

**SB 664 A STAFF MEASURE SUMMARY**

**Carrier:** Sen. Olsen, Sen. Riley

**Senate Committee On Business and Transportation**

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**Action Date:** 04/10/17

**Action:** Do pass with amendments. (Printed A-Eng.)

**Vote:** 5-0-0-0

**Yeas:** 5 - Beyer, Girod, Monroe, Riley, Thomsen

**Fiscal:** No fiscal impact

**Revenue:** No revenue impact

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**WHAT THE MEASURE DOES:**

Prohibits state agencies from imposing civil penalties on small business for first violation of paperwork requirements if the violation does not pose an unreasonable risk of harm to either the employees of the business or to the general public and if the business is otherwise in compliance with all other applicable laws. Specifies that prohibition does not apply when contrary requirement is imposed by federal law or mandatory federal guidance.

**ISSUES DISCUSSED:**

- Compliance should be primary goal, rather than penalties
- Examples of inadvertent errors a small business owner could make

**EFFECT OF AMENDMENT:**

Deletes word "inadvertent" in language prohibiting imposition of civil penalty and specifies specific violations for which prohibition applies. Specifies that the small business must be in substantial compliance with all other applicable laws, the failure must be first violation and the omission did not pose risk of harm to an employee or member of the public for prohibition to apply. Provides that prohibition does not apply when a contrary requirement is imposed by federal law or mandatory federal guidance.

**BACKGROUND:**

State agency authorization to impose civil penalties is granted generally by ORS 183.745, which specifies that penalties imposed are due and payable 10 days after the order imposing the penalty becomes final. Persons subject to a civil penalty are provided with notice and given 20 days to appeal in writing for a hearing; failure to do so allows the agency to make the order final. If a hearing is requested, it is conducted as a contested case hearing, and is thereafter subject to judicial review. The procedure outlined in ORS 183.745 does not apply to penalties imposed under tax law; antitrust law; wage claims; occupational safety and health; workers' compensation; unlawful discrimination in employment or public accommodations; or penalties imposed by the Public Utility Commission.