

Chapter 283

2017 EDITION

Interagency Services

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GENERAL PROVISIONS

283.010 Definitions. As used in this chapter, unless the context requires otherwise:

(1) "Department" means the Oregon Department of Administrative Services.

(2) "Director" means the Director of the Oregon Department of Administrative Services.

(3) "State agency" or "agency" has the meaning given such term in ORS 291.002. [1967 c.419 §17; 1975 c.345 §1; 1977 c.717 §19; 1989 c.224 §47; 1991 c.93 §2; 1993 c.500 §36; 1997 c.249 §84]

283.020 Federal law governs when federal granted funds involved. In all cases where federal granted funds are involved, the federal laws, rules and regulations applicable thereto shall govern notwithstanding any provisions to the contrary in this chapter. [1967 c.419 §18]

283.030 [1967 c.419 §19; repealed by 1993 c.500 §2a]

283.040 [1967 c.419 §20; 1973 c.792 §9; repealed by 1993 c.500 §2a]

283.050 [1967 c.419 §21; repealed by 1993 c.500 §2a]

283.060 [1967 c.419 §22; repealed by 1993 c.500 §2a]

283.070 [1975 c.447 §5; repealed by 1989 c.97 §1]

283.075 [1981 c.106 §9; repealed by 1989 c.84 §4 (283.076 enacted in lieu of 283.075)]

283.076 Oregon Department of Administrative Services Operating Fund. (1) There is established the Oregon Department of Administrative Services Operating Fund in the State Treasury, separate and distinct from the General Fund. The moneys in the Oregon Department of Administrative Services Operating Fund may be invested as provided in ORS 293.701 to 293.857. Interest earnings on the fund assets shall be credited to the fund.

(2) Amounts in the fund are continuously appropriated for and shall be used for the purposes authorized by law. It is the legislative intent that, except as otherwise provided by law, all activities using the Oregon Department of Administrative Services Operating Fund shall be self-supporting and the Oregon Department of Administrative Services shall keep the necessary records to show the status of each activity.

(3) Unless otherwise provided by law, the cost to the Oregon Department of Administrative Services of providing services, including labor, facilities and materials to any state agency, including itself, the cost of which is to be charged, in part or whole, to the agency served, may be advanced out of the Oregon Department of Administrative Services Operating Fund. The costs advanced from the fund shall be reimbursed to the fund from the charges paid to the department by the agency served.

(4) The department may estimate in advance the expenses that it will incur during the biennium for activities which operate out of the fund. Such expenses include necessary working capital and depreciation as determined by the department. The department may render to each agency an invoice for its share of such expenses for periods within the biennium. Each agency shall pay to the credit of the Oregon Department of Administrative Services Operating Fund such invoice as an administrative expense from funds or appropriations available to it in the same manner as other claims against the state are paid. If the estimated expenses for any agency are more or less than actual expenses, including working capital and depreciation requirements, for the period covered by the invoice, the difference shall be reflected in the next following estimate of expenses.

(5) Notwithstanding subsection (4) of this section, all moneys collected by the department as depreciation reserves for the properties identified in ORS 276.004 shall be deposited to the Capital Projects Fund, and are continuously appropriated for the purposes set out in ORS 276.005 (1). [1989 c.84 §5 (enacted in lieu of 283.075); 1993 c.500 §37]

283.080 Special revolving fund for immediate payments; petty cash fund. (1) The Oregon Department of Administrative Services may draw a warrant on the State Treasurer in favor of the Oregon Department of Administrative Services payable out of the Oregon Department of Administrative Services Operating Fund established under ORS 283.076 for the amount necessary to restore the special revolving fund to the maximum authorized level of \$10,000. The amount drawn shall be credited to a special revolving fund which shall be carried with the State Treasurer and shall be used by the department when it is necessary or desirable to make immediate payments.

(2) The Oregon Department of Administrative Services shall file at least once each month a verified voucher covering current disbursements from the special revolving fund. The voucher shall be accompanied by an itemized statement showing the names of the persons, firms or corporations to whom and the purposes for which the disbursements were made.

(3) Upon receipt of the voucher, the Oregon Department of Administrative Services shall draw a warrant on the State Treasurer in favor of the Oregon Department of Administrative Services payable out of the Oregon Department of Administrative Services Operating Fund. The amount drawn shall be deposited in the special revolving fund and

shall be for a sum sufficient only to replenish the special revolving fund.

(4) In addition to the authority provided in ORS 293.180, the Oregon Department of Administrative Services is authorized to establish petty cash funds, in an amount not to exceed \$250, out of the special revolving fund from which small cash disbursements, in payment of expenses, may be made. Periodically, a request for reimbursement of disbursements shall be made. Upon receipt of the warrant drawn on the State Treasurer, in favor of the Oregon Department of Administrative Services, payable out of the Oregon Department of Administrative Services Operating Fund, it shall be redeemed and the cash received used to replenish the petty cash fund. [1977 c.316 §2; 1981 c.106 §17; 1983 c.424 §1; 1989 c.84 §6; 1993 c.500 §38; 1997 c.109 §1]

CERTIFICATES OF PARTICIPATION FINANCING

283.085 Definitions for ORS 283.085 to 283.092. As used in ORS 283.085 to 283.092:

(1) “Available funds” means funds appropriated or otherwise made available by the Legislative Assembly to pay amounts due under a financing agreement for the fiscal period in which the payments are due, unexpended proceeds of the financing agreement and reserves or other amounts that have been deposited in trust to pay amounts due under the financing agreement.

(2) “Credit enhancement agreement” means any agreement or contractual relationship between the state and any bank, trust company, insurance company, surety bonding company, pension fund or other financial institution providing additional credit or security for a financing agreement or certificates of participation authorized by ORS 283.085 to 283.092.

