Chapter 698

1965 REPLACEMENT PART

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PEDDLERS

698.010 Definitions for ORS 698.010 to 698.090. As used in ORS 698.010 to 698.090, unless the context requires otherwise:

(1) "Peddle" means and includes any sale or offering for sale or exposing for sale of any goods, wares or merchandise by a peddler in the pursuit of his occupation as a peddler.

(2) "Peddler" means and includes:

(a) Every person who, for himself or as agent of another, goes from place to place or from house to house, carrying for sale and offering or exposing for sale any goods, wares or merchandise.

(b) Every person who, for himself or as agent of another, goes from place to place or from house to house, selling or offering to sell for future delivery, by sample or catalog, at retail, to individual purchasers who are not dealers in the articles sold, any goods, wares or merchandise.

698.020 Peddling without license prohibited. No peddler shall peddle any goods, wares or merchandise in any county of this state without first obtaining a license to do so as provided in ORS 698.010 to 698.090.

698.030 Limitations on application of ORS 698.010 to 698.090. (1) ORS 698.010 to 698.090 do not apply to nor include any peddling or selling of any agricultural or farm products or nursery products by the producer thereof or his employe.

(2) ORS 698.010 to 698.090 do not apply to any incorporated city or town which, by its charter, is vested with power or authority to license peddlers or hawkers or itinerant vendors, except that no city or town shall require any license or impose any fee or charge for the peddling or selling of any agricultural or farm products produced from the soil of the State of Oregon by the producer thereof, or his employe, nor for the selling of nursery products.

698.040 Application for peddler's license; filing statement of goods to be sold; making deposit with county treasurer. (1) Every peddler, except itinerant vendors licensed under ORS 689.350, whether principal or agent, shall, before commencing business in any county of the state, make application in writing and under oath to the county treasurer for the county in which he proposes to make sales, for a county license. The application must state the names and residences of the owners or parties in whose interest the business is conducted, and shall state the number of horses and vehicles to be used by him. At the same time he shall file a true statement under oath of the quantity and value of such stock of goods, wares and merchandise as are in the county for sale or are to be kept or exposed for sale in that county.

(2) He shall also at the time make a special deposit of money with the county treasurer equal to the amount of license fee which he shall pay to the county treasurer, which license fee for a peddler on foot is $25 and for a peddler with a conveyance is $100.

698.050 Issuance of license. Upon compliance with the requirements of ORS 698.040 by the applicant, the county treasurer shall issue to the applicant a peddler's license, authorizing him to do business in that county for the term of one year from the date thereof. Every license shall contain a copy of the application therefor. No license is transferable, and no license authorizes more than one person to peddle thereunder or authorizes any person to peddle thereunder as agent or servant of the licensee or authorizes any other person than the licensee himself to peddle thereunder.

698.060 Charges to which deposit is subject. Each deposit made with the county treasurer under ORS 698.040 is subject to all taxes legally chargeable to it and to attachment and execution on behalf of the creditors of the licensee whose claims arise in connection with the business done under his county license. The treasurer may be held to answer as garnishee in any civil action brought against any licensee, and shall pay over, under order of the court or upon execution, such amount of money as the licensee may be chargeable with upon the final determination of the case. The deposit is also subject to the payment of any and all fines and penalties incurred by the licensee through violations of any provisions of ORS 698.010 to 698.090, which shall be a lien upon the deposit, and shall be collected in the manner provided by law.

698.070 Treasurer to keep applications on file. The county treasurer of each county shall keep on file all applications for licenses issued thereon. All files and records of the county treasurer shall be in convenient form and open to public inspection.

698.080 Cancellation of expired licenses; disposition of deposits. Upon the expiration and return of each county license, the county treasurer shall cancel it, indorse thereon the cancellation and place it on file. He shall then hold the special deposit of the licensee for a period of 90 days from the date of the cancellation, and after satisfying any and all claims made upon the deposit under ORS 698.060, he shall return the deposit or such portion of it, if any, as may remain in his hands, to the licensee.

