



# Slow Pay No Pay Rules Advisory Committee

DATE	LOCATION	START TIME	END TIME
Thursday, April 30, 2026	<p><b>Multipurpose Conference Room</b> North Valley Complex 26755 SW 95<sup>th</sup> Avenue Wilsonville OR 97070</p> <p>***If attending in person, please enter on the north side of the building – see attached map for details***</p> <p><b>Virtual Option:</b> <a href="#">Meeting link</a> Meeting ID: 260 413 601 156 62 Passcode: mA7PP2UZ</p> <p><b>Dial in by phone:</b> 503.446.4951,,308563738#</p>	9:00 AM	11:00 AM

FACILITATOR(S)	CONTACT EMAIL	CONTACT PHONE
Sunny Summers Elizabeth Savory	<a href="mailto:Sunny.Summers@oda.oregon.gov">Sunny.Summers@oda.oregon.gov</a> <a href="mailto:Elizabeth.Savory@oda.oregon.gov">Elizabeth.Savory@oda.oregon.gov</a>	503.400.4196 503.881.0889

## SCHEDULE

TIME	AGENDA ITEM	PRESENTER(S)
9:00 AM	Attendance and Housekeeping	Sunny Summers/Elizabeth Savory
9:15 AM	Background – Slow Pay No Pay; Review – OAR 603-047-0010 to 0400 Review – OAR 603-056-0030, -0050, -0060	
10:55 AM	Closing and Public Comment	
11:00 AM	Adjourn	

### Supplemental Documents:

- Directions to North Valley Complex, parking
- Draft Rules – OAR 603-047-0010 to 0400 and OAR 603-056-0030, -0050, and -0060



## Directions & Parking at the North Valley Complex

### Address:

North Valley Complex  
26755 SW 95<sup>th</sup> Avenue  
Wilsonville, OR 9707

### Directions

#### From north of Wilsonville

- Take I-5 S to Wilsonville, take exit 286.
- Turn right onto SW Boones Ferry Rd.
- Turn left onto SW 95<sup>th</sup> Avenue.
- North Parking lot entrance is north of NVC, across from the Audi Wilsonville dealership.

#### From south of Wilsonville

- Take I-5 N to Wilsonville, take exit 283.
- Turn left onto SW Wilsonville Rd.
- Turn right onto SW Boones Ferry Rd.
- Turn right onto SW Nike Dr.
- Turn left onto SW 95<sup>th</sup> Avenue.
- North Parking lot entrance is north of NVC, across from the Audi Wilsonville dealership.

### Parking

- Use the North Parking Lot – you may park in any available spot.



### Building Entrance

- The entrance is on the north side of the building (see red star shape). The door is accessible by key card only; staff will be available to let folks in to the meeting starting at 8:30 am.

# DRAFT – Slow Pay No Pay Rules

This is a draft of the Slow Pay No Rules, OAR 603-047-0010 to 0400. This version is for discussion during the April 30, 2026, Rules Advisory Committee (RAC) Meeting.

Division 47

PAYMENT FOR AGRICULTURE COMMODITIES

## 603-047-0010

### Definitions

Unless the context or a specifically applicable definition requires otherwise, the following definitions shall apply to OAR 603-047-0010 to 603-047-0500.

- (1) "Agricultural seed" means grass seed of a type commonly sold for use in turf lawns or as forage seed.
- (2) "Complaint" as used in this rule means a written notice submitted to the Department that complies with OAR 603-047-0200(1).
- (3) "Complainant" means a producer or seed grower who submits a complaint to the Department.
- (4) "Department" means the Oregon Department of Agriculture.
- (5) "Other seed" means seed or a mixture of seed grown for commercial purposes, except that "other seed" does not include:
  - (a) Agricultural seed or a mixture containing agricultural seed.
  - (b) Any seed or mixture of seed that the Director of Agriculture excludes by rule in response to a request by a producer organization or other producer group.
  - (c) Seed or a mixture of seed produced or processed under ORS 475C.770 to 475C.919.
- (6) "Producer" means a person that grows agricultural seed or other seed in this state on a commercial basis for a seed dealer.
- (7) "Seed Dealer" means a person that in the ordinary course of business contracts to buy agricultural seed or other seed grown in this state by a seed grower or contracts with a producer for the growing of agricultural seed or other seed in this state.

(8) "Seed Grower" means a person who grows agricultural seed or other seed in this state on a commercial basis without entering into a contract with a seed dealer prior to harvesting of the seed.

(9) "Seed Production Contract" means a written agreement between a producer and a seed dealer for the growing of agricultural seed or other seed in this state.

(10) "Seed Purchase Contract" means a written agreement for a seed dealer to purchase agricultural seed or other seed that has been grown by a seed grower. "Seed purchase contract" does not include a seed production contract.

