individual does not want the private entity to swipe the individual's driver license or identification card, the private entity may manually collect the following information from the individual:

- (A) Name;
- (B) Address;
- (C) Date of birth; and
- (D) Driver license number or identification card number.

(d) The private entity may not withhold the provision of goods or services solely as a result of the individual requesting the collection of the following information from the individual through manual means:

- (A) Name;
- (B) Address;
- (C) Date of birth; and
- (D) Driver license number or identification card number.

(7) A governmental entity may swipe an individual's driver license or identification card only if:

(a) The individual knowingly makes the driver license or identification card available to the governmental entity;

(b) The governmental entity lawfully confiscates the driver license or identification card;

(c) The governmental entity is providing emergency assistance to the individual who is unconscious or otherwise unable to make the driver license or identification card available; or

(d) A court rule requires swiping of the driver license or identification card to facili-

tate accurate linking of court records pertaining to the individual.

(8) In addition to any other remedy provided by law, an individual may bring an action to recover actual damages or \$1,000, whichever is greater, and to obtain equitable relief, if equitable relief is available, against an entity that swipes, stores, shares, sells or otherwise uses the individual's personal information in violation of this section. A court shall award a prevailing plaintiff reasonable costs and attorney fees. If a court finds that a violation of this section was

willful or knowing, the court may increase the amount of the award to no more than three times the amount otherwise available.

(9) Any waiver of a provision of this section is contrary to public policy and is void and unenforceable. [2009 c.546 §2]

Note: See note under 807.745.

CHAPTER 808

[Reserved for expansion]

tate accurate linking of court records pertaining to the individual.

(8) In addition to any other remedy provided by law, an individual may bring an action to recover actual damages or \$1,000, whichever is greater, and to obtain equitable relief, if equitable relief is available, against an entity that swipes, stores, shares, sells or otherwise uses the individual's personal information in violation of this section. A court shall award a prevailing plaintiff reasonable costs and attorney fees. If a court finds that a violation of this section was

willful or knowing, the court may increase the amount of the award to no more than three times the amount otherwise available.

(9) Any waiver of a provision of this section is contrary to public policy and is void and unenforceable. [2009 c.546 §2]

Note: See note under 807.745.

CHAPTER 808

[Reserved for expansion]

(4) Notwithstanding subsection (1) of this section, no city or county shall receive for any fiscal year an amount less than the amount distributed to the city or county in accordance with ORS 471.350 (1965 Replacement Part), 471.810, 473.190 and 473.210 (1965 Replacement Part) during the 1966-1967 fiscal year unless the city or county had a decline in population as shown by its census. If the population declined, the per capita distribution to the city or county shall be not less than the total per capita distribution during the 1966-1967 fiscal year. Any additional funds required to maintain the level of distribution under this subsection shall be paid from funds credited under subsection (1)(a) of this section. [Amended by 1955 c.475 §11; 1957 c.222 §1; 1957 c.445 §1; 1961 c.78 §1; 1961 c.635 §1; 1967 c.577 §5; 1969 c.499 §1; 1975 c.424 §4; 1975 c.527 §4a; 1977 c.831 §3a; 1977 c.856 §18; 1987 c.406 §2; 1997 c.348 §15; 2001 c.971 §4; 2007 c.71 §153; 2007 c.854 §4; 2013 c.768 §106j]

Note: The amendments to 471.810 by section 106j, chapter 768, Oregon Laws 2013, become operative July 1, 2014. See section 171, chapter 768, Oregon Laws 2013. The text that is operative until July 1, 2014, is set forth for the user's convenience.

