

Senate Bill 778

Sponsored by Senators DEMBROW, FREDERICK, WINTERS, Representative SANCHEZ; Senator MANNING JR, Representatives LEIF, PILUSO

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**.

Expands eligibility of Certificate of Good Standing to include persons convicted of person felony or person Class A misdemeanor. Requires court to provide copy of petition for certificate to district attorney.

Provides that, in negligence actions against landlord for renting or leasing to specific tenant, fact that tenant has valid Certificate of Good Standing creates rebuttable presumption that landlord was not negligent.

Prohibits denial of license, permit, registration, certificate or other qualification to engage in practice of profession, occupation or business, or preclusion from volunteering in school, based solely on prior criminal conviction if person has Certificate of Good Standing.

A BILL FOR AN ACT

1
2 Relating to certificates of good standing; creating new provisions; amending ORS 59.205, 86A.115,
3 86A.212, 94.980, 194.315, 194.340, 319.042, 319.628, 326.603, 342.143, 443.004, 443.735, 462.075,
4 463.185, 464.470, 471.313, 471.380, 471.385, 475B.045, 475B.266, 671.090, 672.200, 673.170, 673.700,
5 674.140, 675.070, 675.540, 675.745, 678.111, 678.442, 679.115, 680.082, 680.200, 683.140, 684.100,
6 685.110, 686.132, 687.081, 688.525, 688.655, 689.405, 692.180, 696.301, 696.535, 697.039, 697.540,
7 697.752, 702.012, 703.480, 704.020, 717.235, 725.145, 725A.026, 726.075, 744.013, 744.074, 744.338,
8 744.718 and 750.575 and sections 1 and 2, chapter 526, Oregon Laws 2017; and repealing section
9 3, chapter 526, Oregon Laws 2017.

Be It Enacted by the People of the State of Oregon:

10 **SECTION 1.** Section 1, chapter 526, Oregon Laws 2017, is amended to read:

11 **Sec. 1.** (1) As used in this section, unless the context requires otherwise:

12 (a) "Petition" means a petition for a Certificate of Good Standing.

13 (b) "Petitioner" means a person who files a petition.

14 (c) "Supervisory authority" means the state or local corrections agency supervising persons on
15 probation, post-prison supervision or parole.

16 (2)(a) A person who has been convicted of a [*nonperson*] felony or [*a*] Class A misdemeanor [*other*
17 *than a person Class A misdemeanor, as those terms are defined in the rules of the Oregon Criminal*
18 *Justice Commission,*] may petition the court for a Certificate of Good Standing as provided in this
19 section.
20

21 (b) If the person was under the supervision of a supervisory authority within the three years
22 prior to filing the petition, prior to filing the petition the person shall request from the supervisory
23 authority a written statement verifying that the person has successfully completed probation, post-
24 prison supervision or parole and is eligible for a Certificate of Good Standing under this section.
25 The request for verification shall be in writing on a form provided by the Department of Corrections.

26 (3)(a) A person shall file a petition using a form provided by the State Court Administrator, in
27 the circuit court of the county in which the petitioner resides. In the application, the person shall

NOTE: Matter in **boldfaced** type in an amended section is new; matter [*italic and bracketed*] is existing law to be omitted. New sections are in **boldfaced** type.

1 affirm that the person satisfies the requirements described in subsection (6) of this section and is
2 eligible for the Certificate of Good Standing.

3 (b) If the person was under the supervision of a supervisory authority within the three years
4 prior to filing the petition, the person shall attach to the petition the verification from the supervi-
5 sory authority described in subsection (2)(b) of this section.

6 (c) In addition to the petition, the person may file with the court any other documents or written
7 material supporting the issuance of a Certificate of Good Standing.

8 (d) No filing fees or court fees may be required when filing a petition under this section.

9 (4)(a) *[At the time of filing, the petitioner shall serve]* **Upon filing, the court shall provide a**
10 copy of the petition *[on]* **to** the district attorney of the county in which the person resides.

11 (b) Within 30 days of receiving a copy of the petition, the district attorney may:

12 (A) File a written statement in the circuit court in support of the petition; or

13 (B) File a written objection to the issuance of a Certificate of Good Standing only on the
14 grounds that the petitioner does not satisfy the requirements described in subsection (6) of this
15 section, and may support the objection by submitting documents and other written materials or re-
16 quest a hearing on the petition.

17 (5)(a) When determining whether to issue a Certificate of Good Standing to the petitioner, the
18 court shall review only the documents or other material submitted by the petitioner in support of
19 the petition and any documents or other material submitted by the district attorney.

20 (b) Notwithstanding paragraph (a) of this subsection, if the district attorney files a written ob-
21 jection and requests a hearing, the court may consider any testimony or oral argument offered at
22 the hearing when determining whether to issue the certificate.

23 (6)(a) The court may issue a Certificate of Good Standing to the petitioner if the court deter-
24 mines, by a preponderance of the evidence, that:

25 (A) The *[petitioner meets the]* **petitioner's** criminal history *[eligibility requirements]* **is as** de-
26 scribed in subsection (2) of this section;

27 (B) At least one year has elapsed since the petitioner has completed all requirements of the
28 petitioner's sentence, including the completion of any term of supervision;

29 (C) The petitioner has complied with all requirements of the petitioner's sentence, including
30 conditions of supervision and any required drug or alcohol treatment, batterers' intervention, sex
31 offender treatment, anger management or educational programs;

32 (D) The petitioner has satisfied all court-ordered financial obligations or is current on a payment
33 plan ordered by the court or a third party as authorized by the Judicial Department;

34 (E) The petitioner is not in violation of the conditions of any criminal sentence;

35 (F) There are no criminal charges pending against the petitioner; and

36 (G) The petitioner is engaged in, or seeking to engage in, a lawful occupation or activity, in-
37 cluding but not limited to employment, training, education or rehabilitative programs, or the person
38 has a lawful source of support.

39 (b) The court may make the determination described in paragraph (a) of this subsection without
40 holding a hearing if the district attorney does not file an objection to the issuance of the Certificate
41 of Good Standing and request a hearing.

42 (7)(a) If the court issues the Certificate of Good Standing as described in this section, the clerk
43 of the court shall immediately provide notice of the issuance of the certificate to the Department
44 of State Police and other agencies as directed by the court.

45 (b) Upon receiving notice of the issuance of the Certificate of Good Standing, the Department

1 of State Police shall:

2 (A) Enter the existence of the certificate into the Law Enforcement Data System maintained by
3 the Department of State Police and the databases of the National Crime Information Center of the
4 United States Department of Justice; and

5 (B) Ensure that the results of any criminal records check performed by the Department of State
6 Police concerning the person who is the subject of a Certificate of Good Standing include the ex-
7 istence of a valid certificate.

8 (8)(a) If the court denies issuance of a Certificate of Good Standing, the court shall state the
9 reasons for the denial on the record and shall include the reasons in a written order denying the
10 petition.

11 (b) A petitioner may file a new application and petition no less than six months after the denial
12 of a previous petition and shall, in the new petition, demonstrate that the petitioner has remedied
13 or addressed the reasons for the denial of the previous petition and has met any conditions set by
14 the court.

15 (9)(a) A court that issued a Certificate of Good Standing shall revoke the certificate if the per-
16 son who is the subject of the certificate is subsequently convicted of a felony or a Class A or Class
17 B misdemeanor or is found to have made any material misrepresentation in the petition.

18 (b) A district attorney in a proceeding in which a person with a Certificate of Good Standing
19 is convicted of a felony or a Class A or Class B misdemeanor shall notify the court where the cer-
20 tificate was issued of the conviction.

21 (c) The court may hold a hearing on the revocation, and the district attorney who received a
22 copy of the original petition under subsection (4) of this section may appear and be heard at the
23 revocation hearing.

24 (d) The clerk of the court shall immediately provide notice of the revocation of the certificate,
25 in the form of a court order, to the Department of State Police and other agencies as directed by
26 the court.

27 (e) Upon receiving notice of the revocation of the Certificate of Good Standing, the Department
28 of State Police shall:

29 (A) Enter the revocation of the certificate into the Law Enforcement Data System maintained
30 by the Department of State Police and the databases of the National Crime Information Center of
31 the United States Department of Justice; and

32 (B) Ensure that the results of any criminal records check performed by the Department of State
33 Police concerning the person who is the subject of the revoked Certificate of Good Standing accu-
34 rately reflect the status of the certificate.

35 (f) Any person who knowingly presents, or attempts to present, a revoked or otherwise invalid
36 Certificate of Good Standing as a valid certificate commits a violation.

37 (10) The clerk of the circuit court of each county shall make available the petition forms de-
38 scribed in subsection (3)(a) of this section without charge.

39 (11) A district attorney may not condition a plea offer on future eligibility or ineligibility for a
40 Certificate of Good Standing.

41 **(12) Nothing in this section restores, or creates a procedure to restore, the ability of a**
42 **person to lawfully possess firearms under state or federal law.**

43 **SECTION 2.** Section 2, chapter 526, Oregon Laws 2017, is amended to read:

44 **Sec. 2. (1)** In a claim for negligent hiring of an employee, there is a rebuttable presumption that
45 the employer was not negligent if the employer had notice at the time of the hiring that the em-

1 ployee was the subject of a valid Certificate of Good Standing as described in section 1, [of this 2017
2 Act] chapter 526, Oregon Laws 2017.

3 (2) In a claim for negligence against a landlord in renting or leasing real property to a
4 specified tenant, there is a rebuttable presumption that the landlord was not negligent if the
5 landlord had notice at the time of renting or leasing that the tenant was the subject of a
6 valid Certificate of Good Standing as described in section 1, chapter 526, Oregon Laws 2017.

7 **SECTION 3.** (1) Except as provided in subsection (2) of this section, a public body au-
8 thorized to assess the qualifications of an applicant for a license, permit, registration, cer-
9 tificate or other qualification to engage in the practice of a profession, occupation or
10 business may not disqualify an applicant solely based on the applicant's criminal history if
11 the applicant has a valid Certificate of Good Standing.

12 (2) The public body may:

13 (a) Disqualify the applicant solely based on the applicant's criminal history when required
14 by federal law.

15 (b) Consider the relationship of the facts that support the conviction and all intervening
16 circumstances to the specific occupational or professional standards in determining the fit-
17 ness of the person to receive or hold the license, permit, registration, certificate or other
18 qualification.

19 (3) A person with a valid Certificate of Good Standing may not be prohibited from vol-
20 unteering for a school district or a public charter school solely based on the person's crimi-
21 nal history.

22 (4) As used in this section, "public body" has the meaning given that term in ORS 174.109.

23 **SECTION 4.** ORS 59.205 is amended to read:

24 59.205. Except as provided in ORS 59.215 and section 3 of this 2019 Act, the Director of the
25 Department of Consumer and Business Services may by order deny, suspend or revoke, or impose
26 conditions or restrictions on, a license of a person as a broker-dealer, state investment adviser, in-
27 vestment adviser representative or salesperson if the director finds that the applicant or licensee:

28 (1) Is insolvent, either in the sense that the liabilities of the applicant or licensee exceed the
29 assets of the applicant or licensee or that the applicant or licensee cannot meet the obligations of
30 the applicant or licensee as they mature, or is in such financial condition that the applicant or
31 licensee cannot continue in business with safety to the customers of the applicant or licensee.

32 (2) Has engaged in dishonest, fraudulent or illegal practices or conduct in any business or pro-
33 fession or unfair or unethical practices or conduct in connection with the purchase or sale of any
34 security.

35 (3) Has willfully or repeatedly violated or failed to comply with any provision of the Oregon
36 Securities Law, any condition or restriction imposed on a license or any rule or order of the direc-
37 tor.

38 (4) Has been convicted of a misdemeanor an essential element of which is fraud or of a felony.

39 (5) Is not qualified to conduct a securities business on the basis of such factors as training, ex-
40 perience and knowledge of the securities business.

41 (6) Has filed an application for a license which as of the date the license was issued, or as of
42 the date of an order conditioning, restricting, denying, suspending or revoking a license, was in-
43 complete in any material respect or contained any statement which was, in light of the circum-
44 stances under which it was made, false or misleading with respect to any material fact.

45 (7) Has failed to account to persons interested for all money or property received.

1 (8) Has not delivered after a reasonable time, to persons entitled thereto, securities held or to
2 be delivered.

3 (9) Is permanently or temporarily enjoined by a court of competent jurisdiction from engaging
4 in or continuing any conduct or practice involving any aspect of the securities business.

5 (10) Is the subject of an order of the director conditioning, restricting, denying, suspending or
6 revoking a license as a broker-dealer, state investment adviser, investment adviser representative
7 or salesperson.

8 (11) Is the subject of an order of the director under:

9 (a) ORS chapter 645 involving a violation of any provision of the Oregon Commodity Code or
10 any rule or order of the director adopted or entered under ORS chapter 645; or

11 (b) ORS 86A.095 to 86A.198 involving a violation of any provision of ORS 86A.095 to 86A.198
12 or any rule or order of the director adopted or entered under ORS 86A.095 to 86A.198.

13 (12) Is the subject of any of the following orders that are currently effective and were issued
14 within the last five years:

15 (a) An order by the securities agency or administrator of another state or Canadian province
16 or territory, or by the Securities and Exchange Commission, entered after notice and opportunity
17 for hearing, denying, suspending or revoking the person's registration or license as a broker-dealer,
18 federal covered investment adviser, state investment adviser, investment adviser representative or
19 salesperson, or the substantial equivalent of those terms as defined in the Oregon Securities Law;

20 (b) A suspension or expulsion from membership in or association with a member of a self-
21 regulatory organization registered under the Securities Exchange Act of 1934, as amended, the
22 Commodity Exchange Act or the Investment Advisers Act of 1940, as amended;

23 (c) A United States Postal Service fraud order;

24 (d) A cease and desist order entered after notice and opportunity for hearing by the director,
25 the securities agency or administrator of another state or a Canadian province or territory, the
26 Securities and Exchange Commission or the Commodity Futures Trading Commission; or

27 (e) An order by the Commodity Futures Trading Commission denying, suspending or revoking
28 registration under the Commodity Exchange Act.

29 (13) Has failed, reasonably to supervise the salespersons or investment adviser representatives
30 of the applicant or licensee.

31 (14) Has failed to comply with the requirements of ORS 59.195 to make and keep records pre-
32 scribed by rule or order of the director, to produce such records required by the director or to file
33 any financial reports or other information the director by rule or order may require.

34 **SECTION 5.** ORS 86A.115 is amended to read:

35 86A.115. Except as provided in ORS 86A.118 **and section 3 of this 2019 Act**, the Director of the
36 Department of Consumer and Business Services may by order deny, suspend, condition or revoke a
37 license if the director finds that the applicant or licensee:

38 (1) Is insolvent, either in the sense that the liabilities of the applicant or licensee exceed the
39 assets of the applicant or licensee or that the applicant or licensee cannot meet the obligations of
40 the applicant or licensee as the obligations mature, or that the applicant or licensee is in such fi-
41 nancial condition that the applicant or licensee cannot continue in business with safety to the cus-
42 tomers of the applicant or licensee.

43 (2) Engaged in dishonest, fraudulent or illegal practices or conduct in any business or profession
44 or unfair or unethical practices or conduct in connection with the mortgage business.

45 (3) Willfully or repeatedly violated or failed to comply with a provision of ORS 86A.095 to

1 86A.198 or a rule or order of the director.

2 (4) Failed, in conducting business as a mortgage banker or mortgage broker, to comply with the
3 provisions of:

4 (a) The Truth in Lending Act, 15 U.S.C. 1601 et seq. and Regulation Z, 12 C.F.R. part 226, as in
5 effect on October 1, 2009;

6 (b) The Real Estate Settlement Procedures Act, 12 U.S.C. 2601 et seq. and Regulation X, 24
7 C.F.R. part 3500, as in effect on January 1, 2010;

8 (c) The Equal Credit Opportunity Act, 15 U.S.C. 1691 et seq. and Regulation B, 12 C.F.R. 202.9,
9 202.11, 202.12 and 202.14, as in effect on July 30, 2009; or

10 (d) 12 U.S.C. 5101 et seq. and regulations adopted under 12 U.S.C. 5101 et seq.

11 (5) Was convicted of a misdemeanor, an essential element of which is fraud, or of a felony.

12 (6) Filed an application for a license that, as of the date the license was issued, or as of the date
13 of an order that denied, suspended, conditioned or revoked a license, was incomplete in any material
14 respect or contained a statement that was, in light of the circumstances under which the statement
15 was made, false or misleading with respect to a material fact.

16 (7) Failed to account to persons interested for money or property received in connection with
17 a mortgage loan.

18 (8) Is permanently or temporarily enjoined by a court of competent jurisdiction from engaging
19 in or continuing conduct or a practice that involves an aspect of the mortgage business.

20 (9) Is subject to an order of the director that denies, suspends, conditions or revokes a license.

21 (10) Is subject to a United States Postal Service fraud order that is currently effective and was
22 issued within the last five years.

23 (11) Does not have the experience required by ORS 86A.106 (2) or (3).

24 (12) Failed to comply with the requirements of ORS 86A.112 to make and keep records pre-
25 scribed by rule or order of the director, to produce such records required by the director or to file
26 any financial reports or other information the director by rule or order may require.

27 (13) Is subject to an order of the director that denies, suspends, conditions or revokes a license
28 under any other law the director administers.

29 (14) Is subject to a cease and desist order the director entered within the previous five years
30 after the applicant or licensee had notice and an opportunity for a hearing.

31 (15) Demonstrated negligence or incompetence in performing any act for which the licensee is
32 required to hold a license.

33 (16) Failed to supervise diligently and control the mortgage-related activities of a mortgage loan
34 originator the licensee employs.

35 (17) Knowingly misrepresented to the director the training of, examination of or continuing ed-
36 ucation time earned by a mortgage loan originator the licensee employs.

37 (18) Willfully or repeatedly employed individuals as mortgage loan originators who do not meet
38 the training, education or continuing education requirements for mortgage loan originators.

39 (19) Failed to notify the director of the termination of a mortgage loan originator for failure to
40 comply with state or federal laws, regulations or rules.

41 **SECTION 6.** ORS 86A.212 is amended to read:

42 86A.212. (1) **Except as provided in section 3 of this 2019 Act**, the Director of the Department
43 of Consumer and Business Services may not issue a mortgage loan originator's license to an appli-
44 cant unless the director finds, at a minimum, that the applicant:

45 (a) Has obtained a unique identifier from the Nationwide Mortgage Licensing System and Reg-

1 istry.

2 (b) Has not had a mortgage loan originator's license revoked in another jurisdiction. For pur-
3 poses of this paragraph, an applicant's mortgage loan originator's license was not revoked if an or-
4 der or decision to revoke the license was later rescinded or vacated.

5 (c) Has not been convicted of or pleaded guilty or no contest in a state, federal, foreign or mil-
6 itary court to a felony or to a misdemeanor if an essential element of the misdemeanor involved false
7 statements or dishonesty:

8 (A) During a period of seven years before the date the applicant submits an application under
9 ORS 86A.206; or

10 (B) At any time before the date the applicant submits an application under ORS 86A.206, if the
11 conviction or plea involved a felony and an element of the felony was an act of fraud, dishonesty,
12 a breach of trust or laundering a monetary instrument. For purposes of this paragraph, a conviction
13 that was later pardoned is not a conviction.

14 (d) Has demonstrated financial responsibility sufficient to command the confidence of the com-
15 munity and warrant the determination that the applicant will operate honestly, fairly and efficiently
16 within the purposes of ORS 86A.200 to 86A.239.

17 (e) Has completed the education requirement set forth in ORS 86A.215 and passed a test that
18 meets the standards set forth in ORS 86A.215.

19 (f) Is covered by a surety bond in accordance with the provisions of ORS 86A.227.

20 (2) The director may not:

21 (a) Deny a mortgage loan originator's license to an applicant because of the applicant's credit
22 score; or

23 (b) Use information in a credit report as the sole basis for denying the mortgage loan
24 originator's license.

25 (3) The director shall issue a mortgage loan originator's license to an applicant if:

26 (a) The director is satisfied that the information contained in the application for a mortgage
27 loan originator's license is accurate and complete; and

28 (b) No reason exists under subsection (1) of this section to deny the applicant a mortgage loan
29 originator's license.

30 (4) The director by rule may specify criteria for determining financial responsibility under sub-
31 section (1)(d) of this section.

32 **SECTION 7.** ORS 94.980 is amended to read:

33 94.980. (1) A salesperson or membership camping contract broker may apply for registration by
34 filing with the Real Estate Commissioner an application which includes the following information:

35 (a) A statement whether or not the applicant has been convicted of any misdemeanor or felony
36 involving theft, fraud or dishonesty or whether or not the applicant has been enjoined from, had any
37 civil penalty assessed for, or been found to have engaged in any violation of any act designed to
38 protect consumers; and

39 (b) A statement describing the applicant's employment history for the past five years and
40 whether or not any termination of employment during the last five years was occasioned by any
41 theft, fraud or act of dishonesty.

42 (2) Each applicant for initial registration shall submit to fingerprinting and provide to the com-
43 missioner as part of the application a recent photograph of the applicant. The registration must be
44 accompanied by a written acceptance of the applicant as a salesperson signed by the membership
45 camping operator with whom the salesperson will be associated.

1 (3) **Except as provided in section 3 of this 2019 Act**, the commissioner may deny, suspend or
2 revoke a salesperson's or membership camping contract broker's application for registration or the
3 salesperson's or membership camping contract broker's registration if the commissioner finds that
4 the order is necessary for the protection of purchasers or owners of membership camping contracts
5 and that the applicant or registrant:

6 (a) Has been convicted of any misdemeanor or felony or has been enjoined from, had any civil
7 penalty assessed for, or been found to have engaged in any violation of any act designed to protect
8 consumers;

9 (b) Has violated any material provision of ORS 94.925 to 94.983; or

10 (c) Has engaged in fraudulent or deceitful practices in any industry involving sales to consum-
11 ers.

12 (4) Registration shall be effective for a period of one year. Registration shall be renewed an-
13 nually by the filing of a form prescribed by the commissioner for that purpose. The completed ap-
14 plication for registration or renewal shall automatically become effective upon the expiration of 30
15 business days following filing with the commissioner, unless:

16 (a) The application has been denied under subsection (3) of this section;

17 (b) The commissioner grants the registration effective as of an earlier date; or

18 (c) The applicant or registrant consents to delay of the effective date.

19 (5) During the effective period of a salesperson's registration, the salesperson may transfer to
20 a new membership camping operator by requesting the operator to return the salesperson's regis-
21 tration to the commissioner and filing with the commissioner a written acceptance of the
22 salesperson's transfer signed by the membership camping operator with whom the salesperson will
23 be associated following the transfer. Upon receipt of the salesperson's registration and payment to
24 the commissioner of a \$10 transfer fee, the commissioner may issue a registration for the salesperson
25 to the new membership camping operator. Upon the request of a salesperson, a membership camping
26 operator shall promptly return the registration of the salesperson to the commissioner.

27 (6) A salesperson's registration granted under this section shall be issued to a membership
28 camping operator who signed the written acceptance accompanying the initial registration applica-
29 tion or transfer request. A salesperson's registration entitles the salesperson to sell membership
30 camping contracts only for any campground operated by the membership camping operator under
31 the supervision of the operator. If the salesperson terminates sales activity for any reason, the
32 membership camping operator shall return the registration of the salesperson to the commissioner
33 without delay.

34 (7) If an applicant for registration has an active real estate license outstanding, the applicant
35 must place the real estate license on inactive status before issuance of the registration by the
36 commissioner. A salesperson or membership camping contract broker may not reactivate an inactive
37 real estate license during any term of registration as a salesperson or membership camping contract
38 broker.