**Statutory/Other Authority:** ORS 561.190, 576.738, 576.741, 576.744, 633.660, 633.670 & 633.680

**Statutes/Other Implemented:** ORS 576.738, 576.741 & 574.744

**History:**

DOA 31-2012, f. & cert. ef. 12-21-12

### [603-047-0200](#)

#### **Slow Pay No Pay Complaints; Determination**

(1) **Complaint.** If a seed dealer fails to make full payment to a producer or seed grower for agricultural seed or other seed when payment is due under a seed production contract or a seed purchase contract, a producer or seed grower may file a complaint with the Department. A complaint must be in writing and include the following:

(a) Records relating to the seed lot(s) at issue in the complaint, such as contracts, seed tests, bills of lading, delivery or shipping documents, and/or communication between the complainant and dealer that the complainant believes demonstrates full payment has not been made when due. The complainant has the burden of providing prima facie evidence that full payment has not been made when due.

(b) Documentation that demonstrates that the complainant has attempted to obtain payment from the seed dealer, and information about the dates of such request(s) and the response, if any, by the seed dealer;

(c) A fee of \$100.

(2) **Review.** The Department shall review a complaint and any other information or evidence compiled by the Department to determine whether the seed dealer has failed to make payment consistent with ORS 576.718(1)(b) or ORS 576.783(1)(b). As part of its review:

(a) The Department may request the complainant to provide any additional information;

(b) The Department may demand records relevant to the complaint from the seed dealer; and

(c) The Department may consult with or request records from other relevant parties as part of the review.

(3) **Determination.** Based on the Information described in paragraph (2), Department shall determine whether the seed dealer has failed to make payment consistent with ORS 576.718(1)(b) or ORS 576.783(1)(b).

(a) The Department shall issue an order to both the complainant and the seed dealer reflecting the Department's determination.

(b) If the Department determines that payment is owed, the seed dealer shall make payment to the complainant within 30 days of the date of the notice all delinquent amounts plus interest.

(A) Interest shall be calculated at the rate of one percent above the bank prime loan interest rate set forth in the most recent Federal Reserve Statistical Release H.5 per month from the final payment date for that delinquent amount.

(B) The seed dealer shall provide the Department with written notice within the 30 day period that it has made full payment as required in the Department order. The written notice must include documentation of the payment.

#### 603-047-0300

##### **Department's Notice of Suspension under ORS 576.738 or ORS 576.802**

(1) If payment is not made as required in an order issued under OAR 603-047-0300(3)(b) the Department shall issue a Notice of Suspension to the seed dealer named in the order that suspends the seed dealer's license.

(2) If written notice as required under OAR 603-047-0300(3)(b)(B) is not provided to the Department, the Department may issue a Notice of Suspension that suspends the seed dealer's license to the seed dealer named in the order.

#### 603-047-0400

##### **Refusal to Renew License; Reissuance after Suspension**

(1) The definitions in ORS 576.741(1) and ORS 576.806(1) apply to this rule.

(2) **Refusal to Renew.** The Department may refuse to issue or renew a seed dealer license to a seed dealer, owner or officer of a seed dealer or for which the license has been suspended under ORS 576.738 or ORS 576.802, or may refuse to issue or renew a seed dealer license to a person who exercised substantial control over the seed industry activities of a seed dealer at the time of an event that resulted in the license of the seed dealer being suspended under 576.738 or 576.802.

(3) **Reissuance of License.** A license suspended under OAR 603-047-300 shall not be reissued or renewed until the seed dealer has demonstrated to the satisfaction of the Department that the dealer is current on all payments due to all producers and seed growers. To demonstrate to the Department that the seed dealer is current on all payments, the Department may require any of the following:

- (a) A third-party audit, paid for by the seed dealer, of relevant contracts and financial information. The Department may select the appropriate auditor, or require the seed dealer to identify one, subject to Department approval;
- (b) Provide to the Department a copy of any records;
- (c) A declaration, signed under penalty of perjury, from the seed dealer, declaring that the dealer is current on all payments due to all producers and seed growers;
- (d) Any other information or action the Department determines would assist it in making the determination.

# DRAFT – Seed Licenses as they relate to Slow Pay No Pay Violations

These are proposed updates to OAR 603-056-0030, -0050, and 00-60 related to Seed Dealer Licenses as they relate to Slow Pay No Pay Violations. This version is for discussion during the April 30, 2026, Rules Advisory Committee (RAC) Meeting.

Items in RED are the proposed amendments and/or additions.

Division 56  
HAY AND SEED

## 603-056-0030

### Definitions

Unless the context clearly requires otherwise, the following definitions apply to all rules in this chapter 603, division 56:

(X) “Slow Pay No Pay Law” means Oregon Revised Statutes 576.700 to 576.744, Oregon Revised Statutes 576.780 to 576.814, and Oregon Administrative Rules Chapter 603 Division 47.