471.810. (1) At the end of each month, the Oregon Liquor Control Commission shall certify the amount of moneys available for distribution in the Oregon Liquor Control Commission Account and, after withholding such moneys as it may deem necessary to pay its outstanding obligations, shall within 35 days of the month for which a distribution is made direct the State Treasurer to pay the amounts due, upon warrants drawn by the Oregon Department of Administrative Services, as follows:

(a) Fifty-six percent, or the amount remaining after the distribution under subsection (4) of this section, credited to the General Fund available for general governmental purposes wherein it shall be considered as revenue during the quarter immediately preceding receipt;

(b) Twenty percent to the cities of the state in such shares as the population of each city bears to the population of the cities of the state, as determined by the State Board of Higher Education last preceding such apportionment, under ORS 190.510 to 190.610;

(c) Ten percent to counties in such shares as their respective populations bear to the total population of the state, as estimated from time to time by the State Board of Higher Education; and

(d) Fourteen percent to the cities of the state to be distributed as provided in ORS 221.770 and this section.

(2) The commission shall direct the Oregon Department of Administrative Services to transfer 50 percent of the revenues from the taxes imposed by ORS 473.030 and 473.035 to the Mental Health Alcoholism and Drug Services Account in the General Fund to be paid monthly as provided in ORS 430.380.

(3) If the amount of revenues received from the taxes imposed by ORS 473.030 for the preceding month was reduced as a result of credits claimed under ORS 473.047, the commission shall compute the difference between the amounts paid or transferred as described in subsections (1)(b), (c) and (d) and (2) of this section and the amounts that would have been paid or trans-

ferred under subsections (1)(b), (c) and (d) and (2) of this section if no credits had been claimed. The commission shall direct the Oregon Department of Administrative Services to pay or transfer amounts equal to the differences computed for subsections (1)(b), (c) and (d) and (2) of this section from the General Fund to the recipients or accounts described in subsections (1)(b), (c) and (d) and (2) of this section.

(4) Notwithstanding subsection (1) of this section, no city or county shall receive for any fiscal year an amount less than the amount distributed to the city or county in accordance with ORS 471.350 (1965 Replacement Part), 471.810, 473.190 and 473.210 (1965 Replacement Part) during the 1966-1967 fiscal year unless the city or county had a decline in population as shown by its census. If the population declined, the per capita distribution to the city or county shall be not less than the total per capita distribution during the 1966-1967 fiscal year. Any additional funds required to maintain the level of distribution under this subsection shall be paid from funds credited under subsection (1)(a) of this section.

Note: Section 29, chapter 722, Oregon Laws 2013, provides:

Sec. 29. For the biennium beginning July 1, 2013, notwithstanding ORS 471.810, amounts to be distributed from the Oregon Liquor Control Commission Account that are attributable to a per bottle surcharge imposed by the Oregon Liquor Control Commission on June 6, 2013, shall be credited to the General Fund. [2013 c.722 §29]

471.815 [Repealed by 1961 c.706 §45]

471.817 Alternative transportation organization to report annually. Each non-profit organization formed by licensees to provide alternative transportation for patrons of the licensees shall report annually to the Oregon Liquor Control Commission. The commission may acknowledge receipt of the notice and shall keep a list of such organizations that have given notice. The commission shall provide information to the Department of Revenue on request for purposes of sections 2 and 4, chapter 700, Oregon Laws 1985. [1985 c.700 §6]

471.820 [Repealed by 1961 c.706 §45]

471.825 [Repealed by 1961 c.706 §45]

471.830 [Repealed by 1961 c.706 §45]

PENALTIES

471.990 Penalties. (1) Except where other punishment is specifically provided for, violation of any provision of this chapter and ORS 474.105 and 474.115 is a Class A misdemeanor.

(2) A second or subsequent violation of ORS 471.440 is a Class C felony.

(3) Subject to ORS 153.022, violation of any regulation promulgated under ORS 471.730 (5) is a Class C violation. [Amended by 1953 c.120 §6; 1963 c.93 §6; 1987 c.320 §236; 1999 c.1051 §187; 2011 c.597 §214]

137.145 to 137.159 and 153.640 to 153.680.
[2011 c.597 §4; 2012 c.89 §11]

