

Chapter 598

Diseases of Sheep

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GENERAL PROVISIONS RELATING TO SHEEP DISEASES

598.010 Definition. As used in this chapter the term "department" means the State Department of Agriculture.

598.020 General powers and duties of the department relating to protection of sheep. (1) The department shall exercise general supervision over, and, so far as may be, protect the sheep interests against losses from theft and disease. The department shall devise and recommend from time to time such legislation as in its judgment will foster and promote the sheep industry. It shall also formulate and issue regulations, as provided by ORS chapter 561, governing the control and eradication of disease among sheep within the state not in conflict with the provisions of this chapter.

(2) Whenever it is necessary to examine witnesses, in the performance of its duties, the department has authority to subpoena witnesses, swear and examine them, and to enforce their attendance at the time and place designated in such subpoena. No witness shall testify falsely before the department upon any material matter.

598.030 Inspections, investigations and quarantines of sheep generally. (1) The department, and its deputies under its direction, shall investigate all cases of contagious and infectious disease among sheep within the state which may come to their knowledge. They shall make, or cause to be made, official visits of inspection to any locality where such disease exists, or where they have information or reason to believe such disease exists. They shall inspect, or cause to be inspected, any sheep within the state, and all sheep brought into this state in any manner from any other state, territory or foreign country, and particularly from any locality included or defined in any proclamation issued by the Director of Agriculture with the approval of the Governor as required by ORS chapter 561, establishing a quarantine as provided by ORS 598.030 to 598.050.

(2) The department, and its deputies under its direction, may order a quarantine of any infected premises, and in case such disease becomes prevalent in any locality within the state, the Director of Agriculture may issue, in accordance with the provisions governing quarantines in ORS chapter 561, a proclamation forbidding any sheep being

transferred from such locality without a certificate from the department or one of its deputies showing such animals to be in good health. The expenses of herding, feeding and caring for all sheep quarantined under such provisions shall be paid by the owner.

(3) The authorized officers, employees and deputies of the department have the power to administer oaths and to examine witnesses so far as necessary in the proper performance of their duties. No person shall, contrary to such oath, state as true any material thing which he knows to be false.

598.040 Inspection of sheep; costs. (1) Authorized officers, employees and deputies of the department and the officials of the United States Bureau of Animal Industry have authority to inspect, quarantine and treat sheep affected with contagious or infectious disease, or suspected of being so affected or that have been exposed to any such disease. Such officials may be called upon in writing at any time by one or more sheep growers owning sheep and paying taxes within the state to inspect any band of sheep in his vicinity. Upon receipt of such request such official shall proceed immediately to inspect the sheep mentioned.

(2) If he finds them free from scab or other infectious or contagious disease, the expenses of the inspection shall be paid by the party making the request, and if not paid within 10 days may be recovered in civil action instituted in the name of the State of Oregon. If he finds, upon inspection, that any of such sheep are infected by scab or any other infectious or contagious disease, or have been exposed in any manner to such disease, the expense of the inspection shall be paid by the owner of such sheep, and the inspector shall take the steps in relation to such sheep provided by ORS 598.050.

598.050 Quarantine and dipping of infected sheep. (1) Whenever upon inspection as provided by ORS 598.040, any sheep, band or flock of sheep, or any portion of them, kept or herded in any county of the state, is found infected with scab or any other contagious or infectious disease, the entire band or flock in which such infected sheep are running or ranging shall be considered infected and treated as such. The officer, employee or inspector of the department, or the federal inspector, shall immediately quarantine the entire band or flock and forthwith notify the owner or person in charge of such

sheep, in writing, to dip them twice for the disease within the period of 30 days from such notice. The first dipping shall not exceed 15 days from the receipt of the notice and the second dipping shall be within the period of from 8 to 14 days from the first dipping. He shall also notify the owner or person in charge that during such period such person shall keep such sheep free from contact with other sheep, by such means as the inspector specifies, until after the second dipping. However, in case the owner or person in control of any sheep regards it unsafe to dip them on account of their condition, especially ewes heavy with lamb, or by reason of the inclemency of the weather, the official in charge may authorize such owner or person in control to place such sheep in a corral, field, feed yard or appropriate range, where they shall be kept under quarantine regulations and free from contact with other sheep until such time as they are in condition to dip.

