

HOUSE AMENDMENTS TO RESOLVE CONFLICTS TO A-ENGROSSED SENATE BILL 385

By COMMITTEE ON BUSINESS, LABOR AND CONSUMER AFFAIRS

May 26

1 On page 7 of the printed A-engrossed bill, after line 8, insert:

2 **“SECTION 8a. If House Bill 2029 becomes law, section 8 of this 2005 Act (amending ORS**
3 **674.364) is repealed.”.**

4 After line 35, insert:

5 **“SECTION 9a. If House Bill 2029 becomes law, section 9 of this 2005 Act (amending ORS**
6 **674.850) is repealed and ORS 674.850, as amended by section 7, chapter __, Oregon Laws 2005**
7 **(Enrolled House Bill 2029), is amended to read:**

8 “674.850. (1) The Appraiser Certification and Licensure Board may impose a civil penalty, **not**
9 **to exceed \$500 for each violation**, on *[any]* a person who violates *[any]* a provision of ORS 674.130
10 to 674.150, *674.310 and 674.330, or any* or a rule or final order of the board or *[any final]* a judg-
11 ment made by *[any]* a court upon application of the board. *[The amount of the civil penalty may not*
12 *be more than \$500 for each offense. Each violation shall be deemed a separate offense.]*

13 *“[(2) Civil penalties under this section shall be imposed as provided in ORS 183.745.]*

14 **“(2) The board may impose a civil penalty on a person who violates ORS 674.100 (1) in an**
15 **amount that is:**

16 **“(a) Not less than \$100 and not more than \$500 for the first violation; and**

17 **“(b) Not less than \$500 and not more than \$1,000 for a subsequent violation.**

18 **“(3) In addition to the civil penalties set forth in subsection (2) of this section, the board**
19 **may impose a civil penalty on a person who violates ORS 674.100 (1) in an amount that does**
20 **not exceed the amount by which the person profited in the transaction in violation of ORS**
21 **674.100 (1).**

22 **“(4) The board shall impose civil penalties under this section in the manner provided in**
23 **ORS 183.745.**

24 *“[(3)] (5)(a) The provisions of this section are in addition to and not in lieu of [any] other*
25 *enforcement [provision] provisions contained in ORS [674.130 to 674.150,] 674.140 and 674.310 [and*
26 *674.330].*

27 **“(b) The civil penalty provisions of subsections (2) and (3) of this section are in addition**
28 **to and not in lieu of the criminal penalties for uncertified, unlicensed or unregistered real**
29 **estate appraisal activity in ORS 674.990.**

30 *“[(4)] (6) The remedies provided in [subsections (1) to (3) of] this section are in addition to and*
31 *not exclusive of [any] other remedies provided by law.”.*

32 On page 8, after line 16, insert:

33 **“SECTION 10a. If House Bill 2029 becomes law, section 10 of this 2005 Act (amending ORS**
34 **674.990) is repealed and ORS 674.990, as amended by section 8, chapter __, Oregon Laws 2005**
35 **(Enrolled House Bill 2029), is amended to read:**

1 “674.990. (1) Violation of ORS 674.100 (1) is a Class A misdemeanor.

2 “(2) [Any] **An** officer, director, [or] shareholder or agent of a corporation, or member or agent
3 of a partnership or association, who personally participates in or is an accessory to [any] a violation
4 of ORS 674.100 (1) by the partnership, association or corporation, is subject to [the penalties pre-
5 scribed in] subsection (1) of this section.

6 “[(3) *The Appraiser Certification and Licensure Board may impose a civil penalty on a person who
7 violates ORS 674.100 (1). The amount of the civil penalty must be:*]

8 “[(a) *Not less than \$100 nor more than \$500 for the first offense of uncertified or unlicensed real
9 estate appraisal activity; and*]

10 “[(b) *Not less than \$500 nor more than \$1,000 for the second and subsequent offenses of uncertified
11 or unlicensed real estate appraisal activity.*]

12 “[(4) *In addition to the civil penalties set forth in subsection (3) of this section, any person who
13 violates ORS 674.100 (1) may be required by the board to pay a civil penalty in an amount determined
14 by the board, not to exceed the amount by which the person profited in any transaction that violates
15 ORS 674.100 (1).*]

16 “[(5) *When an order assessing a civil penalty under this section becomes final by operation of law
17 or on appeal, and the amount of penalty is not paid within 10 days after the order becomes final, the
18 order may be recorded with the county clerk in any county of this state. The clerk shall thereupon re-
19 cord the name of the person incurring the penalty and the amount of the penalty in the County Clerk
20 Lien Record.*]

21 “[(6) *Civil penalties under this section shall be imposed as provided in ORS 183.745.*]

22 “[(7) *The civil penalty provisions of subsections (3) and (4) of this section are in addition to and
23 not in lieu of the criminal penalties for unlicensed real estate appraisal activity in subsections (1) and
24 (2) of this section.*”].

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