39 **SECTION 8.** ORS 194.315 is amended to read:

40 194.315. (1) An individual qualified under subsection (2) of this section may apply to the Secre-
41 tary of State for a commission as a notary public. The applicant shall comply with and provide the
42 information required under rules adopted by the secretary and pay the application fee described in
43 ORS 194.365.

44 (2) **Except as provided in section 3 of this 2019 Act**, an applicant for a commission as a
45 notary public must:

- 1 (a) Be at least 18 years of age;
- 2 (b) Be a resident of this state or have a place of employment or practice in this state;
- 3 (c) Be able to read and write English;
- 4 (d) Not have been convicted of a felony or any crime involving fraud, dishonesty or deceit during
- 5 the 10-year period preceding the date of application;
- 6 (e) Not have been convicted of:
- 7 (A) Acting as or otherwise impersonating a notary public as described in ORS 194.990 (1)(b);
- 8 (B) Obstructing governmental or judicial administration under ORS 162.235 (1)(b); or
- 9 (C) Engaging in the unlawful practice of law as described in ORS 9.160;
- 10 (f) Not have been found by a court to have:
- 11 (A) Practiced law without a license in a suit under ORS 9.166; or
- 12 (B) Engaged in an unlawful trade practice described in ORS 646.608 (1)(vvv);
- 13 (g) Not have entered into an assurance of voluntary compliance, pursuant to ORS 646.632, based
- 14 on an alleged violation of ORS 646.608 (1)(vvv);
- 15 (h) Not have had a commission as a notary public revoked during the 10-year period preceding
- 16 the date of application;
- 17 (i) Not be disqualified under ORS 194.340 to receive a commission;
- 18 (j) Complete the course of study described in ORS 194.325; and
- 19 (k) Have passed the examination required under ORS 194.325.
- 20 (3) Before the Secretary of State may issue a commission as a notary public, the applicant shall
- 21 execute an oath of office and submit it to the secretary.
- 22 (4) Upon the applicant's compliance with this section, the Secretary of State shall issue a com-
- 23 mission as a notary public to the applicant for a term of four years.
- 24 (5) A commission as a notary public authorizes the notary public to perform notarial acts. The
- 25 commission does not provide the notary public any immunity or benefit conferred by law of this
- 26 state on public officials or employees of this state.
- 27 (6) Each notary public may file with the Secretary of State a statement waiving the fees speci-
- 28 fied under ORS 194.400. If a notary public files the statement waiving the fees, the office of that
- 29 notary public is not considered a lucrative office.
- 30 (7) The functions of a notary public are not considered official duties under Article III, section
- 31 1, of the Oregon Constitution.
- 32 (8) A commission as a notary public is not considered a commission under Article V, section 18,
- 33 of the Oregon Constitution.
- 34 **SECTION 9.** ORS 194.340 is amended to read:
- 35 194.340. (1) **Except as provided in section 3 of this 2019 Act**, the Secretary of State may deny,
- 36 revoke, suspend or impose a condition on a commission as a notary public for:
- 37 (a) Failure of the applicant or notary public to comply with any provision of this chapter, any
- 38 rule adopted by the Secretary of State under this chapter or any other state or federal law relating
- 39 to any duty required of a notary public;
- 40 (b) A fraudulent, dishonest or deceitful misstatement or omission in the application for a com-
- 41 mission as a notary public submitted to the secretary;
- 42 (c) A conviction of the applicant or notary public for any felony or for a crime involving fraud,
- 43 dishonesty or deceit;
- 44 (d) A conviction of the applicant or notary public for:
- 45 (A) Acting as or otherwise impersonating a notary public as described in ORS 194.990 (1)(b);

- 1 (B) Obstructing governmental or judicial administration under ORS 162.235 (1)(b); or
 2 (C) Engaging in the unlawful practice of law as described in ORS 9.160;
 3 (e) A finding by a court that the applicant or notary public:
 4 (A) Practiced law without a license in a suit under ORS 9.166; or
 5 (B) Engaged in an unlawful trade practice described in ORS 646.608 (1)(vvv);
 6 (f) Entering into an assurance of voluntary compliance, pursuant to ORS 646.632, based on an
 7 alleged violation of ORS 646.608 (1)(vvv);
 8 (g) A finding against, or admission of liability by, the applicant or notary public in any legal
 9 proceeding or disciplinary action based on the applicant's or notary public's fraud, dishonesty or
 10 deceit;
 11 (h) Use of false or misleading advertising or representation by the notary public representing
 12 that the notary public has powers, qualifications, rights or privileges that the notary public does
 13 not have, including the power to counsel on immigration matters;
 14 (i) Denial, revocation, suspension or conditioning of a commission as a notary public in another
 15 state; or
 16 (j) Execution of any certificate as a notary public containing a statement known to the notary
 17 public to be false.
- 18 (2) If the Secretary of State denies, revokes, suspends or imposes a condition on a commission
 19 as a notary public, opportunity for hearing shall be accorded as provided in ORS chapter 183 for a
 20 contested case.
- 21 (3) The authority of the Secretary of State to deny, revoke, suspend or impose a condition on
 22 a commission as a notary public does not prevent a person from seeking and obtaining other crimi-
 23 nal or civil remedies provided by law.
- 24 **SECTION 10.** ORS 319.042 is amended to read:
 25 319.042. (1) **Except as provided in section 3 of this 2019 Act**, the Department of Transporta-
 26 tion may refuse to issue a dealer license to a person who applies as provided in ORS 319.040 if the
 27 department finds that the person:
 28 (a) Was the holder of a license revoked under ORS 319.100;
 29 (b) Is applying for a license on behalf of a real party in interest whose license was revoked
 30 under ORS 319.100;
 31 (c) Was an officer, director, owner or managing employee of a nonindividual licensee whose li-
 32 cense was revoked under ORS 319.100;
 33 (d) Owes a debt to the state under ORS 319.010 to 319.430;
 34 (e) Had a license issued by a jurisdiction other than Oregon to sell or buy untaxed motor vehicle
 35 fuel that was revoked or canceled for cause, whether the license was held by the person as an in-
 36 dividual or as an officer, director, owner or managing employee or on behalf of a real party in in-
 37 terest;
 38 (f) In any jurisdiction, pleaded guilty to or was convicted of a crime directly related to the sale,
 39 use or distribution of motor vehicle fuel, whether as an individual or as an officer, director, owner
 40 or managing employee of a business engaged in the sale or distribution of motor vehicle fuel;
 41 (g) Had a civil judgment imposed for conduct involving fraud, misrepresentation, conversion or
 42 dishonesty, as an individual or as an officer, director, owner or managing employee of a business
 43 engaged in the sale or distribution of motor vehicle fuel;
 44 (h) Misrepresented or concealed a material fact in obtaining a license or in the reinstatement
 45 thereof;

- 1 (i) Violated a statute or administrative rule regarding fuel taxation or distribution;
 2 (j) Failed to cooperate with the department's investigations by:
 3 (A) Not furnishing requested documents;
 4 (B) Not furnishing when requested to do so a full and complete written explanation of a matter
 5 under investigation by the department; or
 6 (C) Not responding to a subpoena issued by the department; or
 7 (k) Failed to comply with an order issued by the department.
 8 (2) In addition to refusal of a license for reasons specified in subsection (1) of this section, the
 9 department may refuse to issue a dealer license for any other reason the department deems suffi-
 10 cient.
 11 (3) Before refusing to issue a license under this section, the department shall grant the applicant
 12 a hearing and shall give the applicant at least 10 days' written notice of the time and place of the
 13 hearing. The hearing shall be a contested case hearing under the provisions of ORS chapter 183.
 14 (4) For purpose of consideration of an application for a license, the department may inspect or
 15 investigate the records of this state or of any other jurisdiction to verify the information on the
 16 application and to verify the applicant's criminal and licensing history.
- 17 **SECTION 11.** ORS 319.628 is amended to read:
 18 319.628. (1) **Except as provided in section 3 of this 2019 Act,** the Department of Transporta-
 19 tion may refuse to issue a user's license or a seller's license to a person who applies as provided in
 20 ORS 319.560 or 319.621 if the department finds that the person:
 21 (a) Was the holder of a license revoked under ORS 319.630;
 22 (b) Is applying for a license on behalf of a real party in interest whose license was revoked
 23 under ORS 319.630;
 24 (c) Was an officer, director, owner or managing employee of a nonindividual licensee whose li-
 25 cense was revoked under ORS 319.630;
 26 (d) Owes a debt to the state under ORS 319.510 to 319.880;
 27 (e) Had a license issued by a jurisdiction other than Oregon to sell or use untaxed use fuel that
 28 was revoked or canceled for cause, whether the license was held by the person as an individual or
 29 as an officer, director, owner or managing employee or on behalf of a real party in interest;
 30 (f) In any jurisdiction, pleaded guilty to or was convicted of a crime directly related to the sale,
 31 use or distribution of use fuel, whether as an individual or as an officer, director, owner or manag-
 32 ing employee of a business engaged in the sale or distribution of use fuel;
 33 (g) Had a civil judgment imposed for conduct involving fraud, misrepresentation, conversion or
 34 dishonesty, as an individual or as an officer, director, owner or managing employee of a business
 35 engaged in the sale or distribution of use fuel;
 36 (h) Misrepresented or concealed a material fact in obtaining a license or in the reinstatement
 37 thereof;
 38 (i) Violated a statute or administrative rule regarding fuel taxation or distribution;
 39 (j) Failed to cooperate with the department's investigations by:
 40 (A) Not furnishing requested documents;
 41 (B) Not furnishing when requested to do so a full and complete written explanation of a matter
 42 under investigation by the department; or
 43 (C) Not responding to a subpoena issued by the department; or
 44 (k) Failed to comply with an order issued by the department.
 45 (2) In addition to refusal of a license for reasons specified in subsection (1) of this section, the

1 department may refuse to issue a user's license or seller's license for any other reason the depart-
2 ment deems sufficient.

3 (3) Before refusing to issue a license under this section, the department shall grant the applicant
4 a hearing and shall give the applicant at least 10 days' written notice of the time and place of the
5 hearing. The hearing shall be a contested case hearing under the provisions of ORS chapter 183.

6 (4) For purpose of consideration of an application for a license, the department may inspect or
7 investigate the records of this state or of any other jurisdiction to verify the information on the
8 application and to verify the applicant's criminal and licensing history.

9 **SECTION 12.** ORS 326.603 is amended to read:

10 326.603. (1) For the purposes of requesting a state or nationwide criminal records check under
11 ORS 181A.195, the Department of Education may require the fingerprints of:

12 (a) A school district or private school contractor, whether part-time or full-time, or an employee
13 of a contractor, whether part-time or full-time, who has direct, unsupervised contact with students
14 as determined by the district or private school.

15 (b) A person newly hired, whether part-time or full-time, by a school district or private school
16 in a capacity not described in ORS 342.223 (1).

17 (c) A person who is a community college faculty member providing instruction:

18 (A) At the site of an early childhood education program or at a school site as part of an early
19 childhood education program; or

20 (B) At a kindergarten through grade 12 school site during the regular school day.

21 (d) A person who is an employee of a public charter school.

22 (2)(a) A school district shall send to the Department of Education for purposes of a criminal
23 records check any information, including fingerprints, for each person described in subsection (1)
24 of this section.

25 (b) A private school may send to the Department of Education for purposes of a criminal records
26 check any information, including fingerprints, for each person described in subsection (1)(a), (b) or
27 (c) of this section.

28 (3) The Department of Education shall request that the Department of State Police conduct a
29 criminal records check as provided in ORS 181A.195 and may charge the school district or private
30 school a fee as established by rule under ORS 181A.195. The school district or private school may
31 recover its costs or a portion thereof from the person described in subsection (1) of this section. If
32 the person described in subsection (1)(b) or (d) of this section requests, the school district shall and
33 a private school may withhold the amount from amounts otherwise due the person, including a pe-
34 riodic payroll deduction rather than a lump sum payment.

35 (4) Notwithstanding subsection (1) of this section, the Department of Education may not require
36 fingerprints of a person described in subsection (1) of this section if the person or the person's em-
37 ployer was checked in one school district or private school and is currently seeking to work in an-
38 other district or private school unless the person lived outside this state during the interval between
39 the two periods of time of working in the district or private school.

40 (5) Nothing in this section requires a person described in subsection (1)(a), (b) or (d) of this
41 section to submit to fingerprinting until the person has been offered employment or a contract by
42 a school district or private school. Contractor employees may not be required to submit to finger-
43 printing until the contractor has been offered a contract.

44 (6) If a person described in subsection (1) of this section states on a criminal history form pro-
45 vided by the Department of Education that the person has not been convicted of a crime but the

1 criminal records check indicates that the person has a conviction, the department shall determine
 2 whether the person knowingly made a false statement as to the conviction. The department shall
 3 develop a process and criteria to use for appeals of a determination under this subsection.

4 (7)(a) The Superintendent of Public Instruction shall inform a school district or private school
 5 if a person described in subsection (1) of this section has been convicted of a crime listed in ORS
 6 342.143 (3) or has knowingly made a false statement on a criminal history form provided by the
 7 Department of Education as to the conviction of any crime.

8 (b) If a person described in subsection (1) of this section has been convicted of a crime listed in
 9 ORS 342.143 (3), a school district may not employ or contract with the person and a private school
 10 may choose not to employ or contract with the person. Notification by the superintendent that the
 11 school district may not employ or contract with the person shall remove the person from any school
 12 district policies, collective bargaining provisions regarding dismissal procedures and appeals and the
 13 provisions of ORS 342.805 to 342.937.

14 (c) If a person described in subsection (1) of this section has knowingly made a false statement
 15 on a criminal history form provided by the Department of Education as to the conviction of a crime
 16 not listed in ORS 342.143 (3), a school district or private school may choose to employ or contract
 17 with the person.

18 (8) If a person described in subsection (1) of this section refuses to consent to the criminal re-
 19 cords check or refuses to be fingerprinted, the school district shall terminate the employment or
 20 contract status of the person. Termination under this subsection removes the person from any school
 21 district policies, collective bargaining provisions regarding dismissal procedures and appeals and the
 22 provisions of ORS 342.805 to 342.937.

23 (9) **Except as provided in section 3 of this 2019 Act**, a school district may not hire or con-
 24 tinue to employ or contract with or allow the contractor to continue to assign a person to the
 25 school project if the person described in subsection (1) of this section has been convicted of a crime
 26 according to the provisions of ORS 342.143.

27 (10) As used in this section and ORS 326.607:

28 (a) "Private school" means a school that:

29 (A) Offers education in prekindergarten, kindergarten or grades 1 through 12, or any combina-
 30 tion of those grade levels; and

31 (B) Provides instructional programs that are not limited solely to dancing, drama, music, reli-
 32 gious or athletic instruction.

33 (b) "School district" means:

34 (A) A school district as defined in ORS 330.003.

35 (B) The Oregon School for the Deaf.

36 (C) An educational program under the Youth Corrections Education Program.

37 (D) A public charter school as defined in ORS 338.005.

38 (E) An education service district.

39 **SECTION 13.** ORS 342.143 is amended to read:

40 342.143. (1) A teaching, personnel service or administrative license, or public charter school
 41 registration, may not be issued to any person until the person has attained the age of 18 years and
 42 has furnished satisfactory evidence of proper educational training.

43 (2) The Teacher Standards and Practices Commission may require an applicant for a teaching,
 44 personnel service or administrative license or for registration as a public charter school teacher or
 45 administrator to furnish evidence satisfactory to the commission of good moral character, mental

1 and physical health, and such other evidence as the commission may deem necessary to establish
2 the applicant's fitness to serve as a teacher or administrator.

3 (3) **Except as provided in section 3 of this 2019 Act, and** without limiting the powers of the
4 Teacher Standards and Practices Commission under subsection (2) of this section:

5 (a) A teaching, personnel service or administrative license, or a public charter school registra-
6 tion, may not be issued to any person who:

7 (A) Has been convicted of a crime listed in ORS 163.095, 163.115, 163.185, 163.235, 163.355,
8 163.365, 163.375, 163.385, 163.395, 163.405, 163.408, 163.411, 163.415, 163.425, 163.427, 163.432, 163.433,
9 163.435, 163.445, 163.465, 163.515, 163.525, 163.547, 163.575, 163.670, 163.675 (1985 Replacement Part),
10 163.680 (1993 Edition), 163.684, 163.686, 163.687, 163.688, 163.689, 164.325, 164.415, 166.005, 166.087,
11 167.007, 167.008, 167.012, 167.017, 167.057, 167.062, 167.075, 167.080, 167.090, 475.808, 475.810, 475.812,
12 475.818, 475.820, 475.822, 475.828, 475.830, 475.832, 475.848, 475.852, 475.868, 475.872, 475.878, 475.880,
13 475.882, 475.888, 475.890, 475.892, 475.904 or 475.906.

14 (B) Has been convicted under ORS 161.405 of an attempt to commit any of the crimes listed in
15 subparagraph (A) of this paragraph.

16 (C) Has been convicted in another jurisdiction of a crime that is substantially equivalent, as
17 defined by rule, to any of the crimes listed in subparagraphs (A) and (B) of this paragraph.

18 (D) Has had a teaching, personnel service or administrative license, or a public charter school
19 registration, revoked in another jurisdiction for a reason that is substantially equivalent, as defined
20 by rule, to a reason described in ORS 342.175 and the revocation is not subject to further appeal.
21 A person whose right to apply for a license or registration is denied under this subparagraph may
22 apply for reinstatement of the right as provided in ORS 342.175 (4).

23 (b) The Teacher Standards and Practices Commission may refuse to issue a license or registra-
24 tion to any person who has been convicted of:

25 (A) A crime involving the illegal use, sale or possession of controlled substances; or

26 (B) A crime described in ORS 475B.010 to 475B.545.

27 (4) In denying the issuance of a license or registration under this section, the commission shall
28 follow the procedure set forth in ORS 342.176 and 342.177.

29 **SECTION 14.** ORS 443.004 is amended to read:

30 443.004. (1) The Department of Human Services or the Oregon Health Authority shall complete
31 a criminal records check under ORS 181A.195 on:

32 (a) An employee of a residential facility or an adult foster home;

33 (b) Any individual who is paid directly or indirectly with public funds who has or will have
34 contact with a recipient of support services or a resident of an adult foster home or a residential
35 facility; and

36 (c) A home care worker registering with the Home Care Commission or renewing a registration
37 with the Home Care Commission.

38 (2)(a) A home health agency shall conduct a criminal background check before hiring or con-
39 tracting with an individual and before allowing an individual to volunteer to provide services on
40 behalf of the home health agency, if the individual will have direct contact with a patient of the
41 home health agency.

42 (b) An in-home care agency shall conduct a criminal background check before hiring or con-
43 tracting with an individual and before allowing an individual to volunteer to provide services on
44 behalf of the in-home care agency, if the individual will have direct contact with a client of the in-
45 home care agency.

1 (c) The authority shall prescribe by rule the process for conducting a criminal background
2 check.

3 (3) **Except as provided in section 3 of this 2019 Act**, public funds may not be used to support,
4 in whole or in part, the employment in any capacity having contact with a recipient of support
5 services or a resident of a residential facility or an adult foster home, of an individual, other than
6 a mental health or substance abuse treatment provider, who has been convicted:

7 (a) Of a crime described in ORS 163.095, 163.115, 163.118, 163.125, 163.145, 163.149, 163.165,
8 163.175, 163.185, 163.187, 163.200, 163.205, 163.225, 163.235, 163.263, 163.264, 163.266, 163.275, 163.465,
9 163.467, 163.535, 163.537, 163.547, 163.689, 163.700, 163.701, 164.055, 164.057, 164.098, 164.125 (5)(c) or
10 (d), 164.215, 164.225, 164.325, 164.377 (2) or (3), 164.405, 164.415, 165.013, 165.022, 165.032, 165.800,
11 165.803, 167.012, 167.017, 167.057, 167.320 or 167.322;

12 (b) Notwithstanding paragraph (a) of this subsection, of a crime described in ORS 163.465,
13 163.467, 163.700, 163.701, 164.055, 164.125 or 164.377, the date of conviction for which was within the
14 five years immediately preceding employment in any capacity of an individual, other than a mental
15 health or substance abuse treatment provider, having contact with a recipient of support services,
16 a resident of a residential facility or a resident of an adult foster home, when the recipient or resi-
17 dent is 65 years of age or older;

18 (c) Of a crime listed in ORS 163A.005;

19 (d) In the last 10 years, of a crime involving the delivery or manufacture of a controlled sub-
20 stance;

21 (e) Of an attempt, conspiracy or solicitation to commit a crime described in paragraphs (a) to
22 (d) of this subsection; or

23 (f) Of a crime in another jurisdiction that is substantially equivalent, as defined by rule, to a
24 crime described in paragraphs (a) to (e) of this subsection.

25 (4) **Except as provided in section 3 of this 2019 Act**, if the criminal background check con-
26 ducted by a home health agency or in-home care agency under subsection (2) of this section reveals
27 that the individual who is subject to the criminal background check has been convicted of any of
28 the crimes described in subsection (3) of this section, the home health agency or in-home care
29 agency may not employ the individual.

30 (5) **Except as provided in section 3 of this 2019 Act**, public funds may not be used to support,
31 in whole or in part, the employment, in any capacity having contact with a recipient of support
32 services or a resident of a residential facility or an adult foster home, of a mental health or sub-
33 stance abuse treatment provider who has been convicted of committing, or convicted of an attempt,
34 conspiracy or solicitation to commit, a crime described in ORS 163.095, 163.115, 163.375, 163.405,
35 163.411 or 163.427.

36 (6) Upon the request of a mental health or substance abuse treatment provider, the department
37 or authority shall maintain a record of the results of any fitness determination made under ORS
38 181A.195 (10). The department or authority may disclose the record only to a person the provider
39 specifically authorizes, by a written release, to receive the information.

40 (7) If the department or authority has a record of substantiated abuse committed by an employee
41 or potential employee of a home health agency, in-home care agency, adult foster home or residen-
42 tial facility, regardless of whether criminal charges were filed, the department or authority shall
43 notify, in writing, the employer and the employee or potential employee.

44 (8) As used in this section:

45 (a) "Adult foster home" has the meaning given that term in ORS 443.705.

1 (b) “Home care worker” has the meaning given that term in ORS 410.600.

2 (c) “Home health agency” has the meaning given that term in ORS 443.014.

3 (d) “In-home care agency” has the meaning given that term in ORS 443.305.

4 (e) “Mental health or substance abuse treatment provider” means:

5 (A) A peer support specialist;

6 (B) An employee of a residential treatment facility or a residential treatment home that is li-
7 censed under ORS 443.415 to provide treatment for individuals with alcohol or drug dependence;

8 (C) An individual who provides treatment or services for persons with substance use disorders;

9 or

10 (D) An individual who provides mental health treatment or services.

11 (f) “Peer support specialist” has the meaning given that term in ORS 414.025.

12 (g) “Residential facility” has the meaning given that term in ORS 443.400.

13 **SECTION 15.** ORS 443.004, as amended by section 24, chapter 75, Oregon Laws 2018, is
14 amended to read:

15 443.004. (1) The Department of Human Services or the Oregon Health Authority shall complete
16 a criminal records check under ORS 181A.195 on:

17 (a) An employee of a residential facility or an adult foster home;

18 (b) Any individual who is paid directly or indirectly with public funds who has or will have
19 contact with a recipient of support services or a resident of an adult foster home or a residential
20 facility; and

21 (c) A home care worker or personal support worker registering with the Home Care Commission
22 or renewing a registration with the Home Care Commission.

23 (2)(a) A home health agency shall conduct a criminal background check before hiring or con-
24 tracting with an individual and before allowing an individual to volunteer to provide services on
25 behalf of the home health agency, if the individual will have direct contact with a patient of the
26 home health agency.

