

# House Bill 2313

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## SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**.

Deletes references to trusts, estates, trustees, personal representatives and executors from certain statutory definitions of "person" and "entity."

## A BILL FOR AN ACT

1  
2 Relating to definitions of legal entities; amending ORS 24.260, 36.250, 36.600, 59.015, 60.001, 62.015,  
3 63.001, 65.001, 67.005, 70.005, 84.004, 86.205, 87.700, 95.200, 98.302, 105.624, 109.704, 128.316,  
4 129.205, 130.010, 205.010, 268.020, 348.105, 441.600, 442.015, 448.405, 453.396, 459.005, 459A.305,  
5 459A.555, 461.010, 465.101, 465.200, 466.005, 466.605, 466.706, 468.076, 474.005, 475.005, 520.005,  
6 645.005, 646.461, 646.605, 646.639, 646A.602, 648.005, 659A.001, 682.025, 697.005, 702.005, 717.200,  
7 722.458, 756.010, 758.400 and 836.005.

### Be It Enacted by the People of the State of Oregon:

9 **SECTION 1.** ORS 24.260 is amended to read:

10 24.260. For the purposes of ORS 24.260 to 24.335:

11 (1) "Action" means a judicial proceeding or arbitration in which a payment in money may be  
12 awarded or enforced with respect to a foreign-money claim.

13 (2) "Bank-offered spot rate" means the spot rate of exchange at which a bank will sell foreign  
14 money at a spot rate.

15 (3) "Conversion date" means the banking day next preceding the date on which money, in ac-  
16 cordance with ORS 24.260 to 24.335, is:

17 (a) Paid to a claimant in an action or distribution proceeding;

18 (b) Paid to the official designated by law to enforce a judgment or award on behalf of a claimant;

19 or

20 (c) Used to recoup, setoff or counterclaim in different moneys in an action or distribution pro-  
21 ceeding.

22 (4) "Distribution proceeding" means a judicial or nonjudicial proceeding for the distribution of  
23 a fund in which one or more foreign-money claims is asserted and includes an accounting, an as-  
24 signment for the benefit of creditors, a foreclosure, the liquidation or rehabilitation of a corporation  
25 or other entity, and the distribution of an estate, trust or other fund.

26 (5) "Foreign money" means money other than money of the United States of America.

27 (6) "Foreign-money claim" means a claim upon an obligation to pay, or a claim for recovery of  
28 a loss, expressed in or measured by a foreign money.

29 (7) "Money" means a medium of exchange for the payment of obligations or a store of value  
30 authorized or adopted by a government or by intergovernmental agreement.

31 (8) "Money of the claim" means the money determined as proper pursuant to ORS 24.275.

**NOTE:** Matter in **boldfaced** type in an amended section is new; matter *[italic and bracketed]* is existing law to be omitted. New sections are in **boldfaced** type.

1 (9) "Person" means an individual, a corporation, government or governmental subdivision or  
 2 agency, business trust, [*estate, trust,*] joint venture, partnership, association, two or more persons  
 3 having a joint or common interest or any other legal or commercial entity.

4 (10) "Rate of exchange" means the rate at which money of one country may be converted into  
 5 money of another country in a free financial market convenient to or reasonably usable by a person  
 6 obligated to pay or to state a rate of conversion. If separate rates of exchange apply to different  
 7 kinds of transactions, the term means the rate applicable to the particular transaction giving rise  
 8 to the foreign-money claim.

9 (11) "Spot rate" means the rate of exchange at which foreign money is sold by a bank or other  
 10 dealer in foreign exchange for immediate or next day availability or for settlement by immediate  
 11 payment in cash or equivalent, by charge to an account, or by an agreed delayed settlement not  
 12 exceeding two days.

13 (12) "State" means a state of the United States, the District of Columbia, the Commonwealth  
 14 of Puerto Rico or a territory or insular possession subject to the jurisdiction of the United States.

15 **SECTION 2.** ORS 36.250 is amended to read:

16 36.250. As used in ORS 36.250 to 36.270:

17 (1) "Agricultural producer" means a person who owns or is purchasing agricultural property for  
 18 use in agriculture whose gross sales in agriculture averaged \$20,000 or more for the preceding three  
 19 years.

20 (2) "Agricultural property" means real property that is principally used for agriculture.

21 (3) "Agriculture" means the production of livestock, poultry, field crops, fruit, dairy, fur-bearing  
 22 animals, Christmas trees, vermiculture products, food fish or other animal and vegetable matter.