698.090 Jurisdiction of courts. Justice courts have concurrent jurisdiction with the circuit courts of prosecutions for violations of ORS 698.010 to 698.090.

698.100 to 698.200 [Reserved for expansion]

JEWELRY AUCTIONS; JEWELRY AUCTIONEERS

698.210 Definitions for ORS 698.210 to 698.330. As used in ORS 698.210 to 698.330:

(1) "Jewelry" includes gold, silver, plated ware, precious or semiprecious stones, mounted or unmounted, watches, clocks and goods, wares and merchandise commonly classified as jewelry and commonly offered for sale in jewelry stores.

(2) "Sale" means offer and sale of jewelry at auction.

698.220 Jewelry sales without license prohibited. (1) All sales are prohibited unless a license is obtained to allow such sale as provided for in ORS 698.210 to 698.330.

(2) No sale shall be licensed or held for a period of more than 30 consecutive days, legal holidays excepted, and no sale shall be licensed or held from December 1 to December 25, inclusive, of any year. Nor shall any sale be held or be open for business between 6 p.m. and 8 a.m.

(3) No sale shall be licensed or permitted unless it is held at the applicant's regularly established place of business, or at the place wherein his regular business has been operated for a period of at least one year prior to the application.

(4) Wherever any licensed sale is conducted the person to whom the license has been granted shall be in attendance at all times while the sale is being conducted. He shall be responsible for any violation of ORS 698.210 to 698.330.

698.230 Limitations on application of ORS 698.210 to 698.330. ORS 698.210 to 698.330 do not apply to any sale of secondhand jewelry or sale under or by virtue of any rule, order or judgment of any court, in relation to judicial sales conducted by court direction or court order only in a pending action before that court, or of any law respecting the collection of any tax or duty, either of this state, its political subdivisions, or the United States. Nor do ORS 698.210 to 698.330 apply to any sale of property belonging to this state or the United States, or to any sale by any trustee in bankruptcy, or any sale made by any executor, administrator or guardian authorized by an Oregon court to conduct such sale, personally, or by a court or county officer personally or by an officer of this state or of the United States in person.

698.240 Certain persons may not obtain license. No license for any sale shall be granted to any person, firm or corporation or to any agent, affiliate or assignee thereof, or to any person acting for any such person, firm or corporation, within the period of two years after the termination of a sale by that person, firm or corporation, licensed under ORS 698.210 to 698.330. No person who has been convicted of violating ORS 698.210 to 698.330 shall be granted a license or act as an auctioneer, or be employed in any manner at or in connection with any sale licensed under ORS 698.210 to 698.330 for a period of six years after such conviction.

698.250 Sales within two-year period. No license shall be granted for a sale if it appears that the applicant or any agent or affiliate or assignee or other person acting for him has, within the period of two years prior to the application, conducted a similar sale under ORS 698.210 to 698.330 either in the same place of business or at any other place.

698.260 Certain facts to be disclosed to bidders. At all sales the applicant and all persons participating in conducting it must truly represent at all times to the public the actual facts relating to the quality and manufacture and, if requested by a bidder or prospective bidder, the cost to the applicant of each article put up for sale.

698.270 False bidding prohibited. No person shall act at any sale as bidder, or what is commonly known as a "capper,"

"booster," or "shill," or offer to make any false bid to buy or pretend to buy any article sold or offered for sale.

698.280 Additions to listed stock prohibited. During the sale no additions shall be made to the stock of merchandise set forth in the inventory attached to the application for license. Nothing shall be offered for sale or sold at the sale which is in addition to the stock of merchandise described in the inventory, or which has been added to the applicant's stock within a period of 60 days prior to the date of the application for license.

698.290 Applications for licenses. All license applications for sales shall be made to and filed in the office of the Secretary of State and shall set forth the following:

(1) The name, residence, address and business address of the applicant.

