

Secretary of State  
**STATEMENT OF NEED AND FISCAL IMPACT**

A Notice of Proposed Rulemaking Hearing or a Notice of Proposed Rulemaking accompanies this form.

Bureau of Labor and Industries

839

Agency and Division

Administrative Rules Chapter Number

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

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

In the Matter of:

Rules for Wage Claim Enforcement

Statutory Authority:

ORS 651.060(4); ORS 652; ORS 30.701

Other Authority:

House Bill (HB) 2039 (2011)

Stats. Implemented:

ORS 652

Need for the Rule(s):

The proposed new rule implements the provisions of House Bill (HB) 2039 enacted by the 2011 Legislature. HB 2039 becomes effective January 1, 2012, and amends ORS chapter 652 to authorize the Commissioner of the Bureau of Labor and Industries (BOLI) to assess civil penalties payable to employees equal to the damages provided in ORS 30.702 relating to actions against makers of dishonored checks. The proposed new rule implements this legislation by providing that such amounts may be assessed as civil penalties by BOLI pursuant to the Administrative Procedure Act (ORS 183.413 to 183.470) and the bureau's Contest Case Hearing Rules.

Documents Relied Upon, and where they are available:

HB 2039 (2011) and ORS 30.702, available on the Oregon State Legislature website at [http://www.leg.state.or.us/bills\\_laws/home.htm](http://www.leg.state.or.us/bills_laws/home.htm), or from the Bureau of Labor and Industries upon request.

Fiscal and Economic Impact:

The proposed new rule has no additional fiscal impact separate from the potential fiscal impact of HB 2039 to employers who issue dishonored checks, and the agency in assessing civil penalties against such employers.

Statement of Cost of Compliance:

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

There is no cost of complying with HB 2039; the legislation this proposed new rule implements, or this proposed new rule.

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:

ALL Oregon businesses are subject to HB 2039 and this rule, however, only those businesses that issue dishonored checks for employee wages are subject to the assessment of civil penalties as provided by HB 2039 and this proposed rule.

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

None.

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

None.

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

If not, why?:

Because this rule simply conforms to legislation already enacted, small businesses were not involved in its development.

Administrative Rule Advisory Committee consulted?: No

Because this rule simply conforms to legislation already enacted, an administrative rule advisory committee was not deemed appropriate.

12-21-2011 Close of Business

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Last Day (m/d/yyyy) and Time  
for public comment

Printed Name

Email Address

Date Filed

Administrative Rules Unit, Archives Division, Secretary of State, 800 Summer Street NE, Salem, Oregon 97310.

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