23 (4) "Coordinator" means the Director of Agriculture or a designee of the Director of Agricul-  
 24 ture.

25 (5) "Creditor" means the holder of a mortgage or trust deed on agricultural property, a vendor  
 26 of a real estate contract for agricultural property, a person with a perfected security interest in  
 27 agricultural property or a judgment creditor with a judgment against an agricultural producer.

28 (6) "Financial analyst" means a person knowledgeable in agriculture and financial matters that  
 29 can provide financial analysis to aid the agricultural producer in preparing the financial information  
 30 required under ORS 36.256. Financial analyst may include county extension agents or other persons  
 31 approved by the coordinator.

32 (7) "Mediation" means the process by which a mediator assists and facilitates an agricultural  
 33 producer and a creditor in a controversy relating to the mortgage, trust deed, real estate contract,  
 34 security interest or judgment that the creditor has in the agricultural property of the agricultural  
 35 producer in reaching a mutually acceptable resolution of the controversy and includes all contacts  
 36 between the mediator and the agricultural producer or the creditor, until such time as a resolution  
 37 is agreed to by the agricultural producer and the creditor or until the agricultural producer or the  
 38 creditor discharges the mediator.

39 (8) "Mediation service" means a person selected by the coordinator to provide mediation under  
 40 ORS 36.250 to 36.270.

41 (9) "Mediator" means an impartial third party who performs mediations.

42 (10) "Person" means the state or a public or private corporation, local government unit, public  
 43 agency, individual, partnership, association, firm[, *trust, estate*] or any other legal entity.

44 **SECTION 3.** ORS 36.600 is amended to read:

45 36.600. As used in ORS 36.600 to 36.740:

1 (1) "Arbitration organization" means an association, agency, board, commission or other entity  
 2 that is neutral and initiates, sponsors or administers an arbitration proceeding or is involved in the  
 3 appointment of an arbitrator.

4 (2) "Arbitrator" means an individual appointed to render an award, alone or with others, in a  
 5 controversy that is subject to an agreement to arbitrate.

6 (3) "Court" means a circuit court.

7 (4) "Knowledge" means actual knowledge.

8 (5) "Person" means an individual, corporation, business trust, [*estate, trust,*] partnership, limited  
 9 liability company, association, joint venture, government, governmental subdivision, agency or  
 10 instrumentality, public corporation or any other legal or commercial entity.

11 (6) "Record" means information that is inscribed on a tangible medium or that is stored in an  
 12 electronic or other medium and is retrievable in perceivable form.

13 **SECTION 4.** ORS 59.015 is amended to read:

14 59.015. As used in the Oregon Securities Law, unless the context otherwise requires:

15 (1) "Broker-dealer" means a person who engages, all or part of the time, in effecting trans-  
 16 actions in securities for the account of others or for the person's own account. "Broker-dealer" does  
 17 not include:

18 (a) An issuer effecting sales in its own securities;

19 (b) The following institutions:

20 (A) A financial institution or trust company, as defined in ORS 706.008; or

21 (B) A financial holding company or a bank holding company, as defined in ORS 706.008, holding  
 22 an institution described in subparagraph (A) of this paragraph; a savings and loan holding company  
 23 as defined in section 408 of the National Housing Act, 12 U.S.C. section 1730a, holding an associ-  
 24 ation described in subparagraph (A) of this paragraph; the subsidiaries and affiliates of the financial  
 25 holding company, bank holding company or savings and loan holding company; or subsidiaries and  
 26 affiliates of institutions described in subparagraph (A) of this paragraph, if the appropriate statutory  
 27 regulatory authority is exercising control over, or is regulating or supervising the person in the sale  
 28 of securities in accord with the purposes of the Oregon Securities Law;

29 (c) A person who has no place of business in this state effecting transactions in this state ex-  
 30 clusively with broker-dealers;

31 (d) A person effecting sales exempted by ORS 59.035;

32 (e) A salesperson;

33 (f) A person effecting sales of securities owned by the person registered for sale pursuant to  
 34 ORS 59.065;

35 (g) A person effecting sales of securities exempted by ORS 59.025 (7);

36 (h) A person licensed as a mortgage banker or a mortgage broker under ORS 59.840 to 59.980  
 37 when effecting sales of securities involving real estate paper registered for sale pursuant to ORS  
 38 59.065; or

39 (i) A person designated by rule or order by the director.

40 (2) "Control" means the possession, directly or indirectly, of the power to direct or cause the  
 41 direction of the management and policies of a person, whether through the ownership of voting se-  
 42 curities, by contract, or otherwise.

