

Requested by Representative HEARD

**PROPOSED AMENDMENTS TO  
HOUSE BILL 3338**

1 In line 2 of the printed bill, before the period insert “and 646.963”.

2 After line 16, 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,  
5 the Director of Agriculture may impose a civil penalty as provided in sub-  
6 section (3) of this section on any person who violates any provision of ORS  
7 **646.932**, 646.947, 646.949 or 646.953, rules adopted under ORS 646.957 or orders  
8 issued under ORS 646.953.

9 “(2) Any civil penalty under subsection (1) of this section shall be imposed  
10 in the manner provided by ORS 183.745.

11 “(3) The director may impose civil penalties 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  
14 the date of the first violation.

15 “(c) Not more than \$10,000 for a third violation within two years from the  
16 date of the first violation.

17 “(4) In imposing a penalty under subsection (3) of this section, the direc-  
18 tor shall consider the following factors:

19 “(a) The gravity of the violation.

20 “(b) The scope of the violation.

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

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

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

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