153.022 Authority of agency to specify rule violation as particular level of violation. If a statute provides that violation of the rules of an agency constitutes an offense, as described in ORS 161.505, the agency may by rule specify that violation of a specific rule of the agency is subject to a specific fine, or a specific maximum fine, that is less in amount than the maximum fine for the offense specified by the statute. In addition, the agency may specify that violation of the specific rule is a Class A, B, C or D violation under the provisions of ORS 153.012 as long as the class specified in the rule is lower than the statutory classification for the offense. [1999 c.1051 §76]

153.025 Authority of political subdivision to specify ordinance violation as particular level of violation. (1) If a statute provides that violation of the ordinances of a political subdivision of this state constitutes an offense, as described in ORS 161.505, the political subdivision may by ordinance specify that violation of a specific ordinance of the political subdivision is subject to a specific fine, or a specific maximum fine, that is less in amount than the maximum fine for the offense specified by the statute. In addition, the political subdivision may specify that violation of the specific ordinance is a Class A, B, C or D violation under the provisions of ORS 153.012 as long as the class specified in the ordinance is lower than the statutory classification for the offense.

(2) Nothing in this section requires a political subdivision to use the classifications established by ORS 153.012 or to use the presumptive fines established under ORS 153.019 and 153.020 for violations of ordinances adopted by the political subdivision. [1999 c.1051 §78; 2011 c.597 §11i]

(Procedures)

153.030 Applicability; statute of limitations. (1) The procedures provided for in this chapter apply to violations described in ORS 153.008. Except as specifically provided in this chapter, the criminal procedure laws of this state applicable to crimes also apply to violations.

(2) Notwithstanding subsection (1) of this section, ORS 153.633 and all other provisions of this chapter and of the criminal procedure laws of this state do not apply to violations that govern the parking of vehicles and that are created by ordinance or by agency rule.

(3) The statute of limitations for proceedings under this chapter is as provided in ORS 131.125.

(4) This chapter does not affect the ability of a city described in ORS 3.136 (1) to engage in the activities described in ORS 3.136 (3). Nothing in this chapter affects the ability of any other political subdivision of this state to provide for the administrative enforcement of the charter, ordinances, rules and regulations of the political subdivision, including enforcement through imposition of monetary penalties. Except for ordinances governing the parking of vehicles, administrative enforcement as described in this subsection may not be used for any prohibition designated as an offense.

(5) Nothing in this chapter affects the ability of any political subdivision of this state to establish rules relating to administrative enforcement as described in subsection (4) of this section, including rules providing for the use of citations or other procedures for initiating administrative enforcement proceedings.

(6) Nothing in this chapter affects the ability of any political subdivision of this state to conduct hearings for administrative enforcement as described in subsection (4) of this section, either before a hearing officer or before the governing body of the political subdivision.

(7) Nothing in this chapter affects the ability of any political subdivision to bring a civil action to enforce the charter, ordinances, rules and regulations of the political subdivision, or to bring a civil action to enforce any order for administrative enforcement as described in subsection (4) of this section.

(8) Nothing in ORS 153.042 affects the authority of any political subdivision of this state to provide for issuance of citations for violation of offenses created by ordinance on the same basis as the political subdivision could under the law in effect immediately before January 1, 2000. [1999 c.1051 §7; 2011 c.597 §11i; 2012 c.89 §3]

153.033 Rules of procedure. The Supreme Court may adopt rules for the conduct of violation proceedings. Rules adopted by the Supreme Court under this section must be consistent with the provisions of this chapter. Rules adopted under this section supersede any local rule of a state court to the extent the local rule is inconsistent with the rule adopted by the Supreme Court. All city ordinances and municipal court rules must conform to any rules adopted by the Supreme Court under this section. [1999 c.1051 §8]

153.036 Venue. (1) A violation proceeding may be commenced in:

(a) The county in which the violation was committed; or

state, to be distributed as provided by statute.

(7) To secure and pay for such policies of insurance as may be necessary to adequately protect it from loss by fire, theft or other casualty. [Amended by 1995 c.301 §44]

471.730 Regulatory powers of commission. The function, duties and powers of the Oregon Liquor Control Commission include the following:

(1) To control the manufacture, possession, sale, purchase, transportation, importation and delivery of alcoholic liquor in accordance with the provisions of this chapter and ORS 474.105 and 474.115.

