

OFFICE OF THE SECRETARY OF STATE
SHEMIA FAGAN
SECRETARY OF STATE

CHERYL MYERS
DEPUTY SECRETARY OF STATE



ARCHIVES DIVISION
STEPHANIE CLARK
DIRECTOR

800 SUMMER STREET NE
SALEM, OR 97310
503-373-0701

NOTICE OF PROPOSED RULEMAKING INCLUDING STATEMENT OF NEED & FISCAL IMPACT

CHAPTER 333
OREGON HEALTH AUTHORITY
PUBLIC HEALTH DIVISION

FILED

07/12/2021 1:22 PM
ARCHIVES DIVISION
SECRETARY OF STATE

FILING CAPTION: Repeal COVID19 rules for Governor's Executive Orders relating to food, pool, and lodging facilities

LAST DAY AND TIME TO OFFER COMMENT TO AGENCY: 08/21/2021 5:00 PM

The Agency requests public comment on whether other options should be considered for achieving the rule's substantive goals while reducing negative economic impact of the rule on business.

A public rulemaking hearing may be requested in writing by 10 or more people, or by a group with 10 or more members, within 21 days following the publication of the Notice of Proposed Rulemaking in the Oregon Bulletin or 28 days from the date the Notice was sent to people on the agency mailing list, whichever is later. If sufficient hearing requests are received, the notice of the date and time of the rulemaking hearing must be published in the Oregon Bulletin at least 14 days before the hearing.

CONTACT: Dave Martin 800 NE Oregon St.
971-673-3283 Portland, OR 97232
publichealth.rules@dhsosha.state.or.us

Filed By:
Brittany Hall
Rules Coordinator

NEED FOR THE RULE(S):

The Governor declared an emergency due to the public health threat posed by coronavirus disease 2019 (COVID-19) and issued several Executive Orders (EO) that have been designated as public health laws. These rules being repealed allowed the Authority or a local public health authority to enforce the provisions of the Executive Orders, but only as long as the underlying Executive Orders are in effect. On June 25, 2021, the Governor issued EO 21-15 that lifted all COVID-19 restrictions and therefore these rules are no longer necessary.

DOCUMENTS RELIED UPON, AND WHERE THEY ARE AVAILABLE:

Governor's Executive Orders relating to COVID-19 including but not limited to EO 20-59, 20-66, 21-05 and 21-15 available online at <https://www.oregon.gov/gov/admin/Pages/executive-orders.aspx>

FISCAL AND ECONOMIC IMPACT:

There will be no fiscal or economic impact on the Public Health Division as a result of the repeal of these rules. The rules were implemented by existing program staff and were part of current staff responsibilities relating to statewide rulemaking, consultation and technical assistance, and repealing them will not create a fiscal impact to the program or staff.

COST OF COMPLIANCE:

(1) Identify any state agencies, units of local government, and members of the public likely to be economically affected by the rule(s). (2) Effect on Small Businesses: (a) Estimate the number and type of small businesses subject to the rule(s); (b) Describe the expected reporting, recordkeeping and administrative activities and cost required to comply with the rule(s); (c) Estimate the cost

of professional services, equipment supplies, labor and increased administration required to comply with the rule(s).

(1) The Oregon Health Authority and local public health authorities are responsible for implementing public health law and these rules were necessary to implement and enforce the Governor's Executive Orders related to the COVID-19 emergency. These rules became obsolete and unenforceable once the Governor rescinded her Executive Orders and repealing these rules do not impose any costs of compliance on state or local government agencies or the public.

(2)(a) There are approximately 30,000 licensed food, pool and lodging facilities in Oregon, many of these considered small businesses. In addition, the Governor's Orders are considered public health law and applied to many other small businesses that are not subject to the licensing statutes in ORS chapters 624, 448 and 446. The number of these unlicensed businesses is unknown.

(b) None. These rules became obsolete and unenforceable once the Governor rescinded her Executive Orders and repealing these rules do not impose any costs on small businesses in Oregon.

(c) None. These rules became obsolete and unenforceable once the Governor rescinded her Executive Orders and repealing these rules do not impose any costs on small businesses in Oregon.

DESCRIBE HOW SMALL BUSINESSES WERE INVOLVED IN THE DEVELOPMENT OF THESE RULE(S):

Small businesses were not consulted in the proposed repeal of these rules.

