

B-Engrossed
House Bill 3338

Ordered by the Senate June 2
Including House Amendments dated April 21 and Senate Amendments
dated June 2

Sponsored by Representatives HEARD, CLEM, WITT; Representatives BARKER, BYNUM, DOHERTY, EVANS,
GOMBERG, GORSEK, HELM, MEEK, NOSSE, POST, REARDON, SMITH DB, SOLLMAN

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.

Requires State Department of Agriculture to adopt rules governing posting of tax information by gas stations. Authorizes Director of Agriculture to impose civil penalty for violation of statute governing posting of tax information by gas stations.

A BILL FOR AN ACT

1
2 Relating to the posting of tax information by gas stations; amending ORS 646.932 and 646.963.

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

4 **SECTION 1.** ORS 646.932 is amended to read:

5 646.932. (1) As used in this section, "gas station" includes a filling station, service station, ga-
6 rage or any other place where gasoline is sold for use in motor vehicles.

7 (2) The owner or operator of a gas station shall post, in a manner visible to customers, the fol-
8 lowing information:

9 (a) The amount of the price per gallon that is federal tax;

10 (b) The amount of the price per gallon that is state tax;

11 (c) The amount of the price per gallon that is local tax; and

12 (d) The total amount of federal, state and local taxes per gallon.

13 (3) The Department of Transportation shall furnish the information described in subsection (2)
14 of this section to each gas station in the state.

15 **(4) The State Department of Agriculture shall adopt rules governing the implementation**
16 **and enforcement of this section consistent with ORS 183.745.**

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

18 646.963. (1) In addition to any other liability or penalty provided by law, the Director of Agri-
19 culture may impose a civil penalty as provided in subsection [(3)] (2) of this section on any person
20 who violates any provision of ORS 646.947, 646.949 or 646.953, rules adopted under ORS 646.957 or
21 orders issued under ORS 646.953.

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

24 [(3)] (2) The director may impose civil penalties **for violations described in subsection (1) of**
25 **this section** that are:

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

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

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

5 **(3) In addition to any other liability or penalty provided by law, the director may impose**
6 **a civil penalty on any person who violates any provision of ORS 646.932 as follows:**

7 **(a) A notice of noncompliance for a first violation.**

8 **(b) A notice of violation for a second violation.**

9 **(c) Not more than \$50 for a third violation.**

10 **(d) Not more than \$100 for any violation after a third violation.**

11 (4) In imposing a penalty under subsection (2) or (3) of this section, the director shall consider
12 the following factors:

13 (a) The gravity of the violation.

14 (b) The scope of the violation.

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

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

18 **(5) Any monetary civil penalty under this section shall be imposed in the manner pro-**
19 **vided by ORS 183.745.**

20 ~~[(5)]~~ **(6) Monetary** civil penalties collected **under this section** shall be deposited into the Motor
21 Vehicle Fuel Inspection Program Account.

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