(2) The type of business the applicant has been engaged in during the two years prior to the application.

(3) Whether the proposed sale is to be held at the applicant's existing regularly established place of business and wherein his regular business has been operated for at least one year prior to the application.

(4) The name, address and occupational history for the preceding two years of each person who will participate in conducting the sale.

(5) Whether the applicant will be present at the proposed sale.

(6) Whether any additions to the stock of merchandise proposed to be sold have been made within 60 days prior to the date of the application, and if so, the applicant shall furnish a separate inventory thereof containing all details as required in the regular inventory.

(7) Whether, after filing the application and until the end of the sale, the applicant will make or permit additions to be made to the stock of merchandise described in the required inventory.

(8) Whether he has conducted or held any sales within a period of five years prior to the application, and if so, a brief description as to the character of those sales and a statement of the time and place held.

(9) Whether the applicant has owned or conducted within one year prior to the application any other store or place of business than the one mentioned as his regular place of business in the application, and, if so, where it was located and its character.

(10) The purpose for which the sale is to be held.

(11) He shall state whether he, and those participating in the conducting of the proposed sale will truly represent at all times to all persons attending, the actual facts regarding the quality and manufacture and, if required by the bidder or prospective bidder, the cost to him of each article put up for sale.

(12) Whether he has attached to the application a correct detailed inventory of the stock of jewelry proposed to be sold at the sale. Whether he has given each separate article in the inventory a number, and whether he has set forth opposite that item the actual cost price of it to him, and whether he agrees, in case a license is granted, to attach to each article a card or ticket with the number of the article indorsed thereon corresponding to the inventory number.

(13) Whether the applicant or any person he proposes to use as auctioneer or other employe at the proposed sale has been convicted of any violation of ORS 698.210 to 698.330 within six years prior to the application.

698.300 Inventory to accompany application; merchandise to be tagged. The applicant shall attach to his application a detailed inventory listing each article proposed to be sold, together with an inventory number. He shall also set forth opposite the description of each article the actual cost price to him. The applicant shall thereupon verify the application by his personal oath or affirmation. If the license is granted, he must, before the beginning of the sale attach to each article a card or ticket with the number of the article indorsed thereon, so that the number of each article described, and set opposite the description of the representative article, corresponds to the card or ticket number. No person shall, at any licensed sale, sell or offer for sale any jewelry which has been falsely described or concerning which any untruthful statement has been made as to its character, quality, kind or description or cost.

698.310 License fee; surety bond; issuance of license. Upon compliance with the requirements of ORS 698.210 to 698.330, the payment of a license fee of $1,000, the furnishing of an undertaking issued by a surety

company authorized to do business in this state and satisfactory to the Secretary of State, and if the Secretary of State has no reasonable ground to deny the application, a license shall be granted to the applicant. The undertaking shall assure that the sale will be conducted in compliance with the requirements of ORS 698.210 to 698.330 and shall be equal to one-half of the cost value to the applicant of the jewelry inventoried for sale.

698.320 Suspension and restoration of licenses; appeals. The Secretary of State may suspend and restore licenses in the manner that he deems reasonable or necessary to assure compliance with the provisions of ORS 698.210 to 698.330. An appeal from any decision of the Secretary of State may be made to the circuit court of the county wherein the sale is held or proposed to be held by the applicant or any person alleging and showing himself to have been aggrieved by such decision.

698.330 Application of municipal ordinances. The license to hold a sale as required by ORS 698.210 to 698.330 shall not be in place of, but shall be in addition to, any such license required by the ordinances of any municipality in which such sale is to be held.

698.340 to 698.400 [Reserved for expansion]

SECONDHAND DEALERS AND JUNK DEALERS

698.410 Definition for ORS 698.410 to 698.460. As used in ORS 698.410 to 698.460, "court or board" means the county court or board of county commissioners of the county in which the business of secondhand dealer, junk dealer or auction market operator is, or is proposed to be, located.
[1955 c.659 §1]

698.420 License required to conduct business as secondhand dealer or junk dealer; exemptions. (1) Except as provided in subsection (2) of this section, every person who is in business as a secondhand dealer or junk dealer shall obtain from the court or board an annual license to conduct such business.

