

# Senate Bill 257

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## 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**.

Allows State Department of Agriculture to require reexamination of licensee or certificate holder that commits violation indicating inadequate knowledge of Oregon pesticide laws. Allows department to suspend, revoke or refuse renewal of license or certificate if person fails reexamination.

Defines "person" for chapter dealing with department general administration.  
Increases maximum penalty for some violations of pesticide laws.

## A BILL FOR AN ACT

1  
2 Relating to State Department of Agriculture programs; creating new provisions; and amending ORS  
3 561.005 and 634.900.

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

5 **SECTION 1. Section 2 of this 2015 Act is added to and made a part of ORS chapter 634.**

6 **SECTION 2. If a person licensed or certified under this chapter violates a provision of**  
7 **this chapter or a rule adopted under this chapter, and the State Department of Agriculture**  
8 **in its discretion deems that the violation indicates an inadequate knowledge of Oregon pes-**  
9 **ticide laws, in addition to any other available penalty or sanction:**

10 (1) **The department may require that the person retake an examination required for is-**  
11 **suance or renewal of the type of license or certificate held by the person; and**

12 (2) **If the person fails an examination required by the department under subsection (1)**  
13 **of this section, the department may suspend, revoke or refuse to renew the license or cer-**  
14 **tificate. A suspension, revocation or refusal to renew under this subsection is subject to**  
15 **ORS chapter 183.**

16 **SECTION 3. ORS 561.005 is amended to read:**

17 561.005. As used in this chapter, unless the context requires otherwise:

18 (1) "Board" means the State Board of Agriculture.

19 (2) "Department" means the State Department of Agriculture.

20 (3) "Director" means the Director of Agriculture.

21 (4) **"Person" means:**

22 (a) **A person as defined in ORS 174.100;**

23 (b) **A public body as defined in ORS 174.109; and**

24 (c) **The federal government or any of its agencies.**

25 **SECTION 4. ORS 634.900 is amended to read:**

26 634.900. (1) In addition to any other liability or penalty provided by law, the Director of Agri-  
27 culture may impose a civil penalty on a person for violation of any of the provisions of this chapter  
28 relating to pesticide application, sale or labeling. The civil penalty for a first violation shall be not

**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 more than [~~\$1,000~~] **\$2,000**. For a subsequent violation, the director may impose a civil penalty of not  
2 more than [~~\$2,000~~] **\$4,000**.

3 (2) Notwithstanding subsection (1) of this section, if the violation of a provision relating to  
4 pesticide application, sale or labeling results from gross negligence or willful misconduct, the civil  
5 penalty for a first or subsequent violation may not exceed \$10,000.

6 (3) A civil penalty may not be imposed under this section for violations other than those in-  
7 volving pesticide application, sale or labeling violation under this chapter.

8 **SECTION 5. The amendments to ORS 634.900 by section 4 of this 2015 Act apply to first**  
9 **or subsequent violations of ORS chapter 634 committed on or after the effective date of this**  
10 **2015 Act.**

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