

Chapter 680

1985 REPLACEMENT PART

Dental Hygienists; Denturists

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DENTAL HYGIENISTS**(Generally)**

680.010 Definitions for ORS 680.010 to 680.170. As used in ORS 680.010 to 680.170, unless the context requires otherwise, words shall have the meanings assigned by ORS 679.010. [Amended by 1963 c.266 §1; 1983 c.169 §18]

680.020 Practice of dental hygiene without license prohibited; applicability of dental hygiene license requirement. (1) It shall be unlawful for any person not otherwise authorized by law to practice dental hygiene or purport to be a dental hygienist without a valid license to practice dental hygiene issued by the board.

(2) The requirements of this section shall not apply to:

(a) Dental hygienists licensed in another state making a clinical presentation sponsored by a bona fide dental or dental hygiene society or association or an accredited dental or dental hygiene education program approved by the board.

(b) Bona fide full-time students of dental hygiene who, during the period of the student's enrollment and as a part of the course of study in an Oregon dental hygiene education program accredited by the Commission on Accreditation of the American Dental Association, or its successor agency, if any, which must have been approved by the board, engage in clinical studies on the premises of such program or in a clinical setting located off the premises if the facility, the instructional staff, and the course of study at the off-premises location meet minimum requirements prescribed by the rules of the board and the clinical study is performed under the direct supervision of a member of the faculty.

(c) Candidates who are preparing for licensure examination to practice dental hygiene and whose application has been accepted by the board or its agent, if such clinical preparation is conducted in a clinic located on premises approved for that purpose by the board and if the procedures are limited to examination only.

(d) Dental hygienists practicing in the discharge of official duties as employees of the United States Government and any of its agencies.

(e) Instructors of dental hygiene, whether full or part-time, while exclusively engaged in teaching activities and while employed in accredited dental hygiene educational institutions.

(f) Dental hygienists employed by public health agencies who are not engaged in direct delivery of clinical dental hygiene services to patients. [Amended by 1963 c.266 §2; 1983 c.169 §19]

680.025 [1971 c.48 §3; 1975 c.323 §1; repealed by 1983 c.169 §34]

680.030 [Amended by 1963 c.266 §3; repealed by 1983 c.169 §34]

(Licensing)

680.040 Qualifications of applicants for dental hygiene licensure examination.

(1) An applicant for a dental hygiene license shall be entitled to take the examination to practice dental hygiene in Oregon if the applicant:

(a) Is 18 years of age or older; and

(b) Is a graduate of a dental hygiene program accredited by the Commission on Dental Accreditation of the American Dental Association or its successor agency, if any, which must have been approved by the board.

(2) Foreign trained graduates of dental hygiene programs may apply for the dental hygiene licensure examination, providing the applicant meets the board's requirements, by rule, as will reasonably assure that an applicant's training and education are sufficient for licensure. [Amended by 1963 c.266 §4; 1973 c.122 §1; 1975 c.323 §2; 1979 c.526 §1, 1983 c.169 §20]

680.050 Application for examination; fees; prior convictions as grounds for refusal to issue license; fee. (1) Any person desiring to practice dental hygiene in this state shall file an application for examination with the board at least 45 days before the date set for the beginning of the examination.

(2) At the time of making application, the applicant shall:

(a) Pay to the board the required examination fee.

(b) Furnish the board with evidence satisfactory to the board of details of any convictions recorded in any police records. Such details are subject to the findings required by ORS 670.280.

(c) Present to the board a diploma or evidence satisfactory to the board of having graduated from an accredited dental hygiene program approved by the board.

(3) If an applicant has been in practice in another state or states the applicant shall furnish an affidavit from the board of dental examiners or similar body of such state or states that the applicant has been engaged in the legal practice of

dental hygiene in such state or states for a period of time prescribed by the rules of the board.

(4) The board may refuse to issue a license to an applicant who has been convicted of an offense or been disciplined by a dental licensing body in a manner that bears, in the judgment of the board, a demonstrable relationship to the ability of the applicant to practice dental hygiene in accordance with the provisions of this chapter, or who has falsified an application for licensure.

(5) Examination fees paid are not refundable. [Amended by 1963 c.266 §5; 1967 c.90 §1; 1973 c.122 §2; 1983 c.169 §21; 1985 c.323 §16]

680.060 Examination; scope and conduct; results of national standardized examination or regional testing agencies in lieu of examination. (1) The board may administer written, laboratory or clinical examinations to test professional knowledge and skills.

