

Secretary of State
Certificate and Order for Filing
PERMANENT ADMINISTRATIVE RULES

I certify that the attached copies* are true, full and correct copies of the PERMANENT Rule(s) adopted on [12/27/11] by the
Date prior to or same as filing date
Bureau of Labor and Industries, Wage and Hour Division OAR 839-001

Agency and Division Administrative Rules Chapter Number

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to become effective [1/1/12]. Rulemaking Notice was published in the [12/11] Oregon Bulletin.**
Date upon filing or later Month and Year

RULE CAPTION

Implements legislation providing civil penalties for issuance of dishonored checks in payment of wages

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

RULEMAKING ACTION

List each rule number separately (000-000-0000)

Secure approval of new rule numbers (Adopted or Renumbered rules) with the Administrative Rules Unit prior to filing.

ADOPT: OAR 839-001-0300

Stat. Auth.: ORS 651.060(4); ORS 652; ORS 30.701

Other Auth.: House Bill 2039 (2011)

Stats. Implemented: ORS 652

RULE SUMMARY

This new rule implements the provisions of House Bill (HB) 2039 enacted by the 2011 Legislature. HB 2039, effective January 1, 2012, amends ORS chapter 652 to authorize the Commissioner of the Bureau of Labor and Industries to assess civil penalties payable to employees equal to the damages provided in ORS 30.701 relating to actions against makers of dishonored checks. ORS 30.701 provides that when an individual is issued a check for which there are insufficient funds, the person may recover from the maker of the dishonored check statutory damages in an amount equal to \$100 or triple the amount for which the check is drawn, not to exceed \$500 more than the value of the check.

This new rule provides that such amounts may be assessed as civil penalties by the Bureau of Labor and Industries pursuant to the Administrative Procedure Act (ORS 183.413 to 183.470) and the bureau's Contested Case Hearing Rules.



Brad Avakian

December 27, 2011

Authorized Signer

Printed name

Date

*With this original, file one photocopy of certificate, one paper copy of rules listed in Rulemaking Actions, and electronic copy of rules. **The Oregon Bulletin is published the 1st of each month and updates rules found in the OAR Compilation. For publication in Bulletin, rule and notice filings must be submitted by 5:00 pm on the 15th day of the preceding month unless this deadline falls on a weekend or legal holiday, when filings are accepted until 5:00 pm on the preceding workday.

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