

Chapter 690

1983 REPLACEMENT PART

Barbers and Hairdressers

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GENERAL PROVISIONS

Note: Section 24, chapter 151, Oregon Laws 1983, provides:

Sec. 24. This section subjects the regulation of practitioners of hair design, cosmetology or manicure by the State Board of Barbers and Hairdressers to automatic review by the Legislative Assembly under ORS 182.605 to 182.635. For the purposes of ORS 182.605 to 182.635, the functions of the State Board of Barbers and Hairdressers relating to regulation of practitioners of hair design, cosmetology or manicure, constitute an agency. Subject to the review provided under this section, ORS 690.005, 690.015, 690.025, 690.035, 690.045, 690.055, 690.065, 690.075, 690.085, 690.095, 690.105, 690.123, 690.155, 690.165, 690.185, 690.205, 690.215, 690.225, 690.235, 690.275 and sections 6, 16b and 22 of this Act are repealed on July 1, 1988.

Note: Section 6, chapter 685, Oregon Laws 1983, provides:

Sec. 6. ORS 690.005, 690.015, 690.025, 690.035, 690.045, 690.055, 690.065, 690.075, 690.085, 690.087, 690.095, 690.105, 690.123, 690.155, 690.165, 690.175, 690.185, 690.195, 690.205, 690.215, 690.225, 690.235, 690.275 and 690.992 are repealed effective June 30, 1988.

690.005 Definitions. As used in this chapter:

(1) "Board" means the State Board of Barbers and Hairdressers.

(2) "Certificate" means a certificate of registration, issued under ORS 690.048, authorizing the holder to practice hair design, cosmetology or manicure under this chapter.

(3) "Cosmetology" means the use of the hands, mechanical or electrical apparatus or appliances, cosmetic preparations, antiseptics, tonics, lotions or creams in massaging, cleansing, stimulating, manipulating, exercising, beautifying or similar work performed on the human body for cosmetic purposes and not for the treatment of disease or physical or mental ailments, and when done for payment either directly or indirectly for the public generally.

(4) "Hair design" means, when done upon the human body for cosmetic purposes and not for the treatment of disease or physical or mental ailments, and when done for payment either directly or indirectly for the public generally, any one or more of the following practices:

(a) Shaving, trimming or cutting of the beard.

(b) Arranging, styling, dressing, curling, temporary waving, permanent waving, relaxing, cutting, singeing, bleaching, coloring, dyeing, cleansing, shampooing, conditioning, applying hair tonics or similar work upon the hair of an individual.

(5) "License" means a license to operate a shop issued under ORS 690.055.

(6) "Manicure" means cutting, trimming, polishing, coloring, tinting, cleansing, or otherwise treating the nails of the hand or massaging, cleansing, treating or beautifying the hands performed for cosmetic purposes and not for the treatment of disease or physical or mental ailments, and when done for payment either directly or indirectly for the public generally.

(7) "Permit" means a permit to practice, demonstrate or teach hair design, cosmetology or manicure issued under ORS 690.105.

(8) "Practitioner" means a person certified and registered to practice hair design, cosmetology or manicure under ORS 690.048.

(9) "School of hair design" means an establishment operated for the purpose of teaching hair design and licensed under ORS chapter 345.

(10) "Shop" means an establishment operated for the purpose of engaging in the practice of hair design, cosmetology or manicure and licensed under ORS 690.055. [1977 c.886 §1; 1983 c.151 §1]

690.010 [Amended by 1969 c.687 §1; 1977 c.270 §1; repealed by 1977 c.842 §26 and 1977 c.886 §42]

690.015 Prohibited acts. This section establishes prohibitions relating to the practice of hair design, cosmetology and manicure. The prohibitions under this section are subject to the exemptions under ORS 690.025. A person who violates a prohibition under this section is subject to the penalties under ORS 690.992 in addition to any administrative action taken by the board under ORS 690.075 or any civil penalty under ORS 690.995. A person violates a prohibition under this section if the person does any of the following:

(1) Practices or attempts to practice hair design, cosmetology or manicure without a certificate as a practitioner or a permit.

