Chapter 697

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Collection Agency Businesses; Debt Consolidating Agencies

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COLLECTION AGENCY BUSINESSES

697.005 Definitions for ORS 697.005 to 697.095. As used in ORS 697.005 to 697.095:

(1) "Department" means the Department of Insurance and Finance.

(2) "Director" means the Director of the Department of Insurance and Finance. [1981 c.85 §2; 1987 c.373 §43]

697.010 [Amended by 1959 c.525 §1; 1963 c.580 §58; 1975 c.364 §1, 1977 c.185 §4, repealed by 1981 c 85 §17]

697.015 Registration to engage in collection agency business required. A person shall not engage in the collection agency business in this state unless the person registers with the department under ORS 697.031 and maintains the registration in accordance with that section. For purposes of this section, any of the following are engaged in the collection agency business:

(1) A person in the business of engaging, directly or indirectly, in the solicitation or collection of claims owed, due or asserted to be owed or due to another person.

(2) A person in the business of engaging in the solicitation of the right to repossess or in the repossession of collateral security due or asserted to be due to another person.

(3) A person who in the collection of claims from another person:

(a) Uses any name other than the name regularly used in the conduct of the business out of which the claim arose; and

(b) Engages in any action or conduct that tends to convey the impression that a third party has been employed or engaged to collect the claim. [1981 c 85 §3]

697.020 [Amended by 1953 c 519 §2; 1959 c.525 §2; 1963 c 558 §1; 1969 c 373 §5; 1973 c.547 §1, 1975 c.364 §2; repealed by 1977 c.185 §5 (697.021 enacted in lieu of 697.020)]

697.021 [1977 c.185 §6 (enacted in lieu of 697.020); repealed by 1981 c.85 §17]

697.025 Application of ORS 697.005 to 697.095. The following are exempt from the requirement under ORS 697.015 to register under ORS 697.031 before engaging in a collection agency business:

(1) Any attorney-at-law rendering services in the performance of the duties of an attorney-at-law.

(2) Any licensed certified public accountant or public accountant rendering services in the performance of the duties of a licensed certified public accountant or public accountant.

(3) Any bank, mutual savings bank, consumer finance company, trust company or savings and loan association.

(4) Any real estate licensee or escrow agent licensed under the provisions of ORS chapter 696, as to any collection or billing activity involving a real estate transaction or collection escrow transaction of such licensee or escrow agent.

(5) Any individual regularly employed as a credit person or similar capacity by one person, firm, or corporation which is not engaged in the business of a collection agency.

(6) Any public officer or any person acting under order of any court.

(7) Any person acting as a property manager in collecting or billing for rent, fees, deposits or other sums due landlords of managed units.

(8) A person while that person is providing billing services. A person is providing billing services for purposes of this subsection if the person engages, directly or indirectly, in the business or pursuit of collection of claims for other persons, whether in the other person's name or any other name, by any means that:

(a) Is an accounting procedure, preparation of mail billing or any other means intended to accelerate cash flow to the other person's bank account or to any separate trust account; and

(b) Does not include any personal contact or contact by phone with the person from whom the claim is sought to be collected.

(9) A person while that person is providing factoring services. A person is providing factoring services for purposes of this subsection if the person engages, directly or indirectly, in the business or pursuit of:

(a) Lending or advancing money to commercial clients on the security of merchandise or accounts receivable and then enforcing collection actions or procedures on such accounts; or

(b) Soliciting or collecting on accounts which have been purchased from commercial clients under an agreement whether or not the agreement:

(A) Allows recourse against the commercial client;

(B) Requires the commercial client to provide any form of guarantee of payment of the purchased account; or

(C) Requires the commercial client to establish or maintain a reserve account in any form.

(10) Any individual employed by another person who engages in a collection agency business if the person does not engage in a collection agency business independent of that employment. [1977 c.185 §3; 1981 c.85 §4]

697.030 [Amended by 1959 c.525 §3; 1975 c.364 §3; 1977 c.185 §7, repealed by 1981 c.85 §17]

697.031 Registration procedure; fees. (1) The director shall establish by rule a program for registration of persons engaged in collection agency business who are required to register with the department under ORS 697.015. The program shall include a requirement that persons registering with the department file and maintain with the department current information the department requires by rule. The department may require any information necessary to carry out the program, including but not limited to the following:

(a) The name and address of the person engaging in the collection agency business.

(b) The name and address of the collection agency business.

(c) Any assumed names or business names used by the collection agency business.

(d) Names of persons who perform the solicitation or collection of claims or who perform the solicitation of the right to repossess or the repossession of collateral security for the collection agency business.

(e) Names of persons who are agents of the collection agency business for purposes of service of legal process.

(2) The director may include any of the following in the program for registration established under this section:

(a) The director may require any filings with the department that the director determines to be necessary to maintain current the information required for registration. Filings required under this subsection may include renewal of registration at reasonable intervals, filings within a reasonable time after changes in a collection agency business or other filings the director determines to be necessary. In requiring filings under this subsection, the director shall attempt to minimize burdens the filings might place on persons required to file.

(b) The director may establish and require persons filing with the department under this section to pay fees for any registration or filing made with the department. The director shall only establish fees under this section with the approval of the Executive Department and shall not establish fees for more than an amount necessary to cover the administrative costs of the filing or registration.

(c) The program may be established in any division of the department the director determines to be best able to administer the program.

(d) The director may issue, but may not require, certificates of registration or other indicia of registration that the director determines will be of assistance to persons engaged in a collection agency business in establishing that the persons are registered with the department.

(3) The department shall maintain current records of the information required for registration under this section. [1981 c.85 §5; 1983 c.69 §1]

697.035 [1959 c 525 §10; 1963 c.558 §2; 1971 c.119 §2; 1974 s.s. c.25 §2; 1975 c.364 §4, 1977 c.873 §20; repealed by 1981 c.85 §17]

697.038 [1971 c.119 §1, 1973 c.547 §2; 1974 s s c.25 §3; 1975 c.364 §5; repealed by 1981 c.85 §17]

697.039 Grounds for discipline. (1) The department may refuse to issue or renew or may revoke or suspend any registration under ORS 697.031 if the department determines that:

(a) Any information a person files with the department under ORS 697.031 is false or untruthful;

(b) A person has violated any of the rules of the department for registration under ORS 697.031; or

(c) A person has violated the provisions of ORS 697.045 or 697.058.

(2) A revocation or suspension under this section may be for a time certain or upon condition that certain acts be performed.