(2) The owner shall be responsible for any and all damages which may be sustained by reason of such sheep coming in contact with sound sheep.

(3) No person allowed to keep sheep in such corral, field, feed yard or range, shall wilfully or knowingly take or permit to be taken any such sheep therefrom, except as directed or permitted by the inspector in charge.

598.060 Annual dipping. (1) All sheep shall be dipped at least once during each year with some standard dip approved as a remedy for scab, or scabies, as a preventive of such disease, by the United States Department of Agriculture. Such shall be done whether they, at the time, are diseased or not. Diseased sheep shall be dipped as often as required by the department, its deputies or the officials of the United States Bureau of Animal Industry. All dipping required by ORS 598.050 to 598.080 shall be under the direction of the department or its deputies, or some official of the United States Bureau of Animal Industry.

(2) The annual dipping required by this section shall be between the dates of April 1 and August 1.

(3) After dipping, and when the official in charge is satisfied that the sheep are in sound and healthy condition, the owner is entitled to receive a certificate to that effect signed by such official. The certificate shall be in such form as the department adopts

and shall permit such sheep to pass in and through all counties in this state so long as they remain free from disease.

598.070 Exemptions from annual dipping. (1) Whenever the department regards the sheep of this state as free from infectious and contagious diseases it may declare that the annual dipping provided by ORS 598.060 is not required. Such declaration shall be by proclamation on or before April 1 in any year.

(2) If in the judgment of the department and the officials of the United States Bureau of Animal Industry it is found that the sheep of a certain portion of the state are free from scabies, and have not been exposed to the contagion thereof, and are so situated that they do not come in contact with sheep from other portions of this state, they may exempt the sheep of such sections from the annual dippings required by ORS 598.060.

598.080 Dipping of animals whose owners refuse to comply with statute. If any owner or person in charge of any sheep neglects or refuses to dip them, or refuses to let them be dipped, as required by ORS 598.050 to 598.070, upon the request of the department, or any of its authorized officers, employes or deputies, or any federal official authorized by such sections, such official shall seize such animals and dip them. When, in the opinion of such official, they are restored to health and free from possible infection, he shall notify in writing the owner or person in charge of the sheep of the amount of the costs, charges and expenses incurred by him and they shall be paid within 10 days of the receipt of the notice, and collected as provided by ORS 598.120 for the collection of like charges.

598.090 Disposal of diseased sheep or meat. No person shall:

(1) Sell, exchange, give away or in any manner part with to another, any sheep infected with a contagious or infectious disease, or any animal which has, or which the owner or his agent or employes or the party in possession thereof has reason to believe has, within 30 days preceding such transfer, been exposed to any infectious or contagious disease, without first notifying the proper purchaser of such sheep that it is so infected, or that it has been so exposed.

(2) Sell, exchange, give away or in any manner dispose of, except to destroy, any of the meat of animals suffering from an infectious or contagious disease.

598.100 Duty of owners to report disease among sheep. Any person, owning or controlling any sheep which have become infected with scab or any other infectious or contagious disease, or which have been exposed in any manner to such disease, shall report it immediately to the department by registered letter, telegraph, telephone or in person, within 15 days after the condition has come to his knowledge. No person shall fail to so report, or attempt to conceal the existence of such disease, or wilfully or maliciously obstruct or hinder the department or its deputies in the discharge of their duties.

598.110 Mingling infected with healthy sheep. Whenever any sheep suffering from scab or any infectious or contagious disease mingles with healthy animals belonging to another, through the fault or negligence of the owner of the diseased sheep, his agent or employes, such owner is liable in an action at law for all damages sustained by the owner of such healthy sheep.