43 (3) "Director" means the Director of the Department of Consumer and Business Services.

44 (4) "Federal covered investment adviser" means a person who is registered as an investment  
 45 adviser pursuant to section 203 of the Investment Advisers Act of 1940, as amended.

1 (5) "Federal covered security" means any security that is a covered security under section 18  
2 of the Securities Act of 1933, as amended, and for which such Act provides that the director may  
3 require filing of a notice and payment of a fee.

4 (6) "Fraud," "deceit" and "defraud" are not limited to common-law deceit.

5 (7) "Guaranteed" means guaranteed as to payment of principal, interest or dividends.

6 (8)(a) "Investment adviser representative" means any partner, officer, director or person occu-  
7 pying a similar status or performing a similar function, or other individual, except clerical or  
8 ministerial personnel, who is employed by or associated with:

9 (A) A state investment adviser that is licensed or required to be licensed in this state and who  
10 does any of the following:

11 (i) Makes any recommendations or otherwise renders advice regarding securities;

12 (ii) Manages accounts or portfolios of clients;

13 (iii) Determines which recommendation or advice regarding securities should be given;

14 (iv) Solicits, offers or negotiates for the sale of or sells investment advisory services; or

15 (v) Supervises employees acting under this subparagraph; or

16 (B) A federal covered investment adviser, subject to the limitations of section 203A of the In-  
17 vestment Advisers Act of 1940, as amended, as the director may designate by rule or order.

18 (b) "Investment adviser representative" does not include a person designated by rule or order  
19 of the director.

20 (9) "Issuer" means a person who issues, proposes to issue or has issued a security and includes  
21 an issuer to be formed. With respect to certificates of deposit, voting-trust certificates or  
22 collateral-trust certificates, or with respect to certificates of interest or shares in an unincorporated  
23 investment trust not having a board of directors or persons performing similar functions or of the  
24 fixed, restricted management or unit type, the "issuer" is the person or persons performing the acts  
25 and assuming the duties of depositor or manager pursuant to the provisions of the trust or other  
26 instrument or agreement under which the security is issued.

27 (10) "License" means a license as provided under the Oregon Securities Law.

28 (11) "Mortgage banker" means a mortgage banker as defined in ORS 59.840.

29 (12) "Mortgage broker" means a mortgage broker as defined in ORS 59.840.

30 (13) "Offer" or "offer to sell" includes every attempt or offer to dispose of, or solicitation of an  
31 offer to buy, a security or interest in a security for value. Every sale or offer of a warrant or right  
32 to purchase or subscribe to another security of the same or another issuer, as well as every sale  
33 or offer of a security which gives the holder a present or future right or privilege to convert into  
34 another security of the same or another issuer, is considered to include an offer of the other secu-  
35 rity.

36 (14) "Person" includes an individual, a joint venture, a partnership, a cooperative, a limited li-  
37 ability company, an association, a joint stock company, a corporation, [*a trust*,] an unincorporated  
38 organization or a government or political subdivision of a government.

39 (15) "Real estate paper" means any obligation secured or purportedly secured by an interest in  
40 real property. Real estate paper includes, but is not limited to, mortgage-backed securities,  
41 collateralized mortgage obligations, and real estate mortgage investment conduits.

42 (16) "Registered" means registered as provided in the Oregon Securities Law.

43 (17)(a) "Sale" or "sell" includes every contract of sale of, contract to sell, or disposition of, a  
44 security or interest in a security for value. Any security given or delivered with, or as a bonus on  
45 account of, a purchase of securities or any other thing shall constitute a part of the subject of the

1 purchase and shall have been offered and sold for value. A gift of assessable stock by or for any  
 2 issuer or promoter shall constitute a sale.

3 (b) For purposes of the authority of the director under ORS 59.245 and 59.255, the terms “sale”  
 4 and “sell” include the terms “offer” and “offer to sell.”

5 (c) “Sale” and “sell” do not include:

6 (A) A bona fide pledge or loan of securities;

7 (B) A bona fide security dividend, whether the corporation distributing the dividend is the issuer  
 8 of the security or not, if nothing of value is given by the recipients for the dividend other than  
 9 payments in connection with the elimination of fractional shares; or

10 (C) An act incident to a judicially approved reorganization in which a security is issued in ex-  
 11 change for one or more outstanding securities, claims or property interests, or partly in such ex-  
 12 change and partly for cash.