(2) The examination shall be sufficiently thorough to test the fitness of the applicant to practice dental hygiene. It shall include, written in the English language, questions on any subjects pertaining to dental hygiene. The written examination may be supplemented by oral examination. Demonstrations of the applicant's skill in clinical dental hygiene also may be required. The examination shall be conducted under oath or affirmation before the board, and any member of the board may administer the necessary oath or affirmation.

(3) The board may accept the results of national standardized examinations in satisfaction of the written examination as authorized by this section, and may accept the results of regional testing agencies in satisfaction of the clinical examination authorized by this section. [Amended by 1963 c.266 §6; 1983 c.169 §22]

680.070 Subsequent examinations.

Any person failing to pass the first examination may apply for a second and third regularly scheduled examination by the board. The applicable fee and application for reexamination shall be submitted to the board at least 45 days before such examination. If the applicant fails to pass the third examination, the applicant will not be permitted to take any further examination until the applicant has attended and successfully passed a remedial program prescribed by a dental hygiene school and approved by the board. [Amended by 1963 c.266 §7; 1967 c.90 §2, 1971 c.34 §3; 1977 c.444 §4; 1979 c.526 §2; 1981 c.232 §3; 1983 c.169 §23]

680.072 Issuing license. The board shall, upon the applicant's satisfactory completion of the educational requirements and written,

laboratory and clinical examinations authorized under ORS 680.060 and upon receipt of the requisite fees, issue or renew the appropriate dental hygiene license. [1983 c.169 §26]

680.075 Annual license fees; waiver; reinstatement of inactive status license; notice of change of address, employer or practice status. (1) The board may impose fees for the following:

- (a) Examinations;
- (b) Annual dental hygiene license, active;
- (c) Annual dental hygiene license, inactive;
- (d) Annual dental hygiene license, special status;
- (e) Permits; and
- (f) Delinquency.

(2) Subject to review of the Executive Department and the prior approval of the appropriate legislative review agency, the fees and charges established under this section shall not exceed the costs of administering the regulatory program of the board pertaining to the purpose for which the fee is established, as authorized by the Legislative Assembly for the board budget, as modified by the Emergency Board or future sessions of the Legislative Assembly.

(3)(a) The board may waive the payment of the annual license fee in the case of any licensee who furnishes satisfactory evidence that the licensee has discontinued the actual practice of dental hygiene because of retirement.

(b) Application to reinstate a license retired under paragraph (a) of this subsection or to convert an inactive status license to an active status license shall be made in accordance with the rules of the board and with the submission of the license fee prescribed for such license; provided, however, that if more than one year has expired since the license was retired or inactivated, satisfactory evidence of clinical competence must be submitted to the board.

(4) Payment of the annual license fee shall be made on or before July 1 of each year for the ensuing fiscal year.

(5) Every dental hygienist shall keep the board advised within 30 days of any change of address, employer or practice status. [1983 c.169 §25; 1985 c.323 §17]

680.080 Revocation for nonpayment of fees; reinstatement. In case of default in the payment of the annual fee by any licensee, the license shall be revoked by the board upon 20 days' notice given to the licensee of the time and place of considering such revocation. A certified

letter addressed to the last-known address of the licensee failing to comply with the requirement is sufficient notice. Any license so revoked may be reinstated within one year after the date of revocation upon payment to the board of any unpaid fees for such intervening year, plus a penalty of \$50, but no license shall be revoked for nonpayment if the licensee so notified pays, before or at the time of such consideration, the fee required and such penalty, not to exceed \$50, as may be imposed by the board. [Amended by 1963 c.266 §8, 1973 c.122 §3, 1975 c.323 §3; 1979 c.526 §3; 1983 c.169 §27]

680.090 [Repealed by 1983 c.169 §34]

680.100 Discipline of dental hygienist; grounds; method; procedure. (1) The board may discipline any dental hygienist for any of the causes for which a dentist may be disciplined under ORS 679.140 and may impose any or all of the methods of discipline, modify such methods and reinstate dental hygiene licenses as provided in ORS 679.140 for dentists.

(2) The provisions of ORS 679.150, 679.160 and 679.250 shall apply to proceedings by the board for the revocation or suspension of or refusal to renew a license issued pursuant to ORS 680.010 to 680.170. [Amended by 1963 c.266 §9; 1975 c.323 §4; 1977 c.745 §52, 1983 c.169 §28, 1983 c.338 §963]

680.110 Disposition of receipts. All moneys paid by applicants to the board as examination and licensing fees under ORS 680.010 to 680.170 shall be used for the same purposes and accounted for by the board in the same manner as moneys obtained as fees from applicants for license to practice dentistry in Oregon.

680.150 Employment of dental hygienist; supervision. (1) Any dentist may employ a dental hygienist who may engage in the practice of dental hygiene in the office of such dentist under the supervision of a dentist.

