Chapter 532

1975 REPLACEMENT PART
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Branding of Forest Products and Booming Equipment; Log Patrols

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BRANDING

532.010 Definitions for ORS 532.010 to 532.140. For purposes of ORS 532.010 to 532.140, unless the context or subject matter otherwise requires:

(1) "Booming equipment" includes boom sticks.

(2) "Brand" means an identifying mark upon forest products or booming equipment, as provided by rule and regulation of the State Forester; but any brands in use and registered with the Public Utility Commissioner on October 1, 1951, with the exception of those brands inclosed in the letter "C," the use of which is particularly reserved for catch brands, may be continued in use, subject to the other provisions of ORS 532.010 to 532.140.

(3) "Catch brand" means a mark of brand used by a person as an identifying mark upon forest products and booming equipment previously owned by another.

(4) "Forest products" means any form, including but not limited to logs, poles and piles, into which a fallen tree may be cut before it undergoes manufacturing, but not including peeler cores.

(5) "Highway" means every street, alley, road, highway and thoroughfare in this state, used by the public or dedicated or appropriated to public use.

(6) "Motor vehicle" means any self-propelled or motor driven vehicle or any train or combination of vehicles used upon any highway in this state in transporting forest products.

(7) "Railroad" means any self-propelled vehicle or any train or combination of vehicles operating wholly on fixed rails or tracks.

(8) "Waters of this state" includes all bodies of fresh and salt water within the jurisdiction of the state capable of being used for the transportation of forest products, and all rivers and lakes and their tributaries, harbors, bays, sloughs and marshes.

[Amended by 1961 c.253 §1]

532.020 Branding forest products, booming equipment required; rules to accomplish purposes of ORS 532.010 to 532.140. (1) Except as provided in ORS 532.030, every person who puts into any of the waters of this state, ships on any motor vehicle or railroad any forest products, or uses any booming equipment as a part of his operation in securing, rafting or floating forest products, shall have a mark or brand previously selected by him and registered in the manner provided in ORS 532.010 to 532.140 plainly impressed or cut in a conspicuous place on the forest products and booming equipment in a manner as required by the rules and regulations of the State Forester.

(2) The State Forester hereby is authorized to issue rules and regulations to accomplish the purposes of ORS 532.010 to 532.140.

[Amended by 1961 c.253 §2]

532.030 Branding optional east of crest of Cascade Mountains. In view of the different conditions obtaining in the logging industry of this state between the parts of the state lying respectively east and west of the crest of the Cascade Mountains, forest products may be put into the waters of this state or shipped on railroads or motor vehicles without having thereon a registered mark or brand as required in ORS 532.010 to 532.140, within that portion of the state lying east of the crest of the Cascade Mountains; and the penalties provided in ORS 532.990 for failure to mark or brand such forest products shall not apply. However, any person operating within the east side portion of the state may select a mark or brand and cause it to be registered in the office of the State Forester pursuant to the terms of ORS 532.010 to 532.140 and use it for the purpose of marking or branding forest products and booming equipment. In the event of the registration of such mark or brand and the use of it in marking or branding forest products or booming equipment, the provisions of ORS 532.010 to 532.140 shall apply to the forest products and booming equipment so marked or branded.

532.040 Ownership of forest products and booming equipment presumed from registered brands or catch brands thereupon. All forest products and booming equipment having impressed thereupon a registered brand as provided in ORS 532.010 to 532.140 are presumed to belong to the person appearing on the records in the office of the State Forester as the owner of the brand. However, all forest products having impressed thereupon also a registered catch brand are presumed to belong to the owner of the registered catch brand, unless there are impressed thereupon more than one registered catch brand, in which event they shall be presumed to belong to the owner whose registered catch brand was placed thereupon latest in point of time.

532.050 Application for registration of brand; recording; rejection. (1) Every person selecting a brand, before using it, shall make application for its registration in the office of the State Forester by depositing therein an impression stamped on a designated form, together with, in duplicate, a written statement duly signed and verified by him or his agent, containing a description of the brand and declaring that it is not, and at the time of its adoption by him, was not in use to his knowledge by any other person and that he has selected it in good faith for branding forest products to be transported on motor vehicles or railroads, or floated or rafted in the waters of this state, or booming equipment to be used by him as a part of his operations in securing, rafting or floating forest products.