WAS AN ADMINISTRATIVE RULE ADVISORY COMMITTEE CONSULTED? NO IF NOT, WHY NOT?

The agency does not anticipate any public, industry or other stakeholder opposition to repealing these rules since they are no longer enforceable and are obsolete.

RULES PROPOSED:

333-003-1001, 333-003-1011, 333-003-1021, 333-003-1031, 333-003-1041, 333-003-3000, 333-003-3010, 333-003-3020, 333-003-3030, 333-003-3040

REPEAL: 333-003-1001

RULE SUMMARY: Repeal OAR 333-003-1001: On June 25, 2021, the Governor issued EO 21-15 that lifted all COVID-19 restrictions and therefore these rules are no longer enforceable and are obsolete.

CHANGES TO RULE:

~~333-003-1001~~

~~COVID-19 Related Requirements: Definitions~~

~~The following definitions apply to OAR 333-003-1001 to 333-003-3040:¶~~

~~(1) "Authority" means the Oregon Health Authority.¶~~

~~(2) "Authority guidance" means guidance issued by the Authority implementing any Governor's Executive Order that the Governor has designated as a public health law as defined in ORS 431A.005.¶~~

~~(3) "Local public health authority" has the meaning given that term in ORS 431.003.¶~~

~~(4) "Physical distancing officer" or "physical distancing monitor" means an individual designated to establish, implement, and enforce physical distancing requirements.~~

~~Statutory/Other Authority: ORS 413.042, ORS 433.441, ORS 624.020, ORS 624.355, ORS 624.415, ORS~~

624.041, Governor's EOs relating to COVID-19 including but not limited to EO 20-59, 20-66, 21-05
Statutes/Other Implemented: ORS 431A.005, ORS 431A.010, Governor's EOs relating to COVID-19 including but
not limited to EO 20-59, 20-66, 21-05

REPEAL: 333-003-1011

RULE SUMMARY: Repeal OAR 333-003-1011: On June 25, 2021, the Governor issued EO 21-15 that lifted all COVID-19 restrictions and therefore these rules are no longer enforceable and are obsolete.

CHANGES TO RULE:

~~333-003-1011~~

~~COVID-19 Related Requirements: Enforcement of Governors Executive Orders and State Guidance~~

~~(1) The Authority or a local public health authority may impose civil penalties up to \$500 per day per violation on any person for violating any provision of:~~

~~(a) Any Governor's Executive Order that the Governor has designated as a public health law as defined in ORS 431A.005;~~

~~(b) Authority guidance implementing such an Executive Order; or~~

~~(c) OAR 333-003-1001 to OAR 333-003-3040.~~

~~(2) Any civil penalties imposed by the Authority shall be imposed in accordance with ORS 183.745. Civil penalties imposed by the local public health authority shall be imposed in a manner substantially equivalent to ORS 183.745.~~

~~(3) Civil penalties may not be imposed under this rule if the Executive Order alleged to have been violated is not in effect at the time the Notice of Imposition of Civil Penalties is issued.~~

~~Note: Copies of the Executive Orders are available at: <https://www.oregon.gov/gov/admin/Pages/executive-orders.aspx>~~

~~Note: Authority guidance is available at: <https://govstatus.egov.com/OR-OHA-COVID-19>~~

~~Statutory/Other Authority: ORS 413.042, ORS 433.441, ORS 431A.010, ORS 624.415, ORS 624.020, ORS 624.041, ORS 624.355, ORS 624.415, Governors EOs relating to COVID-19 including but not limited to EO 20-59, 20-66, 21-05~~

~~Statutes/Other Implemented: ORS 431A.005, ORS 431A.010, Governors EOs relating to COVID-19 including but not limited to EO 20-59, 20-66, 21-05~~

REPEAL: 333-003-1021

RULE SUMMARY: Repeal OAR 333-003-1021: On June 25, 2021, the Governor issued EO 21-15 that lifted all COVID-19 restrictions and therefore these rules are no longer enforceable and are obsolete.