(2) ORS 698.410 to 698.460 do not apply:

(a) To single auction sales on premises where the goods have been stored or held by the owner of the goods.

(b) Within the limits of cities in which there is in effect an ordinance containing provisions substantially similar to the provisions of ORS 698.410 to 698.460.

(c) To the business of selling at auction livestock, poultry, jewelry, motor vehicles or agricultural products.

(d) To sales conducted by sheriffs, constables or other public officers according to law.
[1955 c.659 §2; 1965 c.340 §1]

698.430 Application for license; fee. Every person who on May 24, 1955, is conducting a business required to be licensed under ORS 698.420 shall apply to the court or board in writing for a license not later than July 1, 1955. The license is renewable annually on July 1 and is not transferable. The fee for the license is $10 a year, payable to the county treasurer. An application for a license shall set forth:

(1) The name of the applicant.

(2) If the applicant is a partnership or firm, the names and addresses of all persons comprising such partnership or firm. If the firm intends to conduct the business under an assumed name, the assumed name also shall be stated.

(3) If the applicant is a corporation, the name and address of each officer.

(4) The address of the place where the licensee will conduct his business and a statement of the kind of business which the applicant intends to conduct.
[1955 c.659 §3]

698.440 Record book of transactions. (1) Every licensee shall keep at his place of business a record book in which shall be entered a dated daily true account of transactions at such place of business showing:

(a) The signature and address of each person from whom he receives, by purchase or otherwise, personal property for disposal in or through such place of business.

(b) The number of articles.

(c) The number of pounds of any material which customarily is sold by weight.

(d) A reasonable identifying description of the articles or material.

(2) The record book shall, during all business hours and at such other times as reasonably may be required by law enforcement officers, be open to inspection by any law enforcement officer. The record concerning articles or material shall be kept

for at least one year after the date of receipt of such articles or material at the places of business. When any licensee discontinues his business, such records or duly authenticated copies thereof shall be delivered to the court or board or disposed of as directed by it.
[1955 c.659 §§4, 5]

698.450 Revocation or suspension of license. (1) When any licensee fails to comply with any provision of ORS 698.410 to 698.460, the court or board may by order revoke or suspend any license granted by it. Before taking any such action, the court or board shall set a time for the licensee to appear before it to be heard, either in person or by attorney, in opposition to such action. The court or board shall give the licensee at least 10 days' notice by registered mail addressed to the licensee at his last address as shown by the license records of the time of the hearing, of the action intended to be taken and the reason for such action. Within 30 days after such hearing, the court or board shall make and enter in its journal an order setting forth its findings, determination and action, notice of which shall be given the licensee by mailing a copy thereof by registered mail to the licensee at his last address as shown by the license records. The licensee shall have the right to appeal from such order to the circuit court in the method and manner prescribed for taking appeal from justice courts.

(2) In the event a licensee is convicted for any violation of ORS 698.410 to 698.460, such conviction shall be sufficient ground for summary suspension or revocation of his license without notice and hearing by order made and entered as provided in subsection (1) of this section. The court or board shall give notice of such action to the licensee in the manner provided in subsection (1) of this section.
[1955 c.659 §6]

698.460 Jurisdiction of courts. Justice courts and district courts have concurrent jurisdiction with the circuit courts of violations of ORS 698.410 to 698.460.
[1955 c.659 §7]

698.470 to 698.500 [Reserved for expansion]

AUCTIONEERS AND AUCTION MARKET OPERATORS

698.510 Definitions for ORS 698.510 to 698.770. As used in ORS 698.510 to 698.770, unless the context requires otherwise:

(1) "Auction" or "auction sale" means the sale or offer to sell of property by public outcry or to the highest bidders.