(2) Operates a shop unless it is at all times under the direct supervision of a practitioner.

(3) Displays a sign or in any way advertises or purports to be a practitioner, barber or hairdresser or to be engaged in the practice or business of hair design, cosmetology or manicure without first obtaining a permit, certificate or license.

(4) Knowingly makes a false statement on an application for a license, certificate or permit or for the renewal of a license, certificate or permit.

(5) Permits any individual in the employ or under the supervision or control of the person to practice hair design, cosmetology or manicure without a certificate or permit.

(6) Obtains or attempts to obtain a certificate, license or permit by fraudulent means.

(7) Permits the fraudulent use of the certificate of the person by another person. [1977 c.886 §3, 1981 c.141 §1; 1983 c.151 §2]

690.020 [Amended by 1961 c.300 §3; 1969 c.687 §2; repealed by 1977 c.842 §26 and 1977 c.886 §42]

690.025 Exemptions. This section establishes exemptions from regulation under this chapter. An exemption is partial or complete as described in the following:

(1) Persons who perform service without compensation in case of emergency or in domestic administration are not subject to regulation under this chapter.

(2) The following persons are not subject to regulation under this chapter while in the proper discharge of their professional duties:

(a) A licensed health care professional acting within scope of the professional license or permit or a person subject to regulation by a health care professional licensing board.

(b) A person engaged in rendering emergency medical assistance as defined in ORS 30.800.

(c) Persons licensed by the State Board of Pharmacy, merchants or other individuals when demonstrating apparatus or supplies for purposes of sale.

(d) Commissioned medical and surgical officers of the United States Army, Navy or Marine Hospital Service.

(3) A student attending a school licensed to teach hair design, cosmetology or manicure under ORS chapter 345 is not required to obtain a certificate or permit to perform the person's training. [1977 c.886 §2; 1983 c.151 §3]

690.030 [Repealed by 1977 c.842 §26 and 1977 c.886 §42]

CERTIFICATES, LICENSES AND PERMITS

690.035 Application for license or certificate. A person desiring to obtain a license or certificate shall apply in writing to the board on a form provided by the board. Each application shall be accompanied by evidence under oath or affirmation and satisfactory to the board that the applicant possesses the necessary qualifications. [1977 c.886 §4]

690.040 [Repealed by 1977 c.842 §26 and 1977 c.886 §42]

690.045 Qualifications for issuance of certificate. (1) Except as otherwise provided in this section, an applicant must do all of the following to be issued a certificate as a practitioner under ORS 690.048:

(a) Pass the certification examination given by the board under ORS 690.065;

(b) Pay the examination fee and application fee determined by the board under ORS 690.235; and

(c) If the applicant is applying for a certificate to practice hair design, have successfully completed all courses a school of hair design is required to teach to be licensed under ORS chapter 345 or all courses a barber school is required to teach to be licensed under ORS 345.460; or

(d) If the applicant is applying for a certificate to practice cosmetology or manicure, have successfully completed all courses a school permitted to teach cosmetology or manicure is required to teach to be licensed under ORS chapter 345.

(2) A person who holds a currently valid authority to perform hair design, cosmetology or manicure issued by a licensing agency of another state or territory of the United States is not required to comply with the schooling requirements under this section to qualify for a certificate. Also, the board may issue the person a certificate without requiring the person to pass an examination under this section if:

(a) The person pays the required fee for a reciprocity fee under ORS 690.235; and

(b) The board determines that the licensing agency of the jurisdiction where the person holds the current valid authority:

(A) Accords reciprocal privileges to residents of this state; and

(B) Has requirements for qualification to practice hair design, cosmetology or manicure that the board determines are substantially equivalent to the requirements of this state.

(3) An applicant shall not be required to comply with the schooling requirements for a certificate under subsection (1) of this section if the applicant is the graduate of a hair design, cosmetology or manicure school in another state or territory or in a state correctional institution and the requirements for successful completion of training at the school are determined by the Superintendent of Public Instruction to meet the minimum requirements for licensing a school of hair design or a school permitted to teach cosmetology or manicure under ORS chapter 345. [1977 c.886 §5; 1979 c.855 §3; 1983 c.151 §4]

690.048 Certificate prima facie evidence of right to practice; designation as barber or hairdresser. (1) The board shall issue a certificate to each applicant who qualifies under ORS 690.045. A certificate shall be valid as provided under ORS 690.045. The certificate shall be prima facie evidence of the right of the holder to practice in the field of practice for which the holder has qualified and to purport to be a practitioner.

