

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

<u>Bureau of Labor and Industries</u>	839
Agency and Division	Administrative Rules Chapter Number
<u>Marcia Ohlemiller</u>	(971) 673-0784
Rules Coordinator	Telephone
<u>Bureau of Labor and Industries, 800 NE Oregon St., Ste. 1045, Portland, OR 97232</u>	
Address	

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

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

ADOPT:

OAR 839-001-0300

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 651.060(4); ORS 652; ORS 30.701

Other Authority:

House Bill (HB) 2039 (2011)

Statutes Implemented:

ORS 652

RULE SUMMARY

The proposed 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.

The proposed 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.

A public rulemaking hearing may be requested in writing by 10 or more people, or by an association 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 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.

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.

<u>12-21-2011 Close of Business</u>	<u>Marcia Ohlemiller</u>	<u>Marcia.L.Ohlemiller@state.or.us</u>	<u>11-1-11 12:05p.m.</u>
Last Day (m/d/yyyy) and Time for public comment	Printed Name	Email Address	Date Filed

*The Oregon Bulletin is published on the 1st of each month and updates the rule text found in the Oregon Administrative Rules Compilation. Notice forms must be submitted to the Administrative Rules Unit, Oregon State Archives, 800 Summer Street NE, Salem, Oregon 97310 by 5:00 pm on the 15th day of the preceding month unless this deadline falls on a Saturday, Sunday or legal holiday when Notice forms are accepted until 5:00 pm on the preceding workday.

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