(3) “Financing agreement” means a lease purchase agreement, an installment sale agreement, a loan agreement or any other agreement:

(a) To finance real or personal property that is or will be owned and operated by the state or any of its agencies;

(b) To finance infrastructure, including but not limited to telecommunications systems, systems for water, sewage, electricity, steam or natural gas and other equipment or improvements that are necessary or appropriate to support a facility that is, or will be, owned or operated by the state;

(c) To finance infrastructure components that are, or will be, owned or operated by a local government agency of this state if the Director of the Oregon Department of Ad-

ministrative Services determines that financing the infrastructure facilitates the construction or operation of an adult or juvenile corrections facility or a public safety training facility owned or operated by the state or any of its agencies;

(d) To finance all or a portion of the state’s pension liabilities for retirement, health care or disability benefits, in an amount that produces net proceeds that do not exceed the State Treasurer’s estimate of those liabilities based on information provided to the State Treasurer by the Public Employees Retirement System;

(e) To finance:

(A) The release of all or a portion of the Elliott State Forest from restrictions resulting from ownership of that forest by the Common School Fund; or

(B) Compensation paid to the Common School Fund for the preservation of noneconomic benefits of the forest through the imposition, transfer or sale of restrictions such as easements, use requirements or other methods that preserve noneconomic benefits of the forest for the public, including recreation, aesthetics, wildlife or habitat preservation or other environmental and quality of life considerations; or

(f) To refinance previously executed financing agreements.

(4) “Financing costs” means costs or expenses that the director determines are necessary or desirable in connection with entering into financing agreements and maintaining the certificate of participation program, including but not limited to payment of:

(a) Amounts due under financing agreements;

(b) Costs and obligations the director or any other agency of the state incurs in connection with the exercise of a power granted by ORS 283.085 to 283.092; and

(c) Amounts due in connection with the investment of proceeds of financing agreements.

(5) “Personal property” means tangible personal property, software and fixtures.

(6) “Property rights” means, with respect to personal property, the rights of a secured party under ORS chapter 79, and, with respect to real property, the rights of a trustee or lender under a lease authorized by ORS 283.089 (1)(e).

(7) “Software” means software and training and maintenance contracts related to the operation of computing equipment. [1989 c.1032 §1; 1993 c.500 §39; 1997 c.715 §3; 2001 c.718 §3; 2003 c.746 §9; 2007 c.783 §94; 2013 c.767 §3; 2017 c.570 §8]

Note: 283.085 to 283.092 were enacted into law by the Legislative Assembly but were not added to or made a part of ORS chapter 283 or any series therein by legislative action. See Preface to Oregon Revised Statutes for further explanation.

283.087 Financing agreements; limitations. (1) The Director of the Oregon Department of Administrative Services may enter into financing agreements in accordance with ORS 283.085 to 283.092.

(2) Financing agreements entered into under ORS 283.085 to 283.092 are subject to the following limitations:

(a) Neither the director nor any other agency of the state may pay amounts due under a financing agreement from any source other than available funds. If there are insufficient available funds to pay amounts due under a financing agreement, the lender may exercise any property rights which the state has granted to it in the financing agreement, against the property which was purchased with the proceeds of the financing agreement, and apply the amounts so received toward payments scheduled to be made by the state under the financing agreement.

(b) Neither the director nor any other agency of the state may grant property rights in property unless the property is being acquired, substantially improved or refinanced with proceeds of a financing agreement entered into under ORS 283.085 to 283.092 or the property is land on which improvements financed, in whole or in part, under ORS 283.085 to 283.092 are located.

(c) A financing agreement with a principal amount in excess of \$100,000 is subject to the requirements of ORS chapter 286A, and the director may exercise the powers granted to a related agency, as defined in ORS 286A.001, with respect to a financing agreement described in this paragraph.

(3) The expenditure of funds used to finance previously executed financing agreements or to pay costs incurred to issue a financing agreement must be recorded using administrative budget limitations.

(4) For purposes of this section, the principal amount of a financing agreement, other than a financing agreement to refinance a financing agreement, exceeds \$100,000 if the principal amount, when combined with the principal amount of a financing agreement, other than a financing agreement to refinance a financing agreement, previously issued for the same project exceeds \$100,000.

(5) Upon the request and with the approval of the Chief Justice of the Supreme Court or the State Court Administrator, the Director of the Oregon Department of Administrative Services may enter into financing agreements in accordance with ORS 283.085 to 283.092 on behalf of the Judicial

Department. [1989 c.1032 §2; 1991 c.642 §4; 1991 c.790 §20; 1993 c.500 §40; 1993 c.635 §3; 2003 c.746 §10; 2007 c.783 §95; 2013 c.767 §4]

Note: See note under 283.085.

283.089 Authority of Director of Oregon Department of Administrative Services regarding financing agreements. (1) The Director of the Oregon Department of Administrative Services may:

(a) Enter into agreements with trustees to hold financing agreement proceeds, payments and reserves as security for lenders, and to issue certificates of participation in the right to receive payments due from the state under a financing agreement. The trustee shall invest amounts held by the trustee at the direction of the State Treasurer. Interest earned on any investments held by a trustee as security for a financing agreement, at the option of the director, may be credited to the accounts held by the trustee and applied in payment of sums due under a financing agreement.

(b) Enter into credit enhancement agreements for financing agreements or certificates of participation, provided that amounts due under credit enhancement agreements are payable solely from available funds and amounts received from the exercise of property rights granted under the financing agreements.

(c) Use the gross proceeds of financing agreements for the purposes described in ORS 283.085 (3) and to pay the costs of reserves, credit enhancements and other costs associated with issuing, administering and maintaining the financing.

(d) Use a single financing agreement to finance property to be used by multiple state agencies.

(e) Subject to ORS 283.087 (2)(b), grant leases of real property with a trustee or lender. The leases may be for a term that ends on the date on which all amounts due under a financing agreement have been paid or provision for payment has been made, or 10 years after the last scheduled payment under a financing agreement, whichever is later. The leases may grant the trustee or lender the right to evict the state and exclude it from possession of the real property for the term of the lease if the state fails to pay when due the amounts scheduled to be paid under a financing agreement or otherwise defaults under a financing agreement. Upon default, the trustee or lender may sublease the real property to third parties and apply any rentals toward payments scheduled to be made under a financing agreement.