(2) The State Forester, upon the receipt of the application and the fee provided in ORS 532.110, if he finds that the brand is not identical with any other brand registered in his office or does not so closely resemble one registered therein as to be confused therewith, shall file in his office the impression or drawing and one copy of the written statement and shall register the brand in a book to be provided by him and kept for the purpose and known as the Forest Products Brand Register, entering therein the name of the owner, character of the brand, date of registration and such other details as he may see fit to enter therein. The State Forester shall return to the applicant the other copy of the written statement as evidence that the brand has been duly registered in accordance with the provisions of ORS 532.010 to 532.140 and that the applicant is the registered owner. The State Forester, in the event of his refusal to register a brand on account of confliction with or resemblance to one already registered, shall immediately give notice of that fact to the applicant, who may select another brand and apply for its registration in the manner of an original application.

532.060 Application for registration of catch brand. Every person desiring to use a catch brand as an identifying mark upon forest products or booming equipment purchased or lawfully acquired by him from another shall, before using it, make application for its registration in the office of the State Forester in the manner prescribed for the registration of brands, and the provisions contained in ORS 532.010 to 532.140 in reference to registration, certifications, assignments and cancellation and the fees to be paid to the State Forester shall apply equally to catch brands. However, the certificate of the State Forester shall designate the mark or brand as a catch brand, and the mark selected by the applicant as a catch brand shall be inclosed in the letter "C," which letter "C" shall identify the mark as, and shall be used only in connection with, a catch brand.

532.070 Certified copy of brand registration as evidence of registration and ownership. A copy of brand registration certified by the State Forester or his deputy as a true copy and in good standing shall be received in all the courts of this state as evidence of the due and proper registration of the mark or brand and of its ownership.

532.080 Mark or brand assignable; procedure. Every mark or brand registered under ORS 532.010 to 532.140 shall be assignable in law. The State Forester, upon payment of the fee mentioned in ORS 532.110 and presentation to him, in duplicate, of an assignment, duly executed and acknowledged by the owner, transferring the mark or brand to a person named therein, shall file one copy of the assignment in his office and make an entry in the Forest Products Brand Register of the fact of the assignment, the date, the name of the assignee and such other details as he may see fit to enter therein. He shall return to the assignee the other copy of the assignment, with a certificate attached thereto, signed by him or his employe, to the effect that the mark or brand has been duly registered in accordance with the provisions of ORS 532.010 to 532.140 and assigned to the assignee and that the assignee is the registered owner. The assignee, upon the due registration of the assignment as herein provided, shall become the owner of the mark or brand with the full right of exclusive use to the same extent as though he had been the original owner.

532.090 Cancellation of registered brand or mark. The State Forester, upon the petition of the owner of a registered mark or brand, may cause the registration thereof to be canceled, and in the event of such cancellation, the mark or brand shall be open to registration by any person subsequently applying therefor.

532.100 Renewal and abandonment of marks or brands; reissue of abandoned or canceled brand. (1) The State Forester shall, each five-year period after October 1, 1951, notify the owners of all log marks or brands then of record in Oregon to renew them. Upon receipt of the fee provided for in

ORS 532.110, the State Forester shall give a renewal certificate, which shall give the holder and owner the exclusive right to continue the use of the brand or mark within Oregon. If any owner of a brand or mark which is on record fails or refuses to pay the renewing fee within three months after notification, such brand shall become forfeited and be no longer carried on the records.

(2) On or after January 1, 1952, no person shall claim or own any log mark or brand which has not been renewed in accordance with the provisions of this section, and any failure to renew the log mark or brand as required by such provisions shall be deemed an abandonment of the same. Any other person shall be at liberty to adopt or use the abandoned mark or brand; but he shall not claim or use it until after it has been recorded in his own name, in the manner provided in ORS 532.010 to 532.140. However, no abandoned or canceled brand may be reissued for a period of one year after such abandonment or cancellation, except to the previous owner or his assignee. In case of a dispute as to the right of any person to the use of such mark or brand, the State Forester shall determine which of the applicants is entitled to its use.
[Amended by 1957 c.127 §1]

532.110 Fees. The fees to be paid to the State Forester are as follows:

(1) For filing an application to register a mark or brand and registering the same, including the certificate, $10.