(2) Any public institution, health care facility or health maintenance organizations, as those terms are defined in ORS 442.015, may employ a dental hygienist who may engage in the practice of dental hygiene under the supervision of a dentist.

(3) The board may adopt rules specifying other locations where dental hygienists may work and shall specify in its rules the degree of supervision a dentist must exercise over the procedures the hygienist performs. [Amended by 1963 c.266 §10; 1973 c.122 §4; 1979 c.526 §4; 1985 c.323 §9]

680.160 How many hygienists may be employed. The number of dental hygienists employed in the office of a dentist shall not

exceed the number of dentists practicing in such office except when authorized by rules adopted by the board. [Amended by 1973 c.122 §5; 1975 c.323 §5; 1979 c.526 §5]

(Miscellaneous)

680.165 Monitoring performance; information available to monitor; confidentiality; liability. (1) The board may appoint a consultant or a committee or committees, each consisting of one or more licensed dental hygienists in this state, to study and report to the board the condition of and dental hygiene treatment rendered to any person or persons by any licensed dental hygienist in this state, or by any person purporting to practice dental hygiene in this state. Any person, hospital, sanitarium, professional grievance committee, nursing or rest home or other organization may, subject to the laws governing privileged or confidential communications, provide information, interviews, reports, statements, memoranda or other data relating to the condition and treatment of any person, to any such consultant, committee or the board, to be used in the course of any study for the purpose of improving the standards of dental hygiene practice, or to enable the board to assess the desirability of disciplinary action relating thereto. No liability of any kind or character for damages or other relief shall arise or be enforced against any such person or organization by reason of having provided such information or material, or arise or be enforced against any consultant or member of such committee by reason of having released or published the findings and conclusions of such consultants or committees to advance dental hygiene science and dental hygiene education, or by reason of having released or published generally a summary of such studies. Testimony given to and the proceedings, reports, statements, opinions, findings and conclusions of such consultants and committees and the board shall be confidential but this shall not preclude the use of the subpoena power with respect to the actual records of dentists, dental hygienists, patients, hospitals, sanitarium, nursing or rest homes.

(2) There shall be no monetary liability on the part of, and no cause of action for damages shall arise against, any consultant or member of a duly appointed committee for any act or proceeding undertaken or performed within the scope of the functions of any such consultant or committee, if such consultant or committee member acts without malice, has made a reasonable effort to obtain the facts of the matter as to which the member acts, and acts in a reasonable belief that

the action taken is warranted by the facts known after such reasonable effort to obtain the facts. [1985 c.323 §19]

680.170 Registration of hygienists employed. Every dentist and public institution employing the services of one or more dental hygienists shall, within 30 days, register the names and dates of employment and termination of employment, of all such dental hygienists with the board.

DENTURISTS

Note: Section 11, chapter 685, Oregon Laws 1983, provides:

Sec. 11. ORS 680.500, 680.505, 680.510, 680.515, 680.520, 680.525, 680.530, 680.535, 680.540, 680.545, 680.550, 680.555, 680.560, 680.565 and 680.570 are repealed effective June 30, 1994

(Generally)

680.500 Definitions for ORS 680.500 to 680.570. As used in ORS 679.025, 680.500 to 680.570 and 743.132, unless the context requires otherwise:

(1) "Council" means the State Advisory Council on Denture Technology.

(2) "Denture" means any removable full upper or lower prosthetic dental appliance to be worn in the human mouth.

(3) "Denturist" means a person certified under ORS 679.025, 680.500 to 680.570 and 743.132 to engage in the practice of denture technology.

(4) "Division" means the Health Division of the Department of Human Resources.

(5) "Practice of denture technology" means:

(a) Constructing, repairing, relining, reproducing, duplicating, supplying, fitting or altering any denture in respect of which a service is performed under paragraph (b) of this subsection; and

(b) The taking of impressions, bite registrations, try-ins, and insertions of or in any part of the human oral cavity for any of the purposes listed in paragraph (a) of this subsection. [1979 c.1 §1]

680.505 Practice of denture technology prohibited without certificate; use of title "denturist." After July 1, 1980, unless the person holds a valid certificate issued under ORS 679.025, 680.500 to 680.570 and 743.132, a person shall not:

(1) Engage, or offer to engage, in the practice of denture technology; or

(2) Use in connection with the name of the person the word "denturist" or any other words, letters or abbreviations or insignia tending to indicate that such person is engaged in the practice of denture technology. [1979 c.1 §2]

680.510 Applicability of ORS 680.500 to 680.570. The prohibitions of ORS 679.025, 680.500 to 680.570 and 743.132 do not apply to:

(1) Any activity described in ORS 680.500. (5)(a) by a person acting under the supervision of a denturist.