CHANGES TO RULE:

~~333-003-1021~~

~~COVID-19 Related Requirements: Food and Drink Establishments~~

- ~~(1) For the purposes of this rule, "eating and drinking establishments" means food and drink establishments, including but not limited to, restaurants, bars, breweries, brewpubs, taverns, wine bars, cafes, food courts, coffee shops, mobile food units, food cart pods, clubs, wineries, tasting rooms and distilleries or other similar establishments that offer or allow food or drink.¶¶~~
- ~~(2) Eating and drinking establishments must comply with the requirements in Authority guidance as applicable to the county where the establishment is located. Such requirements include but are not limited to:¶¶~~
- ~~(a) Implementing physical distancing protocols of at least six feet between customers not in the same party while ordering, waiting, in line, and at any time on the premises.¶¶~~
- ~~(b) Implementing physical distancing protocols of at least six feet between staff whenever possible.¶¶~~
- ~~(c) Complying with ORS chapter 471 and any rules adopted thereunder when offering or selling alcoholic beverages for off-premises consumption.¶¶~~
- ~~(d) Complying with the Authority Statewide Mask, Face Shield, Face Covering Guidance.¶¶~~
- ~~(e) Complying with the maximum capacity limits and maximum party size limits in accordance with Authority guidance based on the designated risk level for the county where the establishment is located.¶¶~~
- ~~(f) Prohibiting indoor on-site consumption when required by Authority guidance based on the designated risk level for the county where the establishment is located.¶¶~~
- ~~(3) In addition to the requirements in section (2) of this rule, eating and drinking establishments may only provide continental breakfast operations, buffets, and other self-service operations if:¶¶~~
- ~~(a) Only staff prepare and package the food or drinks; and¶¶~~
- ~~(b) The establishment complies with the Authority Guidance for Self-Service Operations based on the designated risk level of the county where the operation is located.¶¶~~
- ~~(4) This rule does not apply to persons or entities exempt under the Governor's Executive Order 20-66, paragraph 8.¶¶~~
- ~~(5) The prohibition and requirements of this rule do not apply if at the time of the alleged conduct the Governor has terminated the Executive Order underlying the prohibition or requirement.¶¶~~

~~Note: Authority guidance is available at: <https://govstatus.egov.com/OR-OHA-COVID-19>~~

~~Statutory/Other Authority: ORS 413.042, ORS 433.441, Governors EOs relating to COVID-19 including but not limited to EO 20-59, 20-66, 21-05~~

~~Statutes/Other Implemented: ORS 431A.005, ORS 431A.010, ORS 431A.015, Governors EOs relating to COVID-19 including but not limited to EO 20-59, 20-66, 21-05~~

REPEAL: 333-003-1031

RULE SUMMARY: Repeal OAR 333-003-1031: On June 25, 2021, the Governor issued EO 21-15 that lifted all COVID-19 restrictions and therefore these rules are no longer enforceable and are obsolete.

CHANGES TO RULE:

~~333-003-1031~~

~~COVID-19 Related Requirements: Disciplinary Action for Violation of an Executive Order or Authority Guidance~~

~~(1) Violation of OAR 333-003-1021 constitutes a violation of the Oregon Food Sanitation Rules OAR 333-150-0000.¶¶~~

~~(2)(a) The requirements and prohibitions of OAR 333-003-1021 and Authority guidance applicable to food establishments are "priority items" as that term is used in OAR chapter 333, divisions 150 and 157. ¶¶~~

~~(b) As used in ORS chapter 624 and OAR chapter 333, divisions 150 and 157, violations of OAR 333-003-1021 and applicable Authority guidance, including but not limited to, failure to implement mask, face covering, face shield requirements, failure to comply with maximum capacity or party size limitations, failure to implement physical distancing requirements, or failing to comply with a prohibition on on-site consumption as applicable, may constitute:¶¶~~

~~(A) Critical violations that are a potential danger to the public health; and¶¶~~

~~(B) Critical violations that create an imminent or present danger to public health.¶¶~~

~~(C) The Authority or the local public health authority shall determine whether a violation of OAR 333-003-1021 or of Authority guidance constitutes a critical violation creating a potential danger to public health or creating an imminent or present danger to public health by reviewing the information available to the Authority or the local public health authority at the time and the scope of the violation, including any known mitigating or aggravating factors.¶¶~~

~~(3) Violation of OAR 333-003-1021 may serve as the basis for the Authority, or its designee, to take any enforcement or licensing action permitted under ORS chapter 624 against any food establishment as defined in OAR 333-150-0000(4)(q) regulated by the Authority, including but not limited to:¶¶~~