(2) "Auctioneer" means any person who sells or offers to sell property at auction, either for himself or for another person.

(3) "Auction mart" means any fixed or established place designed, intended or used for the conduct of auction sales.

(4) "Board" means the State Board of Auctioneers created by ORS 698.710.
[1957 c.722 §1; 1959 c.308 §1]

698.520 License required to operate auction mart or act as auctioneer or trainee. (1) No person shall operate an auction mart in this state unless he is licensed and bonded under ORS 698.510 to 698.770 to operate an auction mart and otherwise complies with the provisions of ORS 698.510 to 698.770.

(2) No person shall act as an auctioneer in this state unless he is licensed and bonded under ORS 698.510 to 698.770 as an auctioneer and otherwise complies with the provisions of ORS 698.510 to 698.770 except auctioneers who are, on July 1, 1957, 65 years of age or older and who have been practicing auctioneers of the State of Oregon for five years preceding July 1, 1957, or trainees licensed under subsection (1) of ORS 698.630.

(3) The license requirements under ORS 698.510 to 698.770 shall be in addition to, and not in lieu of, any license requirements of counties or cities.
[1957 c.722 §3; 1959 c.308 §2; 1965 c.313 §5]

698.530 Persons and practices not affected. ORS 698.510 to 698.770 do not apply to:

(1) Persons selling property owned by them where such sales are not in the regular course of the business of such persons.

(2) The selling of the property of decedents' estates by the executors or administrators of such estates.

(3) Public officials selling property in the performance of their official functions.

(4) Persons selling property by order of any court.

(5) Persons selling property for civic, community, charitable or benevolent purposes.

(6) Persons licensed under the provisions of ORS 698.210 to 698.330.

(7) Auction sales by common carriers pursuant to federal or state laws or other public authority.

(8) Auction sales conducted by or under the auspices of national, state or county livestock breeder or producer associations.

(9) Auction sales conducted by or under the auspices of the Future Farmers of America, 4-H Club or a county or district fair.

(10) Auction sales of livestock by a person licensed under the provisions of ORS 599.205 to 599.375.
[1957 c.722 §2]

698.540 Application for and issuance of license. (1) Each applicant for a license to operate an auction mart or to act as an auctioneer shall make application for such license to the board upon forms furnished by the board. The application shall contain all information which the board determines to be necessary or advisable, and shall show with particularity that the applicant is a person of good moral character, is a citizen of the United States or has declared his intention to become a citizen and that the applicant is 21 years of age or older.

(2) A license shall be issued if the board finds that:

(a) The application is in proper form and the applicant meets the requirements of subsection (1) of this section;

(b) The applicant has paid to the board the license fee provided for in ORS 698.550;

(c) The applicant has filed with the board a bond as provided in ORS 698.590; and

(d) All the requirements of ORS 698.510 to 698.770 and of the rules and regulations of the board under ORS 698.510 to 698.770 have been complied with by the applicant.
[1957 c.722 §4; 1959 c.308 §3; 1965 c.313 §6]

698.550 License fees; expiration of licenses; transferability. (1) Every person required by ORS 698.520 or subsection (1) of 698.630 to obtain a license shall pay to the board an annual license fee as follows:

(a) Auctioneers, $50.

(b) Auction marts, $25.

(c) Trainees, $15.

(2) All licenses shall cover the period beginning July 1 and ending the following June 30. The licenses shall be nontransferable. However, the holder of an auction mart license may change the location of his business upon the approval of the board.
[1957 c.722 §5; 1959 c.308 §4; 1965 c.313 §7]

698.560 Grounds for suspension or revocation of licenses. Any license issued under the provisions of ORS 698.510 to 698.770 may be suspended or revoked by the board if the licensee:

(1) Has made any false or misleading statement regarding a material matter in his application for a license.

(2) Has violated any provision of ORS 698.510 to 698.770 or any rule or regulation of the board under ORS 698.510 to 698.770 governing the conduct of auction sales or auction marts.

