

Chapter 686

1975 REPLACEMENT PART

Veterinarians

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GENERAL PROVISIONS

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

(1) "Board" means the Oregon State Veterinary Medical Examining Board.

(2) "Veterinary college, or veterinary department of a university or college, of good standing and repute," means any veterinary college or department of a university or college, legally organized, which is approved and placed on the accredited list by the board, but in any event the accreditation requirements of the board shall be no more restrictive than the accreditation standards of the American Veterinary Medical Association.

[Amended by 1967 c.334 s 1; 1975 c.619 s.1]

686.020 License required to practice veterinary medicine; title and abbreviations usable by licentiates. No person shall:

(1) Practice veterinary medicine and surgery, or dentistry, in this state except as provided in this chapter.

(2) Affix or append any letters to his name, indicating a degree in medicine, such as V.S., V.D., D.V.S., M.D.C., D.M.C., D.V.M., or use the word doctor, veterinary, veterinarian, professor, animal doctor, animal surgeon, or any abbreviation or combination thereof of similar import in connection with his name, or any trade name with which he is interested, in the conduct of any occupation or profession pertaining to the diagnosis or treatment of animal diseases or conditions mentioned in this chapter, unless such person is legally entitled to use such designation.

686.030 Acts constituting the practice of veterinary medicine. (1) A person shall be regarded as practicing veterinary medicine, surgery and dentistry within the meaning of this chapter who shall, within this state:

(a) By advertisement, or by any notice, sign or other indication, or by a statement written, printed or oral, in public or in private, made, done or procured, by himself or any other at his request, claim, announce, make known or pretend his ability or willingness to diagnose diseases, deformities, defects, wounds or injuries of animals.

(b) Advertise or make known or claim his ability and willingness to prescribe or administer any drug, medicine, treatment, method or practice, or to perform any opera-

tion, manipulation, or apply any apparatus or appliance, or who shall give any instruction or demonstration, except as provided for and through the state schools and colleges of Oregon, for cure, amelioration, correction or reduction or modification of any animal disease, deformity, defect, wound or injury, for hire, fee, compensation or reward, promised, offered, expected, received or accepted, directly or indirectly.

(c) Diagnose or prognose any animal disease, deformities, defects, wound or injuries, for hire, fee, reward or compensation, promised, offered, expected, received or accepted, directly or indirectly.

(d) Prescribe or administer any drug, medicine, treatment, method or practice, or perform any operation or manipulation, or apply any apparatus or appliance for the cure, amelioration, correction or modification of any animal disease, deformity, defect, wound or injury, for hire, fee, compensation or reward, promised, offered, expected, received or accepted, directly or indirectly.

(2) The soliciting and selling of all forms of hypodermically administered animal disease cures, preventions, and treatments, with the necessary instruments for the administration of same, and of any and all worm and other internal parasitic remedies with the contract implied, or otherwise, to administer the same, shall constitute the practice of veterinary medicine and surgery within the meaning of this chapter.

(3) This section does not apply to duly authorized representatives of the State Department of Agriculture in the discharge of any duty authorized by the department. Upon the written request of a livestock association, cow testing association or poultry association to the Department of Agriculture, the department may authorize any cow tester, herd master or poultryman having charge over, or the care of, a herd of cattle or flock of poultry, to take blood samples for laboratory tests for the diagnosis of diseases of animals and poultry for the benefit of such association, and when so authorized by the Department of Agriculture, to take blood samples for such tests, such cow tester, herd master or poultryman shall be exempt from the provisions of this section.

686.040 Application of chapter; consultation with individual licensed in other state. (1) This chapter does not apply to commissioned veterinary officers of the United States Army, or those in the employ of other United States Government agencies

while engaged in their official capacity, unless they enter into a private practice.

(2) Nothing in this chapter shall be so construed as to prevent any person, his agent or employe, from practicing veterinary medicine and surgery or dentistry in a humane manner on any animal belonging to himself, or for gratuitous services or from dehorning and vaccinating cattle for himself.

(3) Nothing in this chapter shall be so construed as to prevent the selling of veterinary remedies and instruments by a registered pharmacist at his regular place of business.

(4) Any individual licensed in another state may be used in consultation in this state with a person licensed to practice veterinary medicine provided the consultation does not exceed 30 days in any one treating period.

[Amended by 1975 c.619 s.2]

LICENSING

686.045 Qualifications for license. No person shall be licensed to practice veterinary medicine in this state unless he:

(1) Is 18 years of age or older.

(2) Is of good moral character and temperate habits.

(3) Is a graduate of a veterinary college or a veterinary department of a university or college of good standing and repute.