(3) Actions of the department under this section are subject to the provisions of ORS 183.310 to 183.550. [1981 c 85 §6]

697.040 [Repealed by 1959 c.525 §36]

697.041 [1959 c.525 §11; 1963 c.558 §3; 1969 c 373 §6; 1973 c 547 §3, 1973 c.827 §79; 1974 s.s. c.36 §22; 1975 c 364 §6; repealed by 1981 c.85 §17]

697.045 Status of accounts and claims assigned to agency; rights of assignor; access to courts requires agency be registered. (1) A registered collection agency has a property right in any claim or account assigned to the agency in writing for collection. Except as may be otherwise provided in writing between the assignor of the claim or account and the registered collection agency, the registered collection agency as assignee of the claim or account, in its own name, may:

(a) Collect the claim or account;

(b) Compromise or accept settlement of the claim or account;

(c) Bring and maintain a civil suit or action to recover the amount owing from the claim or account; and

(d) With prior written approval of the assignor, transfer or forward the claim or account to another collection agency for collection.

(2) Except as may be otherwise provided in writing between the assignor of the claim or account and the registered collection

agency, the assignor may withdraw the claim or account from the agency at any time without condition or charge.

(3) No collection agency is entitled to bring or maintain any civil suit or action involving the collection of a claim or account on behalf of its customers in any courts of this state without alleging and proving that it is duly registered under ORS 697.015 and 697.031. A registration certificate or a certification of registration by the director for any designated time period shall be received by the court as prima facie evidence of the collection agency's registration for the time period designated. [1981 c.85 §7]

697.050 [Repealed by 1959 c.525 §36]

697.051 [1963 c.558 §17; 1977 c.185 §8, repealed by 1981 c.85 §17]

697.053 Registration exclusive regulation; local fees authorized. The provisions of ORS 697.015 and 697.031 are exclusive and no political subdivision or agency of this state may require of a collection agency any registration, license or fee for any collection agency duly registered under ORS 697.015 and 697.031. Nothing in this section limits the authority of any political subdivision to levy and collect a general and nondiscriminatory license or registration fee upon all businesses in the political subdivision or to levy a tax based upon the business conducted by any registered collection agency within the political subdivision. [1981 c.85 §8]

697.055 [1975 c.364 §37; 1977 c.185 §9, repealed by 1981 c.85 §17]

697.058 Agency records; trust accounts; reporting requirements; payment of cost of audit. (1) Every collection agency shall keep a record of all sums collected by it, and of all disbursements made by it, and shall maintain and keep all such records and all customers' funds within this state. Collection agencies shall maintain accounting records of collections for and payments to customers for a period of six years from the date of the last entry thereon. Collection agencies shall keep other records for a period of two years from the date of the last entry thereon. No collection agency, or any employee thereof, shall intentionally make any false entry in any collection agency record or intentionally mutilate, destroy or otherwise dispose of any such record within the time limits provided in this section.

(2) No collection agency shall commingle the money of customers with other moneys, but shall maintain a separate trust account in this state for customers' funds and shall keep funds in such trust account until disbursed to the customer.

(3) Every collection agency which requires customers to pay an amount for services prior to the time that the services are rendered shall maintain a separate trust account in this state for prepayments and shall keep prepayment funds in the trust account for 180 days or until the services for which prepayment is made are performed, whichever occurs first.

(4) Every collection agency, within 30 days after the close of each calendar or fiscal month, shall report and pay to its customers the net proceeds due and payable of all collections made during that calendar or fiscal month. When the net proceeds are less than $5 at the end of any calendar or fiscal month, payments may be deferred for a period not to exceed three months.

(5) Upon the director's own motion or upon receipt of a complaint by a customer of the collection agency, the director may audit the collection agency's trust accounts with respect to any violation by the collection agency of this section. If the director finds any discrepancy in the trust accounts, the director also may audit the operating account of the collection agency. The collection agency shall pay the reasonable cost of an audit under this section, as determined by the director.

(6) If a collection agency does not pay the cost of the audit determined under subsection (5) of this section, the director may assign the delinquent account to the Department of Revenue for collection in the manner that other debts are collected under ORS 293.250. [1981 c.85 §9, 1983 c.69 §2]

697.060 [Repealed by 1959 c.525 §36]

697.061 [1959 c.525 §5; 1963 c.558 §4; 1963 c.580 §59; 1973 c.547 §4; 1975 c.364 §7; repealed by 1981 c.85 §17]

697.070 [Amended by 1959 c.525 §6; 1961 c.686 §1; 1969 c.373 §7; 1971 c.119 §3, 1973 c.547 §5; 1974 s.s. c.25 §4, 1975 c.364 §8; 1977 c.873 §21; repealed by 1981 c.85 §17]

697.075 Nonresident registrant; director as agent for service; method of service. The acceptance, by a nonresident, of a registration as a collection agency under ORS 697.031 shall be deemed equivalent to an appointment by such nonresident of the director as the nonresident's true and lawful attorney, upon whom may be served any lawful summons, process or pleading in any action or suit against the nonresident in any court of this state, arising out of any business done by the nonresident as a collection agency in this state, and such acceptance shall be deemed equivalent to an agreement by the nonresident that any summons, process or pleading so served shall be of the same legal force and validity as if served on the nonresident personally in this state. If it appears by the certificate of the sheriff of the

county in which any action or suit has been filed against the nonresident registrant, that the defendant cannot be found in this state, services of any summons, process or pleading in the action or suit may be made leaving a copy thereof, with a fee of $2, in the hands of the director or in the director's office. Such service shall be sufficient and valid personal service upon the defendant; provided that notice of such service and copy of the summons, process or pleading is sent forthwith by registered mail by the plaintiff or the plaintiff's attorney to the defendant, at the most recent address furnished to the director by the nonresident registrant or to the registrant's last-known address, and the affidavit of the plaintiff or the plaintiff's attorney of such mailing is appended to the summons, process or pleading and entered as a part of the return thereof. However, personal service outside of the state in accordance with the statutes relating to personal service of summons outside of the state shall relieve the plaintiff from such mailing requirement. Any summons served as provided in this section shall require the defendant to appear and answer the complaint within four weeks after receipt thereof by the director. The fee of $2 paid by the plaintiff to the director shall be taxed as costs in favor of the plaintiff if the plaintiff prevails in the action. The director shall keep a record of each summons, process or pleading served upon the director under this section, showing the day and hour of service. [1981 c.85 §16]

697.080 [Amended by 1959 c 525 §7; 1963 c 558 §5; 1969 c.373 §8; 1975 c 364 §9, repealed by 1981 c 85 §17]

697.085 Rulemaking. In accordance with applicable provisions of ORS 183.310 to 183.550, the director may adopt rules for the administration and enforcement of ORS 697.005 to 697.095. [1983 c.69 §5]

697.090 [Repealed by 1959 c 525 §36]

697.095 Civil penalties. (1) In addition to any other penalty provided by law, a person who violates any provision of ORS 697.015 or 697.058 or any rule adopted under ORS 697.031 or 697.085 is subject to forfeiture and payment of a civil penalty to the department 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 director 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 a judgment of a court of record and the director may file and execute upon this order in the same manner as the judgment of a court of record in this state.