27 (b) An in-home care agency shall conduct a criminal background check before hiring or con-
28 tracting with an individual and before allowing an individual to volunteer to provide services on
29 behalf of the in-home care agency, if the individual will have direct contact with a client of the in-
30 home care agency.

31 (c) The authority shall prescribe by rule the process for conducting a criminal background
32 check.

33 (3) **Except as provided in section 3 of this 2019 Act**, public funds may not be used to support,
34 in whole or in part, the employment in any capacity having contact with a recipient of support
35 services or a resident of a residential facility or an adult foster home, of an individual, other than
36 a mental health or substance abuse treatment provider, who has been convicted:

37 (a) Of a crime described in ORS 163.095, 163.115, 163.118, 163.125, 163.145, 163.149, 163.165,
38 163.175, 163.185, 163.187, 163.200, 163.205, 163.225, 163.235, 163.263, 163.264, 163.266, 163.275, 163.465,
39 163.467, 163.535, 163.537, 163.547, 163.689, 163.700, 163.701, 164.055, 164.057, 164.098, 164.125 (5)(c) or
40 (d), 164.215, 164.225, 164.325, 164.377 (2) or (3), 164.405, 164.415, 165.013, 165.022, 165.032, 165.800,
41 165.803, 167.012, 167.017, 167.057, 167.320 or 167.322;

42 (b) Notwithstanding paragraph (a) of this subsection, of a crime described in ORS 163.465,
43 163.467, 163.700, 163.701, 164.055, 164.125 or 164.377, the date of conviction for which was within the
44 five years immediately preceding employment in any capacity of an individual, other than a mental
45 health or substance abuse treatment provider, having contact with a recipient of support services,

1 a resident of a residential facility or a resident of an adult foster home, when the recipient or resi-
2 dent is 65 years of age or older;

3 (c) Of a crime listed in ORS 163A.005;

4 (d) In the last 10 years, of a crime involving the delivery or manufacture of a controlled sub-
5 stance;

6 (e) Of an attempt, conspiracy or solicitation to commit a crime described in paragraphs (a) to
7 (d) of this subsection; or

8 (f) Of a crime in another jurisdiction that is substantially equivalent, as defined by rule, to a
9 crime described in paragraphs (a) to (e) of this subsection.

10 (4) **Except as provided in section 3 of this 2019 Act**, if the criminal background check con-
11 ducted by a home health agency or in-home care agency under subsection (2) of this section reveals
12 that the individual who is subject to the criminal background check has been convicted of any of
13 the crimes described in subsection (3) of this section, the home health agency or in-home care
14 agency may not employ the individual.

15 (5) **Except as provided in section 3 of this 2019 Act**, public funds may not be used to support,
16 in whole or in part, the employment, in any capacity having contact with a recipient of support
17 services or a resident of a residential facility or an adult foster home, of a mental health or sub-
18 stance abuse treatment provider who has been convicted of committing, or convicted of an attempt,
19 conspiracy or solicitation to commit, a crime described in ORS 163.095, 163.115, 163.375, 163.405,
20 163.411 or 163.427.

21 (6) Upon the request of a mental health or substance abuse treatment provider, the department
22 or authority shall maintain a record of the results of any fitness determination made under ORS
23 181A.195 (10). The department or authority may disclose the record only to a person the provider
24 specifically authorizes, by a written release, to receive the information.

25 (7) If the department or authority has a record of substantiated abuse committed by an employee
26 or potential employee of a home health agency, in-home care agency, adult foster home or residen-
27 tial facility, regardless of whether criminal charges were filed, the department or authority shall
28 notify, in writing, the employer and the employee or potential employee.

29 (8) As used in this section:

30 (a) "Adult foster home" has the meaning given that term in ORS 443.705.

31 (b) "Home care worker" has the meaning given that term in ORS 410.600.

32 (c) "Home health agency" has the meaning given that term in ORS 443.014.

33 (d) "In-home care agency" has the meaning given that term in ORS 443.305.

34 (e) "Mental health or substance abuse treatment provider" means:

35 (A) A peer support specialist;

36 (B) An employee of a residential treatment facility or a residential treatment home that is li-
37 censed under ORS 443.415 to provide treatment for individuals with alcohol or drug dependence;

38 (C) An individual who provides treatment or services for persons with substance use disorders;

39 or

40 (D) An individual who provides mental health treatment or services.

41 (f) "Peer support specialist" has the meaning given that term in ORS 414.025.

42 (g) "Personal support worker" has the meaning given that term in ORS 410.600.

43 (h) "Residential facility" has the meaning given that term in ORS 443.400.

44 **SECTION 16.** ORS 443.735 is amended to read:

45 443.735. (1)(a) Applications for a license to maintain and operate an adult foster home shall be

1 made on forms provided by the licensing agency.

2 (b) Each application submitted to the Department of Human Services for an adult foster home
3 serving individuals with intellectual or developmental disabilities shall be accompanied by a fee of
4 \$50 per bed requested for licensing.

5 (c) Each application submitted to the Oregon Health Authority, or to the Department of Human
6 Services for an adult foster home not serving individuals with intellectual or developmental disa-
7 bilities, shall be accompanied by a fee of \$20 per bed requested for licensing.

8 (2) Upon receipt of an application and fee, the licensing agency shall conduct an investigation.

9 (3) The licensing agency shall not issue an initial license unless:

10 (a) The applicant and adult foster home are in compliance with ORS 443.002 and 443.705 to
11 443.825 and the rules of the licensing agency;

12 (b) The licensing agency has completed an inspection of the adult foster home;

13 (c) The licensing agency has completed a criminal records check under ORS 181A.195 on the
14 applicant and any person, other than a resident, 16 years of age or older who will be residing in the
15 adult foster home. The criminal records check shall be conducted in accordance with rules adopted
16 under ORS 181A.195;

17 (d) The licensing agency has determined that the registry maintained under ORS 441.678 con-
18 tains no finding that the applicant or any nursing assistant employed by the applicant has been re-
19 sponsible for abuse; and

20 (e) The applicant has demonstrated to the licensing agency the financial ability and resources
21 necessary to operate the adult foster home. The licensing agency shall adopt rules as the agency
22 deems appropriate that establish the financial standards an applicant must meet to qualify for issu-
23 ance of a license and that protect financial information from public disclosure. The demonstration
24 of financial ability under this paragraph shall include, but need not be limited to, providing the li-
25 censing agency with a list of any unsatisfied judgments, pending litigation and unpaid taxes and
26 notifying the agency regarding whether the applicant is in bankruptcy. If the applicant is unable to
27 demonstrate the financial ability and resources required by this paragraph, the licensing agency may
28 require the applicant to furnish a financial guarantee as a condition of initial licensure.

29 (4) The licensing agency may not renew a license under this section unless:

30 (a) The applicant and the adult foster home are in compliance with ORS 443.002 and 443.705 to
31 443.825 and the rules of the licensing agency;

32 (b) The licensing agency has completed an inspection of the adult foster home;

33 (c) The licensing agency has completed a criminal records check under ORS 181A.195 on the
34 applicant and any person, other than a resident, 16 years of age or older who will be residing in the
35 adult foster home. The criminal records check under this paragraph shall be conducted in accord-
36 ance with rules adopted under ORS 181A.195; and

37 (d) The licensing agency has determined that the registry maintained under ORS 441.678 con-
38 tains no finding that the applicant or any nursing assistant employed by the applicant has been re-
39 sponsible for abuse.

40 (5)(a) In seeking an initial license and renewal of a license when an adult foster home has been
41 licensed for less than 24 months, the burden of proof shall be upon the provider and the adult foster
42 home to establish compliance with ORS 443.705 to 443.825 and the rules of the licensing agency.

43 (b) In proceedings for renewal of a license when an adult foster home has been licensed for at
44 least 24 continuous months, the burden of proof shall be upon the licensing agency to establish
45 noncompliance with ORS 443.705 to 443.825 and the rules of the agency.

1 (6)(a) **Except as provided in section 3 of this 2019 Act**, persons who have been convicted of
2 one or more crimes that, as determined by rules of the licensing agency, are substantially related
3 to the qualifications, functions or duties of a provider, substitute caregiver or other household
4 member of an adult foster home shall be prohibited from operating, working in or residing in an
5 adult foster home.

6 (b) The licensing agency shall adopt rules that distinguish the criminal convictions and types
7 of abuse that, **except as provided in section 3 of this 2019 Act**, permanently prohibit a person
8 from operating, working in or living in an adult foster home from the convictions and types of abuse
9 that do not permanently prohibit the person from operating, working in or living in an adult foster
10 home.

11 (c) **Except as provided in section 3 of this 2019 Act**, a provider may not hire, retain in em-
12 ployment or allow to live in an adult foster home, other than as a resident, any person who the
13 provider knows has been convicted of a disqualifying crime or has been found responsible for a
14 disqualifying type of abuse.

15 (7) A license under ORS 443.725 is effective for one year from the date of issue unless sooner
16 revoked. Each license shall state the name of the resident manager of the adult foster home, the
17 names of all providers who own the adult foster home, the address of the premises to which the li-
18 cense applies, the maximum number of residents and the classification of the adult foster home. If,
19 during the period covered by the license, a resident manager changes, the provider must within 15
20 days request modification of the license. The request must be accompanied by a fee of \$10.

21 (8) No license under ORS 443.725 is transferable or applicable to any location, persons operating
22 the adult foster home or the person owning the adult foster home other than that indicated on the
23 application for licensing.

24 (9) The licensing agency shall not issue a license to operate an additional adult foster home to
25 a provider unless the provider has demonstrated the qualifications and capacity to operate the
26 provider's existing licensed adult foster homes and has demonstrated the ability to provide to the
27 residents of those adult foster homes care that is adequate and substantially free from abuse and
28 neglect.

29 (10)(a) All moneys collected under ORS 443.725 to 443.780 from adult foster homes that are li-
30 censed to serve persons with mental, emotional or behavioral disturbances or alcohol or drug de-
31 pendence shall be deposited in a special account in the General Fund, and are appropriated
32 continuously for payment of expenses incurred by the Oregon Health Authority.

33 (b) All moneys collected under ORS 443.725 to 443.780 from adult foster homes licensed to serve
34 persons who are elderly, have physical disabilities or have developmental disabilities shall be de-
35 posited in the Quality Care Fund established in ORS 443.001.

36 (11) Notwithstanding any other provision of this section or ORS 443.725 or 443.738, the licensing
37 agency may issue a 60-day provisional license to a qualified person if the agency determines that
38 an emergency situation exists after being notified that the licensed provider of an adult foster home
39 is no longer overseeing operation of the adult foster home.

40 **SECTION 17.** ORS 462.075 is amended to read:

41 462.075. (1) **Except as provided in section 3 of this 2019 Act**, the Oregon Racing Commission
42 may refuse to issue to or renew the license of any applicant if it has reasonable ground to believe
43 that the applicant:

44 (a) Has been suspended or ruled off a recognized course in another jurisdiction by the racing
45 board or commission thereof.

1 (b) Is not of good repute and moral character.

2 (c) Does not have, when previously licensed, a good record of compliance with the racing or
 3 gaming laws of this state or of any other state and with the rules of the commission or of any other
 4 racing or gaming commission.

5 (d) If the applicant is a corporation, firm or association, is not duly authorized to conduct
 6 business within the State of Oregon.

7 (e) If an individual, has been convicted of a crime involving moral turpitude or of any gambling
 8 or gambling-related offense, or, if a corporation, firm or association, is in whole or in part controlled
 9 or operated directly or indirectly by a person who has been convicted of a crime involving moral
 10 turpitude or of any gambling or gambling-related offense.

11 (f) If an individual, is engaged in wagering by other than the mutuel method or in pool selling
 12 or bookmaking in any state of the United States or foreign country or, if a corporation, firm or as-
 13 sociation, is in whole or in part controlled or operated directly or indirectly by a person who is
 14 engaged in wagering by other than the mutuel method or in pool selling or bookmaking in any state
 15 of the United States or foreign country.

16 (g) Has been found guilty by the commission of a violation of this chapter or any rules of the
 17 commission.

18 (h) Should not, in the best interest of the safety, welfare, health, peace and morals of the people
 19 of the state, be granted a license.

20 (2) The commission may refuse to issue or renew a license to conduct a race meet for any
 21 ground set forth in subsection (1) of this section or if it has reasonable ground to believe any of the
 22 following to be true:

23 (a) That the applicant is not possessed of or has not demonstrated financial responsibility suffi-
 24 cient to meet adequately the requirements of the enterprise proposed to be licensed.

25 (b) That the applicant is not the true owner of the enterprise proposed to be licensed, that other
 26 persons have ownership in the enterprise which has not been disclosed or, if the applicant is a
 27 corporation, that any of the stock of such corporation is subject to a contract or option to purchase
 28 at any time during the period for which the license is issued.

29 (c) That the granting of a license in the locality set out in the application is not demanded by
 30 public interest or convenience.

31 (d) That the applicant, if a corporation, transferred any of its stock after an application for a
 32 license to hold a race meet was filed with the commission without prior commission approval. The
 33 provisions of this paragraph shall not apply to day-to-day transfers of stock of a publicly held cor-
 34 poration whose shares are publicly quoted and regularly traded in the marketplace unless the
 35 transfer, or a combination of transfers, involves a controlling interest in or affects the operational
 36 control of the corporation, or involves 10 percent or more of any class of stock of the corporation.

37 (e) That the applicant lacks, or if the applicant is a corporation, its officers, managerial em-
 38 ployees, directors and principal stockholders lack, the requisite character, reputation, general busi-
 39 ness and managerial competence and ability, and experience in the business of racing so as to justify
 40 or command public confidence.

41 (f) That the granting of the application would adversely and unreasonably affect the economy
 42 of the State of Oregon and its people and the revenues of this state and of other beneficiaries of
 43 racing funds designated in this chapter.

44 (3) The commission may refuse to issue or renew a license to any person who has made a false
 45 statement of a material fact to the commission.

1 (4) The commission may refuse to issue or renew a license to any applicant for a race meet li-
2 cense if the applicant has failed to meet any monetary obligation in connection with any race meet
3 held in this state.

4 (5) The commission may deny a license to any applicant for a race meet license under ORS
5 462.067 unless the applicant for the license and the greyhound kennel owners, or their represen-
6 tative association, have previously agreed upon a purse schedule.

7 (6) Before refusing to license any applicant for a race meet license, the commission shall afford
8 the applicant an opportunity for hearing after reasonable notice as provided in ORS chapter 183.
9 When the commission refuses to license an applicant on the basis of grounds provided in subsection
10 (1)(b), (c) or (h) of this section, the commission shall specify the particular activities that constitute
11 the grounds for refusal and shall give the applicant written notice thereof.

12 **SECTION 18.** ORS 463.185 is amended to read:

13 463.185. (1) The Superintendent of State Police has the sole jurisdiction and authority to enforce
14 the provisions of this chapter. The superintendent or the authorized representative of the super-
15 intendent may investigate allegations of activity that may violate the provisions of this chapter.

16 (2) The superintendent or the authorized representative of the superintendent is authorized to
17 enter at reasonable times and without advance notice, a place of business or establishment where
18 activity alleged to be in violation of this chapter may occur.

19 (3) **Except as provided in section 3 of this 2019 Act**, the superintendent may deny, revoke or
20 suspend the license of an official or an unarmed combat sports competitor, manager, second,
21 matchmaker or promoter for:

22 (a) Violating this chapter or a rule adopted under this chapter.

23 (b) Engaging in an activity regulated under this chapter in connection with an unarmed combat
24 sports event that is not approved by the superintendent or authorized representative of the super-
25 intendent.

26 (c) Participating as an unarmed combat sports competitor in an unarmed combat sports event
27 if another unarmed combat sports competitor is either unlicensed by the superintendent or is not
28 medically qualified as provided in ORS 463.047. This paragraph does not apply to unarmed combat
29 sports competitors participating in events supervised by an approved amateur athletic organization.

30 (d) Participating as an official in an unarmed combat sports event if an unarmed combat sports
31 competitor is either unlicensed by the superintendent or is not medically qualified as provided in
32 ORS 463.047. This paragraph does not apply to officials participating in events supervised by an
33 approved amateur athletic organization.

34 (e) Failing to comply with a valid order of the superintendent or authorized representative of
35 the superintendent.

36 (f) Aiding and abetting violations of this chapter or rules adopted under this chapter.

37 (g) Being convicted of a crime that bears upon the exercise of the privileges granted to the
38 holder of the license.

39 (4) **Except as provided in section 3 of this 2019**, the authorized representative of the super-
40 intendent may temporarily deny, revoke or suspend the license of an unarmed combat sports com-
41 petitor, manager, matchmaker, official, promoter or second for a reason listed in subsection (3) of
42 this section.

43 (5) The superintendent shall deny, and the authorized representative of the superintendent shall
44 temporarily deny, an application for a license when the applicant does not possess the requisite
45 qualifications.

1 (6) The superintendent or the authorized representative of the superintendent may hold a hear-
2 ing regarding allegations that a person has violated or failed to comply with this chapter.

3 (7) In addition to the denial, revocation or suspension of a license, the superintendent or the
4 authorized representative of the superintendent may order the forfeiture of the payment of the purse
5 or any portion of the purse of an unarmed combat sports competitor or manager for the violation
6 of any provision of this chapter or any rule adopted pursuant to this chapter.

7 (8)(a) The superintendent or authorized representative of the superintendent may impose a civil
8 penalty, in an amount not to exceed \$100,000, to be paid by a promoter, matchmaker, unarmed
9 combat sports competitor, manager or any other participant licensed by the superintendent, for the
10 violation of this chapter or any rule adopted pursuant to this chapter. The penalty must be deposited
11 in the subaccount of the State Police Account established under ORS 181A.020.

12 (b) The Oregon State Athletic Commission shall recommend, and the superintendent shall adopt,
13 rules that establish a method for determining the amount of a civil penalty assessed under this
14 subsection. The rules must include, but need not be limited to, consideration of the gross receipts
15 from the sale of tickets if the violation is related to an event, the severity of the violation for which
16 the penalty is to be imposed and the number of previous violations committed by the person on
17 whom the penalty is to be imposed.

18 (9) When conducting a contested case hearing under ORS chapter 183 held pursuant to this
19 chapter, the superintendent or authorized representative of the superintendent may administer oaths
20 to witnesses, receive evidence and issue subpoenas to compel the attendance of witnesses and the
21 production of papers and documents related to matters under investigation.

22 (10) The commission shall recommend, and the superintendent shall adopt, rules requiring con-
23 tracts between professional unarmed combat sports competitors and managers or promoters to con-
24 form to standards determined by the commission to protect the best interests of unarmed combat
25 sports competitors and the public. The rules must include, but need not be limited to, a requirement
26 that each unarmed combat sports competitor shall receive at least 66-2/3 percent of that unarmed
27 combat sports competitor's contracted portion of the gross purse for each event in which the pro-
28 fessional unarmed combat sports competitor participates. A professional unarmed combat sports
29 event may not take place in this state unless the superintendent or authorized representative of the
30 superintendent determines that the contractual arrangements for the event conform to the rules
31 adopted under this subsection.

32 (11) The provisions of this section do not apply to a promoter of or a participant in enter-
33 tainment wrestling.

34 **SECTION 19.** ORS 464.470 is amended to read:

35 464.470. (1) **Except as provided in section 3 of this 2019 Act**, the Department of Justice may
36 deny an application for or refuse to renew a bingo, lotto, raffle or Monte Carlo event license or
37 permit, and it may suspend or revoke any license or permit, for grounds stated in this section.
38 Grounds for denial, renewal, suspension, revocation or civil penalty include, but are not limited to,
39 cases in which the applicant, licensee or permit holder, or any person with an interest in the bingo,
40 lotto, raffle or Monte Carlo event operation or proposed operation of the license applicant or
41 licensee:

42 (a) Has continued to operate bingo, lotto, raffles or Monte Carlo events after losing the tax ex-
43 empt status of the licensee as required under ORS 167.117 or ceases to exercise independent control
44 over its activities or budget as required under ORS 464.290.

45 (b) Has violated or has failed or refused to comply with ORS 167.108 to 167.164, 464.270 to

1 464.380, 464.420 or 464.450 to 464.530, or has violated a rule adopted by the department, or has al-
 2 lowed such a violation to occur upon premises over which the applicant, licensee or interested
 3 person has substantial control.

4 (c) Has knowingly caused, aided or abetted, or conspired with another to cause, any person to
 5 fail or refuse to comply with the provisions, requirements, conditions, limitations or duties imposed
 6 by ORS 167.108 to 167.164, 464.270 to 464.380, 464.420 or 464.450 to 464.530, or to fail or refuse to
 7 comply with a rule adopted by the department.

8 (d) Has obtained a license or permit by fraud, misrepresentation or concealment, or through
 9 inadvertence or mistake.

10 (e) Has been convicted of or forfeited bond upon, or has been granted diversion upon a charge
 11 involving forgery, theft, willful failure to make required payments or reports to a government agency
 12 at any level, or filing false reports to a government agency, or any similar offense or offenses, or
 13 of bribing or otherwise unlawfully influencing a public official or employee of any state or the
 14 United States, or of any crime, whether a felony or misdemeanor, involving gambling activity,
 15 physical injury to individuals or moral turpitude.

16 (f) Denies the department or its designee access to any place where a licensed game is con-
 17 ducted, denies such access by any law enforcement officer, or fails promptly to produce for in-
 18 spection or audit any records or items it is required by law or by department rule to produce.

19 (g) Fails to display the appropriate license or permit on the premises where the licensed game
 20 is conducted at all times during the conduct of the game.

21 (h) Misrepresents or fails to disclose to the department any material fact.

22 (i) Fails to demonstrate to the department, by clear and convincing evidence, qualifications for
 23 the license or permit according to state law and the rules of the department establishing such
 24 qualifications.

25 (j) Is subject to current prosecution or pending charges, or to a conviction regardless of whether
 26 it has been appealed, for any offense described in paragraph (e) of this subsection. At the request
 27 of an applicant for an original license, the department may defer decision upon the application
 28 during the pendency of the prosecution or appeal.

29 (k) Has pursued or is pursuing economic gain in a manner or context which violates criminal
 30 or civil public policy of this state and creates a reasonable belief therefor that the participation of
 31 such person in bingo, lotto, raffle or Monte Carlo event operations would be inimical to the proper
 32 operation of a lawful bingo, lotto, raffle or Monte Carlo event operation.

33 (2) The department may also impose a civil penalty not to exceed \$10,000 for any violation of
 34 any provision of subsection (1) of this section.

35 **SECTION 20.** ORS 471.313 is amended to read:

36 471.313. **Except as provided in section 3 of this 2019 Act,** the Oregon Liquor Control Com-
 37 mission may refuse to issue a license, or may issue a restricted license, to any applicant under the
 38 provisions of this chapter if the commission has reasonable ground to believe any of the following
 39 to be true:

40 (1) That there are sufficient licensed premises in the locality set out in the application, or that
 41 the granting of a license in the locality set out in the application is not demanded by public interest
 42 or convenience. In determining whether there are sufficient licensed premises in the locality, the
 43 commission shall consider seasonal fluctuations in the population of the locality and shall ensure
 44 that there are adequate licensed premises to serve the needs of the locality during the peak seasons.

45 (2) That the applicant has not furnished an acceptable bond as required by ORS 471.311 or is

1 not maintaining the insurance or bond required by ORS 471.168.

2 (3) That, except as allowed by ORS 471.392 to 471.400, any applicant to sell at retail for con-
3 sumption on the premises has been financed or furnished with money or property by, or has any
4 connection with, or is a manufacturer of, or wholesale dealer in, alcoholic liquor.

5 (4) That the applicant:

6 (a) Is in the habit of using alcoholic beverages, habit-forming drugs or controlled substances to
7 excess.

8 (b) Has made false statements to the commission.

9 (c) Is incompetent or physically unable to carry on the management of the establishment pro-
10 posed to be licensed.