**Statutory/Other Authority:** ORS 561 & 633

**Statutes/Other Implemented:** ORS 633.711

### History:

DOA 9-2020, amend filed 07/14/2020, effective 07/14/2020

AD 5-1996, f. & cert. ef. 6-7-96

## 603-056-0050

### Seed Dealer License

(1) Both retail seed dealers and wholesale seed dealers must obtain a seed dealer license from the department prior to selling, offering for sale, or exposing for sale any agricultural, flower, or vegetable seed.

(2) Before the department issues any seed dealer license, a person shall submit a completed application and appropriate annual license fee. The application shall include the following:

- (a) Names and titles of each person requesting the license. If the applicant is a partnership, corporation, business entity, association, governmental subdivision, or public or private organization, the applicant shall also submit the names and titles of each partner, officer, agent, manager, and principle of that entity;
- (b) Location(s) of the applicant, including a mailing address and registered agent;

- (c) Phone numbers of the applicant;
- (d) Electronic mail address of the applicant if available;
- (e) Ownership structure of the applicant, e.g. proprietorship, partnership, corporation, limited liability company, etc.;
- (f) If an applicant or any of its associated officers, agents, or partners have had or have been found to have violated the Federal Seed Act, the Oregon Seed Law, **Slow Pay No Pay Law**, or any other state's laws related to agricultural, flower, or vegetable seed within the 36 months prior to the date of the application, or if the applicant or any of its associated officers, agents, or partners has received a penalty or penalties totaling \$10,000 or more related to agricultural, flower, or vegetable seed dealings or has been placed on probation, had a license suspended, or had a license revoked for any licenses related to agricultural, flower, or vegetable seed dealings.

(3) The department shall furnish first time seed dealer licensees with copies of the Oregon Seed Law. All first time licensees shall read the documents provided.

(4) Department staff shall contact first time licensees during their initial annual licensing period in order to provide education to aid in complying with the Oregon Seed Law.

(5)(a) The department may refuse to issue, reissue, or renew a person's seed dealer license when that person's license has been suspended and the person is not yet eligible for reissuance, when the person's license has been revoked, or when that person was an officer of another entity at the time when that entity committed action that resulted in its seed dealer license being suspended or revoked, or when a person who exercised substantial control over the seed industry activities of a seed dealer at the time of an event that resulted in the seed dealer's license being suspended or revoked.

(b) The department must notify an applicant of its decision to refuse to issue, reissue, or renew a seed dealer license in writing as a contested case order that is consistent with ORS Chapter 183.430 and ORS 183.415 and shall serve its notice on the applicant and on any party to the previous action resulting in suspension of the seed dealer's license.

**(6) Financial Assurance. The department may require, as a condition of issuing or renewing a seed dealer license under ORS 633.700(2), that each seed dealer provide the department financial assurance for the performance by the seed dealer under any seed production contract or seed purchase contract entered into by the seed dealer. The department may require:**

- (a) A surety bond or irrevocable letter of credit for not less than \$100,000 If during the preceding year a seed dealer, owner, or officer, has received a final order suspending the dealer's license and the final order is not withdrawn or successfully appealed, but the seed dealer has demonstrated to the satisfaction of the department that the dealer is current on all payments described in a final order. A surety bond or irrevocable letter of credit must be maintained for a period of time not less than five years from the date of issuance of the new or renewed license.**

**Statutory/Other Authority:** ORS 561 & 633

**Statutes/Other Implemented:** ORS 633.711

**History:**

DOA 9-2020, amend filed 07/14/2020, effective 07/14/2020

AD 5-1996, f. & cert. ef. 6-7-96

**603-056-0060**

**Probation, Suspension, Revocation and Re-issuance of Seed Dealer License**

(1) In addition to any lawful penalty, the department may impose probation upon a licensee upon issuance of a Notice of Imposition of Civil Penalty or upon issuance of a Notice of Violation. The department shall impose probation upon any licensee when a seed dealer license has been suspended or revoked, to become effective upon reissuance of a suspended or revoked license.

(a) When imposed, probation shall be established for the purpose of requiring, monitoring, and documenting of corrective actions of the licensee which relate to violations of the Oregon Seed Law or for requiring, monitoring, and documenting compliance with the Oregon Seed Law.

(b) When imposed for a Slow Pay No Pay violation, probation shall be established for the purpose of requiring, monitoring, and documenting corrective actions of the licensee which relate to the violations of Oregon's Slow Pay No Pay laws or for requiring, monitoring, and documenting compliance with Oregon's Slow Pay No Pay laws.