(2) For filing an application for an assignment of a registered mark or brand and registering such assignment, including the certificate, $10.

(3) For every other certificate of registration, including a copy of the written statement or assignment, $10.

(4) For each copy of any drawing, the reasonable expense of preparing it.

(5) For renewing brands or marks, $10.
[Amended by 1975 c.463 §1]

532.120 Disposition of fees. All fees collected by the State Forester under ORS 532.010 to 532.140 shall be paid into the State Treasury, credited to the General Fund and available for general governmental expenses.
[Amended by 1957 c.459 §5; 1961 c.253 §3; 1967 c.34 §6]

532.130 Prohibitions generally. No person, unless permitted to do so under ORS 532.030, shall:

(1) Put into any of the waters of this state or ship on any railroad or motor vehicle any forest products, or use any booming equipment as a part of his operation in securing, rafting or floating forest products, without having plainly impressed or cut in a conspicuous place on each such stick or piece of forest products, and on any piece of booming equipment so used, a mark or brand previously registered as required by the terms of ORS 532.010 to 532.140.

(2) Have or take in tow or into his custody or possession or under his control, without the authorization of the owner of a registered mark or brand thereon, any forest products or booming equipment having thereupon a mark or brand registered as required by the terms of ORS 532.010 to 532.140 or, with or without such authorization, any forest products or booming equipment required to be branded under the terms of ORS 532.010 to 532.140 with a registered mark or brand and having no registered mark or brand impressed thereupon or cut therein.

(3) Subsection (2) of this section shall not apply to:

(a) Railroads;

(b) Persons engaged in log patrol activities having a license therefor as required by ORS 532.530; or

(c) Except in those geographic areas covered by ORS 532.510 to 532.720, log patrol or salvage companies organized as corporations for the purpose of catching or reclaiming and holding or disposing of forest products for the benefit of the owners and authorized to do business under the laws of this state.

(4) Impress upon or cut in any forest products or booming equipment a mark or brand that is false, forged or counterfeit.

(5) Impress or cut a catch brand that has not been registered under the terms of ORS 532.010 to 532.140 upon or into any forest products or booming equipment upon which there is or should be a registered mark or brand as required by the terms of ORS 532.010 to 532.140 or a catch brand, whether registered or not, upon any forest products or booming equipment that has not been purchased or lawfully acquired by him from the owner.

(6) In the case of a motor vehicle carrying more than three logs, branding of not less than three logs shall be considered compliance with the provisions of subsection (1) of this section.
[Amended by 1957 c.668 §21; 1973 c.800 §1; 1975 c.729 §1]

532.140 Acts relating to branding or marking, and intended to injure or defraud, prohibited. No person, with an intent to injure or defraud the owner, shall:

(1) Falsely make, forge or counterfeit a mark or brand registered as provided in ORS 532.010 to 532.140 and use it in marking or branding forest products or booming equipment.

(2) Cut out, destroy, alter, deface or obliterate any registered mark or brand impressed upon or cut into any forest products or booming equipment.

(3) Sell, encumber or otherwise dispose of or deal in, or appropriate to his own use, any forest products or booming equipment having impressed thereupon a mark or brand registered as required by the terms of ORS 532.010 to 532.140.

(4) Buy or otherwise acquire or deal in any forest products or booming equipment having impressed thereupon a registered mark or brand.

LOG PATROLS

532.510 Definitions for ORS 532.510 to 532.710. As used in ORS 532.510 to 532.710, unless the context requires otherwise:

(1) "Boom company" means a company organized in this state for the purpose of catching, booming, sorting, rafting and holding logs, lumber or other timber products.

(2) "Log patrol" includes all persons engaged in activities in connection with the recapture, repossession and delivery to owners, boom companies or others of stray logs, boom sticks and boom chains, except the owner of such logs, boom sticks and boom chains, his agent or the transportation agency that towed or transported the stray logs.