11 (d) Has been convicted of violating a general or local law of this state or another state, or of
12 violating a federal law, if the conviction is substantially related to the fitness and ability of the
13 applicant to lawfully carry out activities under the license.

14 (e) Has maintained an insanitary establishment.

15 (f) Is not of good repute and moral character.

16 (g) Did not have a good record of compliance with the alcoholic liquor laws of this state and
17 the rules of the commission when previously licensed.

18 (h) Is not the legitimate owner of the business proposed to be licensed, or other persons have
19 ownership interests in the business which have not been disclosed.

20 (i) Is not possessed of or has not demonstrated financial responsibility sufficient to adequately
21 meet the requirements of the business proposed to be licensed.

22 (j) Is unable to read or write the English language or to understand the laws of Oregon relating
23 to alcoholic liquor or the rules of the commission.

24 (5) That there is a history of serious and persistent problems involving disturbances, lewd or
25 unlawful activities or noise either in the premises proposed to be licensed or involving patrons of
26 the establishment in the immediate vicinity of the premises if the activities in the immediate vicinity
27 of the premises are related to the sale or service of alcohol under the exercise of the license privi-
28 lege. Behavior which is grounds for refusal of a license under this section, where so related to the
29 sale or service of alcohol, includes, but is not limited to obtrusive or excessive noise, music or sound
30 vibrations; public drunkenness; fights; altercations; harassment; unlawful drug sales; alcohol or re-
31 lated litter; trespassing on private property; and public urination. Histories from premises currently
32 or previously operated by the applicant may be considered when reasonable inference may be made
33 that similar activities will occur as to the premises proposed to be licensed. The applicant may
34 overcome the history by showing that the problems are not serious or persistent or that the appli-
35 cant demonstrates a willingness and ability to control adequately the premises proposed to be li-
36 censed and patrons' behavior in the immediate vicinity of the premises which is related to the
37 licensee's sale or service of alcohol under the licensee's exercise of the license privilege.

38 **SECTION 21.** ORS 471.380 is amended to read:

39 471.380. (1) **Except as provided in section 3 of this 2019 Act,** the Oregon Liquor Control
40 Commission may refuse to grant a service permit if it has reasonable grounds to believe any of the
41 following to be true:

42 (a) That the applicant is in the habit of using alcoholic beverages or controlled substances to
43 excess.

44 (b) That the applicant has made false statements to the commission.

45 (c) That the applicant is incompetent or physically incapable of performing the duties of a

1 permittee.

2 (d) That the applicant has been convicted of violating any of the alcoholic liquor laws of this
3 state, general or local, or has been convicted at any time of a felony.

4 (e) That the applicant has not completed the alcohol server education course and examination
5 required by ORS 471.542.

6 (2) Notwithstanding ORS 183.435, an applicant who seeks review of the refusal of a service
7 permit must request a hearing:

8 (a) Within 15 days after notification of the refusal, if the refusal is based on failure to complete
9 the alcohol server education course and examination; or

10 (b) Within 30 days after notification of the refusal, if the refusal is based on any grounds other
11 than failure to complete the alcohol server education course and examination.

12 **SECTION 22.** ORS 471.385 is amended to read:

13 471.385. (1) **Except as provided in section 3 of this 2019 Act**, the Oregon Liquor Control
14 Commission may revoke or suspend a service permit, or impose a civil penalty in lieu of or in ad-
15 dition to suspension as provided by ORS 471.322, if it finds or has reasonable grounds to believe any
16 of the following to be true:

17 (a) That the permittee has made false statements to the commission.

18 (b) That the permittee has been convicted of a felony, of violating any of the liquor laws of the
19 state, general or local, or any misdemeanor or violation of any municipal ordinance committed on
20 the licensed premises.

21 (c) That the permittee has performed or permitted any act which would constitute a violation
22 of any provision of this chapter or any rule of the commission, if the act were performed or per-
23 mitted by any licensee of the commission.

24 (2) The issuance, suspension or revocation of a permit under ORS 471.360 to 471.385 does not
25 relieve a licensee from responsibility for any act of an employee on the licensee's premises.

26 (3) When there has been a violation of this chapter or any rule adopted thereunder upon any
27 premises licensed by the commission, the commission may revoke or suspend either the service
28 permit of the employee who violated the law or rule or the license of the licensee upon whose
29 premises the violation occurred, or both the permit and the license.

30 (4) Civil penalties under this section shall be imposed as provided in ORS 183.745.

31 **SECTION 23.** ORS 475B.045 is amended to read:

32 475B.045. (1) The Oregon Liquor Control Commission may not license an applicant under the
33 provisions of ORS 475B.010 to 475B.545 if the applicant is under 21 years of age.

34 (2) **Except as provided in section 3 of this 2019 Act**, the commission may refuse to issue a
35 license or may issue a restricted license to an applicant under the provisions of ORS 475B.010 to
36 475B.545 if the commission makes a finding that the applicant:

37 (a) Is in the habit of using alcoholic beverages, habit-forming drugs, marijuana or controlled
38 substances to excess.

39 (b) Has made false statements to the commission.

40 (c) Is incompetent or physically unable to carry on the management of the establishment pro-
41 posed to be licensed.

42 (d) Has been convicted of violating a federal law, state law or local ordinance if the conviction
43 is substantially related to the fitness and ability of the applicant to lawfully carry out activities
44 under the license.

45 (e) Is not of good repute and moral character.

1 (f) Does not have a good record of compliance with ORS 475B.010 to 475B.545 or any rule
2 adopted under ORS 475B.010 to 475B.545.

3 (g) Is not the legitimate owner of the premises proposed to be licensed, or has not disclosed that
4 other persons have ownership interests in the premises proposed to be licensed.

5 (h) Has not demonstrated financial responsibility sufficient to adequately meet the requirements
6 of the premises proposed to be licensed.

7 (i) Is unable to understand the laws of this state relating to marijuana items or the rules adopted
8 under ORS 475B.010 to 475B.545.

9 (3) Notwithstanding subsection (2)(d) of this section, in determining whether to issue a license
10 or a restricted license to an applicant, the commission may not consider the prior conviction of the
11 applicant or any owner, director, officer, manager, employee, agent or other representative of the
12 applicant for:

13 (a) The manufacture of marijuana, if:

14 (A) The date of the conviction is two or more years before the date of the application; and

15 (B) The person has not been convicted more than once for the manufacture or delivery of
16 marijuana;

17 (b) The delivery of marijuana to a person 21 years of age or older, if:

18 (A) The date of the conviction is two or more years before the date of the application; and

19 (B) The person has not been convicted more than once for the manufacture or delivery of
20 marijuana; or

21 (c) The possession of marijuana.

22 **SECTION 24.** ORS 475B.266 is amended to read:

23 475B.266. (1) The Oregon Liquor Control Commission shall issue permits to qualified applicants
24 to perform work described in ORS 475B.261. The commission shall adopt rules establishing:

25 (a) The qualifications for performing work described in ORS 475B.261;

26 (b) The term of a permit issued under this section;

27 (c) Procedures for applying for and renewing a permit issued under this section; and

28 (d) Reasonable application, issuance and renewal fees for a permit issued under this section.

29 (2)(a) The commission may require an individual applying for a permit under this section to
30 successfully complete a course, made available by or through the commission, through which the
31 individual receives training on:

32 (A) Checking identification;

33 (B) Detecting intoxication;

34 (C) Handling marijuana items;

35 (D) If applicable, producing and propagating marijuana;

36 (E) If applicable, processing marijuana;

37 (F) The content of ORS 475B.010 to 475B.545 and rules adopted under ORS 475B.010 to 475B.545;
38 or

39 (G) Any matter deemed necessary by the commission to protect the public health and safety.

40 (b) The commission or other provider of a course may charge a reasonable fee for the course.

41 (c) The commission may not require an individual to successfully complete a course more than
42 once, except that:

43 (A) As part of a final order suspending a permit issued under this section, the commission may
44 require a permit holder to successfully complete the course as a condition of lifting the suspension;
45 and

1 (B) As part of a final order revoking a permit issued under this section, the commission shall
2 require an individual to successfully complete the course prior to applying for a new permit.

3 (3) The commission shall conduct a criminal records check under ORS 181A.195 on an individual
4 applying for a permit under this section.

5 (4) **Except as provided in section 3 of this 2019 Act and** subject to the applicable provisions
6 of ORS chapter 183, the commission may suspend, revoke or refuse to issue or renew a permit if the
7 individual who is applying for or who holds the permit:

8 (a) Is convicted of a felony or is convicted of an offense under ORS 475B.010 to 475B.545, except
9 that the commission may not consider a conviction for an offense under ORS 475B.010 to 475B.545
10 if the date of the conviction is two or more years before the date of the application or renewal;

11 (b) Violates any provision of ORS 475B.010 to 475B.545 or any rule adopted under ORS 475B.010
12 to 475B.545; or

13 (c) Makes a false statement to the commission.

14 (5) A permit issued under this section is a personal privilege and permits work described under
15 ORS 475B.261 only for the individual who holds the permit.

16 **SECTION 25.** ORS 671.090 is amended to read:

17 671.090. **Except as provided in section 3 of this 2019 Act,** the State Board of Architect Ex-
18 aminers may refuse to grant, reinstate or renew, or may suspend or revoke, a certificate of regis-
19 tration to engage in the practice of architecture or in the provision of architectural services in this
20 state upon proof of one or more of the following grounds:

21 (1) Using fraud or deception in applying for a certificate of registration or in passing an exam-
22 ination as provided in ORS 671.010 to 671.220.

23 (2) Falsely impersonating a practitioner or former practitioner.

24 (3) Practicing under an assumed or fictitious name or a firm name contrary to the provisions
25 of ORS 671.010 to 671.220.

26 (4) Demonstrating fraud, deceit, gross negligence, incompetency or misconduct in the practice
27 of architecture or in the provision of architectural services.

28 (5) Willfully evading or attempting to evade any law, ordinance, code or regulation of the state,
29 or counties and cities of this state, governing construction of buildings.

30 (6) Stamping or signing any drawings or specifications that were not prepared by the architect
31 or under the architect's direct control and supervision.

32 (7) Unbeknown to a party for whom the architect is doing work, receiving rebates, commissions,
33 grants of moneys or favors which the architect is not entitled to or justified in receiving.

34 (8) Engaging in the practice of architecture or the provision of architectural services in a
35 manner contrary to the provisions and requirements of ORS 671.010 to 671.220.

36 (9) Failing to comply with any continuing education requirements adopted by the board under
37 ORS 671.125, unless the requirements have been waived by the board.

38 (10) Being convicted of any crime under circumstances that relate to the practice of architecture
39 or the provision of architectural services.

40 (11) Being the subject of disciplinary action taken by another jurisdiction.

41 **SECTION 26.** ORS 672.200 is amended to read:

42 672.200. The State Board of Examiners for Engineering and Land Surveying may suspend, revoke
43 or refuse to issue, restore or renew a certificate or permit, or may reprimand an individual enrolled
44 as an intern or holding a certificate or permit:

45 (1) For violating any provision of ORS 672.045;

1 (2) For gross negligence, negligence or incompetence in the practice of engineering, land sur-
 2 veying or photogrammetric mapping;

3 (3) Subject to ORS 670.280, for conviction of a felony;

4 (4) For conviction of a misdemeanor involving the practice of engineering, land surveying or
 5 photogrammetric mapping, **except as provided in section 3 of this 2019 Act**;

6 (5) For failing to pay a civil penalty or fee in the manner prescribed by a final order of the
 7 board, or for failing to meet any other term of a final order of the board; or

8 (6) For violating a rule of professional conduct prescribed by the board.

9 **SECTION 27.** ORS 673.170 is amended to read:

10 673.170. (1) The Oregon Board of Accountancy may take any of the following disciplinary
 11 actions:

12 (a) Revoke, suspend, refuse to issue or limit the privileges of any certificate issued under ORS
 13 673.040 to 673.075.

14 (b) Revoke, suspend, refuse to issue or limit the privileges of any public accountant's license
 15 issued under ORS 673.100.

16 (c) Revoke, suspend, refuse to renew, refuse to issue or limit the privileges of any permit de-
 17 scribed in ORS 673.150.

18 (d) Revoke, suspend, refuse to renew, refuse to issue or limit the privileges of any registration
 19 issued under ORS 673.160.

20 (e) Censure a person authorized to practice public accountancy in this state under ORS 673.153.

21 (f) Censure the holder of any permit described in ORS 673.150 or authorization described in ORS
 22 673.153.

23 (g) Revoke, suspend or limit the privileges of a person authorized to practice public accountancy
 24 in this state under ORS 673.153 or the holder of any authorization described in ORS 673.153.

25 (h) Censure the holder of any registration issued under ORS 673.160.

26 (i) Censure a business organization providing accounting services in this state that is exempt
 27 from registering under ORS 673.160 (3).

28 (2) The board may take any of the actions described in subsection (1) of this section for any one
 29 or any combination of the following causes:

30 (a) Fraud or deceit in obtaining or applying for:

31 (A) A certificate under ORS 673.040 to 673.075;

32 (B) A public accountant's license under ORS 673.100;

33 (C) A registration under ORS 58.345 or 673.160;

34 (D) A permit under ORS 673.150;

35 (E) Authorization to practice public accountancy in this state under ORS 673.153; or

36 (F) Admission to the roster of authorized accountants referred to in ORS 297.670.

37 (b) Dishonesty, fraud or gross negligence in the practice of public accountancy.

38 (c) Incompetence in the practice of public accountancy. A holder of a license issued under ORS
 39 673.100, certificate, permit or registration or a person authorized to practice public accountancy in
 40 this state under ORS 673.153 is incompetent in the practice of public accountancy if the holder:

41 (A) Engages or has engaged in conduct that evidences a lack of ability or fitness to discharge
 42 the duty owed to a client or the general public; or

43 (B) Engages or has engaged in conduct that evidences a lack of knowledge or ability to apply
 44 principles or skills of the practice of public accountancy, as adopted by the board.

45 (d) Violation of any of the provisions of ORS 673.010 to 673.465.

- 1 (e) Violation of any of the provisions of ORS 297.405 to 297.555.
- 2 (f) Violation of any provision of the Code of Professional Conduct or accounting standards
3 adopted by the board by rule.
- 4 (g) Conduct resulting in a conviction of a felony under the laws of any state, of any foreign ju-
5 risdiction or of the United States. However, such conduct may be considered only to the extent
6 permissible under the provisions of ORS 670.280.
- 7 (h) **Except as provided in section 3 of this 2019 Act**, conviction of any crime, an essential
8 element of which is dishonesty, fraud or misrepresentation, under the laws of any state, of any for-
9 eign jurisdiction or of the United States.
- 10 (i) **Except as provided in section 3 of this 2019 Act**, conviction of willful failure to pay any
11 tax, file any tax return, keep records or supply information required under the tax laws of any state,
12 of any foreign jurisdiction or of the United States, or conviction of the willful making, rendering,
13 delivery, disclosure, signing or verifying of any false or fraudulent list, return, account, statement
14 or other document, or of supplying any false or fraudulent information, required under the tax laws
15 of any state, of any foreign jurisdiction or of the United States.
- 16 (j) Cancellation, revocation or suspension of, or refusal to renew, authority to practice as a
17 certified public accountant or a public accountant in any state or foreign jurisdiction.
- 18 (k) Cancellation, suspension, revocation or refusal to renew by any state, any foreign jurisdic-
19 tion or any federal agency of the right to practice law, to practice as an enrolled agent before the
20 Internal Revenue Service pursuant to 31 C.F.R. part 10, or to practice under other regulatory law
21 if the cancellation, suspension, revocation or refusal to renew was related to the practice of public
22 accountancy or if dishonesty, fraud or deception was involved.
- 23 (L) Failure to comply with the continuing education requirements under ORS 673.165 unless
24 such requirements have been waived by the board.
- 25 (m) Failure to pay a civil penalty imposed by the board after the period for requesting a hearing
26 on the civil penalty terminates if the person or business organization against whom the penalty is
27 imposed has not requested a hearing, or after the period for seeking judicial review of the order
28 assessing the civil penalty has passed.
- 29 (n) Failure to comply with the terms of a consent agreement described in subsection (4) of this
30 section.
- 31 (o) Failure to comply with any reporting or other requirement established by the board by rule.
- 32 (p) Issuance of a cease and desist order against the person under subsection (9) of this section.
- 33 (3)(a) The board may investigate any alleged violation that may subject a person to discipline
34 under this section.
- 35 (b) Investigatory information developed or obtained by the board is confidential and not subject
36 to disclosure by the board unless a notice is issued for a contested case hearing or the matter in-
37 vestigated is finally resolved by board action or a consent order.
- 38 (c) Notwithstanding paragraph (b) of this subsection:
- 39 (A) The board may disclose to the public that an investigation is being conducted and describe
40 the general nature of the matter being investigated; and
- 41 (B) The board shall notify the person being investigated of the investigation.
- 42 (4) In lieu of disciplinary actions under subsection (1) of this section, the board may enter into
43 a consent agreement with the holder of any certificate described in ORS 673.040 to 673.075, the
44 holder of any public accountant's license, the holder of any registration described in ORS 673.160,
45 the holder of any permit described in ORS 673.150 or the holder of any authorization described in

1 ORS 673.153, under which the holder agrees to comply with conditions prescribed by the board.

2 (5) In addition to the causes in subsection (2) of this section, the board may take any of the
3 actions described in subsection (1) of this section for dishonesty, fraud or misrepresentation not in
4 the practice of public accountancy.

5 (6) In lieu of or in addition to any action described in subsection (1) of this section, the board
6 may take any of the following actions:

7 (a) Require a holder of a permit under ORS 673.150 that provides compilation services or a
8 business organization registered under ORS 673.160 to undergo a peer review conducted as the
9 board may specify; or

10 (b) Require a holder of a permit under ORS 673.150 to complete any continuing professional
11 education programs the board may specify.

12 (7)(a) A licensee offering or providing professional services in another state or using the title
13 "certified public accountant" or any abbreviation for that term in another state is subject to disci-
14 plinary action in this state for actions taken by the licensee in the other state that constitute a
15 cause for disciplinary action under this section.

16 (b) The board shall investigate any complaint made by a board of accountancy of another state.

17 (8) In the case of a registered business organization, the board may take any of the actions de-
18 scribed in subsection (1) of this section for any of the following additional causes:

19 (a) The cancellation, revocation or suspension of, or refusal to renew, the authority to provide
20 professional services, in this state or any other jurisdiction, of any partner, officer, shareholder,
21 member, manager or owner of the business organization; or

22 (b) The cancellation, revocation or suspension of, or refusal to renew, the authority of the
23 business organization to practice public accountancy or provide other professional services in any
24 other state or foreign jurisdiction.

25 (9)(a) If the board has reasonable cause to believe that any person has engaged, is engaging or
26 is about to engage in any violation of any provision of ORS 673.010 to 673.465 or any rule or order
27 adopted under ORS 673.010 to 673.465, the board may issue an order of emergency suspension or an
28 order directed to the person, and to any other person directly or indirectly controlling the person,
29 to cease and desist from the violation or threatened violation.

30 (b) An order issued under this subsection must include the following:

31 (A) A statement of the facts constituting the violation;

32 (B) If the order is an order of emergency suspension, a provision requiring the person to suspend
33 practicing public accountancy in this state;

34 (C) If the order is an order directing the person to cease and desist, a provision requiring the
35 person named in the order to cease and desist from the violation or threatened violation;

36 (D) The effective date of the order; and

37 (E) A notice to the person named in the order of the right to a contested case hearing under
38 ORS 183.430 (2).

39 (10) Notwithstanding any protective order issued under ORCP 36 C, upon motion of the board,
40 the court shall order disclosure of materials or information subject to a protective order under
41 ORCP 36 C. The board may use the material or information to take disciplinary action under this
42 section.

43 (11) If the board takes disciplinary action under this section, the board may assess against the
44 person disciplined costs associated with the disciplinary action. An assessment under this subsection
45 is in addition to, and not in lieu of, any other action taken by the board. Moneys collected under

1 this subsection shall be deposited in the Oregon Board of Accountancy Fund established under ORS
2 673.425.

3 **SECTION 28.** ORS 673.700 is amended to read:

4 673.700. The State Board of Tax Practitioners may refuse to issue or renew a tax consultant or
5 preparer's license, or may suspend or revoke a tax consultant or preparer's license, or may
6 reprimand any person licensed as a tax consultant or tax preparer for:

7 (1) Violation of ORS 673.615, 673.705 or 673.712.

8 (2) Failure to keep the records required by ORS 673.690.

9 (3) Negligence or incompetence in tax consultant or tax preparer practice or when acting in the
10 capacity of a tax preparer or tax consultant in another state, or under an exempt status or in
11 preparation of the personal income tax return for another state or the federal government.

12 (4)(a) Conduct resulting in a conviction of a felony under the laws of any state or of the United
13 States. However, such conduct may be considered only to the extent permissible under the pro-
14 visions of ORS 670.280; or

15 (b) **Except as provided in section 3 of this 2019 Act**, conviction of any crime, an essential
16 element of which is dishonesty, fraud or deception, under the laws of any state or of the United
17 States.

18 (5) **Except as provided in section 3 of this 2019 Act**, conviction of willful failure to pay any
19 tax or estimated tax, file any tax return, keep records or supply information required under the tax
20 laws of any state or of the United States, or conviction of the willful making, rendering, delivery,
21 disclosure, signing or verifying of any false or fraudulent list, return, account, statement or other
22 document, or of supplying any false or fraudulent information, required under the tax laws of any
23 state or of the United States.

24 (6) Failure to comply with continuing education requirements under ORS 673.655 or under ORS
25 673.667 unless such requirements have been waived by the board.

26 (7) Violation of the code of professional conduct prescribed by the board.

27 (8) Failure to pay any civil penalty incurred under ORS 673.735 within the time determined by
28 the board.

29 (9) Cancellation, revocation or refusal to renew by any state or federal agency of, or entry of
30 a consent order, stipulated agreement or judgment related to, the person's authority to practice law,
31 to practice as a certified public accountant or a public accountant or to practice under other reg-
32 ulatory law in any state, or to practice as an enrolled agent, if the grounds for the cancellation,
33 revocation, refusal to renew, consent order, stipulated agreement or judgment were related to in-
34 come tax preparation or if dishonesty, fraud or deception was involved.

35 (10) Cancellation, revocation or refusal to renew by any state or federal agency of, or entry of
36 a consent order, stipulated agreement or judgment related to, a business's authority to conduct op-
37 erations related to the practice of law, certified public accountancy, public accountancy or other
38 services provided under regulatory law in any state, or to provide enrolled agent services, if the
39 grounds for the cancellation, revocation, refusal to renew, consent order, stipulated agreement or
40 judgment involved the conduct or actions of the licensee or applicant and:

41 (a) Were related to income tax preparation; or

42 (b) Involved dishonesty, fraud or deception.

43 **SECTION 29.** ORS 674.140 is amended to read:

44 674.140. **Except as provided in section 3 of this 2019 Act**, the Appraiser Certification and
45 Licensure Board may suspend or revoke the certificate, license or registration of a state certified

1 appraiser, a state licensed appraiser or a state registered appraiser assistant, reprimand a state
2 certified appraiser, a state licensed appraiser or a state registered appraiser assistant, require ad-
3 ditional education of a state certified appraiser, a state licensed appraiser or a state registered ap-
4 praiser assistant or deny the issuance or renewal of a certificate, license or registration to an
5 applicant if the state certified appraiser, state licensed appraiser or state registered appraiser as-
6 sistant or applicant has done any of the following:

7 (1) Knowingly or negligently pursued a continued course of material misrepresentation in mat-
8 ters related to real estate appraisal activity, whether or not damage or injury resulted, or knowingly
9 or negligently made a material misrepresentation or false material promise in a matter related to
10 real estate appraisal activity, if the material misrepresentation or material false promise created a
11 reasonable probability of damage or injury, whether or not damage or injury actually resulted.

