

House Bill 2109

Sponsored by Representative GREENLICK; Representative NOSSE (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**.

Prohibits selling, dispensing or using aviation fuel that contains lead or lead compounds after January 1, 2022. Provides that State Department of Agriculture shall enforce prohibition. Becomes operative on January 1, 2018. Takes effect on 91st day following adjournment sine die.

A BILL FOR AN ACT

1
2 Relating to aviation fuels that contain lead; creating new provisions; amending ORS 646.963; and
3 prescribing an effective date.

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

5 **SECTION 1. (1) As used in this section, "aviation fuel" means any liquid product used to**
6 **generate motive power for an aircraft, as defined in ORS 836.005, including the type of fuel**
7 **commonly known as "avgas."**

8 **(2) After January 1, 2022, a person may not sell, dispense or use in this state aviation fuel**
9 **that contains lead or a lead compound such as tetraethyl lead.**

10 **(3) The State Department of Agriculture shall enforce the provisions of this section and**
11 **may make any rules necessary to carry out the provisions of this section as provided in ORS**
12 **chapter 183.**

13 **SECTION 2.** ORS 646.963 is amended to read:

14 646.963. (1) In addition to any other liability or penalty provided by law, the Director of Agri-
15 culture may impose a civil penalty as provided in subsection (3) of this section on any person who
16 violates any provision of ORS 646.947, 646.949 or 646.953 **or section 1 of this 2017 Act**, rules
17 adopted under ORS 646.957 **or section 1 of this 2017 Act** or orders issued under ORS 646.953.

18 (2) Any civil penalty under subsection (1) of this section [*shall*] **must** be imposed in the manner
19 provided by ORS 183.745.

20 (3) The director may impose civil penalties that are:

21 (a) Not more than \$500 for a first violation.

22 (b) Not more than \$2,500 for a second violation within two years from the date of the first vio-
23 lation.

24 (c) Not more than \$10,000 for a third violation within two years from the date of the first vio-
25 lation.

26 (4) In imposing a penalty under subsection (3) of this section, the director shall consider the
27 following factors:

28 (a) The gravity of the violation.

29 (b) The scope of the violation.

30 (c) The past history of the person incurring the penalty.

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 (d) In the case of a penalty to be imposed on a retail dealer or nonretail dealer, the degree of
2 knowledge by the dealer of the violation.

3 (5) Civil penalties collected shall be deposited into the Motor Vehicle Fuel Inspection Program
4 Account.

5 **SECTION 3.** (1) Section 1 of this 2017 Act and the amendments to ORS 646.963 by section
6 2 of this 2017 Act become operative January 1, 2018.

7 (2) The Director of Agriculture may adopt rules and take any other action before the
8 operative date specified in subsection (1) of this section that is necessary to enable the di-
9 rector, on and after the operative date specified in subsection (1) of this section, to exercise
10 all of the duties, functions and powers conferred on the director by section 1 of this 2017 Act
11 and the amendments to ORS 646.963 by section 2 of this 2017 Act.

12 **SECTION 4.** This 2017 Act takes effect on the 91st day after the date on which the 2017
13 regular session of the Seventy-ninth Legislative Assembly adjourns sine die.

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