(2) To grant, refuse, suspend or cancel licenses and permits for the sale or manufacture of alcoholic liquor, or other licenses and permits in regard thereto, and to permit, in its discretion, the transfer of a license of any person.

(3) To collect the taxes and duties imposed by statutes relating to alcoholic liquors, and to issue, and provide for cancellation, stamps and other devices as evidence of payment of such taxes or duties.

(4) To investigate and aid in the prosecution of every violation of statutes relating to alcoholic liquors, to seize alcoholic liquor manufactured, sold, kept, imported or transported in contravention of this chapter and ORS 474.105 and 474.115, and apply for the confiscation thereof, whenever required by statute, and cooperate in the prosecution of offenders before any court of competent jurisdiction.

(5) To adopt such regulations as are necessary and feasible for carrying out the provisions of this chapter and ORS 474.105 and 474.115 and to amend or repeal such regulations. When such regulations are adopted they shall have the full force and effect of law.

(6) To exercise all powers incidental, convenient or necessary to enable it to administer or carry out any of the provisions of this chapter and ORS 474.105 and 474.115.

(7) To control, regulate and prohibit any advertising by manufacturers, wholesalers or retailers of alcoholic liquor by the medium of newspapers, letters, billboards, radio or otherwise.

(8) To sell, license, regulate and control the use of alcohol for scientific, pharmaceutical, manufacturing, mechanical, industrial and other purposes, and to provide by regulation for the sale thereof for such uses.

471.732 Policy relating to sanitation in licensed premises. (1) The Legislative Assembly finds and declares that the regulation of health and sanitation matters in premises

licensed by the Oregon Liquor Control Commission under this chapter can best be performed by the Oregon Health Authority and the State Department of Agriculture.

(2) It is the policy of the Legislative Assembly and the intent of ORS 471.333 and 624.010 and this section that premises licensed by the Oregon Liquor Control Commission under this chapter shall be subject to the laws governing health and sanitation matters, including any applicable licensing requirements, and to the rules adopted thereunder by the authority and the department. [1979 c.236 §2; 1995 c.301 §20; 1999 c.351 §62; 2009 c.595 §962]

471.735 Testing and seizure of wines. The Oregon Liquor Control Commission shall have the power to investigate by sample or chemical analysis, the quality of all wines manufactured, imported, sold or offered for sale within this state, and to seize, confiscate and destroy all wines sold or offered for sale within this state which do not conform in all respects to the minimum standards provided for by the laws of this state.

471.740 Exclusive right of commission to handle certain liquors. Except as provided in this chapter, the Oregon Liquor Control Commission is vested with the exclusive right to purchase, sell, have in possession for sale, import or transport alcoholic beverages. [Amended by 1953 c.120 §6; 1974 c.4 §6; 1999 c.351 §77]

471.745 Fixing prices and selling liquor. The Oregon Liquor Control Commission shall fix the prices at which alcoholic liquors containing over five percent alcohol by volume may be purchased from it, and has power to bottle, blend, rectify, manufacture or sell alcoholic liquors for itself, or for or to any person or commission within or without this state. [Amended by 1995 c.301 §88]

471.750 Liquor stores and warehouses; operation; sales; advertising; rules. (1) The Oregon Liquor Control Commission shall establish such stores and warehouses in such places in the state as in its judgment are required by public convenience or necessity, for the sale of spirituous liquors, wines and other alcoholic liquors containing over five percent alcohol by volume, in sealed containers for consumption off the premises. The commission shall keep on hand in such stores or warehouses such quantities and kinds of alcoholic liquors as are reasonably required to supply the public demand.

(2) Any person qualified to purchase such liquors from the commission has the right to present to the commission, or at any of its stores, an application for any kind or brand of alcoholic liquor that the person may desire and that may be manufactured or obtainable in any place in the United States,

(5) Unclassified violations as described in ORS 153.015; and

(6) Specific fine violations as described in ORS 153.015. [1999 c.1051 §4]

153.015 Unclassified and specific fine violations. (1) An offense described in the Oregon Revised Statutes that is designated as a violation but does not specify the classification of the violation is an unclassified violation. An unclassified violation is a Class B violation.