12 (2) Disregarded or violated a provision of ORS 674.130 or 674.150 or the federal Act or a rule
13 adopted under ORS 674.310.

14 (3) Knowingly or negligently made, printed, distributed or in any manner published materially
15 misleading or untruthful advertising, descriptions or promises, of such character as reasonably to
16 induce a person to act to the damage or injury of the person, whether or not actual damage or in-
17 jury resulted.

18 (4) Guaranteed, authorized or permitted a person to guarantee future profits that may result in
19 the resale of real property.

20 (5) Failed for any reason to pay to the board the annual registry fee provided for under ORS
21 674.330 (1) or the fees provided for under ORS 674.330 (2).

22 (6) Failed or refused upon demand by the board to produce or to supply for inspection by the
23 board true copies of any document, book or record in the individual's possession or control or con-
24 cerning real estate appraisal activity transacted by the individual.

25 (7) Failed to maintain at all times any records that the individual is required to maintain under
26 ORS 674.150.

27 (8) Accepted employment or compensation for performing or agreeing to perform a real estate
28 appraisal activity contingent upon the reporting of a predetermined value or performed real estate
29 appraisal activity on real estate in which the individual had an undisclosed interest.

30 (9) Entered a plea of nolo contendere or been found guilty of, or been convicted of, a felony or
31 misdemeanor substantially related to the individual's trustworthiness or competence to engage in
32 real estate appraisal activity.

33 (10) Knowingly authorized, directed or aided in the publication, advertisement, distribution or
34 circulation of a material false statement or material misrepresentation concerning the individual's
35 business.

36 (11) Demonstrated negligence or incompetence in performing an act for which the individual is
37 required to hold a certificate, license or registration.

38 (12) Knowingly permitted an individual whose certificate, license or registration has been sus-
39 pended or revoked to engage in real estate appraisal activity with or on behalf of a state certified
40 appraiser or state licensed appraiser.

41 (13) Committed an act or conduct, whether of the same or of a different character specified in
42 this section and whether or not in the course of real estate appraisal activity, that:

43 (a) Constitutes or demonstrates bad faith, incompetency or untrustworthiness, or dishonest,
44 fraudulent or improper dealings; and

45 (b) Is substantially related to the fitness of the applicant or holder of a certificate, license or

1 registration to conduct real estate appraisal activity.

2 **SECTION 30.** ORS 675.070 is amended to read:

3 675.070. (1) If any of the grounds enumerated in subsection (2) of this section exist, the Oregon
4 Board of Psychology may impose any of the following sanctions:

5 (a) Deny a license to an applicant;

6 (b) Refuse to renew the license of a psychologist or psychologist associate;

7 (c) Suspend the license of a psychologist or psychologist associate for a period of not less than
8 one year;

9 (d) Issue a letter of reprimand;

10 (e) Impose probation with authority to restrict the scope of practice of a psychologist or psy-
11 chologist associate or require practice under supervision;

12 (f) Revoke the license of a psychologist or psychologist associate; or

13 (g) Impose a civil penalty as described in subsection (3) of this section.

14 (2) **Except as provided in section 3 of this 2019 Act**, the board may impose a sanction listed
15 in subsection (1) of this section against a psychologist or psychologist associate or applicant, or, if
16 applicable, an unlicensed person found in violation of ORS 675.010 to 675.150, when, in the judgment
17 of the board, the person:

18 (a) Has an impairment as defined in ORS 676.303;

19 (b) Has been convicted of violation of a law relating to controlled substances;

20 (c) Has been convicted of a felony or misdemeanor involving moral turpitude;

21 (d) Is guilty of immoral or unprofessional conduct or of gross negligence in the practice of psy-
22 chology, including but not limited to:

23 (A) Conduct or practice contrary to recognized standard of ethics of the psychological profession
24 or conduct or practice that constitutes a danger to the health or safety of a patient or the public,
25 or conduct, practice or a condition that adversely affects a psychologist or psychologist associate's
26 ability to practice psychology safely and skillfully.

27 (B) Willful ordering or performing of unnecessary tests or studies, administration of unnecessary
28 treatment, failure to obtain consultations or perform referrals when failing to do so is not consistent
29 with the standard of care, or otherwise ordering or performing a psychological service or treatment
30 that is contrary to recognized standards of practice of the psychological profession;

31 (e) Has practiced or attempted to practice medicine without being licensed to do so;

32 (f) Has obtained or attempted to obtain a license under ORS 675.010 to 675.150 by fraud or ma-
33 terial misrepresentation;

34 (g) Has impersonated a licensed psychologist or psychologist associate or has allowed another
35 person to use the license of the psychologist;

36 (h) Has violated a provision of ORS 675.010 to 675.150 or 675.850 or a provision of the code of
37 professional conduct formulated under ORS 675.110 (13);

38 (i) Has obtained a fee or payment from a patient or third party payer through fraud or inten-
39 tional misrepresentation; or

40 (j) Notwithstanding ORS 670.280, has been convicted of a sex crime as defined in ORS 163A.005
41 or has been convicted in another state or jurisdiction of a crime that is substantially equivalent to
42 a sex crime as defined in ORS 163A.005.

43 (3) The board may impose a civil penalty under subsection (1) of this section:

44 (a) In an amount not to exceed \$5,000; or

45 (b) In an amount not to exceed \$10,000, if any of the following conditions exist:

1 (A) The conduct giving rise to the penalty had a serious detrimental effect on the health or
2 safety of another person;

3 (B) The person subject to the penalty has a history of discipline for the same or similar conduct;

4 (C) The conduct giving rise to the penalty involves a willful or reckless disregard of the law;

5 (D) The conduct giving rise to the penalty was perpetrated against a minor, an elderly person
6 or a person with a disability; or

7 (E) The person subject to the penalty violated ORS 675.020 by practicing psychology or repre-
8 senting that the person is a psychologist without having a license.

9 (4) If a conviction described in subsection (2) of this section is used as grounds for denial, re-
10 fusal, suspension, revocation, reprimand, probation or imposition of a civil penalty, a certified copy
11 of the record of the conviction shall be conclusive evidence.

12 (5) The board may license an applicant or renew or restore a license suspended or revoked un-
13 der subsection (2)(a) of this section due to a mental health condition if the board determines that
14 the applicant or former licensed psychologist or former psychologist associate no longer has an
15 impairment due to a mental health condition.

16 (6) License suspension or revocation in another state is grounds for license denial or discipli-
17 nary action by the board.

18 **SECTION 31.** ORS 675.540 is amended to read:

19 675.540. (1) **Except as provided in section 3 of this 2019 Act**, the State Board of Licensed
20 Social Workers may impose any or all of the sanctions specified in subsection (2) of this section,
21 upon proof, after a hearing pursuant to the provisions of ORS chapter 183 relating to a contested
22 case, that a regulated social worker:

23 (a) Has been convicted in this or any other state of a crime that is a felony in this state;

24 (b) Has been convicted of a felony in a federal court;

25 (c) Is unable to perform the practice of social work by reason of physical illness;

26 (d) Has an impairment as defined in ORS 676.303;

27 (e) Has been grossly negligent or has engaged in unprofessional conduct in the practice of social
28 work;

29 (f) Has violated any provision of ORS 675.510 to 675.600 or 675.850 or any rule adopted under
30 ORS 675.600; or

31 (g) Notwithstanding ORS 670.280, has been convicted of a sex crime as defined in ORS 163A.005
32 or has been convicted in another state or jurisdiction of a crime that is substantially equivalent to
33 a sex crime as defined in ORS 163A.005.

34 (2) Pursuant to the provisions of subsection (1) of this section, the board may:

35 (a) Deny, suspend, revoke or refuse to renew any authorization to practice regulated social work
36 issued under ORS 675.510 to 675.600.

37 (b) Place a regulated social worker on probation and impose conditions or limits on the scope
38 of practice of a regulated social worker.

39 (c) Impose a civil penalty not to exceed \$3,000 for each violation.

40 (3) The expiration, or voluntary surrender by a regulated social worker, of an authorization to
41 practice regulated social work does not deprive the board of jurisdiction to proceed with any in-
42 vestigation of, or any action or disciplinary proceedings against, the regulated social worker.

43 (4) Information that the board obtains as part of an investigation into the conduct of a regulated
44 social worker or an applicant for an authorization to practice regulated social work or as part of
45 a contested case proceeding, consent order or stipulated agreement involving the conduct of a reg-

1 ulated social worker or applicant, is confidential as provided under ORS 676.175.

2 (5) Subject to the provisions of ORS chapter 183 relating to a contested case, the board may
3 impose a civil penalty in an amount up to \$5,000 upon proof that, after a person's authorization to
4 practice regulated social work has been revoked by the board, the person has:

5 (a) Engaged in the practice of clinical social work; or

6 (b) Represented that the person is a regulated social worker.

7 (6) Subject to the provisions of ORS chapter 183 relating to a contested case, the board may
8 impose a civil penalty of up to \$3,000 upon proof that a person who is not a regulated social worker
9 has:

10 (a) Represented that the person is a regulated social worker; or

11 (b) Used the title "social worker" or any title, words or abbreviations that indicate that the
12 person has an authorization to practice regulated social work in violation of ORS 675.520.

13 (7) Subject to the provisions of ORS chapter 183 relating to a contested case, the board may
14 impose a civil penalty of up to \$5,000 upon proof that a person who is not a clinical social worker
15 licensed under ORS 675.530 or a clinical social work associate certified under ORS 675.537 has:

16 (a) Engaged in the practice of clinical social work, unless the person is permitted to practice
17 clinical social work under ORS 675.523; or

18 (b) Represented that the person is a clinical social worker or clinical social work associate.

19 **SECTION 32.** ORS 675.745 is amended to read:

20 675.745. (1) **Except as provided in section 3 of this 2019 Act**, the Oregon Board of Licensed
21 Professional Counselors and Therapists may deny, suspend, revoke or refuse to issue or to renew
22 any license issued under ORS 675.715 to 675.835 upon proof that the applicant for licensure or the
23 licensee:

24 (a) Has been convicted of violating ORS 675.825 or of a crime in this or any other state or ter-
25 ritory or against the federal government that brings into question the competence of the licensee
26 in the role of a counselor or a therapist;

27 (b) Is unable to perform the practice of professional counseling or marriage and family therapy
28 by reason of physical illness;

29 (c) Has an impairment as defined in ORS 676.303;

30 (d) Has been grossly negligent in the practice of professional counseling or marriage and family
31 therapy;

32 (e) Has violated any provision of ORS 675.715 to 675.835 or 675.850;

33 (f) Has violated any rule of the board pertaining to the licensure of professional counselors or
34 licensed marriage and family therapists;

35 (g) Has failed to file a professional disclosure statement or has filed a false, incomplete or mis-
36 leading professional disclosure statement;

37 (h) Has practiced outside the scope of activities, including administering, constructing or inter-
38 preting tests or diagnosing or treating mental disorders, for which the licensee has individual
39 training and qualification;

40 (i) Has been disciplined by a state mental health licensing board or program in this or any other
41 state for violation of competency or conduct standards; or

42 (j) Notwithstanding ORS 670.280, has been convicted of a sex crime as defined in ORS 163A.005
43 or has been convicted in another state or jurisdiction of a crime that is substantially equivalent to
44 a sex crime as defined in ORS 163A.005.

45 (2)(a) The board may reprimand or impose probation on a licensee or a registered intern upon

1 proof of any of the grounds for discipline provided in subsection (1) of this section.

2 (b) If the board elects to place a licensee or a registered intern on probation, the board may
3 impose:

4 (A) Restrictions on the scope of practice of the licensee or intern;

5 (B) Requirements for specific training;

6 (C) Supervision of the practice of the licensee or intern; or

7 (D) Other conditions the board finds necessary for the protection of the public.

8 (3) The board may initiate injunctive proceedings in any circuit court against persons violating
9 any provision of ORS 675.715 to 675.835 or any rules adopted by the board.

10 (4) Pursuant to ORS 183.745, the board may impose a civil penalty of not more than \$2,500 for
11 each ground for discipline listed in subsection (1) of this section found by the board.

12 (5) Pursuant to ORS 183.745, the board may impose a civil penalty of not more than \$2,500 for
13 each violation of or failure to observe any limitation or condition imposed by the board on the
14 licensee's or registered intern's practice under subsection (2) of this section.

15 (6) Information that the board obtains as part of an investigation into licensee or applicant
16 conduct or as part of a contested case proceeding, consent order or stipulated agreement involving
17 licensee or applicant conduct is confidential as provided under ORS 676.175.

18 (7) In addition to the actions authorized by subsections (1) and (2) of this section, the board may
19 take such disciplinary action as the board in its discretion finds proper, including but not limited
20 to the assessment of the costs of the disciplinary process.

21 **SECTION 33.** ORS 678.111 is amended to read:

22 678.111. In the manner prescribed in ORS chapter 183 for a contested case **and except as pro-**
23 **vided in section 3 of this 2019 Act:**

24 (1) Issuance of the license to practice nursing, whether by examination or by indorsement, of
25 any person may be refused or the license may be revoked or suspended or the licensee may be
26 placed on probation for a period specified by the Oregon State Board of Nursing and subject to such
27 condition as the board may impose or may be issued a limited license or may be reprimanded or
28 censured by the board, for any of the following causes:

29 (a) Conviction of the licensee of crime where such crime bears demonstrable relationship to the
30 practice of nursing. A copy of the record of such conviction, certified to by the clerk of the court
31 entering the conviction, shall be conclusive evidence of the conviction.

32 (b) Gross incompetence or gross negligence of the licensee in the practice of nursing at the level
33 for which the licensee is licensed.

34 (c) Any willful fraud or misrepresentation in applying for or procuring a license or renewal
35 thereof.

36 (d) Fraud or deceit of the licensee in the practice of nursing or in admission to such practice.

37 (e) Impairment as defined in ORS 676.303.

38 (f) Conduct derogatory to the standards of nursing.

39 (g) Violation of any provision of ORS 678.010 to 678.448 or rules adopted thereunder.

40 (h) Revocation or suspension of a license to practice nursing by any state or territory of the
41 United States, or any foreign jurisdiction authorized to issue nursing credentials whether or not that
42 license or credential was relied upon in issuing that license in this state. A certified copy of the
43 order of revocation or suspension shall be conclusive evidence of such revocation or suspension.

44 (i) Physical condition that makes the licensee unable to conduct safely the practice for which
45 the licensee is licensed.

1 (j) Violation of any condition imposed by the board when issuing a limited license.

2 (2) A certificate of special competence may be denied or suspended or revoked for the reasons
3 stated in subsection (1) of this section.

4 (3) A license or certificate in inactive status may be denied or suspended or revoked for the
5 reasons stated in subsection (1) of this section.

6 (4) A license or certificate in retired status may be denied or suspended or revoked for any
7 cause stated in subsection (1) of this section.

8 **SECTION 34.** ORS 678.442 is amended to read:

9 678.442. (1) The Oregon State Board of Nursing shall establish standards for certifying and shall
10 certify as a nursing assistant any person who:

11 (a) Submits an application;

12 (b)(A) Shows completion of an approved training program for nursing assistants; or

13 (B) Has military training or experience that the board determines is substantially equivalent to
14 the training required by subparagraph (A) of this paragraph; and

15 (c) Passes a board approved examination.

16 (2) In the manner prescribed in ORS chapter 183 **and except as provided in section 3 of this**
17 **2019 Act**, the board may revoke or suspend a certificate issued under this section or may reprimand
18 a nursing assistant for the following reasons:

19 (a) Conviction of the certificate holder of a crime where such crime bears demonstrable re-
20 lationship to the duties of a nursing assistant. A copy of the record of such conviction, certified to
21 by the clerk of the court entering the conviction, shall be conclusive evidence of the conviction.

22 (b) Any willful fraud or misrepresentation in applying for or procuring a certificate or renewal
23 thereof.

24 (c) Impairment as defined in ORS 676.303.

25 (d) Violation of any provisions of ORS 678.010 to 678.448 or rules adopted thereunder.

26 (e) Physical condition that makes the certificate holder unable to perform safely the duties of
27 a nursing assistant.

28 (f) Conduct unbecoming a nursing assistant in the performance of duties.

29 (3) The board shall establish by rule a procedure for the biennial renewal of nursing assistant
30 certificates. The certificate renewal procedure must be substantially like the procedure established
31 for the licensing of nurses under ORS 678.101.

32 (4) Notwithstanding ORS 192.345, the board may use the results of a nursing assistant exam-
33 ination for the continuing education of applicants for certification as a nursing assistant.

34 **SECTION 35.** ORS 679.115 is amended to read:

35 679.115. (1) Notwithstanding any other provision of this chapter, the Oregon Board of Dentistry
36 shall issue a dental instructor's license to practice dentistry to any person who furnishes the board
37 with evidence satisfactory to the board that the applicant meets the requirements of subsection (2)
38 of this section.

39 (2) An applicant for a dental instructor's license must be a full-time instructor of dentistry en-
40 gaged in dental activities, including but not limited to participation in a faculty practice plan, within
41 the scope of the applicant's employment at Oregon Health and Science University and either:

42 (a) Be a graduate of an accredited dental school; or

43 (b) If the applicant is not a graduate of an accredited dental school, have a certificate or degree
44 showing successful completion of an advanced dental education program of at least two years' du-
45 ration from an accredited dental school and:

1 (A) Be licensed to practice dentistry in another state or a Canadian province;

2 (B) Have held an instructor's or faculty license to practice dentistry in another state or a
 3 Canadian province immediately prior to becoming an instructor of dentistry at Oregon Health and
 4 Science University;

5 (C) Have successfully passed any clinical examination recognized by the board for initial
 6 licensure; or

7 (D) Be certified by the appropriate national certifying examination body in a dental specialty
 8 recognized by the American Dental Association.

9 (3) **Except as provided in section 3 of this 2019 Act**, the board may refuse to issue or renew
 10 a dental instructor's license to an applicant or licensee:

11 (a) Who has been convicted of an offense or disciplined by a dental licensing body in a manner
 12 that bears, in the judgment of the board, a demonstrable relationship to the ability of the applicant
 13 or licensee to practice dentistry in accordance with the provisions of this chapter;

14 (b) Who has falsified an application for licensure; or

15 (c) For cause as described under ORS 679.140 or 679.170.

16 (4) A person issued a dental instructor's license is restricted to the practice of dentistry for or
 17 on behalf of Oregon Health and Science University.

18 (5) A license issued to an applicant qualifying for a dental instructor's license who is a specialist
 19 by virtue of successful completion of an advanced dental education program is restricted to the
 20 specialty in which the dentist was trained.

21 (6) As used in this section, "accredited" means accredited by the Commission on Dental Ac-
 22 creditation of the American Dental Association or its successor agency, if any.

23 **SECTION 36.** ORS 680.082 is amended to read:

24 680.082. (1) Notwithstanding any other provision of ORS 680.010 to 680.205, the Oregon Board
 25 of Dentistry shall issue a dental hygiene instructor's license to any person who:

26 (a) Is or will be a full-time instructor of dental hygiene engaged in the practice of dental hy-
 27 giene, including but not limited to participation in a faculty practice plan within the scope of the
 28 applicant's employment at Oregon Health and Science University;

29 (b) Is a graduate of a dental hygiene program accredited by the Commission on Dental Accred-
 30 itation of the American Dental Association or its successor agency, if any; and

31 (c) Is licensed to practice dental hygiene in another state or a Canadian province.

32 (2) The board shall by rule establish standards, procedures and fees for the issuance, suspension,
 33 revocation and renewal of a dental hygiene instructor's license.

34 (3) **Except as provided in section 3 of this 2019 Act**, the board may refuse to issue or renew
 35 a dental hygiene instructor's license to an applicant or licensee:

36 (a) Who has been convicted of an offense or disciplined by a dental licensing body in a manner
 37 that bears, in the judgment of the board, a demonstrable relationship to the ability of the applicant
 38 or licensee to practice dental hygiene in accordance with the provisions of ORS 680.010 to 680.205;

39 (b) Who has falsified an application for licensure; or

40 (c) For cause as described under ORS 679.140 or 679.170.

41 (4) A person issued a dental hygiene instructor's license is restricted to the practice of dental
 42 hygiene for or on behalf of Oregon Health and Science University.

43 (5) An applicant who receives a dental hygiene instructor's license is subject to the professional
 44 ethics, standards and discipline of ORS 680.010 to 680.205.

45 **SECTION 37.** ORS 680.200 is amended to read:

1 680.200. (1) Upon application accompanied by the fee established by the Oregon Board of
2 Dentistry, the board shall grant a permit to practice as an expanded practice dental hygienist to
3 an applicant who:

4 (a) Holds a valid, unrestricted Oregon dental hygiene license;

5 (b) Presents proof of current professional liability insurance coverage;

6 (c) Presents documentation satisfactory to the board of successful completion of an emergency
7 life support course for health professionals, including cardiopulmonary resuscitation, from an agency
8 or educational institution approved by the board; and

9 (d) Presents documentation satisfactory to the board that the applicant has:

10 (A)(i) Completed 2,500 hours of supervised dental hygiene practice; and

11 (ii) After licensure as a dental hygienist, completed 40 hours of courses, chosen by the applicant,
12 in clinical dental hygiene or public health sponsored by continuing education providers approved
13 by the board; or

14 (B) Completed a course of study approved by the board that includes at least 500 hours of dental
15 hygiene practice, completed before or after graduation from a dental hygiene program, on patients
16 described in ORS 680.205 while under the indirect supervision of a member of the faculty of a dental
17 program or dental hygiene program accredited by the Commission on Dental Accreditation of the
18 American Dental Association or its successor agency.

19 (2) A permit issued pursuant to subsection (1) of this section expires two years following the
20 date of issuance unless renewed on or before that date by:

21 (a) Payment of the renewal fee as set by the board;

22 (b) Submission to the board of satisfactory evidence of completion of at least 36 hours of con-
23 tinuing education;

24 (c) Presentation to the board of proof of professional liability insurance coverage; and

25 (d) Completion of a survey developed by the board that measures the success of the expanded
26 practice dental hygienist program against baseline data.

27 (3) **Except as provided in section 3 of this 2019 Act**, the board may refuse to issue or renew
28 an expanded practice dental hygienist permit or may suspend or revoke the permit of an expanded
29 practice dental hygienist who has been convicted of an offense or been disciplined by a dental li-
30 censing body in a manner that bears, in the judgment of the board, a demonstrable relationship to
31 the ability of the applicant to practice expanded practice dental hygiene in accordance with the
32 provisions of this chapter or ORS chapter 679, or who has falsified an application for permit, or any
33 person for any cause described under ORS 679.140 or 679.170.

34 **SECTION 38.** ORS 683.140 is amended to read:

35 683.140. (1) **Except as provided in section 3 of this 2019 Act**, the Oregon Board of Optometry
36 may discipline as provided in this section any optometrist or person, where appropriate, for the
37 following causes:

38 (a) Conviction of a felony or misdemeanor where such an offense bears a demonstrable re-
39 lationship to the duties of an optometrist. The record of conviction, or a certified copy thereof cer-
40 tified by the clerk of the court or by the judge in whose court the conviction is had, shall be
41 conclusive evidence of such conviction.

42 (b) Securing a license by practicing fraud or deceit upon the board.

43 (c) Unprofessional conduct, or for gross ignorance or inefficiency in the profession.

44 (d) Obtaining any fee by fraud or misrepresentation.

45 (e) Employing directly or indirectly any suspended or unlicensed optometrist to perform any

1 work covered by ORS 683.010 to 683.340.

2 (f) Advertising optometric services or treatment or advice in which untruthful, improbable, mis-
3 leading or deceitful statements are made.

4 (g) Impairment as defined in ORS 676.303.

