

Agency Legislative Concept Request

Agency #/Concept #: 10900/2012-1

Placeholder? Yes No

Date: 4/29/2012

(TEXT BOXES EXPAND AS NEEDED)

Agency: Department Of Aviation

Division/Program:

Concept Subject or Title:

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1. Impact to Outcome Area(s)

- Education Healthy People Economy and Jobs Housekeeping Only
 Healthy Environment Safety Improving Government

2. Problem (Completely describe the problem you propose to solve.)

This legislation will enable the agency to enforce existing statutes and rules by providing authority to impose civil penalties. Under ORS 837, the director or his designated representative must be present to witness an offense This legislation will extend ODA's citation authority under the conditions of ORS 183.745 to be able to enforce laws and administrative rules.

3. Proposed Solution (Completely describe what the concept does to fix the problem. Do not include proposed statute changes here.)

This enforcement authority is necessary to ensure compliance on safety related issues. This measure will also allow the agency to use the "teeth" of enforcement to ensure that the agency has the tools necessary to ensure maximum revenue for aircraft, pilot and airport registration.

4. Has this been introduced in a prior session? No Yes Years(s) 2010 Bill#(s) SB 54

Does this amend current law or programs? No Yes (Specify) ORS 837-990

Is this related to a legal decision? No Yes (Case cite, AGO No. date, etc. – *attach copies*)

5. Proposed Changes to Statute (Please attach your best attempt at proposing changes to statute to accomplish your goal; however Legislative Counsel may draft alternate language.)

6. Stakeholders and/or Other Affected Agencies who are Aware of Your Concept

Agency:

Contact Person:

Phone:

Oregon Pilots Association

Dennis Smith

(541) 905-5281

Oregon Airport Managers Association

Shelly Humble

(541) 895-2913

7. Known Support or Opposition (Please elaborate.)

Unknown

8. **Increases fees or assessments?** No Yes Provide Form – 107BF22

Concept has other fiscal, revenue or position (FTE) impacts? No Yes Provide Fiscal Form

9. **For PLACEHOLDERS – ALL additional substantive information is due to DAS no later than July 13. This concept is a PLACEHOLDER.** No Yes (approximate delivery date) 6/30/2012

10. **Additional Information or Attachments (Briefly describe attachments - draft language, opinions, etc.)**

Senate Bill 54

SUMMARY

Permits Director of Oregon Department of Aviation to impose civil penalties for violations of aviation laws, rules or orders.

Declares emergency, effective on passage.

A BILL FOR AN ACT

Relating to the Oregon Department of Aviation; and declaring an emergency.

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

SECTION 1. { + Section 2 of this 2011 Act is added to and made a part of ORS chapter 837. + }

SECTION 2. { + (1) Except as provided in subsection (2) of this section, in addition to any other penalty provided by law, the Director of the Oregon Department of Aviation may impose a civil penalty not to exceed \$720 for each violation of any provision of this chapter or any rule adopted, or order issued, under this chapter.

(2) The director may impose a civil penalty not to exceed \$2,500 for violation of ORS 837.080 or any rule adopted, or order issued, under this chapter to enforce ORS 837.080.

(3) The director shall impose civil penalties under this section in the manner provided in ORS 183.745. + }

SECTION 3. { + Section 2 of this 2011 Act applies to violations committed on or after the effective date of this 2011 Act. + }

SECTION 4. { + This 2011 Act being necessary for the immediate preservation of the public peace, health and safety, an emergency is declared to exist, and this 2011 Act takes effect on its passage. + }

11. Approved for Drafting:

Governor's Office

Date

Department of Administrative Services

Date