(3) "Stray logs" shall mean the following logs, pilings and poles of merchantable value which have escaped from the owner, transportation agency, storage or while being transported:

(a) That are adrift in the waters of the state.

(b) That have been adrift and are stranded on the beaches, marshes, tidal or shorelands of the waters of the state.

(c) That are partially or wholly submerged in the waters of the state.

(4) "Waters of the state" means those parts of the Columbia River and its tributaries within the jurisdiction of this state capable of being used for the transportation or storage of forest products.

[1957 c.668 §1; 1959 c.111 §1]

532.520 Persons holding stray logs or acting as log patrol must comply with ORS 532.510 to 532.710. After September 30, 1957, no person shall hold any stray logs or act as a log patrol on or adjacent to the waters of this state without complying with the provisions of ORS 532.510 to 532.710.

[1957 c.668 §2]

532.530 License and bond of person acting as log patrol. Any person desiring to act as a log patrol shall obtain a license from the State Forester. The applicant shall apply to the State Forester on a form to be prescribed by him. The application shall be verified and shall contain the name and address of the applicant, the name, type and size of floating equipment to be used, the mailing address of the applicant's principal place of business and such other information as the State Forester may require. The applicant shall execute and file with the State Forester a surety bond to be approved by him running to the state in the penal sum of $10,000. The bond shall be conditioned upon the applicant's complying with all the requirements of the laws of this state governing log patrols and accounting for all stray logs taken into his possession. Each application shall be accompanied by a remittance of $100 for each boat to be used or operated by the licensee or his agent. Licenses shall be issued for one year, and may be renewed upon payment of $100 for each boat to be used or operated by the licensee or his agent. The State Forester shall issue a license to applicants complying with this section. He shall also issue with each original license or renewal two distinctive stickers or other suitable devices for each boat listed in the application. A fee of $4 shall be paid for each pair of such stickers or devices issued by the State Forester.

[1957 c.668 §3; 1961 c.174 §1]

532.535 Waterway facility owner taking into custody stray logs and boom sticks to protect facility; recovery by owner; forfeiture to custodian. (1) A person who is not licensed to act as a log patrol and who owns, possesses, operates or is using the facilities of a waterway structure may have or take in tow or into his custody or possession or under his control any stray log or boom stick when reasonably necessary to prevent damage to the waterway structure, whether or not the

stray log or boom stick is branded or marked pursuant to ORS 532.010 to 532.140, if he:

(a) Exercises reasonable efforts to locate any brand or mark cut or impressed upon the stray log or boom stick; and

(b) Notifies the State Forester in writing of the location of the stray log or boom stick and of the description of any brand or mark found by him to be cut or impressed upon the stray log or boom stick, and places such writing in the mail, postage prepaid and properly address to the State Forester, not later than the expiration of the day following the date on which the stray log or boom stick was taken into his possession or under his custody, excluding weekends and holidays.

(2) Upon receipt of a report of the location and description of a stray log or boom stick submitted to him pursuant to subsection (1) of this section, the State Forester shall:

(a) If the report contains a description of a brand or mark cut or impressed upon the stray log or boom stick, notify the owner of the stray log or boom stick as identified from the brand or mark thereon and require the owner to catch and remove the stray log or boom stick prior to the expiration of 21 days after the date of the receipt by the State Forester of such report; or

(b) Cause the stray log or boom stick to be caught and removed by a licensed log patrol prior to the expiration of 21 days after the date of the receipt by him of the report. Stray logs and boom sticks caught and removed pursuant to this paragraph shall be disposed of in the manner provided in ORS 532.550 and 532.570.

(3) Except as otherwise provided in subsection (4) of this section, any stray log or boom stick not caught and removed as required under subsection (2) of this section, shall become the property of the person who took it into his possession or custody or under his control pursuant to subsection (1) of this section.

(4) In case of an emergency situation caused by flooding or other natural disaster upon a navigable waterway in this state, the State Forester may suspend for the duration of the emergency, the 21-day recovery period required under subsection (2) of this section for stray logs or boom sticks taken into possession upon such waterway upon giving notice of the extension to the person submitting a report of the stray log or boom stick under subsection (1) of this section and to the owner, if any, of the stray log or boom stick as identified by a brand or mark thereon.