598.120 Expenses of inspecting and treatment of sheep; lien and its enforcement.

(1) The expenses of inspecting, feeding, holding, dipping, treating and taking care of all sheep inspected, quarantined, dipped or otherwise treated under the provisions of this chapter, including fees and expenses of any deputy sheep inspector arising in connection with such activities, must be paid by the owner of such sheep. However, when the inspection is made for intended interstate movement the expense of such inspection shall be paid by the purchaser or person to whom the certificate of inspection is delivered or to whom the sheep are shipped.

(2) Such charge shall be a lien upon the sheep for such charges and expenses. Such lien shall be prior to all other liens, demands or other claims against such sheep. The department or its deputies may retain possession of such sheep until such charges and expenses have been paid. Such lien shall be enforced at any time after 10 days from the date the charge is incurred, does not depend upon possession of the sheep and may be foreclosed in the name of the department in the manner provided for the foreclosure of other liens upon personal property. In lieu of foreclosing such lien the department may bring an action in its name in any court of competent jurisdiction to recover the amount of such charges and expenses. However, when work is done by the department

through its regularly employed officers or employes it shall charge no fees.

598.130 Disposition of fines; duties of district attorneys. All fines and penalties imposed under this chapter shall be collected in behalf of and in the name of the state, and shall become a part of the General Fund thereof. District attorneys shall foreclose liens provided for by ORS 598.120 and 598.230 when necessary, and act in either civil or criminal matters under this chapter when requested by the department, its officers, employes or deputies.

598.140 Civil liability; liens. Any person violating any provisions of this chapter or who fails to comply with or who disregards any order or direction made by any authorized officer, employe or deputy of the department or deputy sheep inspector under the provisions of this chapter, is liable in a civil action for all damages sustained by any other person in consequence of such violation. Such damage shall be a lien on the sheep, which may be sold to satisfy such lien, as provided by law.

598.150 to 598.200 [Reserved for expansion]

RESTRICTIONS ON MOVEMENT OF SHEEP

598.210 Prohibiting importations from infested localities. (1) Whenever the Director of Agriculture has reason to believe that scab or other contagious or infectious diseases of sheep has become prevalent in any locality of any other state or territory, or that conditions exist that render sheep from such localities likely to convey disease, he shall, with the written and signed approval of the Governor, as required by ORS chapter 561, immediately by proclamation issued in the manner provided by such chapter in the case of quarantines, designate and declare such locality as presumably infected. He shall prohibit importation from it of any sheep into this state, except under such restrictions as the department deems proper.

(2) No person, after publication of such proclamation, who has or receives in charge any sheep from any of the prohibited districts, shall transport, convey or drive them to and within the limits of this state.

(3) Such offending person, is liable for all damages that may be sustained by any person by reason of the importation or

transportation of such sheep from prohibited districts.

(4) However, nothing in this section prohibits the transportation of animals from such prohibited district through the state by railroad trains or steamboat lines under such restrictions and regulations as prescribed by law of this state or by the United States Government.

598.220 Procedure for obtaining permit to move infected sheep. (1) Any person within this state who desires to move his sheep, which are infected by scab or other infectious or contagious disease, from place to place within the state, shall first obtain from the department or one of its deputies a traveling permit.

(2) Upon receipt of an application for such permit the department shall have one of its deputies examine the sheep. Such permit shall only be granted for the purpose of removing the sheep to the nearest suitable point where there are available dipping works or where such works can be constructed. At such place the sheep shall be dipped under the direction of such official.

(3) In such removal only that route shall be used which the department designates in its permit. Before moving such sheep the owner or person in charge shall first notify all parties herding sheep along or over the route that the infected sheep must travel, of the fact that they are to pass and the time at which they will pass over the route. Such route shall be considered as quarantined.

(4) Any person, injured or damaged by reason of the moving of such sheep is entitled to recover from the owners thereof in civil action the amount of such damages. However, no party is entitled to recover damages who voluntarily herds or causes to be herded any sheep on such quarantine ground. Any sheep voluntarily herded on such ground, shall be considered as infected without inspection and shall be treated as in the chapter provided for infected sheep within this state.