13 (18)(a) “Salesperson” means a person, other than a broker-dealer, who represents or purports to  
 14 represent a broker-dealer, issuer or owner of securities in effecting or attempting to effect in any  
 15 manner transactions in securities.

16 (b) “Salesperson” does not include:

17 (A) A person who represents an issuer in effecting sales in a security exempted by ORS 59.025;

18 (B) A person who represents an issuer in effecting sales exempted by ORS 59.035;

19 (C) A person who represents an issuer in effecting sales with existing partners or directors of  
 20 the issuer, if no commission or other remuneration is paid or given directly or indirectly for solici-  
 21 ting any person in this state;

22 (D) An employee of an institution or organization described in subsection (1)(b) of this section  
 23 to the extent the employee is not a dual employee of the institution and a broker-dealer;

24 (E) A person effecting transactions in this state limited to those transactions described in sec-  
 25 tion 15(h)(2) and (3) of the Securities Exchange Act of 1934, as amended; or

26 (F) A person designated by rule or order by the director.

27 (c) A person who is a partner, director or officer of a broker-dealer, issuer or owner of securi-  
 28 ties, or a person who occupies a similar status or performing similar functions, is a “salesperson”  
 29 only if the person otherwise comes within this definition.

30 (19)(a) “Security” means a note, stock, treasury stock, bond, debenture, evidence of indebtedness,  
 31 certificate of interest or participation in a pension plan or profit-sharing agreement, collateral-trust  
 32 certificate, preorganization certificate or subscription, transferable share, investment contract,  
 33 voting-trust certificate, variable annuity, certificate of deposit for a security, certificate of interest  
 34 or participation in an oil, gas, or mining title or lease or in payments out of production under such  
 35 title or lease, real estate paper sold by a broker-dealer, mortgage banker, mortgage broker or a  
 36 person described in subsection (1)(b) of this section to persons other than persons enumerated in  
 37 ORS 59.035 (4), or, in general, any interest or instrument commonly known as a “security,” or any  
 38 certificate of interest or participation in, temporary or interim certificates for, receipt for, guarantee  
 39 of, or warrant or right to subscribe to or purchase any of the foregoing.

40 (b) “Security” does not include:

41 (A) An insurance or endowment policy or annuity contract, other than a variable annuity con-  
 42 tract, under which an insurance company promises to pay a fixed or variable sum of money either  
 43 in a lump sum or periodically for life or some other specified period;

44 (B) A beneficial interest in a voluntary inter vivos trust unless the trust is created solely for  
 45 the purpose of voting or is part of an attempt to evade the provisions of ORS 59.005 to 59.451; or

1 (C) A beneficial interest in a testamentary trust.

2 (20)(a) "State investment adviser" means a person who, for compensation:

3 (A) Engages all or part of the time of the person, in this state, in the business of advising others,  
4 either directly or by mail or through publication or writing, as to the value of securities or as to  
5 the advisability of investing in, purchasing or selling securities;

6 (B) Engages all or part of the time of the person, in this state, in the business of managing an  
7 investment or trading account in securities for other persons; or

8 (C) Issues or promulgates, as part of a regular business in this state, analyses or reports con-  
9 cerning securities.

10 (b) "State investment adviser" does not include:

11 (A) An investment adviser representative;

12 (B) An institution or organization described in subsection (1)(b) of this section;

13 (C) A licensed broker-dealer whose performance of investment advisory services is solely inci-  
14 dental to the conduct of business as a broker-dealer and who receives no special compensation for  
15 such services;

16 (D) A salesperson licensed to a broker-dealer whose performance of investment advisory services  
17 is solely incidental to that person's activities as a salesperson and who receives no special com-  
18 pensation for such services;

19 (E) A publisher of or contributor to a bona fide newspaper, newsmagazine, investment manual  
20 or service, or business or financial publication of general, regular and paid circulation;

21 (F) A person whose only clients are federal covered investment advisers, state investment ad-  
22 visers, broker-dealers, mortgage bankers, mortgage brokers, banks, savings institutions or trust  
23 companies, insurance companies, investment companies as defined in the Investment Company Act  
24 of 1940, as amended, pension or profit-sharing trusts, or other financial institutions or institutional  
25 buyers, whether acting for themselves or as trustees;

26 (G) A duly licensed lawyer, engineer or accountant whose performance of investment advisory  
27 services is solely incidental to the practice of the profession;

28 (H) A person whose advice, analyses or reports relate only to securities exempted by ORS 59.025  
29 (1);

30 (I) A federal covered investment adviser in compliance with ORS 59.165 (7);

31 (J) A person, advising others, that has no place of business in this state and during the pre-  
32 ceding 12-month period has had fewer than six clients, other than those persons included in sub-  
33 paragraph (F) of this paragraph, who are residents of this state; or

34 (K) Such other persons as the director may by rule or order designate.