[1973 c.45 §2]

532.540 Log patrol to return stray logs to owner, boom company or other agency approved by State Forester; compensation. (1) The log patrol shall return all stray logs recovered by it to the owner or his agent whenever practicable. The log patrol shall be entitled to reasonable compensation for the recovery and return of stray logs to the owner or his agent. The compensation shall not exceed the amount allowed under ORS 532.550. If it is not practicable for the log patrol to return the logs to the owner or his agent, the log patrol shall deliver them to a boom company or other agency approved by the State Forester. If no boom company or other agency approved by the State Forester is within reasonable proximity to the place where the stray logs are recovered, the State Forester may approve a plan for processing such logs by some other person in a manner consistent with the provisions of ORS 532.510 to 532.710.

(2) No boom company or other agency shall be approved by the State Forester for the handling of stray logs unless it:

(a) Is regularly engaged in the commercial booming business or the marketing of logs;

(b) Is adequately equipped for sorting, rafting and handling of logs, loose or in rafts; and

(c) Maintains such records as are prescribed by the State Forester for the handling of stray logs.

[1957 c.668 §4(1), (2)]

532.550 Duties of boom company or other agency with respect to stray logs delivered to it. (1) The boom company or other agency approved by the State Forester shall give a receipt for the stray logs when they are delivered to it. When a reasonable number of stray logs have been accumulated, the boom company or other approved agency shall cause them to be scaled by a log scaling bureau or by an individual log scaler approved by the State Forester. The boom company or other approved agency shall immediately forward a copy of each scale certificate to the State Forester and to the log patrol which delivered the logs. After the logs have been scaled, the boom company or other approved agency shall send a notice of a proposed sale of the logs to all prospective purchasers requesting such notices. The notice shall specify the time and place of the proposed sale, and

shall be sent at least 10 days before the date thereof. The boom company or other approved agency shall sell the stray logs in the open market to the person making the highest offer therefor.

(2) The proceeds of the sale shall be paid in the following order:

(a) To the log patrol for its services a reasonable amount to be fixed and approved by the State Forester, which sum shall be based upon the value of the salvaged log and the character and nature of the salvage service rendered. If the owner has authorized the payment of a different rate in writing and in advance of the performance of the log patrol's service, the log patrol shall be paid at such authorized rate.

(b) To the boom company or other approved agency an amount equal to its usual and customary handling charges.

(c) The remainder to the owner of the logs. Payments to the owner shall be made at such regular intervals as may be prescribed by the State Forester and not less frequently than every six months. If the owner of the logs cannot be determined, the owner's share of the proceeds shall be forwarded to the State Forester.

(3) Notwithstanding the provisions of subsection (1) of this section, the State Forester may prescribe rules and regulations for negotiating the sale of the following by a boom company or other approved agency:

(a) Stray logs which are not of sufficient quantity or are not located within reasonable proximity to a market conducive to competitive bidding.

(b) Stray logs representing 10 percent or less by scaled volume of any raft or small parcel of logs.

(c) Stray logs designated in paragraph (c) of subsection (3) of ORS 532.510.
[1957 c.668 §5(1), (2), (4); 1959 c.111 §2]

532.560 Lien of log patrol on logs. The log patrol shall be entitled to a lien on the logs for any services performed by it under ORS 532.510 to 532.710, and such lien shall be governed as a lien under ORS 87.125.
[1957 c.668 §5(3)]

532.570 Disposition by log patrol, boom company or approved agency of branded or marked boom sticks and boom chains. The log patrol, boom company or approved agency shall hold all branded or marked boom sticks and boom chains recovered by it for the owner as identified by the registered brand or mark thereon. The log patrol, boom company or other approved agency, upon receipt of the boom sticks, shall notify the owner that it holds them. The owner shall have 60 days from the sending of such notice to reclaim the boom sticks. The owner, when reclaiming the boom sticks and boom chains, shall pay the log patrol, boom company or approved agency a reasonable compensation not to exceed $10 per boom stick and $5 per boom chain. If the owner fails to claim his boom sticks or boom chains within 60 days after notice, or if the owner refuses to compensate the log patrol, boom company or other approved agency, the boom sticks or boom chains may be sold as stray logs.
[1957 c.668 §6]