(4) Is a citizen of the United States, or duly declares, prior to being licensed, his intention to make application to become a citizen within two years after being licensed to practice veterinary medicine.

(5) Has satisfactorily passed the examination provided in ORS 686.075.

(6) Has completed at least one year in active practice or has served at least six months' probation with the State of Oregon or one year's probation in any other state, as provided in ORS 686.085.

[1953 c 624 s 3, 1967 c 334 s.2, 1973 c 827 s.72]

686.050[Repealed by 1953 c.624 s.9]

686.055 Application for license; retaining application and examination papers. (1) A person desiring to practice veterinary medicine, dentistry or surgery in this state shall make a written application to the secretary of the Oregon State Veterinary Medical Examining Board for a license to practice. The application shall be on a form provided by the board.

(2) Except examination papers which may be destroyed after a five-year period, all

applications and papers in connection therewith shall be permanently filed in the office of the secretary of the board.

[1953 c.624 s.4; 1967 c.334 s.5]

686.060[Repealed by 1953 c.624 s.9]

686.065 Issuance of temporary permits to certain applicants. (1) Applicants for a license may be issued temporary permits by the board who at the time of application:

(a) Hold a valid current license to practice veterinary medicine in another state or territory of the United States and have actively practiced veterinary medicine in such state or territory for not less than one year; or

(b) Are graduates of a veterinary college or a veterinary department of a university or college of good standing and repute, as defined in this chapter, and have been actively engaged in some form of veterinary medicine practice while in the employ of the United States or of some state, county or city for at least six months within the State of Oregon or one year in any other state.

(2) The temporary permit issued under the provisions of this section entitles the applicant to engage in the active practice of veterinary medicine in this state as an employe of a licensed veterinarian, the state or any county or municipality in this state and he shall be eligible for the next examination. No temporary permit shall be valid beyond the time for the next license examination for which the applicant is qualified. In the event any such applicant failed for good and sufficient reason to take the examination or was unable to pass it, and in the unanimous opinion of the board the applicant is sufficiently qualified to entitle him to a second examination, the board, by unanimous consent, may extend the permit until the next succeeding examination. Except as otherwise provided in this section, the holder of a temporary permit must be examined and satisfactorily pass the license examination next following the issuance of the permit and duly receive a license in order to continue active professional practice.

[1953 c 624 s.7]

686.070[Repealed by 1953 c.624 s.9]

686.075 Examination of applicants. All applicants for a license shall be given a written examination supplemented by an oral examination to determine their knowledge of veterinary and comparative anatomy, physiology, histology, pathology, materia medica, therapeutics, sanitary and preven-

tive medicine, surgery, bacteriology, milk and meat inspection, practice of veterinary medicine, physical diagnosis, poisonous plants and toxicology and such other subjects as the board deems advisable. The examination shall be designed to test both the scientific and practical knowledge of applicants and sufficiently exacting to test the applicant's fitness to practice veterinary medicine, surgery and dentistry. The written examination shall be so conducted that the members of the board do not know the name of the applicant whose answers are being graded or judged until after the judging or grading is completed. The mark or grade of an applicant's examination shall not be altered after his identity becomes known to the board.

[1953 c.624 s.5]

686.080 Examination fee. Candidates for examination shall pay to the secretary of the board, at the time of examination, a fee of \$50.

[Amended by 1963 c.134 s.1; 1975 c.619 s.3]

686.085 Serving probationary period before being eligible for license. (1) Except applicants who come within the provisions of ORS 686.065, each applicant, after he has successfully passed the examination and before being eligible to receive a license, shall serve a probationary period of not less than six months within the State of Oregon or one year in any other state. The probationary period may be served in any one of the following ways:

(a) By association with and under the supervision of a licensed veterinarian engaged in the active practice of veterinary medicine, surgery or dentistry in this state.

(b) By engaging in some special form of educational, regulatory or research work under the supervision of a veterinarian licensed to engage in the practice of veterinary medicine, dentistry or surgery in this state.

(c) By engaging in livestock sanitary control work pursuant to employment by the state, the Federal Government or a municipality of this state.

(2) Temporary permits shall be issued for the purpose set forth in this section. No such temporary permit shall be valid for longer than two years but may be extended by the board for reason.

[1953 c.624 s.6]

686.090[Repealed by 1953 c.624 s.9]

686.095 Issuance of licenses. (1) If upon an examination judged by the board sufficiently comprehensive to enable the applicant to actively engage in the practice of veterinary medicine in this state, the applicant demonstrates a scientific and practical knowledge of the art of veterinary medicine, and the applicant complies with the other provisions of this chapter, the board shall issue a license to the applicant to practice veterinary medicine in this state. The license shall be signed by the president and secretary of the board, and attested by the board's seal.