598.230 Regulation of sheep brought into or being shipped through the state. (1) Any person, their agents or employees, who drive or herd, or cause to be driven or herded, or bring or cause to be brought, by road or trail, into the state from any other state, any sheep, shall, immediately upon crossing the state line, and before proceeding into the state a distance greater than one mile, make application to the department or its nearest

deputy, for the inspection of such sheep. The application shall be delivered in person, by telegraph, telephone or registered letter. The application must state:

- (a) The time and place the sheep crossed the state line;
- (b) The locality from which they came;
- (c) The name and residence of the owner thereof and of the person in control of them;
- (d) The number; and
- (e) The brands and character of the animals.

The department, by one of its deputies, or its deputy receiving such application, shall proceed at once to inspect the sheep. If, upon inspection, the inspector deems it necessary to prevent or avoid infection, he shall cause such sheep to be dipped not to exceed three times before they are released from quarantine.

(2) Any person, their agents or employees, who ship into the state, by railroad or steamboat lines from any other state, any sheep, shall, immediately upon unloading them at any point within this state, notify personally, by telephone, telegraph or registered letter, the department. Thereupon, the department shall cause one of its deputies to proceed to inspect such animals and if upon inspection he deems it necessary to prevent or avoid infection, he shall cause them to be quarantined, not more than one mile from the point where they are unloaded, for such period, not to exceed 60 days, as may be necessary. If he deems it necessary he shall cause such sheep to be dipped not to exceed three times before they are released from such quarantine. However, this section does not apply to sheep that are for immediate slaughter, or en route through the state on the railroad trains or boat lines to other states, and any sheep held in quarantine under this section may be released at any time for the purpose of immediate slaughter.

(3) Fines imposed under this section shall be a lien upon the sheep and may be foreclosed as personal property liens are foreclosed, or may be enforced as a judgment against the offending party.

598.240 Regulations concerning bringing or driving infected sheep into the state.

(1) No person, shall drive or cause to be driven, bring or cause to be brought, ship or cause to be shipped into this state from any other state, any sheep infected with scab or any other infectious or contagious disease,

knowing their condition. If the offending party is a corporation its officers shall be liable in the same manner as individuals would be liable.

(2) No transportation company shall convey from point to point within this state any sheep infected with scab or other contagious or infectious disease, knowing their condition.

(3) All corrals, yards, pens, sheds, chutes, cars or boats of transportation companies that have been occupied by infected sheep, shall, immediately thereafter and within 48 hours, be disinfected by such company. Such disinfection shall be done in accordance with the rule of the United States Bureau of Animal Industry relating to the disinfection of such places, boats, and cars. The department, its authorized officers, employees and deputies, and the officials of the United States Bureau of Animal Industry each have authority to enforce the provisions of this section. When such company neglects for a period of 48 hours to disinfect, such officials may take possession of its corrals, yards, pens, sheds, chutes, cars or boats, and proceed to disinfect them at the expense of the company. Such expense shall be collected by an action in the name of the department in any court of competent jurisdiction.

598.250 Removal of animals from quarantine areas. (1) In all cases where quarantine of sheep is authorized by ORS 598.050 to 598.080 the department and its deputies and the officials of the United States Bureau of Animal Industry may designate and specify the place, limits and boundaries of any quarantine area or territory, and they hereby are given authority over such area until the purpose of such quarantine is effected.

(2) No person owning or having in his possession sheep within such quarantine area shall allow any of such sheep to go beyond the limits of such area, without permit from the official in charge. Such officials possess full authority to control sheep and territory in quarantine, and to take and hold possession thereof as provided by this chapter, and for all the purposes thereof.

598.260 to 598.300 [Reserved for expansion]

SCABIES INFECTED PREMISES AND SHEEP AS NUISANCES; ABATEMENT

598.310 Scabies infected places declared nuisances. Any range, pasture, building or corral, used for pasturing, grazing or harboring sheep, which for three successive years has been infected with sheep scabies, and infected sheep, pastured, grazed or harbored therein, are declared to be public nuisances.