(2) At the request of any applicant who has qualified to perform hair design under ORS 690.045, the board shall issue a certificate designating its holder as either a "barber" or "hairdresser," or both, as the applicant requests. Notwithstanding this subsection, the certificate issued to an applicant who has graduated from a school licensed under ORS 345.460 shall designate only that its holder is a "barber" and that its holder has graduated from a school licensed under ORS 345.460.

(3) A certificate shall state the areas of practice the practitioner may perform. [1983 c.151 §6]

690.050 [Amended by 1959 c.630 §1; 1961 c.436 §1; repealed by 1977 c.842 §26 and 1977 c.886 §42]

690.055 Shop license requirements.

(1) To be issued a license for a shop, each applicant shall:

(a) Be 18 years of age.

(b) Comply with the rules of the board concerning health, safety and sanitation.

(c) Comply with the applicable health and safety laws and rules of the Health Division and any other state agencies.

(d) Pay the application fee determined by the board.

(2) The board shall issue to each qualified applicant a license. A license shall be valid for one year. The license shall be prima facie evidence of the right of the owner of the shop to operate a shop and to advertise as offering the services for which the shop is licensed.

(3) A shop issued a license under this section must at all times be under the direct supervision of a practitioner. If hair design is practiced in the shop, the practitioner who supervises the shop must have a certificate to practice hair design. [1977 c.886 §6; 1981 c.141 §2; 1983 c.151 §7]

690.060 [Amended by 1959 c.630 §2; 1961 c.436 §2; 1969 c.687 §3; repealed by 1977 c.842 §26 and 1977 c.886 §42]

690.065 Examinations. (1) Examinations shall be given at such times and places as the board may determine, but in no instance less often than once every month.

(2) Examinations shall be written or oral tests and shall test the applicant's knowledge of sanitary practices and safety for all procedures permitted and in the use of all instruments, equipment or chemicals permitted within the scope of a license and certificate in the field of practice for which the applicant is seeking certification. [1977 c.886 §7]

690.070 [Repealed by 1977 c.842 §26 and 1977 c.886 §42]

690.075 Grounds for refusal, suspension or revocation of certificate or license. The board may refuse to issue or may suspend or revoke any certificate or license for any one or more of the following causes:

(1) Continued performance of hair design, cosmetology or manicure by a person knowingly having an infectious or communicable disease.

(2) Violation of ORS 646.608 in the conduct of a hair design, cosmetology or manicure business.

(3) Violation of ORS 690.015 or 690.095 or any rule adopted under ORS 690.165 or 690.205.

(4) Addiction to or severe dependency upon alcohol or controlled substances that impairs the person's ability to perform in a professional manner. [1977 c.886 §8; 1983 c.151 §8]

690.080 [Repealed by 1977 c.842 §26 and 1977 c.886 §42]

690.085 Renewal of certificates and licenses. (1) Except as otherwise provided in this section, all certificates and licenses expire one year after the date of issue, unless renewed within 30 days of the expiration date by payment of the required renewal fee and compliance with other requirements for renewal. The board, however, may vary the date of certificate and license renewal by giving to the applicant written notice of the renewal date being assigned and by making prorated adjustments in the renewal fee.

(2) Any license or certificate not renewed before it expires may be renewed within one year by payment of the required renewal fee, compliance with other requirements for renewal and payment of a late renewal fee set by the board.

(3) A certificate that has not been renewed for more than one year, and less than five years, after the date of expiration may be renewed and restored upon payment of one year's renewal fee.

(4) A certificate that has not been renewed for a period of five years after date of expiration may be renewed and restored if the applicant:

(a) Satisfactorily passes the examination required by ORS 690.065.

