

Senate Bill 711

Sponsored by Senator OLSEN

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 agency from imposing civil penalty on small business under certain circumstances.

A BILL FOR AN ACT

1
2 Relating to prohibiting agencies from imposing civil penalties on small businesses for paperwork
3 violations.

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

5 **SECTION 1. Section 2 of this 2019 Act is added to and made a part of ORS chapter 183.**

6 **SECTION 2. (1) Subject to subsection (2) of this section, an agency may not impose a civil
7 penalty upon a small business in any proceeding under ORS 183.745 for:**

8 (a) A failure to timely file a form or other document required by the agency;

9 (b) A failure to personally carry a document required by the agency;

10 (c) A failure to carry a document required by the agency in the person's vehicle; or

11 (d) An error in the completion of a form or other document required by the agency.

12 (2) Subsection (1) of this section applies only if:

13 (a) The small business was in substantial compliance with all other applicable laws;

14 (b) The failure or error was the first violation of the requirement by the small business;

15 (c) The failure or error did not pose an unreasonable risk of harm to an employee of the
16 small business or a member of the public; and

17 (d) A contrary requirement is not imposed on an agency by federal law or mandatory
18 federal guidance.

19 **SECTION 3. Section 2 of this 2019 Act applies to violations of agency requirements com-
20 mitted on or after the effective date of this 2019 Act.**

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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.