(4) All penalties recovered shall be deposited in the Insurance and Finance Fund created by ORS 705.145. [1983 c.69 §4; 1987 c.373 §44]

697.098 [1981 c.267 §2, repealed by 1987 c.373 §85]

697.100 [Amended by 1959 c.525 §8; 1969 c.373 §9; 1975 c.364 §10; repealed by 1981 c.85 §17]

697.110 [Repealed by 1959 c 525 §36]

697.111 [1959 c.525 §12; 1961 c.686 §2; 1963 c.558 §15; 1974 s s c 25 §5; 1975 c.364 §11; repealed by 1981 c 85 §17]

697.120 [Amended by 1953 c.520 §5, 1961 c.686 §3; 1974 s s. c 25 §6, 1975 c.364 §12; repealed by 1981 c 85 §17]

697.130 [Amended by 1953 c 520 §5; repealed by 1959 c 525 §36]

697.140 [Repealed by 1959 c.525 §36]

697.145 [Amended by 1953 c.520 §5, repealed by 1959 c 525 §36]

697.146 [1959 c 525 §13; 1961 c 686 §4, 1963 c.558 §6; 1971 c.119 §4; 1974 s.s. c.25 §7, 1975 c.364 §13, repealed by 1981 c.85 §17]

697.150 [Amended by 1953 c.520 §5; repealed by 1959 c.525 §36]

697.160 [Amended by 1953 c 520 §5; repealed by 1959 c.525 §36]

697.165 [Amended by 1959 c 525 §16; 1963 c.558 §16; 1963 c 580 §60, 1969 c.591 §300, 1975 c.364 §14; repealed by 1981 c.85 §17]

697.170 [Amended by 1957 §469 §1; repealed by 1959 c.525 §36]

697.180 [Repealed by 1959 c.525 §36]

697.181 [1959 c.525 §14, 1963 c 580 §61, 1969 c.373 §10; 1975 c.364 §15, repealed by 1981 c 85 §17]

697.190 [Amended by 1959 c 525 §17; 1963 c 558 §7; 1975 c.364 §16, repealed by 1981 c.85 §17]

697.200 [Amended by 1975 c.364 §17, repealed by 1981 c 85 §17]

697.210 [Amended by 1959 c.525 §18, 1963 c.580 §62; 1975 c.364 §18; repealed by 1981 c.85 §17]

697.220 [Amended by 1959 c.525 §19, repealed by 1973 c.794 §34]

697.230 [Amended by 1959 c 525 §20; 1963 c.558 §8, 1963 c.580 §63, 1975 c 364 §19, repealed by 1981 c.85 §17]

697.235 [1959 c 525 §22; 1975 c.364 §20; 1977 c.185 §10, repealed by 1981 c.85 §17]

697.240 [Amended by 1957 c.429 §2; 1959 c 525 §23; 1963 c 558 §9, 1975 c 364 §21, repealed by 1981 c.85 §17]

697.245 [1974 s.s. c 25 §9, 1975 c.364 §22, repealed by 1981 c.85 §17]

697.250 [Amended by 1959 c.525 §24; 1975 c.364 §23; 1977 c.185 §11; repealed by 1981 c 85 §17]

697.260 [Repealed by 1959 c 525 §36]

697.261 [1959 c 525 §15; 1963 c.558 §10, 1963 c.580 §64; 1969 c.373 §11, 1973 c.547 §6; 1975 c.364 §24, repealed by 1981 c 85 §17]

697.270 [Amended by 1959 c.525 §25, repealed by 1971 c.734 §21]

697.271 [1975 c 364 §33; repealed by 1981 c.85 §17]

697.273 [1975 c.364 §34; repealed by 1981 c.85 §17]

697.275 [1963 c.580 §57; 1975 c.364 §25; repealed by 1981 c 85 §17]

697.280 [Repealed by 1959 c.525 §36]

697.281 [1975 c.364 §36; repealed by 1981 c.85 §17]

697.285 [1963 c.580 §56; repealed by 1975 c.364 §38]

697.290 [Amended by 1959 c.525 §26; 1963 c.558 §11; 1971 c.119 §5; 1975 c.364 §26; repealed by 1981 c.85 §17]

697.295 [1977 c.185 §2; repealed by 1981 c.85 §17]

697.300 [1969 c.373 §2; 1975 c.364 §27, repealed by 1981 c 85 §17]

697.305 [1969 c.373 §3, 1975 c.364 §28; repealed by 1981 c.85 §17]

697.310 [1969 c.373 §4; 1975 c 364 §29, repealed by 1981 c 85 §17]

697.330 [1975 c 364 §35; repealed by 1981 c.85 §17]

697.400 [Repealed by 1959 c.525 §36]

697.401 [1959 c.525 §29, 1963 c.558 §12; repealed by 1963 c 580 §103]

697.402 [1963 c 580 §52, 1969 c.314 §98; 1971 c.753 §39; 1975 c 364 §30, 1977 c.185 §12, repealed by 1981 c 85 §17]

697.410 [Repealed by 1959 c 525 §36]

697.411 [1959 c.525 §30, 1963 c.558 §13, repealed by 1963 c 580 §103]

697.412 [1963 c.580 §54; repealed by 1971 c.753 §74]

697.420 [Repealed by 1959 c.525 §36]

697.421 [1959 c 525 §31; repealed by 1963 c.580 §103]

697.422 [1963 c 580 §55; 1975 c.364 §31; 1977 c.185 §13; repealed by 1981 c 85 §17]

697.430 [Amended by 1953 c.518 §2, 1957 c 469 §3; repealed by 1959 c 525 §36]

697.440 [Amended by 1959 c 525 §32; repealed by 1981 c.85 §17]

697.450 [Amended by 1959 c 525 §33, repealed by 1971 c 753 §74]

697.460 [Amended by 1959 c.525 §34; 1963 c.558 §14; 1967 c.216 §1; repealed by 1971 c.753 §74]

697.470 [Repealed by 1981 c.85 §17]

697.480 [Renumbered as part of 697.992]

DEBT CONSOLIDATING AGENCIES

Note: Section 1, chapter 17, Oregon Laws 1983, provides

Sec. 1. This section subjects the regulation of debt consolidating agencies by the Director of the Department of Insurance and Finance 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 Director of the Department of Insurance and Finance relating to regulation of debt consolidating agencies constitute an agency. Subject to the review provided under this section, sections 2 to 26 of this Act [ORS 697.602 to 697.842] are repealed on July 1, 1991.