(2) All persons regularly licensed under prior laws of this state, and have complied with the provisions of such law, shall be considered as licensed veterinarians under this chapter and the names of such persons shall be entered upon the official register kept by the secretary of the board as licensed veterinarians.

[1953 c 624 s.8]

686.100[Repealed by 1953 c.624 s.9]

686.110 Renewal of licenses. All licenses provided for in this chapter shall cover a period of one year and shall expire January 1 next following issuance, and shall be renewed upon request of the holder on payment of a fee to the secretary of the board for each renewal which fee shall not exceed \$20 as determined by the board and approved by the Executive Department. Upon failure to pay renewal fees due to absence from the state or for other reasons, a license may be renewed upon payment of delinquent dues set by the board.

[Amended by 1963 c.133 s.1, 1967 c 191 s.2; 1975 c.619 s.4]

686.120 Board may suspend or revoke license for unprofessional or dishonorable conduct. (1) With the consent of four members, the board may revoke or suspend a permit or license granted to any holder under this chapter for unprofessional or dishonorable conduct.

(2) The board may revoke or suspend a permit or license to any holder thereof who:

(a) Publicly professes to cure or treat diseases of a highly contagious, infectious and incurable nature; or

(b) In any way cares or treats injury and deformity in such a way as to deceive the public; or

(c) Tests any horse, mule or ass for glanders, cow or cattle for tuberculosis, and knowingly, wrongfully and maliciously states verbally or in writing that the animals are

diseased or in a disease-free condition contrary to the indication of the test made.

686.130 "Unprofessional or dishonorable conduct" defined. "Unprofessional or dishonorable conduct," as used in this chapter, includes:

(1) The fraudulent use or misuse of any health certificate, shipping certificate, brand inspection certificate, or other blank forms used in practice, that might lead to the dissemination of disease or the transportation of diseased animals or the sale of inedible food products of animal origin for human consumption.

(2) Dilatory methods, wilful neglect or misrepresentation in the inspection of meat.

(3) Misrepresentation of services rendered.

(4) Failure to report, or the negligent handling of the serious epidemic diseases of animals, such as anthrax, rabies, glanders, brucellosis, tuberculosis, foot and mouth disease, hog cholera, blackleg, and any other communicable disease known to medical science as being a menace to human and animal health.

(5) The dispensing or giving to anyone live culture or attenuated live virus vaccine to be administered by a layman without providing instruction as to its administration and use and without prior written authorization from the State Veterinarian when such product is declared to be prohibited under ORS 596.065.

(6) Having professional connection with, or lending one's name to any illegal practitioner of veterinary medicine and the various branches thereof.

(7) Chronic inebriety or habitual use of narcotics.

(8) Fraud or dishonesty in applying or reporting on any test for disease in animals.

(9) False or misleading advertising, having for its purpose or intent, deception or fraud.

(10) Conviction of a crime involving moral turpitude or conviction of a felony. The record of the conviction is conclusive evidence.

(11) Conviction of a charge of cruelty to animals in Oregon or any other state, county, or municipal court. The record of conviction is conclusive evidence.

(12) The revocation or suspension of a license to practice veterinary medicine in any other state and the cause of that revocation or suspension is cause in this state. The record of revocation or suspension is conclusive evidence.

(13) Failure to keep one's premises and equipment therein in a clean and sanitary condition.

(14) Gross ignorance, incompetence or inefficiency in his profession. In determining what constitutes "gross ignorance, incompetence or inefficiency in his profession," the board may take into account all relevant factors, and practices, including but not limited to the practices generally and currently followed and accepted by the persons licensed to practice veterinary medicine in this state, the current teaching at accredited veterinary schools, relevant technical reports published in recognized veterinary medical journals and the desirability of reasonable experimentation in the furtherance of the veterinary medicine arts.

(15) Permitting the animal technician, preceptee, or student intern to perform a duty, task or procedure not specifically permitted by the board.

[Amended by 1975 c.619 s.5]

686.135 License denial procedure; promulgation and review of rules and orders. (1) Where the board proposes to refuse to issue or renew a license, or proposes to revoke or suspend a license, opportunity for hearing shall be accorded as provided in ORS 183.310 to 183.500.

(2) Promulgation of rules, conduct of hearings, issuance of orders and judicial review of rules and orders shall be as provided in ORS 183.310 to 183.500.