(f) Subject to ORS 283.087 (2)(b), grant security interests in personal property to trustees or lenders. The security interests

attach and are perfected on the date the state takes possession of the personal property, or the date the lender advances money under a financing agreement, whichever is later. A security interest authorized by this section has priority over all other liens and claims. Upon default, the secured party has the rights and remedies available to a secured party under ORS chapter 79 for a first, perfected security interest in goods and fixtures. Within 10 days after a security interest authorized by this section attaches, the state shall cause a financing statement for the security interest to be filed with the Secretary of State in the same manner as financing statements are filed for goods. However, failure to file the statement does not affect the perfection of the security interest.

(g) Pledge for the benefit of trustees and lenders any amounts that are deposited with a trustee in accordance with a financing agreement. The pledge is valid and binding from the time it is made. Amounts pledged are subject to the lien of the pledge immediately without filing, physical delivery or other act. The lien of the pledge is superior to all other claims and liens of any kind whatsoever.

(h) Bill any state agency that benefits from a financing agreement for an appropriate share of the financing costs on a monthly or other periodic basis, and deposit payments received in connection with the billings with a trustee as security for a financing agreement. Any state agency receiving such a bill shall pay the amounts billed from the first amounts legally available to it. The director shall allocate in appropriate shares the financing costs of a financing agreement entered into for the purpose described in ORS 283.085 (3)(d) among all state agencies based on their payroll costs.

(i) Purchase fire and extended coverage or other casualty insurance for property acquired or refinanced with proceeds of a financing agreement, assign the proceeds of the insurance to a lender or trustee to the extent of their interest and covenant to maintain the insurance while the financing agreement is unpaid, so long as available funds are sufficient to purchase the insurance.

(2) As used in this section, "state agency" has the meaning given that term in ORS 286A.730. [1989 c.1032 §3; 2001 c.445 §170; 2003 c.746 §11; 2007 c.783 §95a; 2013 c.767 §5]

Note: See note under 283.085.

283.091 Governor's budget to include amount needed to pay amounts due on unpaid financing agreements. The Oregon Department of Administrative Services shall

include in the Governor's budget for each fiscal period amounts sufficient to permit the payment of all amounts which will be due on unpaid financing agreements during that fiscal period. [1989 c.1032 §4; 2016 c.117 §46]

Note: See note under 283.085.

283.092 Effect of financing agreement on tax status. A lease or financing agreement authorized by ORS 283.085 to 283.092 shall not cause property to be subject to property taxation and shall be disregarded in determining whether property is exempt from taxation under ORS chapter 307. [1989 c.1032 §5; 2007 c.783 §96]

Note: See note under 283.085.

283.095 Authority for state agency to enter into financing agreement. (1) As used in this section:

(a) "Financing agreement" has the meaning given that term in ORS 283.085.

(b) "State agency" has the meaning given that term in ORS 283.089.

(2) If authorized by a provision of law other than ORS 283.085 to 283.092, a state agency may enter into a financing agreement with a principal amount of \$100,000 or less.

(3) Notwithstanding any authority in a provision of law other than ORS 283.085 to 283.092, a state agency may not enter into a financing agreement in an amount that exceeds \$100,000. [2013 c.767 §2; 2015 c.767 §83; 2015 c.828 §24]

Note: 283.095 was enacted into law by the Legislative Assembly but was not added to or made a part of ORS chapter 283 or any series therein by legislative action. See Preface to Oregon Revised Statutes for further explanation.

STATE AGENCY SERVICES

283.100 General government administrative functions and information technology and communications functions for state agencies. (1) The Oregon Department of Administrative Services shall provide general government administrative functions for state agencies. The State Chief Information Officer shall provide information technology and telecommunications functions for state agencies. The department or the State Chief Information Officer shall allocate the costs that the department or the State Chief Information Officer determines for the services, or a portion of the services, to state agencies, which shall pay the costs to the department or the State Chief Information Officer, as appropriate, in the same manner as the state agency pays other claims. The State Chief Information Officer shall deposit all moneys that the State Chief Information Officer receives from state agencies for services under this section into the State Information Technology Operating Fund.

(2) Except as otherwise provided by law, the provisions of subsection (1) of this section do not:

(a) Require a state agency to transfer to the State Chief Information Officer information technology or telecommunications equipment, assets or resources that are under the state agency's control;

(b) Require a state agency to subject employees of the state agency to the State Chief Information Officer's direct supervision;

(c) Require a state agency to consolidate information technology or telecommunications equipment, assets or resources with another state agency's information technology or telecommunications equipment, assets or resources; or

(d) Prevent a state agency from providing information technology or telecommunications functions for the state agency. [1993 c.62 §1; 2015 c.807 §24a]

Note: 283.100 was enacted into law by the Legislative Assembly but was not added to or made a part of ORS chapter 283 or any series therein by legislative action. See Preface to Oregon Revised Statutes for further explanation.

283.110 Furnishing by state agency to another state agency of services, facilities and materials; services, facilities or materials furnished to other persons; rules. (1) Subject to rules prescribed by the Oregon Department of Administrative Services, any state agency shall, as its own facilities permit, furnish to any other state agency such services (including labor), facilities and materials as are requisitioned by the head of another agency. The expense shall be charged to the agency served, which shall pay the expense to the agency furnishing the services, facilities or materials in the manner other claims are paid. Agencies shall, as far as practicable, cooperate with one another in the use of services, quarters and equipment.

(2) Except as provided in ORS 283.076 (3), all moneys received by an agency in payment of services, facilities or materials furnished to another state agency as provided in this section, or in payment of services, facilities or materials furnished to other persons may be, or if required by the Oregon Department of Administrative Services, shall be paid into the State Treasury for deposit to the credit of the miscellaneous receipts account established pursuant to ORS 279A.290 for the agency furnishing the services, facilities or materials.