532.580 Demand by owner of logs that licensee deliver stray logs in accordance with law or deliver logs taken contrary to law to owner; procedure if licensee does not comply. If any licensee takes possession of, sells, delivers or fails to deliver any stray logs contrary to the provisions of ORS 532.510 to 532.710, the owner of the logs or his agent may make written demand upon the licensee to deliver the stray logs to the owner, a boom company or other approved agency as provided in ORS 532.510 to 532.710. If the logs are not stray logs or were taken into possession contrary to the provisions of ORS 532.510 to 532.710, the owner of the logs or his agent may make written demand upon the licensee for the return thereof. The written demand shall be made by a registered letter addressed to the principal place of business of the licensee. If the licensee does not comply with the demand within 48 hours, the owner or his agent may file with the State Forester a complaint consisting of a copy of the demand and an affidavit setting forth the particulars in which the affiant believes that ORS 532.510 to 532.710 have been violated. The affidavit shall also state the approximate number of logs in the possession of the licensee, the value thereof and, if known, the place in which the affiant believes the logs are located. The State Forester may, upon filing of the complaint, notify the licensee by registered mail addressed to his principal place of business that a hearing will be held within seven days on the charge filed by the complainant unless prior thereto he withdraws the charge. If the State Forester at the hearing finds that the licensee has, without lawful excuse, refused to comply with the demand of

the complainant, he may revoke or suspend the license of the licensee.
[1957 c.668 §15]

532.590 Log patrol not to take possession of certain logs, boom sticks and boom chains. (1) No log patrol shall take possession of any logs, boom sticks or boom chains belonging to an owner who has notified the log patrol not to do so. The notice shall be sent by registered mail addressed to the principal place of business of the log patrol and shall designate the brands or marks which the logs or sticks bear. The notice shall be effective for 30 days after the logs, boom sticks or boom chains have escaped from the owner or his agent, or until the notice has been rescinded by a notice served in the same manner.

(2) No log patrol shall take into its possession any stray logs during the time that the owner, his agent or the transportation agency which lost the stray logs is attempting or is awaiting favorable weather conditions to attempt to recover the stray logs.
[1957 c.668 §8; subsection (2) enacted as 1957 c.668 §4(3)]

532.600 Civil action against person causing damage by violation of law. In addition to the criminal penalties imposed under subsection (3) of ORS 532.990, any owner who has been deprived of the use, benefit or possession of any stray log, boom stick or boom chain contrary to the provisions of ORS 532.510 to 532.710 shall have a cause of action to recover damages from any person causing damage by violation of the provisions of ORS 532.510 to 532.710.
[1957 c.668 §23]

532.610 Written consent of owner required to take possession of boom sticks or boom chains with intent to process boom sticks into wood products. No person, with intent to sell such boom sticks or boom chains, shall take into his possession any boom sticks or boom chains without the written consent of the owner thereof. No person shall buy boom sticks or boom chains, or manufacture boom sticks into lumber or other wood products, without the written consent of the owner thereof.
[1957 c.668 §9]

532.620 Purchase, possession, processing or manufacture of stray logs to be in compliance with law. No person shall purchase or otherwise acquire stray logs except from the owner thereof or from a boom company or other approved agency as provided in ORS 532.510 to 532.710. No person shall process or manufacture into lumber or other wood products any stray logs acquired contrary to the provisions of ORS 532.510 to 532.710, nor shall any person have stray logs in his possession for such purpose.
[1957 c.668 §10]

532.630 Intent to defraud presumed when possession contrary to law. Any person having possession of stray logs, boom sticks or boom chains, except as provided in ORS 532.510 to 532.710, shall be presumed to have possession thereof with the intent of depriving and defrauding the owner thereof.
[1957 c.668 §7]

532.640 Log patrol to keep records. Every log patrol shall keep at its principal place of business a permanent record of its log patrol activities. The record shall be open to public inspection during office hours.
[1957 c.668 §12]

532.650 Displaying sticker or other device on boat. No licensee or his agent shall engage in the activities of a log patrol without having at all times displayed on each side of each licensed boat a sticker or other suitable device issued by the State Forester under ORS 532.530.
[1957 c.668 §11]

532.660 Rules and regulations of State Forester. The State Forester may make necessary rules and regulations to carry out the provisions of ORS 532.510 to 532.710.
[1957 c.668 §17]

532.670 Investigations by State Forester. (1) The State Forester may investigate upon his own initiative:

(a) The activities of any log patrol.