(3) Has committed any act with the intent and purpose of defrauding any person for whom property was sold or offered for sale at an auction.

(4) Is convicted of a felony.
[1957 c.722 §6]

698.570 Procedure for suspension or revocation of licenses. (1) Before taking any action with reference to the suspension or revocation of any license issued under the provisions of ORS 698.510 to 698.770, the board shall set a time and place for the licensee to appear and be heard in opposition to the proposed action of the board. The board shall give the licensee notice of the time and place of the hearing at least 10 days prior thereto by registered or certified mail addressed to the licensee at his known address or his last address as shown by the records of the board. Such notice shall contain a statement of the action intended to be taken by the board and the acts of the licensee which the board claims form the basis for the action intended to be taken by the board.

(2) The board shall conduct the hearing as a public hearing, and may require the attendance of witnesses by subpena and administer oaths to witnesses.

(3) Within 30 days after the hearing the board shall make and enter an order setting forth its findings, determination and action taken, including any declaration of forfeiture of the licensee's bond, or revocation or suspension of his license. Notice of a forfeiture of bond or a revocation or suspension of a license shall be given in the same manner as notice of the hearing.
[1957 c.722 §7]

698.580 Appeal from board decision. The licensee has the right to appeal to the circuit court of the county wherein he resides or maintains his business within 30 days from the mailing by registered or certified mail of notice of the action taken by the board by filing a complaint in the circuit court setting forth the action taken by the

board and alleging wherein and whereby the licensee claims such action to be unlawful or in error. The licensee shall cause a copy of such complaint to be served upon the board as summons is served in an action at law. The board, within 20 days after being served with the complaint, shall file its answer thereto, together with a certified copy of all proceedings before the board. The circuit court shall sit as a court of equity upon the hearing of such appeal, and shall try the matter de novo. However, the board and the licensee shall have the right to introduce in evidence the transcript of the proceedings before the board.
[1957 c.722 §8]

698.590 Bonds of auction mart operator and auctioneers; action on bond. (1) Each person applying for a license to operate an auction mart or to act as an auctioneer shall file with the board a bond, payable to the State of Oregon, in the principal sum of not more than $2,500; however, if such person is employed by a partnership or corporation bonded pursuant to this section, that partnership or corporation bond, if it covers such person in a manner sufficient to meet the requirements of this section, shall be in lieu of the bond otherwise required of such person. Such bond shall be in a form required by the rules and regulations of the board and shall be conditioned that the auction mart operator or auctioneer shall pay all legal claims which may accrue in favor of any person arising out of auction business transacted with such auction mart operator or auctioneer.

(2) The surety on such bond shall be a surety company licensed to do business in this state.

(3) In lieu of the bond described in subsection (1) of this section, the applicant may deposit cash or United States Government securities with the board in the sum of not less than $2,500. Such deposit shall be conditioned in the same manner as provided for bonds in subsection (1) of this section.

(4) The securities or bond required by this section shall be continuously on file with the board and upon termination or cancellation of the bond or withdrawal of the securities, the licensee shall immediately surrender his license to the board and cease conducting auction sales or operating an auction mart.

(5) A person having a claim against an auction mart operator, auctioneer or trainee shall give the secretary of the board notice of the claim by registered or certified mail within one year after the date on which the claim accrued. A person who has given such notice may enforce the claim by an action on the bond, in his own name and for his own benefit.
[1957 c.722 §9; 1959 c.308 §9; 1963 c.439 §1; 1965 c.313 §8]

698.600 Property sold on auction mart premises to be sold in compliance with ORS 698.510 to 698.770. All property sold at an auction mart, or around and adjacent to an auction mart on premises owned or controlled by the operator of the auction mart, shall be handled and sold through the facilities of the auction mart and in compliance with the requirements of ORS 698.510 to 698.770 and any rules and regulations of the board.
[1957 c.722 §10]