(3) The constitutional state officers and the Legislative Assembly or any of its statutory, standing, special or interim committees, unless prohibited by law, may elect to furnish services, facilities and materials to one another and to state agencies and officers as defined in ORS 291.002, and the courts, con-

stitutional state officers, the Legislative Assembly or any of its statutory, standing, special or interim committees and the Public Defense Services Commission may elect to requisition services, facilities and materials as provided in this section. [Formerly 291.658; 1981 c.106 §18; 1993 c.500 §40a; 2003 c.449 §36; 2003 c.794 §230]

283.120 State agency service unit; rules. Subject to rules that the Oregon Department of Administrative Services prescribes, or that the State Chief Information Officer prescribes for information technology and telecommunications, any state agency may establish a service unit within the agency to furnish to other units of the agency the services, facilities and materials that the agency establishes the service unit to provide. The state agency shall charge the service unit's expenses to the units served and, except as provided in ORS 283.076 (3), the amounts the state agency charges must be credited to the miscellaneous receipts account established pursuant to ORS 279A.290. The moneys in the account are appropriated continuously for expenditure by the state agency subject to the allotment system provided by ORS 291.234 to 291.260. [Formerly 291.670; 1981 c.106 §19; 1993 c.500 §40b; 2003 c.794 §231; 2015 c.807 §25]

283.130 "Agency" defined for ORS 283.140 and 283.143. As used in ORS 283.140 and 283.143, "state agency" or "agency" includes the Legislative Assembly, at the option of the Legislative Assembly, or any statutory, standing, special or interim committees of the Legislative Assembly, at the option of the committee. [Formerly 291.659; 2009 c.601 §2]

283.140 Telephone and telecommunications, mail, shuttle bus and messenger services; recovery of costs; rules. (1) The State Chief Information Officer shall exercise budgetary management, supervision and control over all telephone and telecommunications service for all state agencies in a manner that is consistent with plans, standards, policies, goals, directives and rules that the State Chief Information Officer sets, specifies or adopts. The Oregon Department of Administrative Services may operate central mail, shuttle bus or messenger services for state agencies located in Salem, Portland or other cities, if doing so is economical. The State Chief Information Officer may charge the cost of maintaining and operating any central telephone exchange, switching system, network service and facility, intercity or intracity network trunk or line or switchboard to the state agencies that the State Chief Information Officer serves. The department shall charge the cost of providing mail, shuttle bus and messenger services to the state agencies that the department serves.

The state agencies shall pay the costs to the State Chief Information Officer or the department, as appropriate, in the same manner in which the state agencies pay other claims. The State Chief Information Officer shall deposit all moneys that the State Chief Information Officer receives from state agencies for services under this section into the State Information Technology Operating Fund.

(2) If the department operates central mail service, the department shall:

(a) Approve or disapprove all state agency mail equipment or mail service acquisitions.

(b) Report biennially to the Director of the Oregon Department of Administrative Services on opportunities for savings through state agency mail room centralization, consolidation and automation and through mail route coordination.

(c) Adopt rules under which persons associated with government either temporarily or otherwise, including but not limited to unsalaried volunteers, part-time employees, contractors with the state and employees of contractors, political subdivisions and the federal government may use shuttle bus services.

(3) As used in this section, “telecommunications” means media that communicate voice, data, text, images or video over a distance using electrical, electronic or light wave transmission media. [Formerly 291.660; 1971 c.110 §1; 1977 c.92 §1; 1993 c.724 §15; 1995 c.452 §15; 2015 c.807 §26]

283.143 Surcharge for telecommunications services; purpose; exempt agencies. (1) To encourage utilization of statewide integrated videoconferencing and statewide online access services, the State Chief Information Officer may, in addition to any other charge or assessment for providing telecommunications services to state agencies, impose upon each state agency and public corporation a surcharge, in an amount the State Chief Information Officer establishes. The State Chief Information Officer shall deposit all surcharge moneys into the State Information Technology Operating Fund. The State Chief Information Officer may expend moneys in the fund for state agency and public corporation telecommunication and videoconferencing activities, under such terms and conditions as the State Chief Information Officer may prescribe and in a manner that is consistent with plans, standards, policies, goals, directives and rules that the State Chief Information Officer sets, specifies or adopts.

(2) Notwithstanding subsection (1) of this section, the State Chief Information Officer

may not impose the surcharge established by this section on the Oregon Health and Science University. The State Chief Information Officer shall enter into an agreement with the Oregon Health and Science University on the amount that the Oregon Health and Science University must pay to the State Chief Information Officer in lieu of the surcharge provided for in this section. [1997 c.596 §2; 2009 c.762 §52; 2015 c.767 §84; 2015 c.807 §27a]

283.150 [Formerly 291.662; 2003 c.794 §232; repealed by 2009 c.601 §6]

283.160 [Formerly 291.664; repealed by 2009 c.601 §6]

283.170 Sale of steam heat to certain museums. The Oregon Department of Administrative Services may sell excess steam heat to a museum that is tax exempt under state and federal law where the steam can be delivered to the museum property without significant impact on the state steam heating system. The proceeds of the sale may be used to meet costs of the system without specific appropriation thereof. [1979 c.712 §1]

Note: 283.170 was enacted into law by the Legislative Assembly but was not added to or made a part of ORS chapter 283 or any series therein by legislative action. See Preface to Oregon Revised Statutes for further explanation.

283.190 [1985 c.88 §4; 1987 c.73 §4; renumbered 283.524 in 2001]

283.210 [Formerly 291.652; renumbered 279.805 in 1991]

283.220 [Formerly 291.654; 1977 c.598 §32; renumbered 279.826 in 1991]

283.230 [Formerly 291.656; 1975 c.345 §2; 1981 c.106 §20; 1981 c.325 §2; 1985 c.168 §1; 1987 c.158 §39; 1991 c.93 §3; 1991 c.176 §4; renumbered 279.828 in 1991]

283.235 [1979 c.569 §1; 1981 c.325 §3; renumbered 279.830 in 1991]

283.240 [Formerly 291.666; renumbered 279.831 in 1991]

283.250 [Formerly 291.678; renumbered 279.833 in 1991]

CONTROL AND REGULATION OF STATE-OWNED MOTOR VEHICLES AND MOTOR POOL RESOURCES

283.305 Definitions for ORS 283.305 to 283.350. As used in ORS 283.305 to 283.350:

(1) “Alternative fuel” means natural gas, liquefied petroleum gas, methanol, ethanol, any fuel mixture containing at least 85 percent methanol or ethanol and electricity.