5 (h) Permitting another person to use the optometrist's license.

6 (i) Using advertisements that do not indicate that a licensed optometrist is practicing at the
7 advertised location or locations or advertising optometric services without having a licensed
8 optometrist at the location or locations.

9 (j) Advertising professional methods or professional superiority.

10 (k) Failing to comply with the requirements for continuing education.

11 (L) Violating the federal Controlled Substances Act.

12 (m) Prescribing controlled substances without a legitimate optometric purpose, or without fol-
13 lowing accepted procedures for examination of patients or for record keeping.

14 (n) Failing to report to the board any adverse action taken against the optometrist or person
15 by another licensing jurisdiction, health regulatory board, peer review body, health care institution,
16 professional optometric society or association, governmental agency, law enforcement agency or
17 court for acts similar to conduct that would constitute grounds for disciplinary action as described
18 in this section.

19 (o) Having been disciplined by any health regulatory board of another state based on acts sim-
20 ilar to acts described in this section. A certified copy of the record of disciplinary action of the
21 health regulatory board taking the disciplinary action is considered conclusive evidence of the
22 action.

23 (p) Any violation of the provisions of ORS 683.010 to 683.340.

24 (2) When disciplining an optometrist or other person as authorized by subsection (1) of this
25 section, the Oregon Board of Optometry may do any or all of the following:

26 (a) Deny an initial license;

27 (b) Revoke, suspend or refuse to renew a license;

28 (c) Place the optometrist on probation;

29 (d) Impose limitations on the optometrist; or

30 (e) Take other disciplinary action as the board in its discretion finds proper, including the as-
31 sessment of the costs of the disciplinary proceedings as a civil penalty or assessment of a civil
32 penalty not to exceed \$10,000 for each violation, or both.

33 **SECTION 39.** ORS 684.100 is amended to read:

34 684.100. (1) **Except as provided in section 3 of this 2019 Act**, the State Board of Chiropractic
35 Examiners may refuse to grant a license to any applicant or may discipline a person upon any of
36 the following grounds:

37 (a) Fraud or misrepresentation.

38 (b) The practice of chiropractic under a false or assumed name.

39 (c) The impersonation of another practitioner of like or different name.

40 (d) A conviction of a felony or misdemeanor involving moral turpitude. A copy of the record of
41 conviction, certified to by the clerk of the court entering the conviction, is conclusive evidence of
42 the conviction.

43 (e) Impairment as defined in ORS 676.303.

44 (f) Unprofessional or dishonorable conduct, including but not limited to:

45 (A) Any conduct or practice contrary to recognized standard of ethics of the chiropractic pro-

1 fession or any conduct or practice that does or might constitute a danger to the health or safety
 2 of a patient or the public or any conduct, practice or condition that does or might adversely affect
 3 a physician's ability safely and skillfully to practice chiropractic.

4 (B) Willful ordering or performance of unnecessary laboratory tests or studies; administration
 5 of unnecessary treatment; failure to obtain consultations or perform referrals when failing to do so
 6 is not consistent with the standard of care; or otherwise ordering or performing any chiropractic
 7 service, X-ray or treatment that is contrary to recognized standards of practice of the chiropractic
 8 profession.

9 (C) Gross malpractice or repeated malpractice.

10 (g) Failing to notify the board of a change in location of practice as provided in ORS 684.054.

11 (h) Representing to a patient that a manifestly incurable condition of sickness, disease or injury
 12 can be permanently cured.

13 (i) The use of any advertising making untruthful, improper, misleading or deceptive statements.

14 (j) The advertising of techniques or modalities to infer or imply superiority of treatment or di-
 15 agnosis by the use thereof that cannot be conclusively proven to the satisfaction of the board.

16 (k) Knowingly permitting or allowing any person to use the license of the person in the practice
 17 of any system or mode of treating the sick.

18 (L) Advertising either in the name of the person or under the name of another person, clinic or
 19 concern, actual or pretended, in any newspaper, pamphlet, circular or other written or printed paper
 20 or document, professing superiority to or a greater skill than that possessed by other chiropractic
 21 physicians that cannot be conclusively proven to the satisfaction of the board.

22 (m) Aiding or abetting the practice of any of the healing arts by an unlicensed person.

23 (n) The use of the name of the person under the designation, "Doctor," "Dr.," "D.C.,"
 24 "Chiropractor," "Chiropractic D.C.," "Chiropractic Physician," or "Ph.C.," or any similar desig-
 25 nation with reference to the commercial exploitation of any goods, wares or merchandise.

26 (o) The advertising or holding oneself out to treat diseases or other abnormal conditions of the
 27 human body by any secret formula, method, treatment or procedure.

28 (p) Violation of any provision of this chapter or any rule adopted thereunder.

29 (q) Gross incompetency or gross negligence.

30 (r) The suspension or revocation by another state of a license to practice chiropractic, based
 31 upon acts by the licensee similar to acts described in this section. A certified copy of the record
 32 of suspension or revocation of the state making the suspension or revocation is conclusive evidence
 33 thereof.

34 (s) Failing to give prior notice to patients of the permanent or temporary closure of the
 35 physician's practice or failing to give reasonable access to the records and files of the physician's
 36 patients at any time.

37 (t) The suspension or revocation by another licensing board in the state of a license to practice
 38 as another type of health care provider.

39 (u) An act or conduct that results in a judgment of wrongdoing by a court of competent juris-
 40 diction in any state or a finding of wrongdoing in an administrative proceeding in any state. The
 41 act or conduct must be rationally connected to the ability to practice chiropractic or chiropractic
 42 assisting.

43 (2) The board may, at any time two years or more after the refusal, revocation or cancellation
 44 of registration under this section, by a majority vote, issue a license restoring to or conferring on
 45 the person all the rights and privileges of the practice of chiropractic as defined and regulated by

1 this chapter. Any person to whom those rights have been restored shall pay to the board the annual
2 registration fee for the license category plus one-half thereof.

3 (3) If the board determines that a chiropractic physician's continuation in practice would con-
4 stitute a serious danger to the public, the board may suspend the license of the chiropractic physi-
5 cian without a hearing. Simultaneously with the order of suspension, the board must institute
6 proceedings for a hearing provided under this section and the suspension may continue unless
7 injunctive relief is obtained from a court of competent jurisdiction showing just cause or undue
8 burden under the circumstances existing.

9 (4) If a physician refuses a written request for an informal interview with the board, the board
10 shall have grounds to suspend or revoke the license of a physician pursuant to this section.

11 (5) Prior to or following an informal interview as described in this section, the board may re-
12 quest any Oregon licensed chiropractic physician in good standing to assist the board in preparing
13 for or conducting any professional competency examination as the board may deem appropriate.

14 (6) Notwithstanding any other provisions of ORS 684.010, 684.040, 684.050, 684.090, 684.100,
15 684.112, 684.130, 684.150 and 684.155, the board may at any time direct and order a professional
16 competency examination limited to the area of practice out of which a specific complaint has arisen
17 and make an investigation, including the taking of depositions or otherwise in order to fully inform
18 itself with respect to the performance or conduct of a physician licensed under ORS 684.010, 684.040,
19 684.050, 684.090, 684.100, 684.112, 684.130, 684.150 and 684.155.

20 (7) If the board has reasonable cause to believe that any:

21 (a) Chiropractic physician is or may be unable to practice with reasonable skill and safety to
22 patients, the board may:

23 (A) Cause a competency examination of the physician for purposes of determining the
24 physician's fitness to practice chiropractic with reasonable skill and safety to patients; or

25 (B) Require the fingerprints and relevant personal history data of the physician for the purpose
26 of requesting a state or nationwide criminal records check under ORS 181A.195.

27 (b) Person certified to provide physiotherapy, electrotherapy or hydrotherapy pursuant to ORS
28 684.155 (1)(c) is or may be unable to provide the therapies with reasonable skill and safety to pa-
29 tients, the board may:

30 (A) Cause a competency examination of the person for purposes of determining the person's fit-
31 ness to provide the therapies with reasonable skill and safety to patients; or

32 (B) Require the fingerprints and relevant personal history data of the person for the purpose of
33 requesting a state or nationwide criminal records check under ORS 181A.195.

34 (8) Refusal by any person to take or appear for a competency examination scheduled by the
35 board or to submit fingerprints and relevant personal history data as required by the board under
36 subsection (7) of this section shall constitute grounds for disciplinary action.

37 (9) In disciplining a person as authorized by subsection (1) of this section, the board may use
38 any or all of the following methods:

39 (a) Suspend judgment.

40 (b) Place the person on probation.

41 (c) Suspend the license of the person to practice chiropractic in this state.

42 (d) Revoke the license of the person to practice chiropractic in this state.

43 (e) Place limitations on the license of the person to practice chiropractic in this state.

44 (f) Impose a civil penalty not to exceed \$10,000.

45 (g) Take other disciplinary action as the board in its discretion finds proper, including assess-

1 ment of the costs of the disciplinary proceedings.

2 (10)(a) Any information that the board obtains pursuant to ORS 684.100, 684.112 and 684.155 (9)
3 is confidential as provided under ORS 676.175.

4 (b) Any person who reports or provides information to the board under ORS 684.090, 684.100,
5 684.112, 684.150 and 684.155 and who provides information in good faith shall not be subject to an
6 action for civil damages as a result thereof.

7 **SECTION 40.** ORS 685.110 is amended to read:

8 685.110. **Except as provided in section 3 of this 2019 Act,** the Oregon Board of Naturopathic
9 Medicine may refuse to grant a license, may suspend or revoke a license, may limit a license, may
10 impose probation, may issue a letter of reprimand and may impose a civil penalty not to exceed
11 \$5,000 for each offense for any of the following reasons:

12 (1) Using fraud or deception in securing a license.

13 (2) Impersonating another physician.

14 (3) Practicing naturopathic medicine under an assumed name.

15 (4) Performing an abortion.

16 (5) Being convicted of a crime involving moral turpitude.

17 (6) Any other reason that renders the applicant or licensee unfit to perform the duties of a
18 naturopathic physician.

19 (7) Being convicted of a crime relating to practice of naturopathic medicine.

20 (8) Committing negligence related to the practice of naturopathic medicine.

21 (9) Having an impairment as defined in ORS 676.303.

22 (10) Prescribing or dispensing drugs outside the scope of practice.

23 (11) Obtaining a fee through fraud or misrepresentation.

24 (12) Committing gross or repeated malpractice.

25 (13) Representing to a patient that a manifestly incurable condition of sickness, disease or injury
26 can be permanently cured.

27 (14) Engaging in any conduct or practice contrary to a recognized standard of ethics of the
28 profession or any conduct or practice that does or might constitute a danger to the health or safety
29 of a patient or the public or any conduct, practice or condition that does or might adversely affect
30 a physician's ability safely and skillfully to practice naturopathic medicine.

31 (15) Willfully and consistently utilizing any naturopathic service, X-ray equipment or treatment
32 contrary to recognized standards of practice of the naturopathic profession.

33 (16) Failing to notify the board within 30 days of a change in the location of practice or of
34 mailing address.

35 (17) Attempting to practice naturopathic medicine or practicing or claiming to practice
36 naturopathic medicine or any of its components in this state without first complying with the pro-
37 visions of this chapter.

38 (18) Having a license to practice naturopathic medicine in another jurisdiction suspended or
39 revoked.

40 (19) Employing unlicensed persons to practice naturopathic medicine.

41 (20) Practicing natural childbirth without first obtaining a certificate of special competency.

42 (21) Failing to respond in a timely manner to a request for information regarding a complaint
43 or the investigation of a complaint by the board.

44 (22) Failing to pay a civil penalty in the time specified by the order imposing the penalty.

45 (23) Violating any provision of this chapter or rules adopted by the board.

1 **SECTION 41.** ORS 686.132 is amended to read:

2 686.132. **Except as provided in section 3 of this 2019 Act,** the Oregon State Veterinary Med-
3 ical Examining Board may refuse to issue or renew a license or permit if it finds that the applicant
4 has committed any act or omission which if committed by a licensee or permittee would constitute
5 unprofessional or dishonorable conduct under ORS 686.120, 686.130 or any rule of the board.

6 **SECTION 42.** ORS 687.081 is amended to read:

7 687.081. (1) **Except as provided in section 3 of this 2019 Act,** the State Board of Massage
8 Therapists may discipline a person, deny, suspend, revoke or refuse to renew a license to practice
9 massage or a permit to operate a massage facility and issue a reprimand to or censure or place on
10 probation a licensee or permittee, if the person:

11 (a) Has violated a provision of ORS 687.011 to 687.250, 687.895 and 687.991 or any rule of the
12 board adopted under ORS 687.121.

13 (b) Has made a false representation or statement to the board in order to induce or prevent
14 action by the board.

15 (c) Is licensed under ORS 687.051 or holds a permit under ORS 687.059 and has a physical or
16 mental condition that makes the licensee or permittee unable to conduct safely the practice of
17 massage or operation of a massage facility.

18 (d) Is licensed under ORS 687.051 or holds a permit under ORS 687.059 and is habitually
19 intemperate in the use of alcoholic beverages or is addicted to the use of habit-forming drugs or
20 controlled substances.

21 (e) Has misrepresented to a patron services rendered.

22 (f) Has been convicted of a crime that bears a demonstrable relationship to the practice of
23 massage or operation of a massage facility.

24 (g) Whether licensed to practice massage or applying for a license to practice massage, fails to
25 meet a requirement under ORS 687.051.

26 (h) Whether permitted to operate a massage facility or applying for a permit to operate a mas-
27 sage facility, fails to meet a requirement under ORS 687.059.

28 (i) Violates a provision of ORS 167.002 to 167.027.

29 (j) Engages in unprofessional or dishonorable conduct.

30 (k) Has been the subject of disciplinary action as a massage therapist or operator of a massage
31 facility by another state or territory of the United States or by a foreign country and the board
32 determines that the cause of the disciplinary action would be a violation under ORS 687.011 to
33 687.250, 687.895 or 687.991 or the rules of the board if the cause of the disciplinary action had oc-
34 curred in this state.

35 (2) If the board places a licensee or permittee on probation pursuant to subsection (1) of this
36 section, the board may impose and at any time modify the following conditions of probation:

37 (a) Limitation on the scope of the practice of massage or the operation of a massage facility.

38 (b) Referral to the impaired health professional program established under ORS 676.190.

39 (c) Individual or peer supervision.

40 (d) Any other condition that the board considers necessary for the protection of the public or
41 the rehabilitation of the licensee or permittee.

42 (3) If the board determines that the continued practice of massage by a licensee or the continued
43 operation of a massage facility by a permittee constitutes a serious danger to the public, the board
44 may impose an emergency suspension of the license or permit without a hearing. Simultaneous with
45 the order of suspension, the board shall institute proceedings for a hearing as provided under ORS

1 687.011 to 687.250, 687.895 and 687.991. The suspension shall continue unless and until the licensee
2 or permittee obtains injunctive relief from a court of competent jurisdiction or the board determines
3 that the suspension is no longer necessary for the protection of the public.

4 (4) In addition to or instead of the discipline described in subsection (1) of this section, the board
5 may impose a civil penalty under ORS 687.250. Civil penalties under this subsection shall be imposed
6 pursuant to ORS 183.745.

7 (5) Prior to imposing a sanction authorized under this section, the board shall consider, but is
8 not limited to considering, the following factors:

9 (a) The person's past history in observing the provisions of ORS 687.011 to 687.250, 687.895 and
10 687.991 and the rules of the board;

11 (b) The effect of the violation on public safety and welfare;

12 (c) The degree to which the action subject to sanction violates professional ethics and standards
13 of practice;

14 (d) The economic and financial condition of the person subject to sanction; and

15 (e) Any mitigating factors that the board may choose to consider.

16 (6) In addition to the sanctions authorized by this section, the board may assess against a person
17 the reasonable costs of a disciplinary action taken against the person.

18 (7) The board shall adopt a code of ethical standards for massage therapists and shall take ap-
19 propriate measures to ensure that all applicants and massage therapists are aware of those stan-
20 dards.

21 (8) Upon receipt of a complaint under ORS 687.011 to 687.250, 687.895 and 687.991, the board
22 shall conduct an investigation as described under ORS 676.165.

23 (9) Information that the board obtains as part of an investigation into the conduct of a person
24 or as part of a contested case proceeding, consent order or stipulated agreement involving the
25 conduct of a person is confidential as provided under ORS 676.175.

26 **SECTION 43.** ORS 688.525 is amended to read:

27 688.525. (1) **Except as provided in section 3 of this 2019 Act**, the Board of Medical Imaging,
28 after notice of and hearing as required under the contested case procedures of ORS chapter 183,
29 may refuse to issue a license or permit to any applicant, may refuse to renew the license of any
30 medical imaging licensee or the permit of a limited X-ray machine operator or may suspend or re-
31 voke the license or permit of a person who:

32 (a) Has been disciplined by a credentialing organization or a licensing board in this state or in
33 another state, territory of the United States or nation for acts by the holder of a license or a permit
34 that are similar to acts described in this subsection. A certified copy of the order of discipline
35 constitutes conclusive evidence of the discipline.

36 (b) Has an impairment as defined in ORS 676.303.

37 (c) In the judgment of the board is guilty of unethical or unprofessional conduct in the practice
38 of a medical imaging modality or as a limited X-ray machine operator.

39 (d) Has been convicted of any crime that bears a demonstrable relationship to the practice of
40 a medical imaging modality or as a limited X-ray machine operator, or otherwise reflects adversely
41 on fitness to practice.

42 (e) In the judgment of the board, has acted with gross negligence in the practice of a medical
43 imaging modality or as a limited X-ray machine operator.

44 (f) Has undertaken to act as a medical imaging licensee independently of the supervision of a
45 licensed physician, or has undertaken to act as a limited X-ray machine operator independently of

1 the supervision of a licensed physician, licensed nurse practitioner or licensed physician assistant.

2 (g) Has obtained or attempted to obtain a license or permit under ORS 688.405 to 688.605 by
3 fraud or material misrepresentation.

4 (2) Upon receipt of a complaint under ORS 688.405 to 688.605, the board shall conduct an in-
5 vestigation as described under ORS 676.165.

6 (3) Information that the board obtains as part of an investigation into licensee, permittee or
7 applicant conduct or as part of a contested case proceeding, consent order or stipulated agreement
8 involving licensee, permittee or applicant conduct is confidential as provided under ORS 676.175.

9 **SECTION 44.** ORS 688.655 is amended to read:

10 688.655. (1) **Except as provided in section 3 of this 2019 Act,** the certification of a
11 hemodialysis technician may be denied, suspended or revoked in accordance with the provisions of
12 ORS chapter 183 for any of the following:

13 (a) Failure to complete continuing education requirements.

14 (b) The use of fraud or deception in receiving a certificate.

15 (c) Habitual or excessive use of intoxicants or drugs.

16 (d) The presence of a mental disorder that demonstrably affects a technician's performance, as
17 certified by two psychiatrists retained by the Oregon Health Authority.

18 (e) Conviction of a criminal offense that the authority considers reasonably related to the fitness
19 of the person to practice hemodialysis.

20 (f) Suspension or revocation of a hemodialysis technician certificate issued by another state.

21 (g) Gross negligence or repeated negligence in rendering hemodialysis care.

22 (h) Any reason identified by authority rule as rendering the applicant unfit to perform the duties
23 of a hemodialysis technician.

24 (2) The authority may investigate any evidence that appears to show that a hemodialysis tech-
25 nician certified by the authority is or may be medically incompetent or is or may be guilty of un-
26 professional or dishonorable conduct or is or may be mentally or physically unable to safely function
27 as a hemodialysis technician.

28 (3) Any dialysis facility or center, any hemodialysis technician certified under ORS 688.650, any
29 physician licensed under ORS chapter 677 or any registered nurse licensed under ORS 678.010 to
30 678.410 shall report to the authority any information the person may have that appears to show that
31 a hemodialysis technician is or may be medically incompetent or is or may be guilty of unprofes-
32 sional or dishonorable conduct or is or may be mentally or physically unable to safely function as
33 a hemodialysis technician.

34 (4) Information provided to the authority pursuant to this section is confidential and shall not
35 be subject to public disclosure, nor shall it be admissible as evidence in any judicial proceeding.

36 (5) Any person who reports or provides information to the authority under this section and who
37 provides information in good faith shall not be subject to an action for civil damage as a result
38 thereof.

39 **SECTION 45.** ORS 689.405 is amended to read:

40 689.405. (1) **Except as provided in section 3 of this 2019 Act,** the State Board of Pharmacy
41 may refuse to issue or renew, or may suspend, revoke or restrict the license of any person or the
42 certificate of registration of any drug outlet upon one or more of the following grounds:

43 (a) Unprofessional conduct as that term is defined by the rules of the board.

44 (b) Repeated or gross negligence.

45 (c) Incapacity of a nature that prevents a person from engaging in the activity for which the

1 person is licensed with reasonable skill, competence and safety to the public.

2 (d) Impairment as defined in ORS 676.303.

3 (e) Being found guilty by the board of a violation of subparagraph (B) of this paragraph, or by
4 a court of competent jurisdiction of one or more of the following:

5 (A) A felony, as defined by the laws of this state; or

6 (B) Violations of the pharmacy or drug laws of this state or rules pertaining thereto, or of
7 statutes, rules or regulations of any other state, or of the federal government.

8 (f) Fraud or intentional misrepresentation by a licensee or registrant in securing or attempting
9 to secure the issuance or renewal of a license.

10 (g) Engaging or aiding and abetting an individual to engage in the practice of pharmacy without
11 a license, or falsely using the title of pharmacist.

12 (h) Aiding and abetting an individual in performing the duties of a pharmacy technician without
13 licensing.

14 (i) Being found by the board to be in violation of any of the provisions of ORS 435.010 to 435.130,
15 453.025, 453.045, 475.035 to 475.190, 475.744, 475.752 to 475.980 or this chapter or rules adopted
16 pursuant to ORS 435.010 to 435.130, 453.025, 453.045, 475.035 to 475.190, 475.744, 475.752 to 475.980
17 and this chapter.

18 (j) Disciplinary action by another state regarding a license, based upon acts by the licensee
19 similar to acts described in this subsection. A certified copy of the record of disciplinary action of
20 the state taking the disciplinary action is conclusive evidence thereof.

21 (2) Upon receipt of a complaint under this chapter, the board shall conduct an investigation as
22 described under ORS 676.165.

23 (3) Actions taken under subsection (1) of this section shall be considered a contested case under
24 ORS chapter 183.

25 **SECTION 46.** ORS 692.180 is amended to read:

26 692.180. (1) Upon complaint or upon its own motion, the State Mortuary and Cemetery Board
27 may investigate a complaint made by any person or by the board. **Except as provided in section**
28 **3 of this 2019 Act**, if the board finds any of the causes described in this section in regard to any
29 person, licensee or applicant or the holder of a certificate of authority, the board may impose a civil
30 penalty of not more than \$1,000 for each violation, suspend or revoke a license to practice or to
31 operate under this chapter or refuse to grant or renew a license. The causes are as follows:

32 (a) Misrepresentation in the conduct of business or in obtaining a license.

33 (b) Fraudulent or dishonest conduct, when the conduct bears a demonstrable relationship to fu-
34 neral service practice, embalming practice or the operation of cemeteries, crematoriums or other
35 facilities for final disposition of human remains.

36 (c) Except as provided in this paragraph, solicitation of human remains by the licensee or any
37 agent, assistant or employee of the licensee, either before or after death. This paragraph does not
38 apply to:

39 (A) Activities permissible under ORS 97.923 to 97.949; or

40 (B) The sale, in accordance with provisions of the Insurance Code, of prearranged funeral or
41 cemetery merchandise or services, or any combination thereof, to be funded by the contemporaneous
42 or subsequent assignment of a life insurance policy or an annuity contract.