(b) Pays one year's license fee in advance.
[1977 c.886 §9; 1983 c.151 §9]

690.087 [1979 c.855 §2; 1981 c.897 §100; renumbered 345.470]

690.090 [Repealed by 1977 c.842 §26 and 1977 c.886 §42]

690.095 Display of certificate required. (1) Every holder of a certificate shall display it in a conspicuous place within the shop.

(2) Every holder of a license shall display it in a conspicuous place within the shop. [1977 c.886 §10; 1979 c.663 §1]

690.100 [Amended by 1961 c.300 §4; 1969 c.687 §4; repealed by 1977 c.842 §26 and 1977 c.886 §42]

690.105 Temporary permit requirements. (1) A person not certified under ORS 690.045 who wishes to practice, demonstrate and teach hair design, cosmetology or manicure, or perform any one or more of such functions, temporarily and primarily for educational purposes and is otherwise qualified as determined by the board shall first obtain a permit from the board.

(2) The permit shall specify:

(a) The purpose for which it is granted.

(b) The period during which the person is permitted to practice, demonstrate and teach, which period shall not exceed 10 days.

(c) The time and place of exercising the privilege granted by the permit.

(3) A person may be granted a permit under this section if the person:

(a) Makes application to the board for the permit.

(b) Is currently licensed or certified to practice or teach hair design, cosmetology or manicure in another state and presents satisfactory evidence of that fact to the board, or is otherwise qualified as determined by the board.

(c) Describes the purpose for which the permit is sought.

(d) Pays the required permit fee. [1977 c.886 §11; 1983 c.151 §11]

690.110 [Repealed by 1977 c.842 §26 and 1977 c.886 §42]

690.115 [1977 c.886 §12; repealed by 1981 c.141 §4]

690.120 [Amended by 1961 c.300 §5; 1973 c.832 §38; 1977 c.873 §8; repealed by 1977 c.842 §26 and 1977 c.886 §42]

690.123 Certificate of identification.

(1) A practitioner who practices outside of or away from a place of business shall carry a certificate of identification which must be shown to a

person upon whom the work is being performed. The certificate shall contain the signature of the practitioner, the practitioner's post-office address, the number and date of the practitioner's certificate.

(2) The board shall, without charge, issue such certificates upon demand by any practitioner who practices away from the practitioner's place of business on persons who are physically unable to visit a licensed shop. [1977 c.886 §13; 1983 c.151 §12]

690.125 [1961 c.300 §2; 1969 c.687 §6; repealed by 1977 c.842 §26 and 1977 c.886 §42]

690.130 [Amended by 1959 c.630 §3; 1961 c.300 §6; 1961 c.436 §3; 1969 c.687 §7; repealed by 1977 c.842 §26 and 1977 c.886 §42]

690.140 [Amended by 1965 c.274 §1; 1973 c.832 §39; 1977 c.873 §9; repealed by 1977 c.842 §26 and 1977 c.886 §42]

690.150 [Amended by 1961 c.300 §7; 1965 c.274 §2; 1969 c.687 §11; 1971 c.86 §1; 1973 c.832 §40; repealed by 1977 c.842 §26 and 1977 c.886 §42]

STATE BOARD

690.155 State Board of Barbers and Hairdressers; qualifications; appointment.

(1) There is created within the Department of Commerce a State Board of Barbers and Hairdressers consisting of seven members appointed by the Director of Commerce. Each member of the board shall serve for a term of three years and until a successor is appointed and qualified. At all times the membership of the board shall be so constituted that:

(a) Six members of the board shall be practitioners with certificates.

(b) One member shall be a public member who is not a practitioner.

(2) A person is not eligible for appointment as a member of the board if the person:

(a) Is associated, directly or indirectly, in the manufacture of cosmetic or barber appliances or supplies or their rental, sale or distribution to licensees.

(b) Has previously served two terms.