35 **SECTION 5.** ORS 60.001 is amended to read:

36 60.001. As used in this chapter:

37 (1) "Anniversary" means that day each year exactly one or more years after:

38 (a) The date of filing by the Secretary of State of the articles of incorporation in the case of a  
39 domestic corporation.

40 (b) The date of filing by the Secretary of State of an application for authority to transact busi-  
41 ness in the case of a foreign corporation.

42 (2) "Articles of incorporation" include amended and restated articles of incorporation, articles  
43 of conversion and articles of merger.

44 (3) "Authorized shares" means the shares of all classes a domestic or foreign corporation is  
45 authorized to issue.

1 (4) “Conspicuous” means so written that a reasonable person against whom the writing is to  
 2 operate should have noticed it. For example, printing in italics, boldface or contrasting color, typing  
 3 in capitals or underlined is conspicuous.

4 (5) “Corporation” or “domestic corporation” means a corporation for profit, which is not a for-  
 5 eign corporation, incorporated under or subject to the provisions of this chapter.

6 (6) “Delivery” means any method of delivery used in conventional commercial practice, including  
 7 delivery by hand, mail, commercial delivery and electronic transmission.

8 (7) “Distribution” means a direct or indirect transfer of money or other property, except of a  
 9 corporation’s own shares, or incurrence of indebtedness by a corporation to or for the benefit of its  
 10 shareholders in respect of any of its shares. A distribution may be in the form of a declaration or  
 11 payment of a dividend, a purchase, redemption or other acquisition of shares, a distribution of  
 12 indebtedness, or otherwise.

13 (8) “Domestic limited liability company” means an entity that is an unincorporated association  
 14 having one or more members and that is organized under ORS chapter 63.

15 (9) “Domestic nonprofit corporation” means a corporation not for profit incorporated under ORS  
 16 chapter 65.

17 (10) “Domestic professional corporation” means a corporation organized under ORS chapter 58  
 18 for the purpose of rendering professional services and for the purposes provided under ORS chapter  
 19 58.

20 (11) “Electronic signature” has the meaning given that term in ORS 84.004.

21 (12) “Electronic transmission” means any process of communication that does not directly in-  
 22 volve the physical transfer of paper and that is suitable for the retention, retrieval and reproduction  
 23 of information by the recipient.

24 (13) “Employee” includes an officer but not a director. A director may accept duties that make  
 25 the director also an employee.

26 (14) “Entity” includes a corporation, foreign corporation, nonprofit corporation, profit and  
 27 nonprofit unincorporated association, business trust, [*estate*,] partnership, [*trust*,] two or more per-  
 28 sons having a joint or common economic interest, any state, the United States and any foreign  
 29 government.

30 (15) “Foreign corporation” means a corporation for profit incorporated under a law other than  
 31 the law of this state.

32 (16) “Foreign limited liability company” means an entity that is an unincorporated association  
 33 organized under the laws of a state other than this state, under the laws of a federally recognized  
 34 Indian tribe or under the laws of a foreign country and that is organized under a statute under  
 35 which an association may be formed that affords to each of its members limited liability with respect  
 36 to liabilities of the entity.

37 (17) “Foreign nonprofit corporation” means a corporation not for profit organized under the laws  
 38 of a state other than this state.

39 (18) “Foreign professional corporation” means a professional corporation organized under the  
 40 laws of a state other than this state.

41 (19) “Governmental subdivision” includes an authority, county, district and municipality.

42 (20) “Includes” denotes a partial definition.

43 (21) “Individual” means a natural person. “Individual” includes the estate of an incompetent  
 44 individual or a deceased individual.

45 (22) “Means” denotes an exhaustive definition.

1 (23) "Office," when used to refer to the administrative unit directed by the Secretary of State,  
2 means the office of the Secretary of State.

3 (24) "Person" includes individual and entity.

4 (25) "Principal office" means the office, in or out of this state, where the principal executive  
5 offices of a domestic or foreign corporation are located and designated in the annual report or ap-  
6 plication for authority to transact business in this state.

7 (26) "Proceeding" includes civil, criminal, administrative and investigatory action.

8 (27) "Record date" means the date established under this chapter on which a corporation de-  
9 termines the identity of its shareholders and their shareholdings for purposes of this chapter. The  
10 determinations shall be made as of the close of business on the record date unless another time for  
11 doing so is specified when the record date is fixed.

