

Requested by Representative HEARD

**PROPOSED AMENDMENTS TO
A-ENGROSSED HOUSE BILL 3338**

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,
5 the Director of Agriculture may impose a civil penalty as provided in sub-
6 section [(3)] **(2)** of this section on any person who violates any provision of
7 ORS 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)~~ **(2)** The director may impose civil penalties **for violations de-**
12 **scribed in subsection (1) of this section** that are:

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

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

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

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

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

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

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

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

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

6 “(a) The gravity of the violation.

7 “(b) The scope of the violation.

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

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

11 **“(5) Any monetary civil penalty under this section shall be imposed**
12 **in the manner provided by ORS 183.745.**

13 “~~[(5)]~~ **(6) Monetary** civil penalties collected **under this section** shall be
14 deposited into the Motor Vehicle Fuel Inspection Program Account.”.

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