

HOUSE AMENDMENTS TO HOUSE BILL 3194

By COMMITTEE ON RULES

June 17

1 On page 1 of the printed bill, line 2, delete “658.705 and”.

2 Delete lines 6 through 28 and delete page 2 and insert:

3 “**SECTION 2. (1) As used in this section, ‘landowner’ means any person that has a sub-**
4 **stantial ownership interest in real property.**

5 “**(2) A landowner who, at the time of the farmworker camp’s operation, knows or should**
6 **have known that the landowner’s property is being used as the site of a farmworker camp**
7 **shall be jointly and severally liable with the person acting as the farmworker camp operator**
8 **to the same extent and in the same manner as provided in ORS 658.805 (3) and (4).**

9 “**(3) There is a rebuttable presumption that a landowner did not know and could not**
10 **reasonably have known of the operation of an unregistered farmworker camp on the**
11 **landowner’s property if the landowner produces a written lease agreement or a copy thereof**
12 **that expressly prohibits the operation of an unregistered farmworker camp on the property**
13 **by the lessee or any other person. The presumption may be rebutted by a preponderance**
14 **of the evidence that the landowner knew or should have known of the operation of the**
15 **farmworker camp.**

16 “**SECTION 3.** ORS 658.805 is amended to read:

17 “658.805. (1) Except to appeal from an act or determination of the Commissioner of the Bureau
18 of Labor and Industries or the Department of Consumer and Business Services, no person operating
19 a farmworker camp, as defined in ORS 658.705, is entitled to demand, receive or accept any fee di-
20 rectly or indirectly or maintain any suit or action in the courts of this state involving the
21 farmworker camp, without alleging and proving that the person was registered or indorsed to oper-
22 ate a farmworker camp.

23 “(2) The commissioner, Director of the Department of Consumer and Business Services or any
24 local governmental agency may bring suit in any court of competent jurisdiction to enjoin any per-
25 son from violating any of the provisions of ORS 658.705 to 658.850, or rules adopted pursuant
26 thereto, and from committing future violations.

27 “(3) Any aggrieved person may bring suit in any court of competent jurisdiction [*to enjoin*]
28 **against** any person violating ORS 658.715 (1) or 658.755 (2)(a) [*from violating*] **who violates** any of
29 the provisions of ORS 658.705 to 658.850, or rules adopted pursuant thereto, **to recover damages**
30 **and to enjoin the person** [*and*] from committing future violations.

31 “(4) In actions brought pursuant to this section, the court may award to the prevailing party
32 costs and disbursements and a reasonable attorney fee. In addition, if damages are found, the amount
33 of damages recoverable from a farmworker camp operator who is subject to suit pursuant to sub-
34 section (3) of this section who violates ORS 658.705 to 658.850 is actual damages or [*\$500*] **\$2,000**,
35 whichever is greater.”.

