

SENATE AMENDMENTS TO A-ENGROSSED HOUSE BILL 3631

By COMMITTEE ON RULES AND EXECUTIVE APPOINTMENTS

February 20

- 1 On page 1 of the printed A-engrossed bill, line 2, after “ORS” insert “646.607 and”.
- 2 After line 15, insert:
- 3 “(3)(a) ‘Warning’ means a communication about a health or safety hazard that a children’s
- 4 product poses to consumers that is:
- 5 “(A) Directed to a retailer; and
- 6 “(B) Intended to inform the retailer about the health or safety hazard, instruct the retailer to
- 7 remove the children’s product from inventory or provide the retailer with a method to eliminate the
- 8 health or safety hazard.
- 9 “(b) ‘Warning’ does not include a communication:
- 10 “(A) Directed to consumers; and
- 11 “(B) Affixed to the children’s product or packaging related to the children’s product or provided
- 12 by the retailer to the consumer as part of a transaction related to the children’s product.”.
- 13 In line 19, delete “another federal” and insert “a successor”.
- 14 In line 20, delete the comma and insert “or”.
- 15 In line 21, delete “another federal” and insert “a successor”.
- 16 In line 22, after “hazard” insert “, unless the retailer has eliminated the hazard and made the
- 17 children’s product safe for sale, lease, subletting or distribution to consumers in strict compliance
- 18 with standards and instructions provided in or related to the warning”.
- 19 On page 2, line 8, delete “another fed-”.
- 20 In line 9, delete “eral” and insert “a successor”.
- 21 In line 12, delete “or finding”.
- 22 In line 13, delete “another federal” and insert “a successor”.
- 23 After line 20, insert:
- 24 “**SECTION 4.** ORS 646.607 is amended to read:
- 25 “646.607. A person engages in an unlawful practice when in the course of the person’s business,
- 26 vocation or occupation the person:
- 27 “(1) Employs any unconscionable tactic in connection with the sale, rental or other disposition
- 28 of real estate, goods or services, or collection or enforcement of an obligation;
- 29 “(2) Fails to deliver all or any portion of real estate, goods or services as promised, and upon
- 30 request of the customer, fails to refund any money that has been received from the customer that
- 31 was for the purchase of the undelivered real estate, goods or services and that is not retained by
- 32 the seller pursuant to any right, claim or defense asserted in good faith. This subsection does not
- 33 create a warranty obligation and does not apply to a dispute over the quality of real estate, goods
- 34 or services delivered to a customer; [~~or~~]
- 35 “(3) Violates ORS 401.107 (1) to (4)[.]; **or**

1 “(4) **Violates section 2 of this 2008 Act.**”.

2 In line 21, delete “4” and insert “5”.

3 On page 4, delete line 32 and insert:

4 “(jjj) Violates section 2 of this 2008 Act 30 or more days after a recall notice, warning or dec-
5 laration described in section 2 of this 2008 Act is issued for the children’s product, as defined in
6 section 1 of this 2008 Act, that is the subject of the violation.”.

7 In line 43, delete “5” and insert “6”.

8 On page 7, delete line 8 and insert:

9 “(iii) Violates section 2 of this 2008 Act 30 or more days after a recall notice, warning or dec-
10 laration described in section 2 of this 2008 Act is issued for the children’s product, as defined in
11 section 1 of this 2008 Act, that is the subject of the violation.”.

12 Delete lines 19 through 24 and insert:

13 “**SECTION 7. Sections 1 to 3 of this 2008 Act and the amendments to ORS 646.607 and**
14 **646.608 by sections 4 to 6 of this 2008 Act apply to a person that operates as a retailer on or**
15 **after the operative date of sections 1 to 3 of this 2008 Act and the amendments to ORS**
16 **646.607 and 646.608 by sections 4 to 6 of this 2008 Act.**

17 “**SECTION 8. Sections 1 to 3 and 7 of this 2008 Act and the amendments to ORS 646.607**
18 **and 646.608 by sections 4 to 6 of this 2008 Act become operative on May 1, 2008.**”.

19 In line 25, delete “8” and insert “9”.

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