(2) The practice of dentistry or medicine by persons authorized to do so by this state, or any other practices allowed under ORS chapters 677 and 679.

(3) A student of denture technology in pursuit of clinical studies under an approved school program.

(4) A graduate of a two-year formal training program, obtaining two years of practical experience necessary under ORS 680.515, who is operating under the personal supervision of a denturist or a licensed dentist. [1979 c.1 §3; 1981 c.313 §1]

(Certificates)

680.515 Application for certificate.

Upon application therefor, accompanied by the fee established by the division, the division shall grant a certificate to practice denture technology to any applicant who:

(1) Performs to the satisfaction of the division in an examination prescribed by the division; and

(2) Furnishes evidence satisfactory that the applicant:

(a) Has completed at least two years of formal training, including courses covering the subjects of head and oral anatomy, pathology, physiology, clinical denture technology, and dental laboratory technology; and

(b) Has at least two years of practical experience; or

(c) Has had, prior to July 1, 1982, at least 4,000 hours of practical experience in denture technology as approved by the division and has satisfactorily completed a six-month training course approved by the division or equivalent training as defined by the division, covering subject matters in head and oral anatomy, pathology, physiology, clinical denture technology and dental laboratory technology. [1979 c.1 §4; 1981 c.313 §2]

680.520 Examination of applicants.

(1) Examinations of applicants for certification

under ORS 679.025, 680.500 to 680.570 and 743.132 shall be held at least once a year at such times and places as the division may determine. Timely and appropriate notice shall be given to each applicant.

(2) The examination shall be of such a character as to determine the qualifications, fitness and ability of the applicant to practice denture technology. It may be written, oral, or in the form of a demonstration of skills, or a combination of any such types. The examination shall at least cover the subject areas of: Head and oral anatomy, pathology, physiology, clinical denture technology and dental laboratory technology. Those portions of the examination covering the areas of clinical denture technology and dental laboratory technology shall include a demonstration of skills. [1979 c.1 §5; 1981 c.313 §3]

680.525 Fees. The division shall establish, subject to the approval of the Executive Department, and shall collect fees, not to exceed the following amounts:

(1) For examination of an applicant, the fee shall not exceed \$250.

(2) For certification of a denturist, the fee shall not exceed \$250.

(3) For timely renewal of the certificate of a denturist, the fee shall not exceed \$400.

(4) For replacement or duplicate certificate, the fee shall not exceed \$50 for each certificate. [1979 c.1 §6; 1981 c.313 §8]

680.530 Expiration of certificate; renewal. (1) Certification issued by the division shall expire on June 30 following the date of issue.

(2) Upon application therefor, accompanied by the fee established by the division, the division shall renew the certificate of a denturist who makes application therefor within one year of the expiration date of the certificate.

(3) The division shall not renew the certificate of any denturist who fails to renew registration for one year, but shall grant certification to such person upon compliance with all the requirements of ORS 679.025, 680.500 to 680.570 and 743.132.

(4) The division shall not grant or renew the certificate of a denturist whose certificate has been denied, suspended or revoked and not renewed under ORS 680.535 until one year from the date of the denial of registration or the renewal or the date of the order of suspension or revocation. [1979 c.1 §7]

680.535 Grounds for refusal, suspension or revocation of certificate, or proba-

tion, reprimand or censure of holder. In the manner prescribed in ORS 183.310 to 183.550 for contested cases, the division shall refuse to issue a certificate, suspend or revoke a certificate, or shall place a certified person on probation for a period specified by the division and subject to such conditions as the division shall impose, or such person may be reprimanded or censured by the division for any of the following causes:

(1) Conviction of crime where such crime bears a demonstrable relationship to the practice of denture technology.

(2) Incompetence or gross negligence in the practice of denture technology.

(3) Wilful fraud or misrepresentation in the practice of denture technology or in the admission of such practice.

(4) Use of any narcotic or dangerous drug or intoxicating liquor to an extent that such use impairs the ability to conduct safely the practice of denture technology.

(5) The wilful violation of any provision of ORS 679.025, 680.500 to 680.570 and 743.132 or rules adopted thereunder. [1979 c.1 §8]

(Practice)

680.540 Notice to be posted; division to investigate complaints. (1) There shall be posted in a conspicuous area on any premises where the practice of denture technology is carried on a notice with lettering of a size easily read by the average person and in substantially the following form:

Any consumer who has a complaint relating to practices of this establishment should contact the Health Division of the Department of Human Resources by mail at the following address: 1400 S.W. Fifth Avenue, Portland, Oregon 97201.