697.602 Definitions for ORS 697.602 to 697.842. As used in ORS 697.602 to 697.842:

(1) "Client" means a debtor on whose behalf a debt consolidating agency is performing the services of a debt consolidating agency as described in ORS 697.612.

(2) "Director" means the Director of the Department of Insurance and Finance. [1983 c.17 §2; 1987 c.373 §45]

697.610 [1959 c 635 §1; repealed by 1981 c.631 §2]

697.612 Registration required to operate as debt consolidating agency. (1) A person shall not operate as a debt consolidating agency or in any way purport to be a debt consolidating agency unless the person is first registered with the director under ORS 697.632. For purposes of this section, a person operates as a debt consolidating agency and is subject to ORS 697.602 to 697.842 if the person in the regular course of the person's business directly or indirectly solicits, offers to take or takes anything of value belonging to the debtor or an assignment of the wages, salary, income, credits or any other thing of value of a debtor for the purpose of paying to any creditor of the debtor the debtor's wages, salary, income, credits or things of value, or the proceeds from the sale of the things of value.

(2) An employee of a debt consolidating agency is not required to register with the director under subsection (1) of this section if the debt consolidating agency is registered under ORS 697.632.

(3) Subsection (1) of this section is subject to the exemptions in ORS 697.622.

(4) A person who violates subsection (1) of this section is subject to ORS 697.762, 697.832 and 697.990 (3). [1983 c.17 §3]

697.615 [1959 c 635 §2; 1969 c.334 §1; 1975 c 761 §1; repealed by 1981 c.631 §2]

697.620 [1959 c.635 §3, repealed by 1981 c 631 §2]

697.622 Exemptions from registration requirement. The following are not required to comply with ORS 697.602 to 697.842:

(1) Attorneys-at-law rendering services in the performance of duties as attorneys.

(2) Banks and other institutions defined in ORS 706.005.

(3) Savings and loan associations, credit unions and mutual savings banks.

(4) Consumer finance companies licensed under ORS chapter 725.

(5) Escrow agents licensed under ORS 696.505 to 696.585.

(6) Any public officer or any person acting under an order of court. [1983 c.17 §4]

697.625 [1959 c 635 §4, 1973 c.827 §80, repealed by 1981 c.631 §2]

697.630 [1959 c 635 §5, repealed by 1981 c.631 §2]

697.632 Registration procedure; certificates; fees. (1) Subject to ORS 183.310 to 183.550, the director shall establish by rule a program for registration of persons required to register with the director by ORS 697.612. The program shall include a requirement that a person who registers with the director must file and maintain with the director current information that the director requires by rule. The director shall require the following information for registration under this section:

(a) The name and address of the person engaging in business as a debt consolidating agency.

(b) The name and address of the debt consolidating agency.

(c) Any assumed names or business names used by the debt consolidating agency.

(d) The names of persons who act as agents in the business of the debt consolidating agency.

(e) The names of persons who are agents of the debt consolidating agency for purposes of service of legal process, or an appointment of the director as agent for the debt consolidating agency for the service of process.

(f) If a person has been convicted for a criminal offense, an essential element of which is fraud, information relating to the circumstances of the conviction as required by the director.

(g) Any other information required by rules adopted by the director.

(h) That a bond has been obtained and that the bond satisfies the applicable requirements of ORS 697.642.

(2) The director may include any of the following in the program for the registration established under this section:

(a) The director may require any filings with the director that the director determines to be necessary to maintain current information required for registration. Filings required under this subsection may include renewal of registration at reasonable intervals, filings within a reasonable time after changes in a debt consolidating agency business and other filings the director determines to be necessary. In requiring filings under this subsection, the director shall attempt to minimize burdens the filings might place on persons required to file.

(b) The director may issue certificates of registration or other indicia of registration that the director determines will be of assistance to persons engaged in a debt consolidating agency business in establishing that the persons are registered under this section.

(3) The director shall collect a biennial registration fee of $200.

(4) The director shall maintain current records of the information required for registration under this section. [1983 c.17 §5, 1989 c.209 §1]

Note: Section 7, chapter 209, Oregon Laws 1989, provides:

Sec. 7. (1) The amendments to ORS 697.632, 697 642, 697.752, 697.772, 697.782 and 697.812 by sections 1 to 6 of this Act shall not affect any deposit in cash, negotiable securities or personal bond guaranteed by an individual and filed with the Director of the Department of Insurance and Finance prior to the effective date of this Act [October 3, 1989], or any replacement or renewal of the deposit, negotiable securities or personal bond

(2) If a person registered as a debt consolidating agency who has filed a deposit in lieu of bond prior to the effective date of this Act sells or otherwise transfers more than 50 percent of the debt consolidating agency business to another person, the person owning more than 50 percent of the debt consolidating agency business must then file the bond required by ORS 697.642.

(3) Any deposit in lieu of bond filed prior to the effective date of this Act shall be in an aggregate amount, based upon principal amount or market value, whichever is lower, of not less than the required amount of the required surety bond and shall be held to secure the same obligations as the required surety bond. [1989 c 209 §7]

697.635 [1959 c.635 §6; repealed by 1981 c.631 §2]

697.640 [1959 c.635 §7; 1963 c 470 §7; 1975 c.761 §2; repealed by 1981 c.631 §2]

697.642 Bond required. (1) A person who applies for registration as a debt consolidating agency shall file with the director a bond with one or more corporate sureties authorized to do business in this state. The bond:

(a) Must be in the amount of $10,000.

(b) Must require the surety company to provide written notice to the director by registered or certified mail of any cancellation or revocation of the bond:

(A) At least 30 days in advance of the cancellation or revocation; or

(B) Upon any payment made for a loss under the bond.

(c) Must satisfy the provisions of subsection (2) or (3) of this section, whichever is applicable to the debt consolidating agency.