(c) The department will base the decision of whether to impose probation on whether it determines that probation would be appropriate and beneficial for requiring, monitoring, and documenting corrective actions or for requiring, monitoring, or documenting compliance with the Oregon Seed Law or Slow Pay No Pay Laws. For violations of Oregon's Slow Pay No Pay laws, the period of probation may be up to three years. For violations of the Oregon Seed Law, the department shall base the decision of and the duration of a probationary period on consideration the magnitude of violation as described in OAR 603-056-0540 and the gravity of circumstance as described in OAR 603-056-0540 as follows:

(A) Up to one year a Category III (Minor) violation where the department issued either a Notice of Violation or Notice of Imposition of Civil Penalty of less than \$2,500.

(B) One to three years for the following:

(i) Category III (Minor) violation where the department issued a Notice of Imposition of Civil Penalty greater than or equal to \$2,500; or

(ii) Category II (Moderate) violation where the department issued a Notice of Violation; or

(iii) Category II (Moderate) violation where the department issued a Notice of Imposition of Civil Penalty less than \$20,000.

- (C) Three to five years for the following:
  - (i) Category II (Moderate) violation where the department issued a Notice of Imposition of Civil Penalty greater than or equal to \$20,000; or
  - (iii) Any Category I (Major) violation where the department issued a Notice of Violation or Notice of Imposition of Civil Penalty.

(2) The department may order suspension of a seed dealer license. The department will base the decision of whether to suspend a seed dealer license on the magnitude of violation(s), gravity of circumstance ascribed to the violation(s) as described in OAR 603-056-540, past occurrences of violations and volume of seed as described in OAR 603-056-0530, and other factors the department considers appropriate.

- (a) The department may suspend a license for the following:
  - (A) Any Category I (Major), Category II (Moderate), or Category III (Minor) violation where the department issued a Notice of Violation or Notice of Imposition of Civil Penalty.
  - (B) Any violation of Oregon Seed Law.

(b) The department shall suspend a license if payment is not made or written notice not provided as described in OAR 603-0470-0300.

(c) The department may order a suspension concurrently with the issuance of a Notice of Violation or a Notice of Imposition of Civil Penalty or through a separate enforcement action.

(d) The department shall base the duration of a suspension period on magnitude of the violation(s), the gravity of circumstance ascribed to the violation(s), and past occurrence of violations as follows and may consider any other factors it considers appropriate when setting a suspension period within the allowable ranges below:

- (A) Up to three years for the following:
  - (i) Category III (Minor) violation where the department issued either a Notice of Violation or Notice of Imposition of Civil Penalty.
  - (ii) Category II (Moderate) violation where the department issued either a Notice of Violation or Notice of Imposition of Civil Penalty.
- (B) Up to five years for the following:
  - (i) Category I (Major) violation where the department issued either a Notice of Violation or Notice of Imposition of Civil Penalty.

(3) The department may order revocation of a seed dealer license. The department will base the decision of whether to revoke a seed dealer license on the magnitude of violation(s), the gravity of circumstance ascribed to the violation(s) as described in OAR 603-056-540, past occurrences of violations and volume of seed as described in OAR 603-056-0530, and any other factors the department considers appropriate.

- (a) The department may revoke a license for the following:
    - (A) Any Category I (Major) or Category II (Moderate) violation where the department issued a Notice of Imposition of Civil Penalty.
    - (B) Any violation of Oregon Seed law.
  - (b) The department may order revocation concurrently with the issuance of a Notice of Violation or a Notice of Imposition of Civil Penalty or through a separate enforcement action.
- (4) The department may reissue a license that has been suspended or revoked as follows:
- (a) The department may reissue a suspended license only when all of the following have occurred:
    - (i) Person(s) have completed any corrective actions ordered by the department; and
    - (ii) In the case where a Notice or Notices of Imposition of Civil Penalty were issued, person(s) have paid all civil penalties imposed; and
    - (iii) The suspension period has expired.
    - (iv) Person(s) have re-applied for a license as described in OAR 603-056-0050.
  - (b) The department may, but is not required to, reissue a revoked license. The department shall only consider reissuing a revoked license when all of the following have occurred:
    - (i) Person(s) have completed any corrective actions ordered by the department; and
    - (ii) In the case where a Notice or Notices of Imposition of Civil Penalty were issued, person(s) have paid all civil penalties imposed; and
    - (iii) A time period has elapsed from the date of the revocation of the license of at least three years for a Category II (Moderate) violation or five years for a Category I (Major) violation.
    - (iv) Person(s) have re-applied for a license as described in OAR 603-056-0050.

**Statutory/Other Authority:** ORS 561 & 633

**Statutes/Other Implemented:** ORS 633.711

**History:**

[DOA 9-2020, amend filed 07/14/2020, effective 07/14/2020](#)

AD 5-1996, f. & cert. ef. 6-7-96