43 (d) Offensive treatment of dead human bodies or evidence that a body in the person's custody
44 has been disposed of in violation of ORS chapter 432 or rules adopted pursuant thereto.

45 (e) Aiding or abetting a person who is not a licensee or a trainee in any act involving the dis-

1 position of dead human bodies before the bodies undergo final disposition or before the bodies are
 2 transported out of the State of Oregon.

3 (f) Sale or reuse of any casket or body container that has been previously utilized for the
 4 placement of a deceased human body. This does not include use of a rental cover as defined in ORS
 5 692.010.

6 (g) Violation of any of the provisions of this chapter or any rules adopted under this chapter.

7 (h) Violation of any provision of ORS 97.929 or 97.937 or regulations adopted by the Federal
 8 Trade Commission regulating funeral industry practices.

9 (i) Conviction of a crime, when the crime bears a demonstrable relationship to funeral service
 10 practice, embalming practice, death care consultant practice or the operation of cemeteries,
 11 crematoriums or other facilities for final disposition of human remains. A certified copy of the con-
 12 viction is conclusive evidence of the conviction.

13 (j) Violation of ORS chapter 97 as it relates to disposition of human bodies and to cemeteries.

14 (k) Refusing to surrender promptly the custody of a dead human body, upon the express order
 15 of the person lawfully entitled to the custody of the body.

16 (L) Acting as the legal representative of any deceased person for whom the licensee has ren-
 17 dered services governed by this chapter. This subsection does not prohibit a licensee from acting
 18 as the legal representative of a deceased relative or a deceased licensee if the deceased licensee
 19 was a partner, employee or employer in the licensee's practice.

20 (m) Failure to pay any civil penalty imposed by the board within 10 days after the order is en-
 21 tered or, if appealed, within 10 days after the order is sustained on appeal.

22 (n) Impairment as defined in ORS 676.303.

23 (2) All amounts recovered under this section shall be deposited in the State Mortuary and
 24 Cemetery Board Account established under ORS 692.375.

25 (3) Civil penalties under this section shall be imposed as provided in ORS 183.745.

26 (4) Upon receipt of a complaint, the board shall conduct an investigation as described under
 27 ORS 676.165.

28 (5) Information that the board obtains as part of an investigation into licensee or applicant
 29 conduct or as part of a contested case proceeding, consent order or stipulated agreement involving
 30 licensee or applicant conduct is confidential as provided under ORS 676.175.

31 **SECTION 47.** ORS 696.301 is amended to read:

32 696.301. Subject to ORS 696.396 **and except as provided in section 3 of this 2019 Act**, the Real
 33 Estate Commissioner may suspend or revoke the real estate license of any real estate licensee,
 34 reprimand any real estate licensee or deny the issuance or renewal of a license to an applicant who
 35 has:

36 (1) Created a reasonable probability of damage or injury to a person by making one or more
 37 material misrepresentations or false promises in a matter related to professional real estate activity.

38 (2) Represented, attempted to represent or accepted compensation from a principal real estate
 39 broker other than the principal real estate broker with whom the real estate broker is associated.

40 (3) Disregarded or violated any provision of ORS 659A.421, 696.010 to 696.495, 696.600 to 696.785,
 41 696.800 to 696.870 and 696.890 or any rule of the Real Estate Agency.

42 (4) Knowingly or recklessly published materially misleading or untruthful advertising.

43 (5) Acted as an agent and an undisclosed principal in any transaction.

44 (6) Intentionally interfered with the contractual relations of others concerning real estate or
 45 professional real estate activity.

1 (7) Intentionally interfered with the exclusive representation or exclusive brokerage relationship
2 of another real estate licensee.

3 (8) Accepted employment or compensation for the preparation of a competitive market analysis
4 or letter opinion that is contingent upon reporting a predetermined value or for real estate in which
5 the real estate licensee had an undisclosed interest.

6 (9) Represented a taxpayer as described in ORS 305.230 or 309.100, contingent upon reporting
7 a predetermined value or for real estate in which the real estate licensee had an undisclosed inter-
8 est.

9 (10) Failed to ensure, in any real estate transaction in which the real estate licensee performed
10 the closing, that the buyer and seller received a complete detailed closing statement showing the
11 amount and purpose of all receipts, adjustments and disbursements.

12 (11) [*Has*] Been convicted of a felony or misdemeanor substantially related to the real estate
13 licensee's trustworthiness or competence to engage in professional real estate activity.

14 (12) Demonstrated incompetence or untrustworthiness in performing any act for which the real
15 estate licensee is required to hold a license.

16 (13) Violated a term, condition, restriction or limitation contained in an order issued by the
17 commissioner.

18 (14) Committed an act of fraud or engaged in dishonest conduct substantially related to the fit-
19 ness of the applicant or real estate licensee to conduct professional real estate activity, without
20 regard to whether the act or conduct occurred in the course of professional real estate activity.

21 (15) Engaged in any conduct that is below the standard of care for the practice of professional
22 real estate activity in Oregon as established by the community of individuals engaged in the practice
23 of professional real estate activity in Oregon.

24 **SECTION 48.** ORS 696.535 is amended to read:

25 696.535. (1) **Except as provided in section 3 of this 2019 Act**, the Real Estate Commissioner
26 may suspend or revoke the license of an escrow agent, reprimand an escrow agent who is licensed,
27 refuse to issue an escrow agent license to an applicant or refuse to renew the license of an escrow
28 agent, if the escrow agent or applicant:

29 (a) Is insolvent under generally accepted accounting principles;

30 (b) Demonstrated untrustworthiness or incompetence to transact the business of an escrow
31 agent;

32 (c) Failed to conduct business in accordance with law or violated any provision of ORS 696.505
33 to 696.590 or any rule adopted under ORS 696.505 to 696.590;

34 (d) Committed fraud in connection with any transaction governed by ORS 696.505 to 696.590 or
35 the rules adopted under ORS 696.505 to 696.590;

36 (e) Made any misrepresentations or false statement of an essential or material fact to, or con-
37 cealed any essential or material fact from, any person in the course of the escrow business;

38 (f) Knowingly made or caused to be made to the commissioner any false representation of a
39 material fact, or suppressed or withheld from the commissioner any information the applicant or
40 licensee possesses that, if submitted, would have disqualified the applicant or licensee from original
41 or renewed licensing under ORS 696.505 to 696.590 or rules adopted under ORS 696.505 to 696.590;

42 (g) In a real estate transaction, failed to account to the principals or persons entitled to an ac-
43 counting of the funds, property or documents or other things of value received in the transaction;

44 (h) Failed to deliver within a reasonable time to persons entitled to receive funds, property or
45 documents or other things of value held or agreed to be delivered by the licensee, as and when paid

1 for and due to be delivered;

2 (i) Caused uncompensated material loss to principals by engaging in a pattern of failures to act
3 with neutrality between principals in multiple escrows;

4 (j) Refused to permit the commissioner to examine the escrow agent's books and affairs, or re-
5 fused or failed, within a reasonable time, to furnish any information, records or files or make any
6 report that may be required by the commissioner under the provisions of ORS 696.505 to 696.590 or
7 rules adopted under ORS 696.505 to 696.590;

8 (k) Has been convicted of a crime that is substantially related to the escrow agent's competency
9 or trustworthiness to engage in the business of an escrow agent;

10 (L) Committed an act of fraud or engaged in dishonest conduct substantially related to the fit-
11 ness of the applicant or licensee to conduct the activities of an escrow agent, without regard to
12 whether the act or conduct occurred in the course of escrow activity; or

13 (m) Failed to maintain a surety bond required under ORS 696.525 or other surety required under
14 ORS 696.527.

15 (2) It is sufficient cause for refusal or revocation of a license in case of a partnership or cor-
16 poration or any unincorporated association, if any member of a partnership or any officer or director
17 of the corporation or association has been guilty of any act or omission which would be cause for
18 refusing or revoking the registration of an individual agent.

19 **SECTION 49.** ORS 697.039 is amended to read:

20 697.039. (1) **Except as provided in section 3 of this 2019 Act,** the Director of the Department
21 of Consumer and Business Services may refuse to issue or renew or may revoke or suspend any
22 registration under ORS 697.031 if the director determines that:

23 (a) Any information a person files with the director under ORS 697.031 is false or untruthful;

24 (b) A person has violated any of the rules of the director for registration under ORS 697.031;

25 (c) A person has violated the provisions of ORS 697.045 or 697.058;

26 (d) A person has failed to maintain in effect the bond or an irrevocable letter of credit required
27 under ORS 697.031;

28 (e) A person has died or become incapacitated;

29 (f) A person has engaged in dishonest, fraudulent or illegal practices or conduct in any business
30 or profession; or

31 (g) A person has been convicted of a felony or misdemeanor, an essential element of which is
32 fraud.

33 (2) A revocation or suspension under this section may be for a time certain or upon condition
34 that certain acts be performed.

35 (3) If the director issued an initial order of revocation of a registration before the expiration
36 of the registration, the director may enter a final order of revocation even though the registration
37 has expired.

38 (4) Actions of the director under this section are subject to the provisions of ORS chapter 183.

39 **SECTION 50.** ORS 697.540 is amended to read:

40 697.540. (1) **Except as provided in section 3 of this 2019 Act,** the Director of the Department
41 of Consumer and Business Services may by order suspend or revoke any license issued under ORS
42 697.514 if the director finds that any of the following circumstances are true:

43 (a) The licensee has violated a provision of ORS 697.500 to 697.555 or of a rule or order the
44 director has adopted or issued under ORS 697.500 to 697.555.

45 (b) The licensee knowingly made a false or misleading statement on the application for a license

1 under ORS 697.510 or in information the licensee submitted to the director.

2 (c) The licensee refused to permit the director to make an investigation authorized under ORS
3 697.528.

4 (d) The licensee has engaged in, or has a felony or misdemeanor conviction for, fraud, misrep-
5 resentation or deceit or has demonstrated untrustworthiness or incompetence in conducting the
6 check-cashing business.

7 (e) The licensee has not paid a fee required under ORS 697.512 or examination costs under ORS
8 697.528.

9 (2) The director may not suspend or revoke any license issued under ORS 697.514 unless the
10 licensee has had notice and an opportunity for a hearing in accordance with ORS 183.413 to 183.470.

11 **SECTION 51.** ORS 697.752 is amended to read:

12 697.752. **Except as provided in section 3 of this 2019 Act,** the Director of the Department of
13 Consumer and Business Services may deny, suspend, condition, revoke or refuse to issue or renew
14 a registration as a debt management service provider if the director determines that an applicant
15 or debt management service provider:

16 (1) Cannot meet financial obligations as the obligations mature, has liabilities that exceed assets
17 or is in a financial condition that prevents the applicant or debt management service provider from
18 continuing in business with safety to consumers;

19 (2) Engaged in dishonest, fraudulent or illegal practices or conduct in a business or profession,
20 or unfair or unethical practices or conduct in connection with a debt management service;

21 (3) Filed, knowingly or negligently, false or untruthful information with the director under ORS
22 697.632;

23 (4) Violated a provision of ORS 697.642 to 697.702 or a rule the director adopted under ORS
24 697.632;

25 (5) Filed an application for registration that on the date the director issued a registration or
26 on the date the director denied, suspended, conditioned or revoked a registration was incomplete in
27 a material respect or contained a statement that was false or misleading with respect to a material
28 fact in light of the circumstances in which the applicant or debt management service provider made
29 the statement;

30 (6) Failed to account to interested persons for money or property the applicant or debt man-
31 agement service provider received;

32 (7) Was temporarily or permanently enjoined from engaging in or continuing a conduct or
33 practice involving a debt management service by a court of competent jurisdiction;

34 (8) Is subject to a director's order that denied, suspended, conditioned or revoked a registration
35 as a debt management service provider, or a license or registration that the director issued under
36 another provision of law;

37 (9) Is subject to a cease and desist order that the director entered within the previous five years
38 after giving the applicant or debt management service provider notice and an opportunity for a
39 hearing;

40 (10) Demonstrated negligence or incompetence in performing a debt management service or an
41 act, the performance of which requires the applicant or debt management service provider to obtain
42 a registration or license;

43 (11) Failed to supervise diligently and control an employee's or agent's actions related to a debt
44 management service that the applicant or debt management service provider performed;

45 (12) Was convicted of a felony or of a misdemeanor for which an essential element is fraud, ei-

1 ther as an individual that is subject to the requirement to register as a debt management service
2 provider or as a member, partner, officer, director or principal of an applicant or debt management
3 service provider;

4 (13) Reduced the amount of the bond required under ORS 697.642 or allowed the bond to lapse;

5 (14) Knowingly made a false entry in a consumer's record; or

6 (15) Knowingly mutilated, destroyed or otherwise disposed of a consumer's record unless the
7 record concerns a consumer that no longer receives a debt management service from the applicant
8 or debt management service provider or the record is not subject to the retention requirement set
9 forth in ORS 697.672.

10 **SECTION 52.** ORS 702.012 is amended to read:

11 702.012. (1) Except as otherwise provided in subsection (2) of this section, an individual may not
12 act as an athlete agent in Oregon without holding a certificate of registration issued under this
13 section or ORS 702.019.

14 (2) Before being issued a certificate of registration, an individual may act as an athlete agent
15 in Oregon for all purposes except entering into an agency contract, if:

16 (a) A student athlete, or another person acting on behalf of the athlete, initiates communication
17 with the individual; and

18 (b) Within seven days after an initial act as an athlete agent, the individual submits an appli-
19 cation for registration as an athlete agent in Oregon.

20 (3) An agency contract resulting from conduct in violation of this section is void and the athlete
21 agent shall return any consideration received under the contract.

22 (4) Except as otherwise provided in subsection (5) of this section, the Department of Education
23 shall issue a certificate of registration to an individual who complies with ORS 702.017 (1) and (2).

24 (5) The department may refuse to issue a certificate of registration if the department determines
25 that the applicant has engaged in conduct that has a significant adverse effect on the applicant's
26 fitness to act as an athlete agent. **Except as provided in section 3 of this 2019 Act**, in making the
27 determination, the department may consider whether the applicant has:

28 (a) Plead guilty or no contest to, has been convicted of, or has charges pending for a crime
29 that, if committed in Oregon, would be a crime involving moral turpitude or a felony;

30 (b) Made a materially false, misleading, deceptive or fraudulent representation in the application
31 or as an athlete agent;

32 (c) Engaged in conduct that would disqualify the applicant from serving in a fiduciary capacity;

33 (d) Engaged in conduct prohibited by ORS 702.027;

34 (e) Had a registration or licensure as an athlete agent suspended, revoked or denied or been
35 refused renewal of registration or licensure as an athlete agent in any state;

36 (f) Engaged in conduct the consequence of which was that a sanction, suspension or declaration
37 of ineligibility to participate in an interscholastic or intercollegiate athletic event was imposed on
38 a student athlete or educational institution; or

39 (g) Engaged in conduct that significantly adversely reflects on the applicant's credibility, hon-
40 esty or integrity.

41 (6) In making a determination under subsection (5) of this section, the department shall consider:

42 (a) How recently the conduct occurred;

43 (b) The nature of the conduct and the context in which it occurred; and

44 (c) Any other relevant conduct of the applicant.

45 (7) An athlete agent may apply to renew a registration by submitting an application for renewal

1 in a form prescribed by the department. The application for renewal must be signed by the applicant
2 under penalty of perjury and must contain current information on all matters required in an original
3 registration.

4 (8) An individual who has submitted an application for renewal of registration or licensure in
5 another state, in lieu of submitting an application for renewal in the form prescribed pursuant to
6 subsection (7) of this section, may file a copy of the application for renewal and a valid certificate
7 of registration or licensure from the other state. The department shall renew the registration if the
8 department determines:

9 (a) The registration requirements of the other state are substantially similar to or more re-
10 strictive than ORS 702.005 to 702.065, 702.991 and 702.994; and

11 (b) The renewed registration has not been suspended or revoked and no action involving the
12 individual's conduct as an athlete agent is pending against the individual or the individual's regis-
13 tration in any state.

14 (9) A certificate of registration or a renewal of a registration is valid for two years.

15 (10) The department may suspend, revoke or refuse to renew a registration for conduct that
16 would have justified denial of registration under subsection (5) of this section.

17 (11) The department may deny, suspend, revoke or refuse to renew a certificate of registration
18 or licensure only after proper notice and an opportunity for a hearing.

19 **SECTION 53.** ORS 703.480 is amended to read:

20 703.480. (1) The Board on Public Safety Standards and Training shall, in collaboration with the
21 Private Security Policy Committee:

22 (a) Establish reasonable minimum standards of physical, emotional, intellectual and moral fitness
23 for investigators.

24 (b) Prescribe fees relating to the application for and the issuance, renewal and inactivation of
25 investigators' licenses, and for the issuance of identification cards. Each fee may not exceed the cost
26 of administering the program of the Department of Public Safety Standards and Training for which
27 the fee was established. The board shall prescribe penalties for late renewal of licenses.

28 (c) Adopt a test of investigator competency.

29 (d) Establish rules of professional conduct to be followed by investigators.

30 (e) Adopt rules specifying those crimes and violations for which a conviction requires the denial,
31 suspension or revocation of licensure as an investigator, **subject to the provisions of section 3**
32 **of this 2019 Act.**

33 (2) The department shall:

34 (a) Investigate alleged violations of ORS 703.401 to 703.490 and of any rules adopted by the
35 board or department. Notwithstanding ORS 703.473 (3), when the department conducts an investi-
36 gation under this paragraph, all information about the alleged violation and the investigation is
37 confidential and is not subject to disclosure under ORS 192.311 to 192.478 if the department deter-
38 mines that the allegation is false.

39 (b) Collect fees as prescribed by the board.

40 (c) Establish a website on the Internet that lists each investigator with the investigator's license
41 number, business address and business telephone number.

42 (d) Provide professional development opportunity information to investigators.

43 (3) The board shall adopt rules necessary to carry out the board's duties and powers under ORS
44 703.401 to 703.490.

45 (4) The department shall adopt rules necessary to carry out the department's duties and powers

1 under ORS 703.401 to 703.490.

2 (5) For efficiency, board and department rules adopted under this section may be adopted jointly
3 with the approval of the board and the department.

4 **SECTION 54.** ORS 704.020 is amended to read:

5 704.020. (1) Any person who acts or offers to act as an outfitter and guide must first register
6 with the State Marine Board. Each registration shall be submitted annually on a form provided by
7 the board and shall include the following information:

8 (a) The name, residence address and telephone number of the person providing outfitting and
9 guiding services, and all business names, addresses and telephone numbers under which outfitting
10 and guiding services are provided.

11 (b) Proof that the business under which outfitting and guiding services are provided has regis-
12 tered with the Secretary of State.

13 (c) If the outfitting and guiding services are to be performed in the business name of an indi-
14 vidual, proof that the outfitter and guide is certified to give first aid, as determined by the board
15 by rule.

16 (d) If the outfitting and guiding services are to be performed in the business name of a person
17 other than an individual, a list of the names of all employees, agents and parties in interest who
18 physically provide, or who directly assist in physically providing, outfitting and guiding services in
19 this state, together with the affidavit of the outfitter and guide that each such employee, agent or
20 party in interest is certified to give first aid, as determined by the board by rule.

21 (e) If the outfitter and guide is carrying passengers for hire on waterways determined to be
22 navigable by the United States Coast Guard, proof that the person or an individual employed by the
23 person has a valid United States Coast Guard operator license.

24 (f) A description of:

25 (A) The outfitting and guiding services and any equipment, supplies, livestock and materials
26 provided by the outfitter and guide;

27 (B) The geographic area in which the outfitter and guide provides the outfitting and guiding
28 services and the equipment, supplies, livestock and materials; and

29 (C) The experience of the outfitter and guide in providing the outfitting and guiding services and
30 the equipment, supplies, livestock and materials.

31 (g) Proof that the outfitter and guide has liability insurance covering occurrences by the out-
32 fitter and guide, and the employees of the outfitter and guide, which result in bodily injury or
33 property damage. To meet the requirement under this paragraph, insurance must provide combined
34 single limit per occurrence general liability coverage of at least \$500,000.

35 (h) Certification by the outfitter and guide that the outfitter and guide will maintain the insur-
36 ance required by paragraph (g) of this subsection continuously and in full force and effect for a pe-
37 riod of time to be determined by the board by rule.

38 (i) The affidavit of the outfitter and guide stating that **the provisions of section 3 of this 2019**
39 **Act apply, or that** for a period of not less than 24 months immediately prior to making the regis-
40 tration application the outfitter and guide and each person who provides or assists in directly pro-
41 viding outfitting and guiding services:

42 (A) Have not been convicted of:

43 (i) A felony or misdemeanor related to the provision of services regulated by this chapter;

44 (ii) A violation under this chapter or ORS chapter 477, 496, 497, 498, 501, 506, 508, 509, 511 or
45 830 or any rule adopted pursuant to ORS chapter 477, 496, 497, 498, 501, 506, 508, 509, 511 or 830;

1 (iii) A violation of the wildlife laws that occurred while acting as an outfitter and guide and that
2 resulted in court-ordered revocation of the hunting or fishing license of the outfitter and guide;

3 (iv) A crime involving delivery, manufacture or possession of a controlled substance, as defined
4 in ORS 475.005; or

5 (v) Assault in any degree, criminal homicide as defined in ORS 163.005 or kidnapping in any
6 degree;

7 (B) Have not had an outfitting and guiding license, permit or certificate revoked, suspended or
8 canceled by another state or by an agency of the government of the United States;

9 (C) Have not been denied the right to apply for an outfitting and guiding license, permit or
10 certificate by another state or by an agency of the government of the United States; and

11 (D) Have not been convicted of guiding without registration as required by this subsection.

12 (j) The affidavit of the outfitter and guide stating that **the provisions of section 3 of this 2019**
13 **Act apply, or that** the outfitter and guide and each person who provides or assists in directly
14 providing outfitting and guiding services have not been convicted of:

15 (A) A crime, the result of which prohibits the person from possessing a firearm; or

16 (B) A crime, the result of which requires the person to be registered as a sex offender under
17 ORS 163A.010, 163A.015, 163A.020 or 163A.025.

18 (2)(a) In addition to the requirements of subsection (1) of this section, a person who acts or of-
19 fers to act as an outfitter and guide using boats that are under the direct operation of an outfitter
20 and guide or an employee of an outfitter and guide for the purpose of carrying passengers on the
21 waters of this state must submit proof:

22 (A) If operating a motorboat on the waters of this state, that the outfitter and guide:

23 (i) Has passed a written test adopted by the board by rule;

24 (ii) Has participated in a drug and alcohol program as defined by the board by rule; and

25 (iii) Has completed a physical examination every five years as required by the board by rule.

26 (B) Of liability insurance in a form prescribed by the board by rule.

27 (b) A person is exempt from paragraph (a)(A) of this subsection if the person is operating a
28 motorboat on waters of this state determined to be navigable by the United States Coast Guard and
29 the person possesses a valid United States Coast Guard operator license.

30 (3)(a) A person who registers as an outfitter and guide and who accepts deposits from clients in
31 excess of \$100 per person shall submit a bond or other financial security in the amount of \$5,000 to
32 the board at the time of registration. The bond or other financial security shall be held by the board
33 for the benefit of clients of the outfitter and guide who pay a money deposit to the outfitter and
34 guide in anticipation of services to be received. The bond or other financial security amount shall
35 be released to such client or clients conditioned upon a failure of the outfitter and guide to return
36 the deposit following cancellation of services or other failure to provide agreed upon services.

37 (b) The board shall release or retain all or any portion of a bond or other financial security as
38 described in paragraph (a) of this subsection according to the provisions of ORS chapter 183.

39 (4) Each annual registration shall be accompanied by a fee as follows:

40 (a) For resident persons, \$150.