(2) If the debt consolidating agency for which registration is sought is not incorporated under subsection (c) of section 501 of the Internal Revenue Code of 1954 (as amended and in effect on April 1, 1983), the bond required under subsection (1) of this section shall be a surety bond payable to the order of the director and be conditioned that the applicant shall pay all amounts, upon order of a court or order of the director, resulting from any violation by the debt consolidating agency of its statutory duties and obligations to its clients under ORS 697.652 to 697.702.

(3) If the debt consolidating agency for which registration is sought is incorporated under subsection (c) of section 501 of the Internal Revenue Code of 1954 (as amended and in effect on April 1, 1983), the bond required under subsection (1) of this section shall be a fidelity bond, and shall be payable to the applicant.

(4) If the director has cause to believe that the proceeds of the fidelity bond required under subsection (3) of this section are not being used to pay damages to a client, then either upon order of a court or order of the director upon the holder of the proceeds of the bond, the proceeds shall be paid to the director to pay the damages for the purpose of satisfying the requirements of ORS 697.772 to 697.812.

(5) The bond required by this section shall be continuously on file with the director in the amount required by this section. Upon termination or cancellation of the bond or reduction of the bond to less than the required amount, the debt consolidating agency immediately:

(a) Shall file a replacement bond; or

(b) Shall surrender its registration to the director and cease operating as a debt consolidating agency. [1983 c.17 §6; 1989 c 209 §2]

Note: See note under 697.632

697.645 [1959 c 635 §8; 1963 c 470 §8; repealed by 1981 c 631 §2]

697.650 [1959 c.635 §9, 1963 c 470 §9, 1975 c.761 §3; repealed by 1981 c.631 §2]

697.652 Content and effective date of debt consolidating contract or agreement; client's copy. (1) A debt consolidating agency improperly makes a contract or an agreement with a client if the debt consolidating agency does not comply with the requirements of subsection (2) or (3) of this section.

(2) A debt consolidating agency shall include the following items in each debt consolidating contract or agreement with a client:

(a) The name and address of the debt consolidating agency and of the client.

(b) A listing of every debt to be consolidated. The listing must disclose the creditor's name and address and the approximate total of all such debts.

(c) A statement, in precise terms, of payments reasonably within the ability of the client to pay.

(d) A statement, in precise terms, of the rate to be charged by the debt consolidating agency.

(e) A statement of the approximate number of instalments and the amount of each instalment, in the form of a schedule showing the ratio or other arrangement made to pay the debts in full.

(f) A provision allowing the client to examine the client's account in the office of the debt consolidating agency during office hours.

(g) A provision that the debt consolidating agency may cancel a debt consolidating contract or agreement without the client's written authorization while the client is employed and the client's salary is subject to any wage assignment made to the debt consolidating agency, if the client fails or refuses to make all of the client's debts subject to the contract or agreement, if the client knowingly enters into new credit obligations while subject to a debt consolidating contract or agreement without the prior approval of the debt consolidating agency or if the client by any means knowingly withholds from the debt consolidating agency any wages that are subject to wage assignment.

(3) A debt consolidating agency shall deliver a legible copy of a contract or agreement between the debt consolidating agency and the client to the client immediately after the client executes it. The client's copy shall be executed by the debt consolidating agency.

(4) A debt consolidating agency which improperly makes a contract or agreement with a client is subject to ORS 697.752, 697.762, 697.832 and 697.990 (3).

(5) A contract or agreement is not effective until a client has made a payment or a payment has been made under a wage assignment to the debt consolidating agency for distribution to the client's creditors. [1983 c.17 §7]

697.655 [1959 c 635 §10, 1963 c.470 §10; repealed by 1981 c.631 §2]

697.657 [1963 c.470 §11; repealed by 1981 c 631 §2]

697.660 [1959 c.635 §11; repealed by 1981 c 631 §2]

697.662 Prohibited practices. (1) A debt consolidating agency commits an improper debt consolidating practice when the debt consolidating agency does any of the following:

(a) Takes a contract, promise to pay or other instrument that has any blank spaces when it is signed by a client.

(b) Takes a negotiable instrument, other than a check or draft, as payment or security for the charges of the debt consolidating agency.

(c) Takes a wage assignment, real estate mortgage, purchase money security interest or other security, all or any part of which is an amount greater than that provided in ORS 697.692, to secure the charges of the debt consolidating agency.

(d) Takes a confession of judgment or a power of attorney to confess judgment against the client or to appear for the client in a judicial proceeding.

(e) Takes a release from a client of an obligation to be performed on the part of the debt consolidating agency.

(f) Makes any contract or agreement with a client that provides for later charges or reserves for liquidated damages.

(g) Commingles a client's wages, salaries, income, credits or property held by the debt consolidating agency with the property or funds of the debt consolidating agency.

(h) Except as authorized in ORS 697.712, cancels a debt consolidating contract or

agreement without a client's written authorization.

(2) A person commits an improper debt consolidating practice if the person advertises, prints, displays, publishes, distributes or broadcasts, or causes to be advertised, printed, displayed, published, distributed or broadcasted, any false or misleading statement or representation with regard to the rates, terms or services of a debt consolidating agency.

(3) A debt consolidating agency that commits an improper debt consolidating practice under this section is subject to ORS 697.752, 697.762, 697.832 and 697.990 (3).

(4) A person other than a debt consolidating agency that commits an improper debt consolidating practice under subsection (2) of this section is subject to ORS 697.762, 697.832 and 697.990 (3). [1983 c 17 §8]

697.665 [1959 c 635 §12; 1963 c 546 §3, 1977 c.873 §22; repealed by 1981 c.631 §2]

697.670 [1959 c.635 §13; repealed by 1981 c 631 §2]

697.672 Record maintenance requirements. (1) A debt consolidating agency improperly maintains records when the debt consolidating agency does not comply with the following requirements:

(a) A debt consolidating agency shall maintain a record of all wages, salaries, income, credits and property of a client that are received by the debt consolidating agency, and a record of all property of the client sold by the debt consolidating agency, for the purpose of remitting the proceeds to creditors of the client.

(b) A debt consolidating agency shall maintain a record of all disbursements that the debt consolidating agency has made to creditors of the client.

(c) A debt consolidating agency shall maintain records described in paragraphs (a) and (b) of this subsection for a period of three years from the date of the last entry on the records.

(d) The debt consolidating agency shall allow the director or any authorized agent of the director to inspect all records described in paragraphs (a) and (b) of this subsection.

(e) The debt consolidating agency shall allow a client to inspect records of the client during the business hours of the debt consolidating agency.