(2) A specific fine violation is any offense described in the Oregon Revised Statutes that is designated as a specific fine violation or:

(a) Is not designated as a crime or as a class A, B, C or D violation;

(b) Is not punishable by a term of imprisonment as a penalty for committing the offense; and

(c) Is punishable by a specific fine as the penalty for committing the offense. [1999 c.1051 §5; 2011 c.597 §6a]

153.018 Maximum fines. (1) The penalty for committing a violation is a fine. The law creating a violation may impose other penalties in addition to a fine but may not impose a term of imprisonment.

(2) Except as otherwise provided by law, the maximum fine for a violation committed by an individual is:

(a) \$2,000 for a Class A violation.

(b) \$1,000 for a Class B violation.

(c) \$500 for a Class C violation.

(d) \$250 for a Class D violation.

(e) \$2,000 for a specific fine violation, or the maximum amount otherwise established by law for the specific fine violation.

(3) If a special corporate fine is specified in the law creating the violation, the sentence to pay a fine shall be governed by the law creating the violation. Except as otherwise provided by law, if a special corporate fine is not specified in the law creating the violation, the maximum fine for a violation committed by a corporation is:

(a) \$4,000 for a Class A violation.

(b) \$2,000 for a Class B violation.

(c) \$1,000 for a Class C violation.

(d) \$500 for a Class D violation. [1999 c.1051 §6; 2003 c.737 §103; 2011 c.597 §7]

153.019 Presumptive fines; generally.

(1) Except as provided in ORS 153.020, the presumptive fines for violations are:

(a) \$435 for a Class A violation.

(b) \$260 for a Class B violation.

(c) \$160 for a Class C violation.

(d) \$110 for a Class D violation.

(2) The presumptive fine for a specific fine violation is:

(a) The amount specified by statute as the presumptive fine for the violation; or

(b) An amount equal to the greater of 20 percent of the maximum fine prescribed for the violation, or the minimum fine prescribed by statute for the violation. [2011 c.597 §2]

153.020 Presumptive fines; highway work zones, school zones and safety corridors. If a person is charged with a traffic violation, as defined in ORS 801.557, and the enforcement officer issuing the citation notes on the citation that the offense occurred in a highway work zone and is subject to the provisions of ORS 811.230, occurred in a posted school zone and is subject to the provisions of ORS 811.235, or occurred in a safety corridor and is subject to the provisions of ORS 811.483, the presumptive fine for the violation is:

(1) \$870 for a Class A violation.

(2) \$520 for a Class B violation.

(3) \$320 for a Class C violation.

(4) \$220 for a Class D violation. [2011 c.597 §3; 2012 c.89 §10]

153.021 Minimum fines; audit of court.

(1) Except as otherwise provided by law, a court may not defer, waive, suspend or otherwise reduce the fine for a violation that is subject to the presumptive fines established by ORS 153.019 (1) or 153.020 to an amount that is less than:

(a) \$220 for a Class A violation.

(b) \$130 for a Class B violation.

(c) \$80 for a Class C violation.

(d) \$60 for a Class D violation.

(2) Except as otherwise provided by law, a court may not defer, waive, suspend or otherwise reduce the fine for a specific fine violation to an amount that is less than 20 percent of the presumptive fine for the violation.

(3) This section does not affect the manner in which a court imposes or reduces monetary obligations other than fines.

(4) The Department of Revenue or Secretary of State may audit any court to determine whether the court is complying with the requirements of this section. In addition, the Department of Revenue or Secretary of State may audit any court to determine whether the court is complying with the requirements of ORS 137.145 to 137.159 and 153.640 to 153.680. The Department of Revenue or Secretary of State may file an action under ORS 34.105 to 34.240 to enforce the requirements of this section and of ORS