~~(a) Restaurants;¶¶~~

~~(b) Bed and breakfast facilities;¶¶~~

~~(c) Mobile food units;¶¶~~

~~(d) Commissaries;¶¶~~

~~(e) Warehouses;¶¶~~

~~(f) Vending machines;¶¶~~

~~(g) Traveler's accommodations; or¶¶~~

~~(h) Organizational camps.¶¶~~

~~(4)(a) In addition to the bases for imposing civil penalties under OAR 333-157-0045, a local public health authority may impose civil penalties against any food establishment as defined in OAR 333-150-0000(4)(q) regulated by the Authority for any violation of OAR 333-003-1021 or applicable Authority guidance that poses an imminent and present danger to public health.¶¶~~

~~(b) Civil penalties imposed under this section may be up to \$1000 per day per violation. ¶¶~~

~~(5) Any enforcement or licensing action taken under this rule shall be taken in accordance with ORS chapter 183.¶¶~~

~~(6) Enforcement or licensing action may not be taken under this rule if the Executive Order underlying the prohibition or requirement that serves as the basis for the violation is not in effect at the time the notice of enforcement or licensing action is issued. ¶¶~~

~~Note: Authority guidance is available at: <https://govstatus.egov.com/OR-OHA-COVID-19>~~

~~Statutory/Other Authority: ORS 433.441, ORS 413.042, Governors EOs relating to COVID-19 including but not limited to EO 20-59, 20-66, 21-05, ORS 624.992~~

~~Statutes/Other Implemented: ORS 431A.005, ORS 431A.010, ORS 624.020, ORS 624.041, ORS 624.355, ORS~~

624.415, Governors EOs relating to COVID-19 including but not limited to EO 20-59, 20-66, 21-05

REPEAL: 333-003-1041

RULE SUMMARY: Repeal OAR 333-003-1041: On June 25, 2021, the Governor issued EO 21-15 that lifted all COVID-19 restrictions and therefore these rules are no longer enforceable and are obsolete.

CHANGES TO RULE:

~~333-003-1041~~

~~COVID-19 Related Requirements: Designation of Physical Distancing Officer~~

~~(1) Businesses or facilities required to designate a physical distancing officer or physical distancing monitor pursuant to a Governor's Executive Order, Authority guidance implementing a Governor's Executive Order, or by rule shall immediately provide the name and contact information of the physical distancing officer or monitor to the Authority, a local public health authority, or any other state agency with responsibility for enforcement, upon request.~~

~~(2) This rule shall be suspended when the Governor lifts the physical distancing requirements for businesses and facilities.~~

~~Statutory/Other Authority: ORS 413.042, ORS 433.441~~

~~Statutes/Other Implemented: ORS 431A.005, ORS 431A.010, ORS 431A.015, ORS 624.020, ORS 624.041, ORS 624.355, ORS 624.415~~

REPEAL: 333-003-3000

RULE SUMMARY: Repeal OAR 333-003-3000: On June 25, 2021, the Governor issued EO 21-15 that lifted all COVID-19 restrictions and therefore these rules are no longer enforceable and are obsolete.

CHANGES TO RULE:

~~333-003-3000~~

~~Definitions~~

~~The following definitions apply to OAR 333-003-3000 to 333-003-3040:~~

~~(1) "Subject public pools and spas" includes:~~

~~(a) Public swimming pools as defined in OAR 333-060-0015(19);~~

~~(b) Public spa pools as defined in OAR 333-062-0015(14);~~

~~(c) Public wading pools as defined in OAR 333-060-0015(20);~~

~~(d) Spray pools as defined in OAR 333-060-0015(20)(a); and~~

~~(e) Interactive fountains as defined in OAR 333-060-0015(20)(b).~~

~~(2) "Subject tourist facilities" include:~~

~~(a) Hostels as defined in OAR 333-029-0015(5);~~

~~(b) Organizational camps as defined in ORS 446.310(7);~~

~~(c) Recreation parks as defined in OAR 333-031-0002(12); and~~

~~(d) Travelers' accommodations as defined in OAR 333-029-0015(10).~~

~~Statutory/Other Authority: ORS 413.042, ORS 433.441~~

~~Statutes/Other Implemented: ORS 431A.005, ORS 431A.010, ORS 446.310 - 446.350, ORS 448.005 - 448.100~~

REPEAL: 333-003-3010

RULE SUMMARY: Repeal OAR 333-003-3010: On June 25, 2021, the Governor issued EO 21-15 that lifted all COVID-19 restrictions and therefore these rules are no longer enforceable and are obsolete.