(2) A debt consolidating agency that improperly maintains records under this section is subject to ORS 697.752, 697.762, 697.832 and 697.990 (3).

(3) A debt consolidating agency may dispose of records to which this section applies after the three-year period provided in subsection (1) of this section has expired. [1983 c.17 §9]

697.675 [1959 c.635 §14; 1963 c.470 §12; 1971 c.743 §410; repealed by 1981 c.631 §2]

697.680 [1959 c.635 §17; repealed by 1981 c.631 §2]

697.682 Management of client funds. (1) A debt consolidating agency improperly handles funds when the debt consolidating agency does not comply with the following requirements:

(a) The debt consolidating agency shall keep either a separate trust account for each client or a single account for all clients. If a single account is kept for all clients, the debt consolidating agency shall keep a separate ledger or other record on receipts and disbursements for each client. The debt consolidating agency shall maintain the trust account or accounts in this state.

(b) The debt consolidating agency shall deposit in the trust account all wages, salaries, income, credits or property received from the client and all proceeds received from property of the client.

(c) The debt consolidating agency shall make all disbursements to the client or on behalf of the client, including any fees charged by the debt consolidating agency, from the client's trust account.

(d) Upon request of a client, a debt consolidating agency shall provide to the client without charge a statement of the money or property received from or on behalf of the client and the disbursements made by the debt consolidating agency under the debt consolidating agreement or contract for the period of time requested.

(2) A debt consolidating agency that improperly handles funds under this section is subject to ORS 697.752, 697.762, 697.832 and 697.990 (3). [1983 c.17 §10]

697.685 [1959 c.635 §15, repealed by 1981 c.631 §2]

697.690 [1959 c.635 §16, repealed by 1981 c 631 §2]

697.692 Fees. (1) This section specifies fees that a debt consolidating agency may charge.

(2) A debt consolidating agency may charge a client an initial set-up fee of not more than $25.

(3) A debt consolidating agency may charge for services performed for the client in an amount of not more than 15 percent of the amount actually received by the debt consolidating agency on behalf of a client for payment to creditors.

(4) A debt consolidating agency shall not charge a person for any discussion with that person that may or may not result in an agreement for services of a debt consolidating agency.

(5) A debt consolidating agency that charges a fee not authorized under this section is subject to ORS 697.752, 697.762, 697.832 and 697.990 (3). [1983 c.17 §11]

697.695 [1959 c.635 §18, 1969 c 591 §301; repealed by 1981 c.631 §2]

697.700 [1959 c 635 §19; repealed by 1981 c.631 §2]

697.702 Interference with records of debt consolidating agency. (1) A person commits the offense of interfering with records of a debt consolidating agency if the person does either of the following to a record to which ORS 697.672 applies:

(a) Intentionally makes a false entry in the record.

(b) Intentionally mutilates, destroys or otherwise disposes of the record.

(2) Subsection (1) of this section does not apply when a debt consolidating agency disposes of records as authorized in ORS 697.672 (3).

(3) A debt consolidating agency which commits the offense described in this section is subject to ORS 697.752, 697.762, 697.832 and 697.990 (3).

(4) A person other than a debt consolidating agency who commits the offense described in this section is subject to ORS 697.762, 697.832 and 697.990 (3). [1983 c.17 §12]

697.705 [1959 c 635 §20, repealed by 1981 c 631 §2]

697.710 [1959 c.635 §21; repealed by 1981 c 631 §2]

697.712 Agency cancellation of contract or agreement without client authorization. A debt consolidating agency may cancel a debt consolidating contract or agreement without the authorization of a client if the client does any of the following:

(1) The client does not make all of the client debts subject to the contract or agreement as provided in the contract or agreement;

(2) The client knowingly withholds from the debt consolidating agency any wages or other funds that the client has agreed to pay to the debt consolidating agency; or

(3) The client knowingly enters into new credit obligations while subject to a debt consolidating contract or agreement without the prior approval of the debt consolidating agency. [1983 c.17 §13]

697.715 [1959 c 635 §22, repealed by 1981 c.631 §2]

697.720 [1959 c 635 §23; repealed by 1981 c.631 §2]

697.722 Execution or attachment of trust account funds. Funds in a trust account maintained by a debt consolidating agency under ORS 697.682 are not subject to execution or attachment on any claim against the debt consolidating agency. [1983 c.17 §14]

697.725 [1959 c.635 §24; repealed by 1973 c.794 §34]

697.730 [1959 c.635 §25; repealed by 1981 c.631 §2]

697.732 Investigation of alleged violations; public disclosure requirements and exemptions. (1) The director has the following investigatory powers for the purpose of enforcing ORS 697.612, 697.652 to 697.702:

(a) The director, upon the director's own motion or upon receipt of a complaint by a client of a debt consolidating agency, may audit the trust accounts of the agency for the purpose of investigating any violation of ORS 697.652 to 697.702. The debt consolidating agency shall pay the reasonable cost of the audit, as determined by the director.

(b) For the purpose of investigating violations of ORS 697.652 to 697.702, the director shall have free access during all reasonable hours to the offices and places of business, books, accounts, records, papers, files, safes and vaults of all debt consolidating agencies.

(c) The director may make such public or private investigations within or outside of this state that the director considers necessary to:

(A) Determine whether a person has violated or is about to violate ORS 697.612 or any provision of ORS 697.652 to 697.702 or any rule of the director; or

(B) Aid in the enforcement of ORS 697.612, 697.652 to 697.702 and in the formulation of rules and forms under ORS 697.632.

(d) The director may require a person to file a statement in writing, under oath or otherwise as the director determines, as to all the facts and circumstances concerning the matter to be investigated.

(2) The director shall maintain for public inspection records of any civil penalty imposed under ORS 697.832, any suspension, revocation or refusal to renew the registration of a debt consolidating agency and any collection on the bond or deposit of a debt consolidating agency. The record of each such action shall show:

(a) The order of the director or the court relating to the action.

(b) The debt consolidating agency against whom the action was taken.

(c) The grounds for the action.

(3) Except as provided in subsection (2) of this section, any records, reports or other information received or compiled by the director as a result of investigations under this section shall be exempt from public disclosure as provided in ORS 192.501 to 192.505. [1983 c.17 §15]

697.733 [1963 c.470 §4; repealed by 1981 c.631 §2]

697.737 [1963 c.470 §5; repealed by 1981 c.631 §2]

697.740 [1959 c.635 §26; 1963 c.470 §13, repealed by 1981 c 631 §2]

697.742 Investigatory powers; subpoenas. (1) For the purpose of any investigation or proceeding under ORS 697.732, the director or any officer designated by the director may administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence and require the production of any books, papers, correspondence, memoranda, agreements and other documents or records which the director considers relevant or material to the investigation or proceeding.