(2) The division shall investigate complaints made regarding the practice of denture technology and may revoke the certificate issued under ORS 679.025, 680.500 to 680.570 and 743.132 in the manner prescribed in ORS 183.310 to 183.550 for a contested case. [1979 c.1 §18; 1981 c.313 §4]

680.545 Statement of dentist or physician before treatment by denturist; exceptions. (1) No denturist shall treat a person without having first received a statement, dated within 30 days of the date of treatment, and signed by a dentist or a physician, that such person's oral cavity is substantially free from

disease and mechanically sufficient to receive a denture.

(2) Notwithstanding subsection (1) of this section, statements from a dentist or physician are not required:

- (a) For the purpose of repairing a denture;
- (b) For the purpose of relining a denture;
- (c) For the purpose of replacing a denture fitted within the prior year; or
- (d) If the denturist providing the work has successfully completed additional training in oral pathology prescribed by the division. [1979 c.1 §13; 1981 c.313 §5]

680.550 Division to establish policies and criteria for assessment. The Health Division, with the advice of the council, shall establish policies and criteria for the assessment of the quality of the practice of denture technology. Such evaluation shall include development of practice standards and performance reviews with appropriate samples of denturists certified under ORS 679.025, 680.500 to 680.570 and 743.132. [1979 c.1 §19]

(Administration)

680.555 State Advisory Council on Denture Technology. (1) There is hereby established within the Health Division of the Department of Human Resources a State Advisory Council on Denture Technology.

(2) The advisory council shall consist of seven members appointed by the Assistant Director for Health.

(3) Three members shall be representative of the public at large, two shall be dentists, and two members shall be denturists, except that prior to the certifying of any denturist under ORS 679.025, 680.500 to 680.570 and 743.132, two members shall be representative of those engaged in the practice of denture technology.

(4) The term of office of each member is three years but a member serves at the pleasure of the Assistant Director for Health. Before the expiration of the term of a member, the assistant director shall appoint a successor whose term begins on July 1, next following. A member is eligible for reappointment but no member shall serve more than two consecutive terms. If there is a vacancy for any cause, the assistant director shall make an appointment to become immediately effective for the unexpired term.

(5) The advisory council shall make recommendations to the Assistant Director for Health concerning policies for the administration of

ORS 679.025, 680.500 to 680.570, 743.132 and 680.990 (2).

(6) Notwithstanding subsection (5) of this section, the Health Division shall not prescribe minimum educational or training requirements in excess of those specified in ORS 680.515. [1979 c.1 §9]

680.560 Council meetings; secretary; ministerial functions by Assistant Director for Health. (1) The council shall hold a meeting at least once each year and shall annually elect a chairperson from its members. Four members shall constitute a quorum.

(2) The Assistant Director for Health or a representative appointed by the assistant director from the staff of the Health Division shall serve without voting rights as secretary to the council. The secretary shall keep record of the transactions of the council and have custody of the records, documents and other related property.

(3) At the direction of the council, all other ministerial functions associated with carrying on the duties, functions and powers of the council, including, but not limited to, secretarial, clerical, investigative and fiscal, shall be performed by the secretary, or by employes of the Health Division under the direction of the Assistant Director for Health. [1979 c.1 §10; 1981 c.313 §6]

680.565 Authority of division and chairperson and secretary of council; issuance of certificate. (1) The division has such authority as is reasonably necessary to administer ORS 679.025, 680.500 to 680.570, 680.990 (2) and 743.132, including the authority to adopt rules pursuant to ORS 183.310 to 183.550.

(2) The secretary shall keep a record of all proceedings of the council including a register of all persons certified to practice denture technology.

(3) When the division is satisfied that the applicant for certification under ORS 679.025, 680.500 to 680.570 and 743.132 has complied with all the requirements therefor, it shall have issued to such applicant an appropriate certificate evidencing certification under ORS 679.025, 680.500 to 680.570 and 743.132. [1979 c.1 §11; 1981 c.313 §7]

680.570 Disposition of receipts. All moneys received by the Health Division under ORS 679.025, 680.500 to 680.570 and 743.132 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 ORS

679.025, 680.500 to 680.570, 680.990 (2) and 743.132. [1979 c.1 §12]

(2) Violation of any provision of ORS 680.500 to 680.570 and 743.132 is a Class C misdemeanor. [Amended by 1977 c 192 §11; subsection (2) enacted as 1979 c.1 §17, 1983 c.169 §32]

PENALTIES

680.990 Penalties. (1) Violation of any of the provisions of ORS 680.010 to 680.170 is a Class C misdemeanor.