41 (b) For nonresident persons who reside in a state that requires residents of this state to pay a
42 license fee, registration fee or other fee or charge in excess of \$150 to act as an outfitter and guide
43 in that state, the same fee or other charge as is charged the residents of this state to act as an
44 outfitter and guide in the state where the nonresident applicant resides. If the state in which such
45 a nonresident applicant resides makes distinctions in fees or charges based on the type of outfitter

1 and guide service performed and requires residents of this state to pay fees or charges accordingly,
2 the board shall make and apply those same distinctions and require the nonresident applicants to
3 pay the corresponding fees or charges.

4 (c) For nonresident persons other than those referred to in paragraph (b) of this subsection,
5 \$150.

6 (5) Upon the submission to the board of the appropriate fees prescribed in this section and the
7 registration information required by this section, the board shall issue to the applicant a certificate
8 of registration. The board shall also issue to each registrant proof of compliance with the require-
9 ments of this section.

10 (6) A person who conducts sightseeing flights or other aircraft operations is exempt from the
11 provisions of this section unless the activities conducted by the person are outdoor recreational
12 activities as defined in ORS 704.010.

13 (7) The board shall issue an identifying decal to outfitters and guides registering under this
14 section that may be displayed on vehicles, pack equipment or other suitable locations where cus-
15 tomers can see the registration decal.

16 (8) A certificate of registration issued to an outfitter and guide under this section expires on
17 December 31 of each calendar year or on such date as may be specified by board rule.

18 **SECTION 55.** ORS 717.235 is amended to read:

19 717.235. (1) Upon the filing of a complete application, the Director of the Department of Con-
20 sumer and Business Services shall review the application and may investigate the financial condition
21 and responsibility, financial and business experience, character and general fitness of the applicant.
22 The director may conduct an on-site investigation of the applicant, the reasonable cost of which
23 shall be paid by the applicant. **Except as provided in section 3 of this 2019 Act,** the director may
24 disapprove an application if the director finds that the applicant:

25 (a) Is insolvent, either in the sense that the person's liabilities exceed the person's assets or that
26 the person cannot meet obligations as they mature, or that the person is in such financial condition
27 that the person cannot continue in business with safety to the person's customers;

28 (b) Has engaged in dishonest, fraudulent or illegal practices or conduct in any business or pro-
29 fession;

30 (c) Has willfully or repeatedly violated or failed to comply with a provision of the Oregon Bank
31 Act, Oregon Securities Law, Oregon Credit Union Act, Oregon Consumer Finance Act or
32 Pawnbrokers Act or any rule or order of the director adopted under those laws;

33 (d) Has been convicted of a crime, an essential element of which is fraud;

34 (e) Is not qualified to engage in the business of money transmission on the basis of such factors
35 as training, experience and knowledge of the business;

36 (f) Is permanently or temporarily enjoined by a court of competent jurisdiction from engaging
37 in or continuing any conduct or practice involving an aspect of the banking business or of the
38 money transmission business;

39 (g) Is the subject of an order of the director subjecting the person to a civil penalty or removing
40 the person from an office in any entity regulated by the director; or

41 (h) Is the subject of an order entered within the past five years, subjecting the person to a civil
42 penalty or removing the person from an office in a state or federally chartered, licensed or regulated
43 financial services company.

44 (2) The director may also disapprove an application if the director finds that a controlling per-
45 son is subject to a provision of subsection (1) of this section except subsection (1)(a) or (e) of this

1 section. If a controlling person is the sole owner of the applicant, then the director may disapprove
2 an application if the director finds that the controlling person is subject to a provision of subsection
3 (1) of this section.

4 (3) If the director finds that the applicant's business will be conducted honestly, fairly and in a
5 manner commanding the confidence and trust of the community, and that the applicant has fulfilled
6 the requirements imposed by ORS 717.200 to 717.320, 717.900 and 717.905 and has paid the required
7 license fee, the director shall issue a license to the applicant authorizing the applicant to conduct
8 money transmission business in this state for a term of one year. If these requirements have not
9 been met, the director shall deny the application in writing and shall describe the reasons for the
10 denial.

11 (4) An order of the director denying an application under ORS 717.200 to 717.320, 717.900 and
12 717.905 shall state the grounds upon which the order is based and shall not become effective for at
13 least 20 days after written notice of the order has been sent by registered or certified mail to the
14 applicant at the principal place of business of the applicant.

15 (5) Appeals from an order of the director denying an application may be taken to the courts of
16 this state as provided by ORS chapter 183.

17 **SECTION 56.** ORS 725.145 is amended to read:

18 725.145. **Except as provided in section 3 of this 2019 Act**, the Director of the Department of
19 Consumer and Business Services may disapprove an application for a license if a person named in
20 the application submitted pursuant to ORS 725.120:

21 (1) Is insolvent, either in the sense that the person's liabilities exceed the person's assets or that
22 the person cannot meet the person's obligations as they mature, or is in such financial condition
23 that the person cannot continue in business with safety to the person's customers;

24 (2) Has engaged in dishonest, fraudulent or illegal practices or conduct in any business or pro-
25 fession;

26 (3) Has knowingly or repeatedly violated or failed to comply with any provision of the Oregon
27 Bank Act, the Oregon Credit Union Act, the Oregon Consumer Finance Act or the Pawnbrokers
28 Act, or any administrative rule or order adopted under an Act identified in this subsection;

29 (4) Has been convicted of a crime, an essential element of which is fraud;

30 (5) Is permanently or temporarily enjoined by a court of competent jurisdiction from engaging
31 in or continuing any conduct or practice involving an aspect of the consumer finance business;

32 (6) Is the subject of an order of the director subjecting the person to a civil penalty under the
33 Bank Act or ORS chapter 723 or this chapter, or removing the person from an office in any entity
34 regulated under the Bank Act or ORS chapter 723 or this chapter; or

35 (7) Is the subject of an order that was issued by the regulatory authority of another state or
36 of the federal government with authority over banking institutions, savings associations, credit un-
37 ions or consumer finance companies, that was entered within the past five years and that subjects
38 the person to a civil penalty or removes the person from an office in a state banking institution, a
39 national bank, a state or federal savings association, a state or federal credit union or a consumer
40 finance company.

41 **SECTION 57.** ORS 725A.026 is amended to read:

42 725A.026. (1) **Except as provided in section 3 of this 2019 Act**, the Director of the Department
43 of Consumer and Business Services may disapprove an application submitted under ORS 725A.022
44 and deny a license to the applicant if a person named in the application:

45 (a) Cannot meet financial obligations as the obligations mature, has liabilities that exceed assets

1 or is in a financial condition that prevents the person from conducting business with safety to con-
2 sumers;

3 (b) Engaged in dishonest, fraudulent or illegal practices or conduct in a business or profession;

4 (c) Failed to comply with or knowingly or repeatedly violated a provision of or a rule adopted
5 under the Bank Act, ORS chapter 723, 725 or 726 or ORS 725A.010 to 725A.092 and 725A.990;

6 (d) Was convicted of a crime, an essential element of which is fraud;

7 (e) Is permanently or temporarily enjoined by a court of competent jurisdiction from engaging
8 in or continuing a practice or conduct in connection with making payday loans, title loans or con-
9 sumer loans; or

10 (f) Is subject to an order in which:

11 (A) The director imposed a fine or other civil penalty on the person under the Bank Act, ORS
12 chapter 723, 725 or 726 or ORS 725A.010 to 725A.092 and 725A.990;

13 (B) The director removed the person from an office in an entity regulated under the Bank Act,
14 ORS chapter 723 or 725 or ORS 725A.010 to 725A.092 and 725A.990; or

15 (C) A state or federal agency with authority over banking institutions, savings associations,
16 credit unions or consumer finance companies, within a five-year period before the applicant submit-
17 ted an application under ORS 725A.022:

18 (i) Imposed a fine or other civil penalty on the person; or

19 (ii) Removed the person from an office in a state banking institution, a national bank, a state
20 or federal savings association, a state or federal credit union or a consumer finance company.

21 (2) If the director denies a license to an applicant under this section, the director shall provide
22 the applicant with a reasonable opportunity for a hearing under ORS chapter 183.

23 **SECTION 58.** ORS 726.075 is amended to read:

24 **726.075. Except as provided in section 3 of this 2019 Act,** the Director of the Department of
25 Consumer and Business Services may not grant a license to engage in the business of pawnbroker
26 to any person if any person named in the application submitted pursuant to ORS 726.060:

27 (1) Is insolvent, either in the sense that the person's liabilities exceed the person's assets or that
28 the person cannot meet obligations as they mature, or is in such financial condition that the person
29 cannot continue in business with safety to the person's customers;

30 (2) Has engaged in dishonest, fraudulent or illegal practices or conduct in any business or pro-
31 fession;

32 (3) Has willfully or repeatedly violated or failed to comply with a provision of the Oregon Bank
33 Act, the Oregon Credit Union Act, the Oregon Consumer Finance Act or the Pawnbrokers Act, or
34 any administrative rule or order adopted under an Act identified in this subsection;

35 (4) Has been convicted of a crime, an essential element of which is fraud;

36 (5) Is not qualified to conduct a pawnbroker business on the basis of such factors as training,
37 experience and knowledge of the business;

38 (6) Is permanently or temporarily enjoined by a court of competent jurisdiction from engaging
39 in or continuing any conduct or practice involving an aspect of the pawnbroker business;

40 (7) Is the subject of an order of the director, subjecting the person to a civil penalty, or re-
41 moving the person from an office in an entity regulated by either director; or

42 (8) Is the subject of an order that was issued by the regulatory authority of another state or
43 of the federal government with authority over such banking institutions, credit unions, consumer
44 finance companies or savings associations, that was entered within the past five years and that
45 subjects the person to a civil penalty or removes the person from an office in a state banking in-

1 stitution, a national bank, a state or federal savings association, a state or federal credit union or
2 a consumer finance company.

3 **SECTION 59.** ORS 744.013 is amended to read:

4 744.013. (1) If the Director of the Department of Consumer and Business Services finds with re-
5 spect to an adjuster or insurance consultant or an applicant for an adjuster or insurance consultant
6 license that one or more of the grounds set forth in subsection (2) of this section exist, the director
7 may take the following disciplinary actions:

8 (a) The director may refuse to renew or may suspend or revoke a license issued under ORS
9 744.002 or the authority under a license to engage in any category of insurance business or any
10 class of insurance.

11 (b) **Except as provided in section 3 of this 2019 Act**, the director may refuse to issue a license
12 under ORS 744.002 or refuse to grant authority under a license to engage in any category of insur-
13 ance business or any class of insurance.

14 (2) The director may take any disciplinary action under subsection (1) of this section on one or
15 more of the following grounds:

16 (a) Incompetence or untrustworthiness of the applicant or adjuster or insurance consultant.

17 (b) Falsification by the applicant or adjuster or insurance consultant of the application for the
18 license or an amendment thereto, or engagement in any dishonest act in relation to the application
19 or examination therefor.

20 (c) Violation of or noncompliance with any applicable provision of the Insurance Code or any
21 rule or order of the director.

22 (d) Misappropriation or conversion to the adjuster's or insurance consultant's own use, or illegal
23 withholding, of money or property belonging to policyholders, insurers, beneficiaries or others, and
24 received by the adjuster or insurance consultant in the conduct of business under the license.

25 (e) Conviction in any jurisdiction, of an offense which if committed in this state, constitutes a
26 felony, a misdemeanor involving dishonesty or breach of trust, or an offense punishable by death or
27 imprisonment under the laws of the United States. The record of the conviction shall be conclusive
28 evidence of the conviction.

29 (f) Material misrepresentation of the terms of any insurance policy or proposed insurance policy.

30 (g) Use of a fraudulent or dishonest practice by the adjuster or insurance consultant in the
31 conduct of business under the license, or demonstration therein that the adjuster or insurance con-
32 sultant is incompetent, untrustworthy or a source of injury and loss to the public or others.

33 (h) Error by the director in issuing or renewing a license.

34 (i) Failure to pay a civil penalty assessed by the director that has become final by operation of
35 law or upon appeal.

36 (j) Failure to pay any fee or charge to the director.

37 (k) Use of the license principally to effect insurance on property or against liability of the ap-
38 plicant or adjuster or insurance consultant, or to evade the provisions of ORS chapter 746.

39 (L) Cancellation, revocation, suspension or refusal to renew by any state of a license or other
40 evidence of authority to act as an insurance producer, adjuster or insurance consultant. The record
41 of the cancellation, revocation, suspension or refusal to renew shall be conclusive evidence of the
42 action taken.

43 (m) Cancellation, revocation, suspension or refusal to renew by any state or federal agency of
44 the authority to practice law or to practice under any other regulatory authority if the cancellation,
45 revocation, suspension or refusal to renew was related to the business of an insurance producer,

1 adjuster or insurance consultant or if dishonesty, fraud or deception was involved. The record of the
2 cancellation, revocation, suspension or refusal to renew shall be conclusive evidence of the action
3 taken.

4 (n) Failure to comply with continuing education requirements applicable to the license or any
5 category of insurance authorized under the license, unless the director has waived the requirements.

6 (o) Dishonesty, fraud or misrepresentation not related to the business of an insurance producer,
7 adjuster or insurance consultant.

8 (3) The director may refuse to issue or renew or may revoke or suspend the license of a firm
9 or corporation or may take any such action with respect to any authority applied for by or granted
10 to the firm or corporation to engage under the license in any category of insurance business or class
11 of insurance if the director finds that any ground set forth in subsection (2) of this section exists:

12 (a) With respect to any individual adjuster or insurance consultant employed by or under con-
13 tract with the firm or corporation.

14 (b) With respect to a director or officer of the firm or corporation.

15 (c) With respect to any person who directly or indirectly has the power to direct or cause to
16 be directed the management, control or activities of the adjuster or insurance consultant.

17 **SECTION 60.** ORS 744.074 is amended to read:

18 744.074. (1) **Except as provided in section 3 of this 2019 Act**, the Director of the Department
19 of Consumer and Business Services may place a licensee on probation or suspend, revoke or refuse
20 to issue or renew an insurance producer license and may take other actions authorized by the In-
21 surance Code in lieu thereof or in addition thereto, for any one or more of the following causes:

22 (a) Providing incorrect, misleading, incomplete or materially untrue information in the license
23 application.

24 (b) Violating any insurance laws, or violating any rule, subpoena or order of the director or of
25 the insurance commissioner of another state or Mexico or Canada.

26 (c) Obtaining or attempting to obtain a license through misrepresentation or fraud.

27 (d) Improperly withholding, misappropriating or converting any moneys or properties received
28 in the course of doing insurance business.

29 (e) Intentionally misrepresenting the terms of an actual or proposed insurance contract or ap-
30 plication for insurance.

31 (f) Having been convicted of a felony, of a misdemeanor involving dishonesty or breach of trust,
32 or of an offense punishable by death or imprisonment under the laws of the United States. The re-
33 cord of the conviction shall be conclusive evidence of the conviction.

34 (g) Having admitted or been found to have committed any unfair trade practice or fraud related
35 to insurance.

36 (h) Using fraudulent, coercive or dishonest practices, or demonstrating incompetence,
37 untrustworthiness or financial irresponsibility in the conduct of business in this state or elsewhere.

38 (i) Cancellation, revocation, suspension or refusal to renew by any state of a license or other
39 evidence of authority to act as an adjuster or an insurance producer or consultant. The record of
40 the cancellation, revocation, suspension or refusal to renew shall be conclusive evidence of the
41 action taken.

42 (j) Cancellation, revocation, suspension or refusal to renew by any state or federal agency, by
43 a Canadian province or by the government of Mexico of the authority to practice law or to practice
44 under any other regulatory authority if the cancellation, revocation, suspension or refusal to renew
45 was related to the business of an adjuster or an insurance producer or consultant, or if dishonesty,

1 fraud or deception was involved. The record of the cancellation, revocation, suspension or refusal
2 to renew shall be conclusive evidence of the action taken.

3 (k) Forging another person's name to an application for insurance or to any document related
4 to an insurance transaction.

5 (L) Improperly using notes or any other reference material to complete an examination for an
6 insurance license.

7 (m) Knowingly accepting insurance business from an individual who is not licensed.

8 (n) Error by the director in issuing or renewing a license.

9 (o) Failing to pay a civil penalty assessed by the director that has become final by operation
10 of law or upon appeal.

11 (p) Failing to pay any fee or charge to the director.

12 (q) Failing to comply with continuing education requirements applicable to the license or any
13 class of insurance authorized under the license, unless the director has waived the requirements.

14 (2) If the director refuses to issue or renew an insurance producer license, the director shall
15 notify the applicant or licensee and inform the applicant or licensee in writing of the reason for the
16 refusal to issue or renew and of the applicant's or licensee's rights under ORS chapter 183.

17 (3) The director may suspend, revoke or refuse to issue or renew the insurance producer license
18 of a business entity if the director determines that an individual licensee's violation was known or
19 should have been known by one or more of the partners, officers or managers acting on behalf of
20 the partnership or corporation but the violation was not reported to the director and corrective
21 action was not taken.

22 **SECTION 61.** ORS 744.338 is amended to read:

23 744.338. (1) The Director of the Department of Consumer and Business Services may suspend,
24 revoke, refuse to issue or refuse to renew a license of a licensee if the director finds one or more
25 of the following with respect to the licensee or applicant for a license:

26 (a) Dishonesty, fraud or gross negligence in the conduct of business as a licensee, or the licensee
27 or applicant is otherwise shown to be untrustworthy or incompetent to act as a licensee.

28 (b) The life settlement provider demonstrates a pattern of unreasonable payments to
29 policyholders or certificate holders.

30 (c) Falsification by the applicant or licensee of an application for the license or renewal thereof,
31 or misrepresentation or engagement in any other dishonest act in relation to the application.

32 (d) Conduct resulting in a conviction of a felony under the laws of any state or of the United
33 States, to the extent that such conduct may be considered under ORS 670.280.

34 (e) Conviction of any crime, an essential element of which is dishonesty or fraud, under the laws
35 of any state or of the United States, **except as provided in section 3 of this 2019 Act.**

36 (f) Refusal to renew or cancellation, revocation or suspension of authority to transact insurance
37 or business as a life settlement provider, life settlement broker or similar entity in another state.

38 (g) Failure to pay a civil penalty imposed by final order of the director or to carry out terms
39 of probation set by the director.

40 (h) Refusal by a licensee to be examined or to produce accounts, records or files for examina-
41 tion, refusal by any officers to give information with respect to the affairs of the licensee or refusal
42 to perform any other legal obligation as to the examination when required by the director.

43 (i) Affiliation with or under the same general management or interlocking directorate or own-
44 ership as another life settlement provider or life settlement broker or an insurer, any of which un-
45 lawfully transacts business in this state.

1 (j) Failure at any time to meet any qualification for which issuance of the license could have
2 been refused had the failure then existed and been known to the director.

3 (k) Violation of any rule or order of the director or any provision of the Insurance Code by a
4 licensee or any officer, partner, member or key management personnel of the licensee.

5 (2) The director may suspend or refuse to renew a license immediately and without hearing if
6 the director determines that one or both of the following circumstances exist:

7 (a) The licensee is insolvent.

8 (b) The financial condition or business practices of the licensee otherwise pose an imminent
9 threat to the public health, safety or welfare of the residents of this state.

10 (3) A life settlement provider or life settlement broker holding a license that has not been re-
11 newed or has been revoked shall surrender the license to the director at the director's request.

12 (4) The director may take any other administrative action authorized under the Insurance Code
13 in addition to or in lieu of the actions authorized under this section.

14 **SECTION 62.** ORS 744.718 is amended to read:

15 744.718. (1) The Director of the Department of Consumer and Business Services shall suspend,
16 revoke or refuse to renew a license of a third party administrator if the director finds that the third
17 party administrator:

18 (a) Is in an unsound financial condition;

19 (b) Is using such methods or practices in the conduct of business so as to render further trans-
20 action of business by the third party administrator in this state hazardous or injurious to insured
21 persons or to the public; or

22 (c) Has failed to pay any judgment rendered against the third party administrator in this state
23 within 60 days after the judgment has become final.

24 (2) The director may suspend, revoke, refuse to issue or refuse to renew a license of a third
25 party administrator if the director finds one or more of the following with respect to a third party
26 administrator or an applicant for a license therefor:

27 (a) Falsification by the applicant or licensee of an application for the license or renewal thereof,
28 or engagement in any dishonest act in relation to the application;

29 (b) Dishonesty, fraud or gross negligence in the transaction of insurance or in the conduct of
30 business as a third party administrator;

31 (c) Conduct resulting in a conviction of a felony under the laws of any state or of the United
32 States, to the extent that such conduct may be considered under ORS 670.280;

33 (d) Conviction of any crime, an essential element of which is dishonesty or fraud, under the laws
34 of any state or of the United States, **except as provided in section 3 of this 2019 Act**;

35 (e) Refusal to renew or cancellation, revocation or suspension of authority to transact insurance
36 or business as a third party administrator or similar entity in another state;

37 (f) Failure to pay a civil penalty imposed by final order of the director or to carry out terms
38 of probation set by the director;

39 (g) Refusal to be examined or to produce accounts, records or files for examination, refusal by
40 any officers to give information with respect to the affairs of the third party administrator or refusal
41 to perform any other legal obligation as to the examination when required by the director;

42 (h) Affiliation with or under the same general management or interlocking directorate or own-
43 ership as another administrator or insurer that unlawfully transacts business in this state;

44 (i) Failure at any time to meet any qualification for which issuance of the license could have
45 been refused had the failure then existed and been known to the director; or

1 (j) Violation of any rule or order of the director or any provision of the Insurance Code.

2 (3) The director may suspend or refuse to renew a license immediately and without hearing if
3 the director determines that one or more of the following circumstances exist:

4 (a) The third party administrator is insolvent;

5 (b) A proceeding for receivership, conservatorship or rehabilitation or other delinquency pro-
6 ceeding regarding the third party administrator has been commenced in any state; or

7 (c) The financial condition or business practices of the third party administrator otherwise pose
8 an imminent threat to the public health, safety or welfare of the residents of this state.

9 (4) A third party administrator holding a license that has not been renewed or has been revoked
10 shall surrender the license to the director at the director's request.

11 (5) The director may take any other administrative action authorized under the Insurance Code
12 in addition to or in lieu of the actions authorized under this section.

13 **SECTION 63.** ORS 750.575 is amended to read:

14 750.575. (1) The Director of the Department of Consumer and Business Services may suspend,
15 revoke, refuse to issue or refuse to renew a certificate of registration for any one or any combina-
16 tion of the following reasons:

17 (a) Fraud or deceit in obtaining or applying for the certificate.

18 (b) Dishonesty, fraud or gross negligence in the transaction of insurance.

19 (c) Conduct resulting in a conviction of a felony under the laws of any state or of the United
20 States, to the extent that such conduct may be considered under ORS 670.280.

21 (d) Conviction of any crime, an essential element of which is dishonesty or fraud, under the laws
22 of any state or of the United States, **except as provided in section 3 of this 2019 Act.**

23 (e) Refusal to renew or cancellation, revocation or suspension of authority to transact insurance
24 or business as a legal expense organization or similar entity in another state.

25 (f) Failure to pay a civil penalty imposed by final order of the director.

26 (2) An organization holding a certificate that has not been renewed or has been revoked shall
27 surrender the certificate to the director at the director's request.

28 (3) The director may suspend or refuse to renew a certificate immediately and without hearing
29 pursuant to ORS 183.430 if the facts giving rise to such action demonstrate the organization to be
30 a serious danger to the public's safety, or untrustworthy to maintain the certificate.

31 (4) Except as provided in subsection (3) of this section, the director may suspend, revoke, refuse
32 to renew or refuse to issue a certificate of registration only after giving an opportunity for a hearing
33 pursuant to ORS chapter 183.

34 **SECTION 64. Section 3, chapter 526, Oregon Laws 2017, is repealed.**

35