698.610 Licensees to keep records. Every operator of an auction mart shall keep a record of the name and address of every person bringing property to the licensee for sale, the signature of such person and a general description of the property delivered by such person for sale. In addition, all licensees shall keep such records as are required by the rules and regulations of the board. All records kept as required by this section shall be preserved by the licensee required to keep them for not less than one year and shall be available for inspection during the business day by law enforcement officers, board members or duly authorized inspectors of the board.
[1957 c.722 §11]

698.620 Licensees exempt from certain requirements of other statutes. Persons licensed under ORS 698.510 to 698.770 may sell at auction upholstered furniture and bedding, as defined by ORS 433.410, without obtaining an auctioneer's certificate under ORS 433.405 to 433.680.
[1957 c.722 §12; 1959 c.308 §5; 1959 c.406 §33; 1963 c.461 §28]

698.630 Auctioneer trainee license; limitation on use. (1) Upon application therefor by a person under the age of 21 years, accompanied by a fee of $15, the board shall issue a trainee license to the applicant if the board finds that:

(a) The applicant meets all the qualifications and requirements for an applicant for a license as an auctioneer, except that of age;

(b) An auctioneer licensed and bonded

under ORS 698.510 to 698.770 has given written notice to the board upon forms furnished by the board that he has agreed to employ the applicant as a trainee auctioneer, that he will assume responsibility for all acts of the applicant in the conduct of auction business and of auction sales by the applicant, and that he will be present and supervise any auction sale conducted by the applicant; and

(c) The applicant has furnished security in the form of a bond or deposit of securities as required by ORS 698.590 of an applicant for an auctioneer license or that the bond of the employer auctioneer is conditioned that the auctioneer shall pay all legal claims which may accrue in favor of any person arising out of auction business transacted with either the auctioneer or the applicant.

(2) No trainee, licensed under provisions of subsection (1) of this section, shall sell his own property at an auction sale conducted by him nor shall he sell any property by auction sale unless the employer auctioneer is present at the time of the auction sale.
[1965 c.313 §§2, 3]

698.640 Required content of advertisement of auction sale. Any advertisement of an auction sale shall include the name of the auctioneer who will conduct the auction sale or the person responsible for the conduct of the auction sale.
[1965 c.313 §4]

698.650 to 698.700 [Reserved for expansion]

698.710 State Board of Auctioneers; members; terms; compensation. (1) There is established within the Department of Commerce the State Board of Auctioneers, which shall consist of five members appointed by the Director of Commerce, with the approval of the Governor, one from each congressional district of the state and one from the state at large. Each member shall have engaged in the business of selling property at auction in this state for not less than five years prior to his appointment.

(2) Each member of the board shall serve for a term of four years, except that of the members first appointed one shall serve for one year, one for two years, one for three years, and two for four years. Any vacancy in the office of member of the board shall be filled by appointment by the Director of Commerce, with the approval of the Governor, for the balance of the unexpired term.

(3) Members of the board shall receive as their sole compensation $10 per diem while actually engaged in the business of the board, and, subject to any other applicable law regulating mileage and traveling and other expenses for state officers, shall receive their reasonable and necessary traveling and other expenses incurred in the performance of their official functions.
[1957 c.722 §13; 1963 c.580 §65]

698.720 Chairman; meetings; quorum. (1) The board shall select one of its members as chairman, and shall select its first chairman at its first meeting. The chairman shall serve for such term and shall have such powers and duties necessary for the performance of the functions of his office as the board shall determine.

(2) The board shall meet not less than once each six months and at other times upon the call of the chairman.

(3) A majority of the board present at any meeting shall constitute a quorum, and an act by a majority of such quorum at any meeting shall constitute an official act of the board.
[1957 c.722 §14]

698.730 Duties of board. The board shall:

(1) Promulgate necessary rules and regulations governing auction marts, auction sales and auctioneers, and print and distribute copies of such rules and regulations to all persons licensed under ORS 698.510 to 698.770 at least 20 days before they are effective.