[1971 c.734 s.136]

686.140[Repealed by 1971 c.734 s.21]

686.150 Board may refuse to issue or renew license. The board, with the concurrence of four members thereof, may refuse to issue or renew a permit or license for unprofessional or dishonorable conduct.

686.160 Reapplication after license withheld or revoked; commencing practice after suspension. (1) If a license is withheld or revoked, the practitioner may not again apply for a license until after a period of six months has elapsed, and then only by paying the regular examination fee.

(2) If a license has been suspended and time of suspension has elapsed, permission to practice shall be given only upon the payment of the regular annual renewal fee.

686.170 Appointment of committee to investigate alleged violations of chapter. The board is authorized to appoint a committee of not less than three licensed, practicing

veterinarians to investigate any charge made accusing any person of violating any of the provisions of this chapter, and to report to the board any facts concerning the charge, together with any recommendations the committee sees fit to make. No member of the committee shall reside in the same territory served by the accused person. The expenses of the committee shall be paid out of the Oregon State Veterinary Medical Fund.

STATE BOARD

686.210 Oregon State Veterinary Medical Examining Board; appointment, qualifications and terms of members; confirmation; executive secretary. (1) There hereby is created the Oregon State Veterinary Medical Examining Board in the Health Division which shall carry out the purposes and enforce the provisions of this chapter. The board shall consist of five members appointed by the Governor for a term of four years. Appointments made by the Governor to the state board may be selected from a list of five names for each appointment suggested by the Oregon Veterinary Medical Association. All members shall have resided in the state at least five years immediately previous to appointment to the board, and shall be licensed to practice veterinary medicine, surgery and dentistry in this state. Not more than three members appointed to serve on the board shall be from the same veterinary college or veterinary department of a university or college. Any appointments to fill vacancies by reason of death, resignation or removal shall be made by the Governor for the residue of the term of the retiring member. All appointments of members of the board by the Governor are subject to confirmation by the Senate in the manner provided in ORS 171.560 and 171.570.

(2) The board may appoint an executive secretary. Nothing in this chapter shall be construed to prevent assistance being rendered by the executive secretary of the board in any hearing called by it.

[Amended by 1953 c.624 s.9; 1967 c.334 s.3; 1971 c.650 s.35; 1973 c.792 s.41; 1975 c.619 s.6]

686.220 Officers of board; quorum; meetings. There shall be elected by the board at its first meeting from its members, a president who shall preside at all meetings. In the absence of the president, the members present shall elect a temporary chairman, who shall preside at the meeting.

Three members of the board constitute a quorum to transact any business coming before it. The meeting place of the board shall be any place in this state the board considers most convenient for the greatest number of applicants for license.

[Amended by 1967 c.334 s.4]

686.230 Compensation and expenses of members. A member is entitled to compensation and expenses as provided in ORS 292.495.

[Amended by 1963 c.58 s.1; 1967 c.191 s.3; 1969 c.314 s.87]

686.240 Employment of special counsel, investigator and other employes. For the purpose of carrying out and enforcing the provisions of this chapter, the board has authority to employ special counsel to represent it in any court, or to advise it on any matter connected with it, or to assist in the prosecution of any criminal case for the violation of this chapter. When it is considered necessary by the board for the proper execution of the duties imposed upon it, the board may also employ an investigator or other employes. Such counsel, investigator and other employes shall be paid out of the funds of the board.

[Amended by 1953 c.624 s.9]

686.245[Formerly 686.280; repealed by 1973 c.427 s.30 (686.246 enacted in lieu of 686.245)]

686.246 Disposition of receipts. All moneys received by the Health Division under this chapter shall be paid into the General Fund in the State Treasury and placed to the credit of the Health Division Account and such moneys hereby are appropriated continuously and shall be used only for the administration and enforcement of this chapter.

[1973 c.427 s.31 (enacted in lieu of 686.245)]

686.250[Amended by 1967 c.334 s.6; repealed by 1973 c.829 s.71]

ENFORCEMENT

686.260 Investigation of violations; informing district attorney. Upon the complaint of any citizen of this state, or upon its own initiative, the board may investigate any alleged violation of this chapter. If after such investigation the board has reason to believe that any person is subject to prosecution criminally for the violation of this chapter, it shall lay the facts before the proper district attorney.

686.270 Injunction against violations.

If at any time the board concludes that any person is violating the Oregon veterinary medical laws the board may, in its own name, bring a suit in equity to enjoin that person from continuing such practice. The suit shall be commenced and prosecuted in the same manner as other suits in equity. If, after trial, the court finds that the defendant has been or is violating, or is threatening to violate, the Oregon veterinary medical laws it shall enter a permanent injunction restraining the defendant from so doing. In any such suit it shall not be necessary to show that any person is especially injured by the acts complained of. The violation of any such temporary or permanent injunction may be punished by contempt as in other cases. Neither the bringing of such suit nor any injunction entered therein, nor the punishment for contempt for violating any order or decree entered in such suit, shall prevent or prejudice the prosecution of any criminal action for any violation of this chapter.

