

SB 999-1
(LC 4172)
4/2/25 (JAS/ps)

Requested by Senator BONHAM

**PROPOSED AMENDMENTS TO
SENATE BILL 999**

1 In line 2 of the printed bill, delete “658.705” and insert “654.005 and
2 654.071”.

3 Delete lines 4 through 29 and insert:

4 **“SECTION 1.** ORS 654.005 is amended to read:

5 “654.005. As used in this chapter, unless the context requires otherwise:

6 “(1) ‘Board’ means the Workers’ Compensation Board created by ORS
7 656.712.

8 “(2) ‘Department’ means the Department of Consumer and Business Ser-
9 vices.

10 “(3) ‘Director’ means the Director of the Department of Consumer and
11 Business Services.

12 “(4) ‘Employee’ includes:

13 “(a) Any individual, including a minor whether lawfully or unlawfully
14 employed, who engages to furnish services for a remuneration, financial or
15 otherwise, subject to the direction and control of an employer.

16 “(b) Salaried, elected and appointed officials of the state, state agencies,
17 counties, cities, school districts and other public corporations.

18 “(c) Any individual who is provided with workers’ compensation coverage
19 as a subject worker pursuant to ORS chapter 656, whether by operation of
20 law or by election.

21 “(5) ‘Employer’ includes:

1 “(a) Any person who has one or more employees.

2 “(b) Any sole proprietor or member of a partnership who elects workers’
3 compensation coverage as a subject worker pursuant to ORS 656.128.

4 “(c) Any successor or assignee of an employer. As used in this paragraph,
5 ‘successor’ means a business or enterprise that is substantially the same en-
6 tity as the predecessor employer according to criteria adopted by the de-
7 partment by rule.

8 “(6) ‘Owner’ means every person having ownership, control or custody of
9 any place of employment or of the construction, repair or maintenance of any
10 place of employment.

11 “(7) ‘Person’ means one or more individuals, legal representatives, part-
12 nerships, joint ventures, associations, corporations (whether or not organized
13 for profit), business trusts, any organized group of persons, the state, state
14 agencies, counties, municipal corporations, school districts and other public
15 corporations or subdivisions.

16 “(8)(a) ‘Place of employment’ includes:

17 “(A) Every place, whether fixed or movable or moving, whether indoors
18 or out or underground, and the premises and structures appurtenant thereto,
19 where either temporarily or permanently an employee works or is intended
20 to work; and

21 “(B) Every place where there is carried on any process, operation or ac-
22 tivity related, either directly or indirectly, to an employer’s industry, trade,
23 business or occupation, including a labor camp, wherever located, provided
24 by an employer for employees or by another person engaged in providing
25 living quarters or shelters for employees.

26 “(b) ‘Place of employment’ does not include:

27 “(A) Any place where the only employment involves nonsubject workers
28 employed in or about a private home; [*and*]

29 “(B) Any corporate farm where the only employment involves the farm’s
30 family members, including parents, spouses, sisters, brothers, daughters, sons,

1 daughters-in-law, sons-in-law, nieces, nephews or grandchildren[.]; **and**

2 **“(C) Any housing that is explicitly excluded from the definition of**
3 **‘farmworker camp’ under ORS 658.705.**

4 **“SECTION 2.** ORS 654.071 is amended to read:

5 “654.071. (1) If the Director of the Department of Consumer and Business
6 Services or an authorized representative of the director has reason to be-
7 lieve, after inspection or investigation of a place of employment, that an
8 employer has violated any state occupational safety or health law, regu-
9 lation, standard, rule or order, the director or the authorized representative
10 shall with reasonable promptness issue to such employer a citation, and no-
11 tice of proposed civil penalty, if any, to be assessed under this chapter, and
12 fix a reasonable time for correction of the alleged violation.

13 “(2) Each citation and notice required by subsection (1) of this section
14 shall be in writing, shall be mailed to or served upon the employer or a
15 registered agent of the employer, and shall contain:

16 “(a) The date and place of the alleged violation;

17 “(b) A plain statement of the facts upon which the citation is based;

18 “(c) A reference to the law, regulation, rule, standard or order relied
19 upon;

20 “(d) The amount, if any, of the proposed civil penalty;

21 “(e) The time, if any, fixed for the correction of the alleged violation;

22 “(f) Notice of the employer’s right to contest the citation, the proposed
23 civil penalty and the period of time fixed for correction of the alleged vio-
24 lation; and

25 “(g) Notice of any affected employee’s right to contest the period of time
26 fixed for correction of the alleged violation.

27 “(3) No citation or notice of proposed civil penalty may be issued under
28 this section after the expiration of 180 days following the start of the in-
29 spection or investigation, but this shall not prevent the issuance, at any
30 time, of an order to correct that violation or the issuance of a citation for

1 a subsequent violation.

2 “(4) If the director has reason to believe that an employer has failed to
3 correct a violation within the period of time fixed for correction, or within
4 the time fixed in a subsequent order granting an extension of time to correct
5 the violation, the director shall consider such failure as a separate and
6 continuing violation and shall issue a citation and notice of proposed civil
7 penalty, if any, to be assessed pursuant to ORS 654.086 (1)(d).

8 “(5) The director may prescribe procedures for the issuance of a notice in
9 lieu of citation to inform an employer and employees of a minimal violation
10 that has no direct or immediate relationship to occupational safety or health.

11 “(6) Each citation and notice, or copies thereof, issued under ORS 654.001
12 to 654.295, 654.412 to 654.423 and 654.750 to 654.780 shall be posted by the
13 employer, immediately upon receipt, in a conspicuous manner in a sufficient
14 number of locations in the place or places of employment to reasonably in-
15 form employees of such citation and notice.

16 “(7) Notwithstanding any other provision of this section, the director or
17 authorized representative of the director shall deliver to [*the operator of a*
18 *farm labor camp*] **a farmworker camp operator** a copy of any notice, eval-
19 uation report or citation resulting from the inspection **of the farmworker**
20 **camp operated by the farmworker camp operator. As used in this**
21 **subsection, ‘farmworker camp’ and ‘farmworker camp operator’ have**
22 **the meanings given those terms in ORS 658.705.”**

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