(2) Consider all matters that may be submitted to it by persons interested in auction marts and auction sales.

(3) Prescribe standards for the construction and equipment necessary or advisable for sanitation or safety in auction marts, in addition to all other requirements of law.

(4) Enter upon and inspect, or cause to be entered upon and inspected, the auction marts and auction records of licensees under ORS 698.510 to 698.770.
[1957 c.722 §18; 1959 c.308 §6]

698.740 Secretary and other personnel. The board shall:

(1) Appoint a secretary and fix his salary.

(2) Subject to any applicable provisions of the State Civil Service Law, employ and fix the compensation of such personnel as is necessary for the efficient administration of ORS 698.510 to 698.770.
[1957 c.722 §15]

698.750 Disposition and use of moneys received by board. The secretary of the board shall be in charge of the issuance of all licenses and shall deposit all license moneys received by the board in the General Fund in the State Treasury to the credit of an account to be known as the State Auctioneer's Account. Ten percent of such gross amount shall be upon receipt assigned to the State of Oregon and shall become a part of the General Fund in the hands of the State Treasurer. The remainder of any such payment or payments when so made shall be and hereby are continuously appropriated to the board and shall be expended by the board only for the payment of the costs and expenses of the board in administering ORS 698.510 to 698.770.
[1957 c.722 §16]

698.755 Disposition of fines imposed. All fines imposed under ORS 698.510 to 698.770 shall be paid to the treasurer of the county in which the proceedings were begun. One half of all such money shall be paid to the board by the county treasurer within 30 days after he receives the money, together with an itemized statement thereof. The board shall deposit this money in the General Fund in the State Treasury to the credit of the State Auctioneer's Account under ORS 698.750. The other half of the fine shall be retained by the county treasurer, who shall deposit it in the general fund of the county in which the fine was imposed.
[1959 c.308 §8]

698.760 Records of board; annual report. The board shall:

(1) Keep records of:

(a) All proceedings of the board;

(b) Licenses issued, revoked or suspended;

(c) Applications for licenses; and

(d) The names, addresses and telephone numbers, both business and residence, of all licensees.

(2) Make an annual report to the Director of Commerce containing, among other things, a full statement of all moneys received and disbursed by the board.
[1957 c.722 §17]

Note: Pursuant to section 8 of chapter 580, Oregon Laws 1963, the Legislative Counsel has substituted "Director of Commerce" for "Governor" in ORS 698.760.

698.770 Jurisdiction of courts. Justice courts and district courts have concurrent jurisdiction with the circuit courts of violations of ORS 698.510 to 698.770.
[1957 c.722 §19]

698.780 to 698.980 [Reserved for expansion]

PENALTIES

698.990 Penalties. (1) Violation of ORS 698.020 is punishable, upon conviction, by a fine of not less than $50 nor more than $500, or by imprisonment in the county jail for not less than one month nor more than six months, or by both.

(2) Any violation of ORS 698.210 to 698.330 is punishable, upon conviction, by a fine not exceeding $500 or by imprisonment in the county jail for not exceeding six months, or by both.

(3) Violation of any provision of ORS 698.410 to 698.460 is a misdemeanor.

(4) Violation of any provision of ORS 698.510 to 698.770 is punishable, upon conviction, by a fine of not more than $500 or by imprisonment in the county jail for not more than one year, or both.
[Subsection (3) enacted as 1955 c.659 §8; subsection (4) enacted as part of 1957 c.722 §19]

CERTIFICATE OF LEGISLATIVE COUNSEL

Pursuant to ORS 173.170, I, Sam R. Haley, Legislative Counsel, do hereby certify that I have compared each section printed in this chapter with the original section in the enrolled bill, and that the sections in this chapter are correct copies of the enrolled sections, with the exception of the changes in form permitted by ORS 173.160 and other changes specifically authorized by law.

Done at Salem, Oregon,
on November 15, 1965.

Sam R. Haley
Legislative Counsel