

SENATE AMENDMENTS TO A-ENGROSSED HOUSE BILL 3338

By COMMITTEE ON FINANCE AND REVENUE

June 2

- 1 On page 1 of the printed A-engrossed bill, delete lines 17 through 27.
- 2 On page 2, delete lines 1 through 11 and insert:
- 3 **“SECTION 2.** ORS 646.963 is amended to read:
- 4 “646.963. (1) In addition to any other liability or penalty provided by law, the Director of Agri-
- 5 culture may impose a civil penalty as provided in subsection [(3)] **(2)** of this section on any person
- 6 who violates any provision of ORS 646.947, 646.949 or 646.953, rules adopted under ORS 646.957 or
- 7 orders issued under ORS 646.953.
- 8 “[(2) *Any civil penalty under subsection (1) of this section shall be imposed in the manner provided*
- 9 *by ORS 183.745.*]
- 10 “[3)] **(2)** The director may impose civil penalties **for violations described in subsection (1)**
- 11 **of this section** that are:
- 12 “(a) Not more than \$500 for a first violation.
- 13 “(b) Not more than \$2,500 for a second violation within two years from the date of the first vi-
- 14 olation.
- 15 “(c) Not more than \$10,000 for a third violation within two years from the date of the first vio-
- 16 lation.
- 17 **“(3) In addition to any other liability or penalty provided by law, the director may impose**
- 18 **a civil penalty on any person who violates any provision of ORS 646.932 as follows:**
- 19 **“(a) A notice of noncompliance for a first violation.**
- 20 **“(b) A notice of violation for a second violation.**
- 21 **“(c) Not more than \$50 for a third violation.**
- 22 **“(d) Not more than \$100 for any violation after a third violation.**
- 23 “(4) In imposing a penalty under subsection **(2) or (3)** of this section, the director shall consider
- 24 the following factors:
- 25 “(a) The gravity of the violation.
- 26 “(b) The scope of the violation.
- 27 “(c) The past history of the person incurring the penalty.
- 28 “(d) In the case of a penalty to be imposed on a retail dealer or nonretail dealer, the degree of
- 29 knowledge by the dealer of the violation.
- 30 **“(5) Any monetary civil penalty under this section shall be imposed in the manner pro-**
- 31 **vided by ORS 183.745.**
- 32 “[5)] **(6) Monetary** civil penalties collected **under this section** shall be deposited into the
- 33 Motor Vehicle Fuel Inspection Program Account.”.
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