686.280 [Renumbered 686.245]

686.290 Courts having jurisdiction; duties of district attorneys and Attorney General. Justices' courts, district courts and circuit courts have concurrent jurisdiction of prosecutions for the violation of this chapter. The district attorney of each county shall prosecute any violation of this chapter occurring in his county, represent the board in any injunction suit filed in his county under the provisions of this chapter, and represent the board upon any appeal to the circuit court of such county from any decision or action of the board. Upon any appeal to the Supreme Court in any of the proceedings mentioned in this section, the Attorney General shall assist the district attorney in the trial of the cause in the Supreme Court.

**ANIMAL TECHNICIANS,
PRECEPTES AND STUDENT
INTERNS**

686.350 "Board," "animal technician" defined. (1) "Board" means the Oregon State Veterinary Medical Examining Board.

(2) "Animal technician" means an individual who has received a certificate in animal technology, or a comparable certificate, from a recognized college or university approved by the board and who has successfully passed an examination administered by the board, or an individual employed as an

animal technician prior to the date of implementation of ORS 686.010, 686.040, 686.080, 686.110, 686.130, 686.210 and 686.350 to 686.390 who has had at least four calendar years of on-the-job training in the technical procedures certified by a licensed veterinarian who presented the instruction and has successfully passed an examination administered by the board.

[1975 c.619 s.7]

Note: 686.350 to 686.390 were not added to and made a part of ORS chapter 686 by legislative action.

686.360 Duties that may be performed by animal technician. All duties of an animal technician must be performed under the supervision of a licensed veterinarian. The board shall promulgate rules regarding the services an animal technician may perform, including, but not limited to:

(1) Obtaining and recording information cases.

(2) Preparation of patients, instruments, equipment, and medicants for surgery.

(3) Collection of specimens and performance of certain laboratory procedures.

(4) Application of wound dressings.

(5) Assisting the veterinarian in diagnostic, medical and surgical proceedings.

[1975 c.619 s.8]

Note: See note under 686.350.

686.370 Examination for license; fee.

(1) All applicants for a license shall be given a written examination to determine their knowledge of animal care, handling, basic comparative mammalian health records, applied clinical laboratory procedures and basic animal diseases and such other subjects as the board deems advisable. The examination shall be designed to test both the scientific and practical knowledge of the applicants. The written examination shall be so conducted that the members of the board do not know the name of the applicant whose answers are being graded until after the judging or grading is completed. The mark or grade of an applicant's examination shall not be altered after his identity becomes known to the board.

(2) Candidates for the examination of animal technician shall pay to the secretary of the board, at the time of examination a fee of \$35.

[1975 c.619 s.9]

Note: See note under 686.350

686.380 Preceptee; registration and services preceptee may perform. (1)

"Preceptee" means an individual enrolled in a veterinary school which has a preceptorship program, and who enters a special training program approved by the board, and is under the supervision of a person licensed to practice veterinary medicine in this state.

(2) The board shall promulgate rules regarding the registration and the services a preceptee may perform, including but not limited to:

(a) Administering therapeutic and prophylactic drugs.

(b) Performing surgery, only if he is competent and has the necessary training and experience.

[1975 c.619 s.10]

Note: See note under 686.350.

686.390 Veterinary student intern; registration and services intern may perform. (1) "Veterinary student intern" means an individual who is enrolled in a veterinary school approved by the board and has been approved for internship by his college. The board shall adopt rules for registration and

the services which a veterinary student intern may perform, including, but not limited to:

(a) Administering therapeutic and prophylactic drugs.

(b) Performing surgery, only if he is competent and has the necessary training and experience.

(2) The student intern shall be under the supervision of a person licensed to practice veterinary medicine in this state.

[1975 c.619 s.11]

Note: See note under 686.350.

PENALTIES

686.990 Penalties. Violation of subsection (1) of ORS 686.020 is punishable, upon conviction, by a fine of not less than \$100 nor more than \$500, or by imprisonment in the county jail not exceeding one year, or by both.

[Amended by 1963 c 59 s.1]

CERTIFICATE OF LEGISLATIVE COUNSEL

Pursuant to ORS 173.170, I, Thomas G. Clifford, 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,
October 1, 1975.

Thomas G. Clifford
Legislative Counsel