(2) “Authorized driver” means any of the following who has a valid driver license and an acceptable driving record:

(a) A salaried state employee, including an agent of the state;

(b) A volunteer, appointed in writing, whose written description of duties includes driving motor vehicles;

(c) An agency client required to drive motor vehicles as part of a rehabilitation or treatment program authorized by law;

(d) Any personnel of any unit of government whose use of motor vehicles is permitted by an authorized intergovernmental agreement; and

(e) An inmate of a correctional institution with specific Department of Corrections approval who is accompanied by a supervising correctional institution employee or who is performing a specific work assignment driving a special purpose vehicle required for that assignment and within the visual range of a supervising correctional institution employee who is at the work assignment site or who is part of the transport caravan.

(3) "Motor vehicles" includes state-owned, leased or otherwise controlled motor vehicles and the supplies, parts and equipment for the operation, maintenance or repair of such motor vehicles.

(4) "Official state business" means activity conducted by a state agency that advances the lawful policies of the agency as specified by the Oregon Department of Administrative Services by rule.

(5) "Standard passenger vehicle" means a motor vehicle that is commonly known as a sedan or a station wagon and that is not equipped with special or unusual equipment.

(6) "State agency" or "agency" includes the Legislative Assembly, at its option, or any of its statutory, standing, special or interim committees, at the option of such committee. [Formerly 291.702; 1991 c.399 §4; 1993 c.335 §1; 1997 c.848 §1; 2007 c.71 §83; 2011 c.637 §89]

283.310 Control and regulation of state-owned motor vehicles; rules; statement of use. (1) The Oregon Department of Administrative Services shall control and regulate the acquisition, operation, use, maintenance and disposal of and access to motor vehicles used for:

(a) State business by state agencies of this state; or

(b) Official public business by a unit of local government or a state agency of another state, by an agency created by an interstate compact between this state and another state or states, by a United States governmental agency, or by an American Indian tribe or an agency of an American Indian tribe, pursuant to an intergovernmental agreement between the agency or agencies and the department, entered into in accordance with ORS chapter 190, for the provision of motor pool vehicles, supplies and services, or any of them.

(2) The state agency on whose behalf a motor vehicle is used must state in writing

in advance of such use that the particular activity for which the vehicle is to be used advances the lawful policies of the agency. [Formerly 291.704; 1993 c.335 §2; 2011 c.637 §90; 2015 c.767 §85]

283.312 Provision of state-owned vehicle to authorized agency driver; mileage limits requirements; exceptions; penalty for noncompliance. (1) A state agency or institution shall provide a state-owned standard passenger vehicle to each authorized driver of the state agency or institution who is required to drive a standard passenger vehicle on official state business a number of miles per month averaged over a six-month period that equals or exceeds the mileage limit defined in rules adopted under ORS 283.313.

(2) If a state-owned standard passenger vehicle is not available to an authorized driver of a state agency or institution who is required to drive a standard passenger vehicle on official state business:

(a) The authorized driver shall use the authorized driver's own motor vehicle, or other privately owned motor vehicle, and shall be reimbursed as provided in rules adopted under ORS 283.345; or

(b) If a suitable privately owned motor vehicle is not available to the authorized driver, the state agency or institution shall rent a standard passenger vehicle for the use of the authorized driver on the days the authorized driver is required to drive on official state business.

(3) Except as provided in subsections (4) and (5) of this section, a state agency or institution may not own or be assigned a standard passenger vehicle that is driven a number of miles per month averaged over a six-month period that is less than the mileage limit defined in rules adopted under ORS 283.313.

(4) Subsection (3) of this section does not apply to a standard passenger vehicle that is furnished with equipment not installed on a standard passenger vehicle.

(5) Subsection (3) of this section does not apply to a standard passenger vehicle if the Director of the Oregon Department of Administrative Services finds under rules adopted under ORS 283.313 that, notwithstanding the number of miles per month the vehicle is driven, use of a state-owned standard passenger vehicle is necessary to the activities conducted by the state agency or institution.

(6) If a state agency or institution is not in compliance with subsection (3) of this section, the state agency or institution shall sell and not replace a standard passenger vehicle for each vehicle that fails to comply

with subsection (3) of this section. The state agency or institution may reassign vehicles owned by or assigned to the state agency or institution, respectively, if necessary to meet the requirements of subsection (3) of this section. Proceeds from a sale under this subsection and interest on the proceeds shall be retained by the agency or institution and not expended until a sale proceed utilization plan is approved by the Legislative Assembly. [1997 c.848 §3]

283.313 Adoption of mileage limits for use and replacement of state-owned vehicles; procedure for approving exceptions to requirement for provision of state-owned vehicle; rules. (1) The Oregon Department of Administrative Services shall adopt by rule a formula to determine the mileage limit for purposes of ORS 283.312. The formula shall define a mileage limit that is the mileage at which use of a state-owned standard passenger vehicle is more economical than use of a privately owned motor vehicle for official state business. For purposes of this subsection, the department shall adopt the formula in Secretary of State, Audit No. 97-36, State of Oregon Opportunities to Reduce State Employee Travel Costs, p. 29, app. A, exhibit 1 (April 17, 1997), or an equivalent formula.

(2) The department shall adopt by rule a replacement mileage standard for purposes of ORS 283.314. The replacement mileage standard is the mileage at which replacement of a standard passenger vehicle is more economical than retaining the vehicle.

(3) The department shall adopt by rule a procedure to approve exceptions under ORS 283.312 (5) to the requirements of ORS 283.312 (3). The procedure adopted must conform to the following:

(a) The Director of the Oregon Department of Administrative Services shall approve each exception.

(b) The director may appoint a committee to advise the director on the merits of each request for an exception.