(2) Any person who is served with a subpoena or is subject to an order to give testimony orally or in writing or to produce books, papers, correspondence, memoranda, agreements or other documents or records under this section may apply to any circuit court in Oregon for protection against abuse or hardship in the manner provided in ORCP 36 C.

(3) Except to the extent judicial relief is granted under subsection (2) of this section, if any person disobeys a subpoena issued under subsection (1) of this section, or if any witness refuses to testify or produce evidence before the director on any matter on which the witness may be lawfully interrogated, the circuit court of any county, upon application of the director, shall compel obedience by proceedings for contempt as in the case of disobedience of the requirements of a subpoena issued from that court or a refusal to testify in that court. [1983 c.17 §17]

697.743 [1963 c.470 §§2, 3; repealed by 1981 c.631 §2]

697.745 [1959 c.635 §27, 1963 c 470 §14; repealed by 1981 c.631 §2]

697.750 [1959 c 635 §30; 1963 c.470 §15; repealed by 1981 c 631 §2]

697.752 Grounds for denial, revocation or suspension of registration; conditions; procedures. (1) The director may refuse to issue or renew or may revoke or suspend the registration of a debt consolidating agency if the director determines any of the following facts:

(a) The debt consolidating agency has filed false or untruthful information with the director under ORS 697.632.

(b) The debt consolidating agency has violated any of the rules of the director adopted under ORS 697.632.

(c) The debt consolidating agency has violated any provision of ORS 697.652 to 697.702.

(d) Any person required to register to engage in the business of debt consolidating has been convicted of a felony or a misdemeanor, an essential element of which is fraud.

(e) There has been any lapse in or any reduction of the amount of any bond filed under ORS 697.642.

(2) A revocation or suspension under this section may be for a time certain or upon condition that the debt consolidating agency meets conditions specified by the director.

(3) The conduct of hearings, issuance of orders and judicial review of orders are governed by ORS 183.310 to 183.550. [1983 c 17 §16; 1989 c.209 §3]

Note: See note under 697 632

697.755 [1959 c 635 §28; repealed by 1963 c.470 §17]

697.760 [1959 c.635 §29; repealed by 1971 c.734 §21]

697.762 Enjoining violations; damages. (1) When the director determines that any person has engaged in, is engaging in or is about to engage in any act or practice which the director believes is in violation of ORS 697.612 or any provision of ORS 697.652 to 697.702, the director may bring suit in the name of the State of Oregon in any circuit court of this state to enjoin the acts or practices. If the director prevails, the director shall recover court costs and a reasonable attorney fee to be fixed by the court. Upon a proper showing, the court shall grant a permanent or temporary injunction or restraining order and may appoint a receiver or conservator for the defendant or the defendant's assets. The court shall not require the director to post a bond.

(2) The director may include in any suit authorized by subsection (1) of this section a claim for damages on behalf of any other person injured by any act or practice against which an injunction or restraining order is sought. The court may award appropriate relief to the person if the court finds that enforcement of the right of the person by private civil action or suit, whether by class action or otherwise, would be so burdensome or expensive as to be impracticable. [1983 c.17 §18]

697.765 [1959 c.635 §31, 1963 c.470 §16; repealed by 1981 c.631 §2]

697.770 [1959 c.635 §32; repealed by 1981 c 631 §2]

697.772 Judgment against agency; recovery under bond. (1) If a client has obtained a judgment from a court on a claim against a debt consolidating agency registered under ORS 697.632 and the claim is one for which the client may seek recovery under the debt consolidating agency's bond filed under ORS 697.642, the client may file the judgment with the director for the purpose of recovering under the bond.

(2) Except as may be limited under ORS 697.812, the director shall pay the amount specified in the order of a court as recoverable by the client under the conditions of the bond of the debt consolidating agency. If the

judgment does not specify the amount recoverable under the bond, the director shall initiate a hearing to determine that amount. The claimant, the debt consolidating agency and the corporate surety from which the bond was obtained shall have the right to appear and be heard at the hearing. A hearing under this section is subject to ORS 183.310 to 183.550. The director shall determine and pay the amount of the judgment recoverable under the bond, subject to ORS 697.812. [1983 c 17 §19, 1989 c.209 §4]

Note: See note under 697 632

697.775 [1959 c 635 §33, repealed by 1981 c.631 §2]

697.780 [1959 c 635 §34; 1961 c 309 §7; 1967 c.216 §2, 1977 c 41 §4, repealed by 1981 c 631 §2]

697.782 Filing claim against agency with director; hearing; limitation on claims. (1) If a client has a claim against a debt consolidating agency registered under ORS 697.632, and the claim is one for which the client may seek recovery under the bond of the debt consolidating agency, the client may file the claim and a request for hearing with the director if the claim:

(a) Has not been determined by proceedings in any court or is not the subject of proceedings pending in any court; and

(b) Has not been removed from the director under ORS 697.792.

(2) Upon receipt of a claim and request for hearing that qualifies under this section, the director shall initiate a hearing on the claim. The parties involved in the claim shall have the right to appear and be heard at the hearing. A hearing under this section is subject to ORS 183.310 to 183.550.

(3) If the director determines that any of the conditions for payment under the bond of the debt consolidating agency exist and that the existence of any of the conditions for payment is a basis of the client's claim, the director, after final resolution of any appeals permitted under ORS 183.310 to 183.550, shall order the debt consolidating agency to pay within 20 days the claim determined by the director. If the debt consolidating agency does not pay the claim as required by this subsection, the director shall order the claim paid out of the bond filed under ORS 697.642.

(4) The director shall not:

(a) Determine damages under this section in excess of the amount of the bond filed under ORS 697.642.

(b) Accept for filing or hold hearings under this section on any claim that does not meet the qualifications under subsection (1) of this section.

(c) Hold hearings under this section on any claim if the amount of the bond is not sufficient to pay the claim after payment of other claims under ORS 697.812. [1983 c 17 §20; 1989 c.209 §5]

Note: See note under 697.632.