(3) A member of the board serves at the pleasure of the Director of Commerce. Vacancies shall be filled by the Director of Commerce, by appointment for the unexpired term. [1977 c.886 §14; 1983 c.151 §13]

690.160 [1969 c.687 §9; repealed by 1977 c.842 §26 and 1977 c.886 §42]

690.165 Powers of board. In addition to the powers otherwise granted by ORS 345.430 and this chapter, the board shall have the power:

(1) To determine whether applicants to practice hair design, cosmetology or manicure meet the qualifications under ORS 690.045 or 690.055, to conduct examinations, and to grant permits, certificates and licenses to qualified applicants upon compliance with ORS 690.045, 690.055 or 690.105 and the rules of the board.

(2) To establish sanitary and safety standards for the practice of hair design, cosmetology or manicure, and to enforce the standards.

(3) To prescribe and furnish forms for applications for examinations, certificates, licenses and permits.

(4) To do any act necessary or proper to effect and carry out the duties required of the board by this chapter. [1977 c.886 §21; 1983 c.151 §14]

690.170 [1969 c.687 §10; repealed by 1977 c.842 §26 and 1977 c.886 §42]

690.175 Officers; rules; meetings; quorum; compensation and expenses. (1) The board shall elect a chairperson. The board shall prescribe rules to govern the proceedings of the board. The board shall hold meetings at such times and places as it determines. A majority of the members of the board shall constitute a quorum.

(2) Each member of the board is entitled to compensation and expenses as provided in ORS 292.495. [1977 c.886 §§16, 17]

690.185 Administrator; appointment and compensation; services and employes. (1) The Director of Commerce shall fix the qualifications of and appoint an administrator for the board who shall not be a member of the board. Subject to the applicable provisions of the State Personnel Relations Law, the director shall fix the compensation of the administrator, who shall be in the unclassified service.

(2) The Director of Commerce shall provide the board with such services and employes as the board requires to carry out its duties. [1977 c.886 §18; 1983 c.151 §15]

690.195 Records of board. The board shall keep a record of its proceedings relating to the issuance, refusal, suspension and revocation of certificates. This record shall also contain the name, place of business and the date of each certificate and license issued by the board. The records of the board shall at all reasonable times be open to inspection by the public. [1977 c.886 §19]

690.200 [Repealed by 1977 c.842 §26 and 1977 c.886 §42]

690.205 Rules; approval of Health Division; when domestic use of premises permitted. (1) The board has authority to make reasonable rules for the administration of the provisions of ORS 345.430 and this chapter and prescribe sanitary and safety requirements for shops. Sanitary requirements for shops shall be subject to the approval of the Health Division. A copy of the rules adopted by the board shall be furnished by the board to the owner or manager of each shop.

(2) Notwithstanding subsection (1) of this section, the board may not prohibit the use of the shop for domestic purposes if the part devoted to domestic purposes is in a completely separate room not used by customers, with walls extending from floor to ceiling and with any connecting doors kept closed while the shop is in actual operation.

(3) Any rules adopted by the board shall be adopted in accordance with the procedures set forth in ORS 183.310 to 183.550. [1977 c.886 §20, 22 (2); 1983 c.151 §16]

690.210 [Repealed by 1977 c.270 §3; 1977 c.842 §26 and 1977 c.886 §42]

690.215 When hearing required. Where the board proposes to revoke or suspend or refuse to issue or renew a certificate, permit or license, opportunity for hearing shall be accorded as provided in ORS 183.310 to 183.550. [1977 c.886 §22 (1)]

690.220 [Amended by 1969 c.687 §12; repealed by 1977 c.842 §26 and 1977 c.886 §42]

690.225 Inspections. (1) In addition to any other duties prescribed by law, the Director of Commerce shall establish within the Department of Commerce a program to provide for the inspection of shops licensed under ORS 690.055 and of schools licensed to teach hair design, cosmetology or manicure under ORS chapter 345.