CHANGES TO RULE:

~~333-003-3010~~

~~Requirements for Tourist Facilities During Declared Emergency~~

~~(1) Subject tourist facilities must comply with all applicable requirements and prohibitions imposed by a Governor's Executive Order that is designated as a public health law as defined in ORS 431A.005 and any provision of Authority guidance implementing such an Executive Order.¶¶~~

~~(2) Compliance with a Governor's Executive Order designated as a public health law as described in section (1) includes, but is not limited to:¶¶~~

~~(a) Operating a facility or portion of a facility required by an Executive Order or Authority guidance to be closed;¶¶~~

~~(b) Failing to comply with the requirements of Authority guidance implementing an Executive Order, including but not limited to:¶¶~~

~~(A) Failing to implement protocols or take other action necessary to maintain physical distancing of six feet between individuals not in the same party when and as required by Authority guidance;¶¶~~

~~(B) Failing to comply with restrictions on party size when and as required by Authority guidance;¶¶~~

~~(C) Failing to implement the Authority Statewide Mask, Face Shield, Face Covering Guidance or Oregon General Guidance for Employers on COVID-19 when and as required by Authority guidance;¶¶~~

~~(D) Failing to clean and disinfect in accordance with Authority guidance;¶¶~~

~~(E) Failing to prohibit activities or close facilities when and in accordance with Authority guidance; and¶¶~~

~~(F) Failing to post signs required by Authority guidance.¶¶~~

~~(3) The requirements of this rule do not apply if at the time of the alleged conduct the Governor has terminated the Executive Order that imposes the requirement or prohibition or terminated the Executive Order underlying the Authority guidance.¶¶~~

~~Note: Copies of Executive Orders are available at: <https://www.oregon.gov/gov/admin/Pages/executive-orders.aspx>¶¶~~

~~Copies of Authority guidance are available at: <https://govstatus.egov.com/OR-OHA-COVID-19>~~

~~Statutory/Other Authority: ORS 413.042, ORS 433.441, Governors EOs relating to COVID-19 including but not limited to EO 20-59, 20-66, 21-05~~

~~Statutes/Other Implemented: ORS 431A.005, ORS 431A.010, ORS 431A.015, ORS 446.310, ORS 446.330, ORS 446.340, ORS 446.349, Governors EOs relating to COVID-19 including but not limited to EO 20-59, 20-66, 21-05~~

REPEAL: 333-003-3020

RULE SUMMARY: Repeal OAR 333-003-3020: On June 25, 2021, the Governor issued EO 21-15 that lifted all COVID-19 restrictions and therefore these rules are no longer enforceable and are obsolete.

CHANGES TO RULE:

~~333-003-3020~~

~~Disciplinary Action or Civil Penalties for Tourist Facilities During Declared Emergency~~

~~(1) The Authority, or its designee, may deny, suspend, or revoke the license of a subject tourist facility, or impose civil penalties against a subject tourist facility for failing to comply with any applicable requirement imposed by a Governor's Executive Order that is designated as a public health law as defined in ORS 431A.005 and any provision of Authority guidance implementing such an Executive Order.¶¶~~

~~(2) Any action taken under this rule shall be taken in accordance with ORS chapter 183.¶¶~~

~~(3) No action under this rule shall be taken if the Executive Order underlying the prohibition or requirement that serves at the basis for the violation is not in effect at the time the notice of enforcement or licensing action is issued.¶¶~~

~~(4) Violation of a Governor's Executive Order, any provision of Authority guidance implementing such an Executive Order, or OAR 333-003-3010 is a Class I violation as described in OAR 333-029-0130.¶¶~~

~~Note: Authority guidance is available at: <https://govstatus.egov.com/OR-OHA-COVID-19>¶¶~~

~~Copies of the Executive Orders are available at: <https://www.oregon.gov/gov/admin/Pages/executive-orders.aspx>~~

~~Statutory/Other Authority: ORS 413.042, ORS 433.441, ORS 446.310 – 446.350, Governors EOs relating to COVID-19 including but not limited to EO 20-59, 20-66, 21-05~~

~~Statutes/Other Implemented: ORS 431A.005, ORS 431A.010, ORS 446.310, ORS 446.324, ORS 446.340, ORS 446.347 – 446.349, Governors EOs relating to COVID-19 including but not limited to EO 20-59, 20-66, 21-05~~

REPEAL: 333-003-3030

RULE SUMMARY: Repeal OAR 333-003-3030: On June 25, 2021, the Governor issued EO 21-15 that lifted all COVID-19 restrictions and therefore these rules are no longer enforceable and are obsolete.

