

Secretary of State
NOTICE OF PROPOSED RULEMAKING HEARING*
A Statement of Need and Fiscal Impact accompanies this form

FILED 10-15-15 4:30 PM ARCHIVES DIVISION SECRETARY OF STATE

Oregon Department of Aviation Agency and Division	738 Administrative Rules Chapter Number
Lauri Kunze Rules Coordinator	(503) 986-3171 Telephone
Oregon Department of Aviation, 3040 25th St. SE, Salem, OR 97302-1125 Address	

RULE CAPTION

Civil Penalties
Not more than 15 words that reasonably identifies the subject matter of the agency's intended action.

Hearing Date	Time	Location	Hearings Officer
12-8-15	10:00 a.m.	Port of Portland, Multnomah Room; 7200 NE Airport Way, Portland OR	Joy Howard

RULEMAKING ACTION

Secure approval of rule numbers with the Administrative Rules Unit prior to filing.

- ADOPT:**
Adoption of OAR 738-140-0005 through 738-140-0040
- AMEND:**
- REPEAL:**
- RENUMBER:** Secure approval of new rule numbers with the Administrative Rules Unit prior to filing.
- AMEND AND RENUMBER:** Secure approval of new rule numbers with the Administrative Rules Unit prior to filing.

Statutory Authority:
ORS 835.035, 835.112, 837.998

Other Authority:
None

Statutes Implemented:
ORS 835.035, 835.112, 837.998

RULE SUMMARY

ORS 837.998 grants the Director of the Department of Aviation (ODA) the ability to impose civil penalties on citizens or public agencies for violating any part of ORS Chapter 837. These OARs help to define and explain the determination of the civil penalties and their process.

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.

12-08-2015 Close of Hearing Last Day (m/d/yyyy) and Time for public comment	Lauri Kunze Rules Coordinator Name	lauri.g.kunze@odot.state.or.us Email Address
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*The Oregon Bulletin is published on the 1st of each month and updates the rule text found in the Oregon Administrative Rules Compilation.

Secretary of State
STATEMENT OF NEED AND FISCAL IMPACT
A Notice of Proposed Rulemaking Hearing accompanies this form.

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Oregon Department of Aviation
Agency and Division

738
Administrative Rules Chapter Number

Civil Penalties

Rule Caption (Not more than 15 words that reasonably identifies the subject matter of the agency's intended action.)

In the Matter of:

the Adoption of OAR 738-140-0005 through 738-140-0040

Statutory Authority:

ORS 835.035, 835.112, 837.998

Other Authority:

None

Statutes Implemented:

ORS 835.035, 835.112, 837.998

Need for the Rule(s):

ORS 837.998 grants the Director of the Department of Aviation (ODA) the ability to impose civil penalties on citizens or public agencies for violating any part of ORS Chapter 837. These OARs help to define and explain the determination of the civil penalties and their process.

Documents Relied Upon, and where they are available:

ORS 837.998

Fiscal and Economic Impact:

See statements below

Statement of Cost of Compliance:

1. Impact on state agencies, units of local government and the public (ORS 183.335(2)(b)(E)):

During the remainder of the 2015-2017 Biennium, we estimate five (5) civil penalties imposed on state agencies, local government, or the public for each applicable ORS/OAR. A table of ORS/OAR and maximum penalties is available from the agency.

Therefore, we estimate five (5) violations of seven (7) separate ORSs with a maximum fine of \$720, or a maximum of \$25,200 (5 x 7 x \$720 = \$25,200) civil penalties imposed in the remainder of the 2015-2017 Biennium.

Also, we estimate five (5) violations by public agencies of ORS 837.360 (OAR 738-140-0025) with a maximum fine of \$9,900, for a maximum total of \$49,950 in civil penalties during the remainder of the 2015-2017 Biennium.

Total civil penalties from public and private sources during the remainder of the 2015-2017 Biennium are estimated to be \$75,150.

2. Cost of compliance effect on small business (ORS 183.336):

a. Estimate the number of small business and types of businesses and industries with small businesses subject to the rule:

No small businesses will have any fiscal or economic impact if that small business does not violate any provision of ORS Chapter 837.

b. Projected reporting, recordkeeping and other administrative activities required for compliance, including costs of professional services:

No small businesses will have any direct fiscal or economic impact if that small business does not violate any provision of ORS Chapter 837.

c. Equipment, supplies, labor and increased administration required for compliance:

No small businesses, member of the public or public entity will have any additional reporting, recordkeeping, or other administrative costs if they do not violate any provision of ORS Chapter 837.

How were small businesses involved in the development of this rule?

Civil Penalties are required by statute and have been discussed and approved by the Board of Aviation, which represents a cross section of Oregon businesses affected by these rules, including a member of the Oregon Pilots Association.

Administrative Rule Advisory Committee consulted?: No

If not, why?:

An Administrative Rule Advisory Committee was not formed because this rule is required by statute, and is designed to only affect intentional violators of ORS Chapter 837.

<u>12-08-2015 Close of Hearing</u>	<u>Lauri Kunze</u>	<u>lauri.g.kunze@odot.state.or.us</u>
Last Day (m/d/yyyy) and Time for public comment	Printed Name	Email Address