598.320 Suit to abate infected places as nuisances. Upon direction of the department, the district attorney for the county in which such alleged nuisance, as provided by ORS 598.310, is located, shall immediately bring suit in the circuit court, or in the county court of such county, for the abatement of such nuisance, naming the department as plaintiff.

598.330 Court orders relating to infected areas; expenses of treatment. (1) If it appears from the evidence submitted that for three successive years, prior to and including the year in which such suit is brought, such range, pasture, building, corral or premises have in fact been infected with sheep scabies, the court shall issue an order directed to the owner, lessee, licensee or party in charge of such place to discontinue the use of it for the period of one year. The court shall also issue a warrant directed to the department requiring it to immediately seize, dip and otherwise treat all animals which at the time such suit is brought are being pastured, grazed or harbored within or upon such range, pasture, building or corral, until such disease is eradicated.

(2) The expense of such treatment shall be levied by the sheriff on the property of the owner of such sheep, and, in this respect, the warrant is to be deemed an execution against the property.

598.340 Infected sheep as nuisances. All sheep that are not herded, pastured or restrained from running at large and are affected with scabies are declared to be public nuisances.

598.350 Suit to abate sheep as nuisances. Upon direction of the department, the district attorney for the county in which sheep mentioned in ORS 598.340 are found shall immediately bring suit as provided by ORS 598.320 for the abatement of such nuisance. The seizure of any such sheep, under

warrant, is sufficient notice to the owner of the proceedings for the abatement of the alleged nuisance.

598.360 Court orders relating to sheep as nuisances; expenses. (1) If it appears from the evidence submitted that such sheep are infected with scabies, the court shall issue a warrant directed to the department requiring it to immediately seize, dip or otherwise treat, or, if necessary, destroy such animals to effect the eradication of such disease.

(2) The expense of the treatment shall be levied by the sheriff on the property of the owner, or, if the owner can not be found, then on such sheep. In this respect, the warrant is to be deemed an execution against property. If the sheriff is unable to make a sufficient amount from the sale of such sheep to cover all the expense, such expense as remains unpaid shall be a county charge and shall be allowed by the county court from the general fund of the county.

598.370 Stay of execution of abatement. At any time after proceedings are instituted under ORS 598.310 to 598.370, the owner of such sheep, on motion of the court or judge thereof, may have an order to stay the execution of the warrant. The stay shall be for such period as in the opinion of the court seems reasonable. Such order shall be to allow him to abate the nuisance himself, upon his giving an undertaking to plaintiff in a sufficient amount, with one or more sureties, to the satisfaction of the court or judge thereof, that he will abate such nuisance within the time and in the manner specified in the order.

598.380 to 598.400 [Reserved for expansion]

DEPUTY INSPECTORS; USE OF FEDERAL INSPECTORS

598.410 Appointment, qualifications and supervision of deputy inspectors. The Director of Agriculture shall appoint in each county, where the sheep industry obtains, one or more deputy inspectors, one of whom shall be a resident of the county from which he is appointed. Such deputies shall be subject to removal at any time by the Director of Agriculture. They shall be practical sheep men, who, before entering upon the performance of their duties, shall take the oath of office required of county officials, and give bond to the state in the penal sum of \$1,000,

conditioned for the faithful performance of their duties. Such bond shall be approved by the Attorney General and placed on file in the office of the Secretary of State. The department has general supervision over all its deputies, and shall counsel and advise with them and assist in adjusting any differences which may arise in the enforcement of the provisions of this chapter between such deputies and the owners of sheep.

598.420 Appointment of deputy inspectors upon request; territorial extent of deputies' authority. (1) The Director of Agriculture shall, upon request of any recognized wool-growers' association within the state, or any five sheep owners in any county, or when he deems it to be for the best interest of the sheep industry, appoint a deputy inspector for any county or any locality therein. Such deputy need not be a resident of the county or locality for which he is appointed.