(c) An application by a state agency or institution for an exception must be in writing. The application must include, but not be limited to:

(A) A statement of the reasons ownership or assignment of a state-owned standard passenger vehicle is necessary to the activities conducted by the state agency or institution, notwithstanding the number of miles per month the vehicle is driven; and

(B) A statement of reasons why rental of a standard passenger vehicle, use of a vehicle owned by an authorized driver or borrowing a vehicle from another state agency or institution is not a satisfactory alternative to

ownership or assignment of a standard passenger vehicle. [1997 c.848 §5]

283.314 Replacement of state-owned vehicle when replacement mileage standard is exceeded. A standard passenger vehicle owned or assigned to the state agency or institution must be replaced after the number of miles the vehicle has been driven exceeds the replacement mileage standard defined under rules adopted under ORS 283.313. [1997 c.848 §4]

283.315 Establishing motor pools. (1) The Oregon Department of Administrative Services shall establish a motor pool for the common use of state agencies and public agencies that have entered into intergovernmental agreements with the department in accordance with ORS chapter 190 for the purpose of establishing a motor pool for common use. The motor pool shall consist of vehicles, supplies, services, facilities and equipment necessary to enable the department, other state agencies and public agencies to meet the department's and the agencies' transportation and related needs. Subject to the requirements set forth in subsection (2) of this section, the department may also establish in the state such subsidiary motor pools under the direct control or under the supervision of a state agency as are necessary.

(2) The department shall establish policies, methods and means by which the department, other state agencies and public agencies described in subsection (1) of this section can acquire, share, maintain, use, repair and dispose of motor pool resources cost-effectively and efficiently, with particular attention to avoiding overuse or underuse of motor pool resources. The department shall establish one or more programs with other public agencies in which the department evaluates the effectiveness of different alternatives before adopting a particular policy, method or means for meeting the requirements of this section. The department shall specifically consider such methods as consolidating vehicle storage and maintenance services and increasing ridesharing opportunities among agencies for persons who use motor pool resources.

(3) After consulting and coordinating with a public agency with which the department has an intergovernmental agreement under ORS chapter 190 for establishing and using a motor pool, the department may amend the intergovernmental agreement to reflect the policies, methods and means the department establishes under subsection (2) of this section.

(4) The department shall submit a report that describes the department's actions and evaluates the costs, benefits and effective-

ness of the actions at least once each biennium to the committees of the Legislative Assembly that the Speaker of the House of Representatives and the President of the Senate designate.

(5) This section does not apply to the department's, a state agency's or another public agency's procuring and equipping a motor vehicle that is used for emergency services, as defined in ORS 401.025. [Formerly 291.706; 1993 c.335 §2a; 2011 c.453 §1]

283.320 Transfer to pool or sale of vehicles; reimbursement. (1) The Oregon Department of Administrative Services shall study and ascertain the present needs for motor vehicles and shall authorize transfer to the pool or the sale of vehicles found not to be required by state agencies.

(2) Where any motor vehicle so transferred from any agency was purchased by the agency from a dedicated fund or trust fund, as defined in ORS 291.002, an amount equal to the depreciated value of the vehicle shall be paid to the agency within 10 years after the vehicle's acquisition by the department, or, at the option of the department, shall be entered upon the accounts of the Oregon Department of Administrative Services Operating Fund as a credit in favor of the agency from which the vehicle was transferred, and any charges thereafter made to such agency, pursuant to ORS 283.350, for transportation furnished to the agency, shall be offset against such credit until the entire amount of the credit has been utilized. [Formerly 291.708; 1993 c.335 §3]

283.325 Acquisition of motor vehicles by department; assignment to state agencies. Subject to ORS 283.327, the Oregon Department of Administrative Services may acquire motor vehicles by purchase or transfer. All motor vehicles transferred to or purchased for the department shall become a motor pool from which, upon requisition and proper showing to the department of need and use for official state business only by a state agency, or on evidence that a specific intergovernmental agreement allows a public agency to be provided with motor pool vehicles, supplies and services, there may be assigned suitable transportation, either on a temporary or permanent basis. [Formerly 291.710; 1991 c.399 §5; 1993 c.335 §4]

283.327 Use of alternative fuel; acquisition of vehicles using such fuel; safety standards. (1) To the maximum extent economically possible, state-owned motor vehicles shall use alternative fuel for operation.

(2) State agencies shall acquire only motor vehicles capable of using alternative fuel, except that acquired vehicles assigned to areas unable economically to dispense alternative fuel need not be so configured.

(3) Each agency owning motor vehicles shall comply with all safety standards established by the United States Department of Transportation in the conversion, operation and maintenance of vehicles using alternative fuel.

(4) To the maximum extent economically possible, state-owned structures shall use biofuel, or direct-application electricity generated from biofuel, where diesel is currently utilized for stationary or back-up generation. [1991 c.399 §2; 1993 c.335 §5; 2005 c.22 §201; 2007 c.739 §25]

Note: Sections 13 and 14, chapter 30, Oregon Laws 2010, provide:

Sec. 13. Distribution of natural gas to private entities for use in motor vehicles. The Oregon Department of Administrative Services, by rule, may implement a program to make available, sell, distribute and dispense compressed natural gas to private entities for use in motor vehicles. The department, by order, may establish and adjust the prices for compressed natural gas. The department shall set the price for compressed natural gas at a level that does not:

(1) Subsidize any of the operations of any private entity; or

(2) Substantially exceed the total costs to the department of making the compressed natural gas available. [2010 c.30 §13]

Sec. 14. Section 13, chapter 30, Oregon Laws 2010, is repealed on January 2, 2025. [2010 c.30 §14; 2013 c.526 §2; 2017 c.67 §1]

283.330 Department responsible for motor vehicles under its control. The Oregon Department of Administrative Services shall direct and be responsible for the acquisition, operation, maintenance, storage, repair and replacement of and access to motor vehicles under its control. The department shall utilize all state facilities available for the maintenance, repair and storage of such motor vehicles. [Formerly 291.712; 1993 c.335 §6]

283.335 Storage, repair and maintenance facilities; interagency agreements. The Oregon Department of Administrative Services may arrange, by agreement with agencies, for the utilization by one of the storage, repair or maintenance facilities of another, with such provision for charges and credits as may be agreed upon. Any such agreement to which the department is not a party shall be subject to the approval of the department. The department may acquire and maintain storage facilities for the motor vehicles under its control. [Formerly 291.714]

283.337 Reports to Department of Environmental Quality and State Department of Energy; content. Prior to December 31 of each year, each agency owning motor vehicles shall submit an annual report to the Department of Environmental Quality and the State Department of Energy. The report shall contain at a minimum:

(1) The number of vehicles acquired that are capable of using alternative fuel;

(2) The number of vehicles converted from the use of gasoline to the use of alternative fuel;

(3) The quantity of each type of alternative fuel used; and

(4) Any other information required by the Department of Environmental Quality and the State Department of Energy. [1991 c.399 §3; 1993 c.335 §7]

283.340 Policy; rules; keeping records.

(1) It is the policy of this state that the Oregon Department of Administrative Services adopt rules that narrowly interpret the definitions of authorized driver and official state business.