697.783 [1963 c.470 §6; repealed by 1981 c.631 §2]

697.785 [1959 c.635 §35; repealed by 1981 c 631 §2]

697.790 [1965 c.190 §2; repealed by 1981 c.631 §2]

697.792 Removing claim to court; costs and fees; notice; claim priorities. (1) If any claim in an amount of more than $200 is filed with the director against a debt consolidating agency under ORS 697.782, the debt consolidating agency may remove the claim from the director's determination by filing within 20 days of the debt consolidating agency's receipt of notice of the claim, a request with the director to remove the claim.

(2) Upon receipt of a request to remove a claim under subsection (1) of this section, the director shall:

(a) Discontinue hearings procedures under ORS 697.782; and

(b) Notify the person filing the claim that the director cannot determine the claim but that the person may file the claim in an appropriate court of this state.

(3) If a court of this state awards damages on a claim against a debt consolidating agency to the person bringing the suit or action, the court shall award reasonable costs, expert witness fees and attorney fees at trial and on appeal to the person bringing the suit or action if the same claim has been:

(a) Filed with the director under ORS 697.782; and

(b) Removed from the director under this section.

(4) The director shall provide a debt consolidating agency with notice of rights and liabilities under this section when the director gives the debt consolidating agency notice of a claim filed against the debt consolidating agency under ORS 697.782.

(5) A person whose claim is removed from the director under this section does not have a claim filed with the director for purposes of establishing priority under ORS 697.812. [1983 c.17 §21]

697.802 Effect of final determination by director. A final determination on a claim under ORS 697.782 shall have the effect of a final determination given by a court of this state in any subsequent proceeding or action. [1983 c.17 §22]

697.810 [1971 c.734 §163; repealed by 1981 c.631 §2]

697.812 Priorities for satisfaction of claims from bond; limitation on filing claims. (1) Claims shall be satisfied from the bond filed under ORS 697.642 in the order

the claims are filed with the director. For purposes of priority under this section:

(a) A claim determined by the director under ORS 697.782 is filed when the claim is first filed with and accepted by the director.

(b) A claim based on a determination by a court is filed when evidence of liability under a final determination by a court is filed with the director.

(2) If a claim filed with the director is made part of an action filed in a court before final determination of the claim by the director:

(a) The director shall dismiss the claim and discontinue any hearing on the claim; and

(b) The claim shall have priority under this section based on the time the final determination of the court is filed with the director.

(3) The bond shall not be used to satisfy claims upon a violation which was alleged to have occurred more than two years prior to the filing of the claim. [1983 c 17 §23; 1989 c.209 §6]

Note: See note under 697.632.

697.820 [1973 c.548 §2, 1977 c 185 §14, 1981 c.85 §12; repealed by 1981 c.631 §2]

697.822 Remedy not exclusive. The remedy provided for in ORS 697.782:

(1) Is in addition to and not exclusive of any other remedies provided by law.

(2) Does not limit any statutory or common-law rights of a person to bring an action in any court for an act of a debt consolidating agency, or the right of the state to punish a person for violation of any law. [1983 c 17 §24]

697.830 [1977 c.41 §6, 1981 c 85 §13, repealed by 1981 c 631 §2]

697.832 Civil penalties; notice; hearing; appeal; disposition of penalties. (1) As provided in this section, in addition to any other liability or penalty provided by law, the director may impose a civil penalty on a person in an amount not to exceed $1,000 for each violation of ORS 697.612 or any provision of ORS 697.652 to 697.702 or violation of any rules required to be adopted under ORS 697.632.

(2) The director may impose a civil penalty on a person under this section after giving notice in writing to the person. The notice shall be sent by registered or certified mail and shall include the following:

(a) A reference to the particular section of the statutes or rules involved.

(b) A short and plain statement of the matters asserted or charged.

(c) A statement of the amount of the penalty imposed.

(d) A statement of the right of the person to request a hearing.

(3) The person to whom the notice is addressed shall have 10 days from the date of mailing of the notice in which to apply for a hearing before the director. The application for hearing shall be in writing.

(4) A hearing requested under subsection (3) of this section shall be conducted under ORS 183.310 to 183.550.

(5) If the person notified fails to request a hearing within the time specified in this section, or if after a hearing the person is found to have violated a statute or rule cited in the notice under subsection (2) of this section, the director may enter an order assessing a civil penalty.

(6) When an order assessing a civil penalty under this section becomes final by operation of law or on appeal, and the amount of penalty is not paid within 10 days after the order becomes final, the order may be recorded with the county clerk in any county of this state. The clerk shall thereupon record the name of the person incurring the penalty and the amount of the penalty in the County Clerk Lien Record.

(7) The payment or tendering of payment of a civil penalty imposed under this section shall not relieve the obligation of a person to comply with the applicable statute or rule.

(8) All penalties recovered under this section shall be paid into the State Treasury and credited to the General Fund and are available for general governmental expenses. [1983 c.17 §24a, 1989 c 706 §25]

697.842 Disposition of moneys received by director. All moneys received by the director or the department under ORS 697.005 to 697.095 or 697.602 to 697.842, excepting any penalties received under ORS 697.832, shall be paid into the State Treasury, deposited in the Insurance and Finance Fund created by ORS 705.145 and used exclusively for the purposes of ORS 697.005 to 697.095 and 697.602 to 697.842. [1983 c 17 §25, 1987 c 373 §46]

PENALTIES

697.990 Penalties. (1) Violation of ORS 697.015 or 697.058 by an individual is punishable, upon conviction, by a fine of not more than $1,000.

(2) Violation of ORS 697.015 or 697.058 by a corporation is punishable, upon conviction, by a fine of not more than $1,000. Any officer or agent of a corporation or association who personally participates in any violation of ORS 697.015 or 697.058 by such corporation or association is subject to the

penalty prescribed in subsection (1) of this section.

(3) Violation of ORS 697.612 or any provision of ORS 697.652 to 697.702 is punishable, upon conviction, as a Class A misdemeanor. [Amended by 1959 c.525 §35; subsection (1) derived from subsection (1) of 697.990 (1957 Replacement Part) and subsection (1) of 1959 c 635 §37; subsection (2) derived from subsection (2) of 697.990 (1957 Replacement Part) and subsection (2) of 1959 c.635 §37, subsection (3) derived from subsection (3) of 1959 c.635 §37; 1981 c.85 §14; 1983 c.17 §31; subsection (3) enacted as 1983 c.17 §26; 1983 c.69 §6]

697.992 Jurisdiction of courts. Justice courts and district courts have concurrent jurisdiction with circuit courts in all criminal prosecutions for violation of ORS 697.025, 697.612 and 697.652 to 697.702. [Derived from 697.480 (1957 Replacement Part) and 1959 c.635 §36; 1983 c.17 §32]