(b) The making of any false statements in any application for license under ORS 532.530.

(c) The records of any person who is subject to the provisions of ORS 532.510 to 532.710.

(2) The investigation of records shall be limited to an examination of books of account, ledgers and other records that relate to the activities regulated by ORS 532.510 to 532.710 and shall be conducted at the place of business of the person owning or having custody of the records.
[1957 c.668 §13]

532.680 Hearings by State Forester. (1) The State Forester may hold hearings for the purpose of ascertaining the facts concerning any activities regulated by ORS 532.510 to

532.710. In conducting the hearing, the State Forester may:

(a) Issue subpenas to compel the attendance of witnesses.

(b) Compel the production of books of account ledgers and other records relating to the activities regulated by ORS 532.510 to 532.710.

(c) Administer oaths and take the evidence of witnesses under oath concerning the activities regulated by ORS 532.510 to 532.710.

(2) If the purpose of the hearing is to investigate an alleged violation of the provisions of ORS 532.510 to 532.710 by any licensee or applicant for a license, the State Forester shall give notice thereof by registered mail addressed to the licensee's or applicant's principal place of business. The notice shall set forth the provision or provisions of ORS 532.510 to 532.710 which the licensee or applicant is charged with violating. The notice shall be sent at least 10 days prior to the date of the hearing. If the State Forester at the hearing finds that the licensee or applicant has been guilty of any violation of the provisions of ORS 532.510 to 532.710, he may revoke or suspend the license or deny the application.

(3) Any licensee may request the State Forester to issue subpenas to such witnesses as the licensee may designate. The State Forester shall issue such subpenas if he is satisfied that the testimony of the subpenaed witness will be relevant to the subject of the hearing.

(4) In case of failure on the part of any person to comply with any subpena issued by the State Forester, or the refusal of any witness to testify to any matter regarding which he lawfully may be interrogated in hearings before the State Forester, the circuit court of the county in which the hearing is held, or any judge thereof, upon application by the State Forester, shall proceed as in the case of failure to comply with a subpena or order issued from such court or a refusal to testify therein.

[1957 c.668 §14]

532.690 Restoration of license if licensee makes reparation. The State Forester may, in entering any order revoking or suspending the license of a licensee, provided that the license shall be reinstated or a new license issued if the licensee makes reparation as ordered to any person found at the hearing to have been injured as a result of the licensee's violation of the provisions of ORS 532.510 to 532.710.

[1957 c.668 §16]

532.700 Appeal to circuit court from action of State Forester. Any person who is aggrieved by any act or failure to act by the State Forester under the provisions of ORS 532.510 to 532.710 may appeal therefrom to the circuit court.

[1957 c.668 §18]

532.710 Disposition of receipts. All moneys received by the State Forester under ORS 532.510 to 532.710 shall be deposited in the State Treasury, credited to the General Fund and available for general governmental expenses.

[1957 c.668 §19; 1967 c.34 §7]

532.720 ORS 532.510 to 532.710 and 532.990 part of forest laws. ORS 532.510 to 532.710 and 532.990 shall become a part of the forest laws of Oregon.

[1959 c.111 §3]

PENALTIES

532.990 Penalties. (1) Violation of any of the provisions of ORS 532.130 is punishable, upon conviction, by a fine of not less than $500 nor more than $1,000 or by imprisonment in the county jail for not less than 60 days nor more than 180 days, or both.

(2) Violation of any of the provisions of ORS 532.140 is a felony and is punishable, upon conviction, by a fine of not less than $1,000 nor more than $5,000 or by imprisonment in the state penitentiary for a period not to exceed two years, or both.

(3) Violation of any of the provisions of ORS 532.510 to 532.710 is a misdemeanor.

[Subsection (3) enacted as 1957 c.668 §22]

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

CHAPTERS 533 TO 535

[Reserved for expansion]