(2) The department shall adopt rules necessary for the efficient and economical operation, use, maintenance, repair and replacement of and access to all motor vehicles, and shall require the keeping of such records of use, access, costs and operations and the making of such reports as will enable the exercise of proper controls.

(3) By rule, the department shall prohibit the operation of a state-owned motor vehicle by any person under 18 years of age.

(4) The department shall adopt rules that require uniform schedules for preventive maintenance of state-owned motor vehicles. [Formerly 291.716; 1993 c.335 §8; 1997 c.848 §6]

283.343 Compliance examination on use of state-owned vehicles. At least biennially, the Oregon Department of Administrative Services shall examine compliance with rules adopted pursuant to ORS 283.340 by state agencies owning vehicles. The department shall submit biennially to the Joint Legislative Audit Committee a management report on state-owned motor vehicles that includes:

(1) Summaries of agency compliance examinations, with specific emphasis on non-complying state agency fleets;

(2) Numbers of motor vehicles, listed by model and by state agency;

(3) Mileage utilization of motor vehicles, listed by state agency;

(4) Operating cost per mile of motor vehicles, listed by state agency; and

(5) Recommendations for increasing motor vehicle utilization, for decreasing the overall motor vehicle population and for absorbing noncomplying state agency fleets into the motor pool. [1993 c.335 §11]

283.345 Use of privately owned vehicles; rules. The Oregon Department of Administrative Services shall adopt rules for the use of privately owned vehicles for official state business where necessary. [Formerly 291.718; 1993 c.335 §9; 1997 c.848 §7]

283.350 Use of Oregon Department of Administrative Services Operating Fund for automotive purposes.

(1) In addition to the other purposes for which the Oregon Department of Administrative Services Operating Fund created by ORS 283.076 may be used, the Oregon Department of Administrative Services Operating Fund is appropriated continuously for and may be used for the acquisition, operation, storage, maintenance, repair and replacement of motor vehicles under the control of the Oregon Department of Administrative Services, the payment of insurance premiums as provided in ORS 278.205 and payment of the administrative expenses of the department in connection with the operation of the motor pool and a proportionate amount of the administrative costs in connection with the operation of the Oregon Department of Administrative Services Operating Fund. The type of motor vehicles purchased shall be limited to the most appropriate economical models. At the end of each month the department shall render a statement, on a basis of mileage or rental, to all state and public agencies to which transportation has been furnished, and all amounts due shall be credited to the Oregon Department of Administrative Services Operating Fund and, in the case of state agencies, shall be a charge against the appropriation allotments of the state agencies involved. Any proceeds from the sale or other disposition of used vehicles owned by the department shall be credited to the Oregon Department of Administrative Services Operating Fund. Administrative costs in connection with the operation of the motor pool and a proportionate amount of the administrative costs in connection with the operation of the Oregon Department of Administrative Services Operating Fund shall be included in the computation of the rental or mileage charge to the agencies to which transportation is furnished.

(2) There is continued in existence a petty cash fund in the amount of \$100 as part of the Oregon Department of Administrative Services Operating Fund, and the Director of the Oregon Department of Administrative Services may authorize designated persons to make disbursements from the petty cash fund in any case where it is necessary to make an immediate cash payment which is payable from the Oregon Department of Administrative Services Operating Fund for an expenditure referred to in subsection (1) of this section. Disbursements from the petty cash fund shall be made only by the persons so designated in payment of claims authorized by law. When the person designated by the director from time to time files with the Oregon Department of Administrative Services verified vouchers covering disbursements

from the petty cash fund, the Oregon Department of Administrative Services shall issue warrants on the State Treasurer payable out of the Oregon Department of Administrative Services Operating Fund in favor of the person designated by the director. The payments of such warrants shall be credited to the petty cash fund. The verified vouchers covering disbursements shall bear the approval of the individual designated by the director. [Formerly 291.720; 1981 c.106 §21; 1983 c.740 §81; 1993 c.335 §9a; 1993 c.500 §41]

283.355 [Formerly 291.722; repealed by 1975 c.605 §33]

283.390 State-owned vehicles to be marked; exceptions. (1) Any state department or institution owning or operating automobiles or trucks shall have printed or painted in plain lettering of a size so as to be readily read the name of the department or institution owning or operating the vehicle, followed by the words "State of Oregon."

(2) A vehicle need not be marked as required by subsection (1) of this section and need bear only such evidence of registration as is required on privately owned vehicles if:

(a) In the opinion of the Director of the Oregon Department of Administrative Services, the marking of the vehicle as required by subsection (1) of this section would unduly hinder the department or institution owning or operating the vehicle in carrying out its duties and functions; and

(b) The department has approved in writing the operation of the particular vehicle without being marked as required by subsection (1) of this section.

(3) Notwithstanding subsection (1) of this section, the department shall, upon request of any state law enforcement agency or state parole or probation agency for which the department obtains vehicles, obtain for the agencies vehicles that are not marked as required by subsection (1) of this section and that have registration described in ORS 805.060. [Formerly 291.724; 1987 c.6 §3; 1993 c.741 §118]

283.395 Driving state-owned vehicles for private purposes prohibited; rules. (1) No person shall drive, operate or use, or authorize or permit any person to drive, operate or use, any motor vehicle as defined in ORS 283.305 for any purpose except for official state business as defined in ORS 283.305 and by rule of the Oregon Department of Administrative Services.