CHANGES TO RULE:

~~333-003-3030~~

~~Requirements for Subject Public Pools and Spas During Declared Emergency~~

- ~~(1) Subject public pools and spas must comply with all applicable requirements and prohibitions imposed by a Governor's Executive Order that is designated as a public health law as defined in ORS 431A.005 and any provision of Authority guidance implementing such an Executive Order.¶¶~~
- ~~(2) Compliance with a Governor's Executive Order designated as a public health law as described in section (1) includes, but is not limited to:¶¶~~
- ~~(a) Operating a facility or portion of a facility required by an Executive Order or Authority guidance to be closed;¶¶~~
- ~~(b) Failing to comply with the requirements of Authority guidance implementing an Executive Order, including but not limited to:¶¶~~
- ~~(A) Failing to limit the number of individuals inside the premises or implement other protocols necessary to maintain physical distancing of six feet between individuals not in the same party when and as required by Authority guidance;¶¶~~
- ~~(B) Failing to implement the Authority Statewide Mask, Face Shield, Face Covering Guidance or Oregon General Guidance for Employers on COVID-19 when and as required by Authority guidance;¶¶~~
- ~~(C) Failing to designate a physical distancing monitor in accordance with Authority guidance;¶¶~~
- ~~(D) Failing to clean and disinfect in accordance with Authority guidance; and¶¶~~
- ~~(E) Failing to prohibit employees or visitors with symptoms associated with COVID-19 from entering premises in accordance with Authority guidance.¶¶~~
- ~~(3) The requirements of this rule do not apply if at the time of the alleged conduct the Governor has terminated the Executive Order that imposes the requirement or prohibition or terminated the Executive Order underlying the Authority guidance.¶¶~~

~~Note: Copies of Executive Orders are available at: <https://www.oregon.gov/gov/admin/Pages/executive-orders.aspx>¶¶~~

~~Copies of Authority guidance are available at: <https://govstatus.egov.com/OR-OHA-COVID-19>~~

~~Statutory/Other Authority: ORS 413.042, ORS 433.441, Governors EOs relating to COVID-19 including but not limited to EO 20-59, 20-66, 21-05~~

~~Statutes/Other Implemented: ORS 431A.005, ORS 431A.010, ORS 431A.015, ORS 448.011, Governors EOs relating to COVID-19 including but not limited to EO 20-59, 20-66, 21-05~~

REPEAL: 333-003-3040

RULE SUMMARY: Repeal OAR 333-003-3040: On June 25, 2021, the Governor issued EO 21-15 that lifted all COVID-19 restrictions and therefore these rules are no longer enforceable and are obsolete.

CHANGES TO RULE:

~~333-003-3040~~

~~Disciplinary Action for Subject Public Pools and Spas During a Declared Emergency~~

~~(1) The Authority, or its designee, may deny, suspend, or revoke the license of a subject pool or spa for failing to comply with any applicable requirements imposed by a Governor's Executive Order that is designated as a public health law as defined in ORS 431A.005, any provision of Authority guidance implementing such an Executive Order, or any provision of OAR 333-003-3030.~~

~~(2) Any action taken under this rule shall be taken in accordance with ORS chapter 183.~~

~~(3) No action under this rule shall be taken if the Governor has terminated the Executive Order underlying the prohibition or requirement that serves at the basis for the violation.~~

~~Note: Copies of Executive Orders and Authority guidance are available on the Oregon Health Authority's webpage: <https://govstatus.egov.com/OR-OHA-COVID-19>~~

~~Statutory/Other Authority: ORS 413.042, ORS 433.441~~

~~Statutes/Other Implemented: ORS 431A.005, ORS 431A.010, ORS 448.005, ORS 448.011, ORS 448.051~~