(2) Inspections conducted under this section shall determine whether the shops comply with the sanitary and safety requirements under ORS 690.165 and 690.205 and rules adopted thereunder and whether the schools comply with the sanitary and safety requirements under ORS chapter 345 and rules adopted thereunder. Upon completion of each school inspection the Director of Commerce shall cause a report of the results of the inspection to be submitted to the Superintendent of Public Instruction. [1977 c.886 §26; 1983 c.151 §17]

690.228 Enjoining violations. If the board determines that a person has or is about to engage in an activity that is or will be in violation of any provision of this chapter, the board, without bond, may institute a proceeding in an appropriate circuit court to restrain the activity or proposed activity. A court may issue an injunction under this section without proof of actual damages. The board may employ special counsel for a proceeding under this section. An injunction issued under this section does not relieve a person from any prosecution or board action taken for violation of this chapter. [1983 c.151 §16b]

690.230 [Amended by 1961 c.436 §4; repealed by 1977 c.842 §26 and 1977 c.886 §42]

690.235 Fees. Fees required to be paid shall be paid in amounts determined by the board and approved by the Director of Commerce, except that no fee shall exceed the following:

- (1) The filing of an application for an original certificate as a practitioner, \$15.
 - (2) An annual renewal of a certificate as a practitioner, \$15.
 - (3) Each examination for a certificate as a practitioner, \$15.
 - (4) A temporary permit issued under ORS 690.105, \$5.
 - (5) A shop license, \$50.
 - (6) An annual renewal for a shop license, \$25.
 - (7) A duplicate or replacement of any certificate, license or permit, \$5.
 - (8) A late renewal fee, \$5.
 - (9) A reciprocity fee, \$50. [1977 c.886 §23; 1981 c.141 §3; 1983 c.151 §18]
- 690.240** [Amended by 1969 c.377 §2; repealed by 1971 c.734 §21]
- 690.243** [1977 c.886 §24; repealed by 1979 c.31 §1]
- 690.245** [1971 c.734 §146; repealed by 1977 c.842 §26 and 1977 c.886 §42]
- 690.250** [Amended by 1969 c.377 §3; repealed by 1971 c.734 §21]
- 690.260** [Repealed by 1977 c.842 §26 and 1977 c.886 §42]
- 690.270** [Repealed by 1977 c.842 §26 and 1977 c.886 §42]
- 690.275** [1977 c.886 §38a; 1979 c.855 §1; 1983 c.151 §20; renumbered 345.460]

690.280 [Amended by 1965 c.373 §1; 1971 c.753 §31; repealed by 1977 c.842 §26 and 1977 c.886 §42]

690.290 [Amended by 1969 c.377 §1; 1973 c.832 §40a; repealed by 1977 c.842 §26 and 1977 c.886 §42]

690.300 [Amended by 1965 c.274 §3; 1969 c.314 §91; 1969 c.377 §4; 1973 c.832 §40b; repealed by 1977 c.842 §26 and 1977 c.886 §42]

690.310 [Amended by 1969 c.377 §5; repealed by 1977 c.842 §26 and 1977 c.886 §42]

690.320 [Amended by 1973 c.832 §41; repealed by 1977 c.842 §26 and 1977 c.886 §42]

690.330 [Amended by 1961 c.436 §5; repealed by 1977 c.842 §26 and 1977 c.886 §42]

690.340 [Amended by 1967 c.637 §34; repealed by 1977 c.842 §26 and 1977 c.886 §42]

PENALTIES

690.990 [Amended by 1977 c.270 §2; repealed by 1977 c.842 §26 and 1977 c.886 §42]

690.992 Criminal penalties. Violation of ORS 690.015 is a Class B misdemeanor. [1977 c.886 §25]

690.995 Civil penalties. (1) In addition to any other penalty provided by law, a person who violates ORS 690.015 or 690.095 or any rule adopted under ORS 690.165 or 690.205 is subject to forfeiture and payment of a civil penalty to the State Board of Barbers and Hairdressers in an amount of not more than \$1,000 for each offense.

(2) A civil penalty under this section shall be determined and assessed by the board in a contested case proceeding under ORS 183.310 to 183.550.

(3) If a person against whom a civil penalty is assessed under this section does not pay the civil penalty within 60 days after the order assessing the penalty becomes final, the order shall have the same effect as the judgment of a court of record and the board may file and execute upon the order in the same manner as the judgment of a court of record in this state.

(4) The moneys received by the board from civil penalties under this section shall be deposited and accounted for as are other moneys received by the board and shall be for the administration and enforcement of those laws the board is charged with administering and enforcing. [1983 c.151 §22]