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Requirements for Grain Dealers

State of Oregon

Penalties

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Requirements for Grain Dealers

STATE OF OREGON

Current with 2014 Reg. Sess. Legis. Effective through 7/1/14

O.R.S. § 578.255

578.255. Persons delaying transmittal of assessment moneys; civil penalty

- (1) In addition to the penalty established in ORS 578.990, any person who delays transmittal of assessment moneys beyond the time set by the Oregon Wheat Commission shall pay a civil penalty to the commission of 10 percent of the amount due and shall also pay one and one-half percent interest per month on the unpaid balance of the assessment.
- (2) The commission may waive the penalty and interest described in subsection (1) of this section upon a showing of good cause.
- (3) Notwithstanding subsection (1) of this section, if an assessment is collected pursuant to a federal marketing order or agreement, the commission may establish a penalty or interest rate that is consistent with that order or agreement.

O.R.S. § 578.260

578.260. Persons failing to relinquish assessment moneys collected; civil penalty; remedies

- (1) If a person responsible for the transmittal of assessment moneys to the Oregon Wheat Commission fails to relinquish assessment moneys collected, the person shall pay a civil penalty to the commission equal to twice the amount of the unrelinquished assessment moneys.
- (2) The commission may commence a civil action or utilize any other available legal or equitable remedy to collect an assessment or civil penalty, obtain injunctive relief or obtain specific performance under this chapter.
- (3) If the person responsible for the transmittal of assessment moneys is a corporation, all directors and officers of the corporation are personally liable for a failure to relinquish the assessment moneys collected by the corporation.
- (4) If the commission obtains a favorable judgment in an action or suit under subsection (2) of this section, the court shall award the commission costs and reasonable attorney fees.
- (5) Unless the person required to pay an assessment and the person responsible for collecting the assessment are related businesses, the commission may not collect from the person required to pay the assessment any amount deducted by the person responsible for collecting the assessment and due and owing to the commission.

O.R.S. § 578.990
578.990. Penalties

Violation of any of the provisions of this chapter is a Class C misdemeanor.