(2) The department may direct a deputy inspector of one county to go to another county and there perform the duties of deputy sheep inspector or to assist the deputy inspector of such county. He shall perform such duties there and during such period as designated in the order received. The authority of any deputies appointed under this chapter extends to all parts of the state alike.

598.430 Compensation, records and reports of deputy inspectors. (1) The deputy sheep inspectors provided for under this chapter are entitled to no salary, but shall receive for all services performed in the examination, inspection, quarantining or dipping of sheep or any duties made incumbent upon them under this chapter, the sum of \$5 per diem for any day or part of a day so utilized by them, and in addition thereto their actual, necessary expenses attending the performance of such duties. Such charges shall be paid by the owner of the sheep as in this chapter provided.

(2) Every deputy inspector appointed under the provisions of this chapter shall keep a book, to be known as the "inspection record," in which he shall enter and record all his official acts and accounts as deputy inspector. Such record shall show:

(a) The names and owners of all animals inspected.

(b) The number thereof.

(c) The reason why such inspection was made.

(d) The names of the persons to whom certificates of health were granted and the date thereof.

(e) The brands upon the sheep.

(f) All orders and directions made by him in each case.

(g) The amount of his per diem and expenses in each case.

(h) Such other matters as the department may require.

(3) Each deputy must, on or before October 15 in each year, and as often as may be required by the department, report to the department in writing, in such detail as may be required, his work and the condition of the sheep industry in his section of the state.

598.440 Furnishing of books, blanks and stationery to deputy inspectors. The county court or the boards of county commissioners of the several counties shall furnish free to the deputy sheep inspectors all the books, blanks and other stationery necessary for them in the performance of their duties.

598.450 Federal and state cooperation in control of sheep diseases. (1) The Governor shall, through the United States Secretary of Agriculture, request the cooperation of the United States Bureau of Animal Industry in controlling and eradicating contagious and infectious diseases in sheep. When such bureau, through its authorized representatives, agents or employees, is thus engaged, they shall possess the same power and authority in this state as inspectors and deputies of the department under this chapter.

(2) All dipping and other treatment required for the control and eradication of such diseases shall be performed in the manner prescribed by the United States Department of Agriculture in its regulations governing the interstate shipments of sheep. The dips, remedies and appliances used shall be those approved by such United States department.

(3) However, the department, by regulation, may further require that only certain of the United States Department of Agriculture approved dips be used for the treatment

of sheep infected with sheep scab or exposed thereto, during certain periods of the year, before or after shearing and in certain alkali soil and nonalkali soil districts.

598.460 Care required of officers. (1) All officers appointed under this chapter shall use every precaution to protect the sheep under their care from injury. They shall select only seasonable times and proper places for quarantine and dipping. They shall so enforce quarantine regulations as to make the expenses as light as possible upon the owner, consistent with public interest.

(2) No officer, by virtue of power conferred upon him under this chapter, shall wilfully oppress, wrong, or injure any person.

598.470 Actions on inspector's bond. The official bonds provided for in ORS 598.410 shall be given to the state, but may be sued upon by any person injured because of the negligent or unfaithful performance of duty upon the part of the official giving such bond. However, no action shall be instituted after 12 months have elapsed from the date the cause of action accrued.

598.480 to 598.500 [Reserved for expansion]

598.510 [Renumbered 597.760]

598.520 [Renumbered 597.770]

598.530 to 598.980 [Reserved for expansion]

PENALTIES

598.990 Penalties. (1) Violation of subsection (2) of ORS 598.020 or subsection (3) of ORS 598.030 is perjury and punishable, upon conviction, as provided in ORS 162.120.

(2) Violation of subsection (3) of ORS 598.050, subsection (2) of ORS 598.210 or ORS 598.240 is punishable, upon conviction, by a fine of not less than \$250 nor exceeding \$1,000.

(3) Violation of ORS 598.090, 598.100, 598.220, 598.230, 598.250 or 598.460 is punishable, upon conviction, by a fine of not less than \$100 nor exceeding \$500.