(2) The department shall adopt rules to distinguish private from public purposes. [Formerly 291.726; 1991 c.176 §5; 1993 c.335 §10]

283.400 [1979 c.230 §1; repealed by 1991 c.399 §6]

283.405 [1979 c.230 §2; repealed by 1991 c.399 §6]

MASTER ASBESTOS MANAGEMENT PLAN

283.415 Legislative findings; policy. The Legislative Assembly finds and declares that:

(1) Asbestos has been found to be a human carcinogen. There is no known safe level for human exposure to asbestos. Ailments caused by asbestos can become manifest many years after exposure.

(2) In a decayed or damaged state, asbestos can pose a health risk to employees, inmates, patients or residents of state institutions. This state does not know where asbestos-containing materials exist in its buildings nor in what condition those materials are to be found.

(3) It is the goal of the Legislative Assembly to assure that state facilities are safely maintained and operated. It is, therefore, the policy of the Legislative Assembly that:

(a) A Master Asbestos Management Plan be developed that will assure orderly well-reasoned asbestos control and abatement.

(b) As any conditions of immediate hazard to health become known, they be acted on promptly in accordance with the Master Asbestos Management Plan.

(c) The plan include standards for employee awareness and training.

(d) The Oregon Department of Administrative Services be the agency to develop and centrally manage the plan for this state.

(e) Each agency cooperate fully in carrying out the plan.

(f) The State of Oregon engage in a long-term commitment to control the asbestos hazard in state facilities through control and abatement. [1989 c.1037 §1]

Note: 283.415 to 283.425 were enacted into law by the Legislative Assembly but were not added to or made a part of ORS chapter 283 or any series therein by legislative action. See Preface to Oregon Revised Statutes for further explanation.

283.417 Definitions for ORS 283.415 to 283.425. As used in ORS 283.415 to 283.425, unless the context requires otherwise:

(1) "Agency" means each branch, institution, department, board or commission of the state which owns, leases or operates facilities capable of containing asbestos.

(2) "Asbestos abatement" means measures to control fiber release from asbestos-containing materials, including its removal, encapsulation and enclosure.

(3) "Department" means the Oregon Department of Administrative Services. [1989 c.1037 §2; 1993 c.500 §42]

Note: See note under 283.415.

283.419 Department to develop and administer asbestos abatement standards, plans and procedures. The Oregon Department of Administrative Services shall develop and administer standards, plans and procedures for the abatement of asbestos by all agencies in all state-owned, leased or operated facilities. Standards, plans and procedures include development of:

(1) A survey of all state-owned, leased or operated facilities to identify the presence, nature and condition of or the absence of asbestos-containing materials in each one.

(2) An establishment of priorities of facilities for abatement in order of the nature or extent of asbestos exposure they present.

(3) Specifications and standards for acceptable asbestos abatement practices, projects and materials management.

(4) A checklist to guide and advise agency investigation, planning and implementation of asbestos abatement.

(5) Standard bid specifications, criteria for awarding bids and contract language for asbestos related contracts.

(6) A state government emergency response plan to deal with any facilities presenting extreme and immediate risk.

(7) Employee awareness, training and worker protection plans.

(8) Such other standards, plans and procedures as the department may require for the safe and economical abatement of asbestos by agencies. [1989 c.1037 §3; 2005 c.22 §202]

Note: See note under 283.415.

283.421 Agency responsibility for abatement of asbestos. Each agency shall take the necessary steps for abatement of asbestos in its facilities in conformance with the standards, plans and procedures approved by the Oregon Department of Administrative Services. Those steps shall include:

(1) Making inspections and providing information as requested by the department.

(2) Scheduling its structures for necessary abatement consistent with the department's priorities.

(3) Contracting for or performing any necessary abatement in accordance with de-

partment standards, plans and procedures for abatement.

(4) Training appropriate agency employees to recognize and work safely with asbestos-containing materials to comply with applicable regulations of the Department of Consumer and Business Services and Department of Environmental Quality. [1989 c.1037 §4; 1993 c.744 §224]

Note: See note under 283.415.

283.423 Expenses of department. The expenses of the Oregon Department of Administrative Services, as approved by the Legislative Assembly or the Emergency Board, for developing and administering the state's plans for asbestos abatement and for property damage recovery litigation by the Department of Justice, unless the Legislative Assembly or the Emergency Board provides otherwise, shall be paid by assessment against the agencies owning, leasing or operating facilities based on square footage of affected buildings and lineal footage of affected tunnels. [1989 c.1037 §5]

Note: See note under 283.415.

283.425 Costs of litigation. The costs of asbestos property damage recovery litigation incurred by the Department of Justice shall be charged to the Oregon Department of Administrative Services pursuant to ORS 180.160 and 180.170. [1989 c.1037 §6]

Note: See note under 283.415.

283.500 [1995 c.634 §1; renumbered 276A.400 in 2017]

283.505 [1995 c.634 §2; 2015 c.807 §28; renumbered 276A.403 in 2017]

283.510 [1995 c.634 §3; 2003 c.794 §233; 2015 c.807 §29; renumbered 276A.406 in 2017]

283.515 [1995 c.634 §4; 2015 c.807 §30; renumbered 276A.409 in 2017]

283.520 [1995 c.634 §5; 1997 c.484 §1; 2015 c.807 §31; renumbered 276A.412 in 2017]

283.524 [Formerly 283.190; 2015 c.807 §32; renumbered 276A.415 in 2017]

283.525 [1995 c.634 §6; repealed by 1999 c.1093 §43]

283.530 [1995 c.634 §7; repealed by 1999 c.1093 §43]

283.535 [1995 c.634 §8; repealed by 1999 c.1093 §43]

283.550 [1997 c.311 §1; renumbered 240.855 in 2001]

PENALTIES

283.990 Penalties. Violation of ORS 283.395 is a Class D violation. [Formerly part of 291.990; 1999 c.1051 §171]