12 (28) "Shares" means the units into which the proprietary interest in a corporation are divided.

13 (29) "Shareholder" means the person in whose name shares are registered in the records of a  
14 corporation or the beneficial owner of shares to the extent of the rights granted by a nominee cer-  
15 tificate on file with a corporation.

16 (30) "Signature" includes any manual, facsimile, conformed or electronic signature.

17 (31) "State," when referring to a part of the United States, includes a state, commonwealth,  
18 territory and insular possession of the United States and its agencies and governmental subdivisions.

19 (32) "Subscriber" means a person who subscribes for shares in a corporation, whether before  
20 or after incorporation.

21 (33) "United States" includes a district, authority, bureau, commission, department and any  
22 other agency of the United States.

23 (34) "Voting group" means all shares of one or more classes or series that under the articles  
24 of incorporation or this chapter are entitled to vote and be counted together collectively on a matter  
25 at a meeting of shareholders. All shares entitled by the articles of incorporation or this chapter to  
26 vote generally on the matter are for that purpose a single voting group.

27 **SECTION 6.** ORS 62.015 is amended to read:

28 62.015. As used in this chapter, unless the context requires otherwise:

29 (1) "Anniversary" means that day each year exactly one or more years after:

30 (a) The date of filing by the Secretary of State of the articles of incorporation in the case of a  
31 domestic cooperative.

32 (b) The date of filing by the Secretary of State of an application for authority to transact busi-  
33 ness in the case of a foreign cooperative.

34 (2) "Articles" means articles of incorporation, articles of conversion and articles of merger.

35 (3) "Board" means board of directors.

36 (4) "Cooperative" means a cooperative corporation which is subject to the provisions of this  
37 chapter.

38 (5) "Corporation" means a corporation which is not a cooperative.

39 (6) "Domestic limited liability company" means an entity that is an unincorporated association  
40 having one or more members and that is organized under ORS chapter 63.

41 (7) "Domestic nonprofit corporation" means a corporation not for profit incorporated under ORS  
42 chapter 65.

43 (8) "Domestic professional corporation" means a corporation organized under ORS chapter 58  
44 for the purpose of rendering professional services and for the purposes provided under ORS chapter  
45 58.



1 (9) “Foreign cooperative” means a cooperative corporation organized under laws other than the  
2 laws of this state.

3 (10) “Foreign corporation” means a corporation for profit incorporated under the laws of a state  
4 other than this state.

5 (11) “Foreign limited liability company” means an entity that is an unincorporated association  
6 organized under the laws of a state other than this state, under the laws of a federally recognized  
7 Indian tribe or under the laws of a foreign country and that is organized under a statute under  
8 which an association may be formed that affords to each of its members limited liability with respect  
9 to liabilities of the entity.

10 (12) “Foreign nonprofit corporation” means a corporation not for profit organized under the laws  
11 of a state other than this state.

12 (13) “Foreign professional corporation” means a professional corporation organized under the  
13 laws of a state other than this state.

14 (14) “Member” means a person who has been qualified and accepted for membership in a coop-  
15 erative.

16 (15) “Membership stock” means any class of stock, continuous ownership of which is required  
17 for membership in a cooperative.

18 (16) “Negotiate” means to confer with another in order to come to terms.

19 (17) “Person” includes individuals, corporations, associations, firms, partnerships, joint stock  
20 companies[, *trusts, estates*] and foreign and domestic cooperative corporations.

21 (18) “Shareholder” means a holder of shares of capital stock of a cooperative other than mem-  
22 bership stock.

23 **SECTION 7.** ORS 63.001 is amended to read:

24 63.001. As used in this chapter:

25 (1) “Anniversary” means that day each year exactly one or more years after:

26 (a) The date of filing by the Secretary of State of the articles of organization in the case of a  
27 domestic limited liability company.

28 (b) The date of filing by the Secretary of State of an application for authority to transact busi-  
29 ness in the case of a foreign limited liability company.

30 (2) “Articles of organization” means the document described in ORS 63.047 for the purpose of  
31 forming a limited liability company, including articles of organization as they may be amended or  
32 restated, articles of conversion and articles of merger.

33 (3) “Bankruptcy” means:

34 (a) Assignment by a member for the benefit of creditors;

35 (b) Commencement of a voluntary bankruptcy case by a member;

36 (c) Adjudication of a member as bankrupt or insolvent;

37 (d) Filing by a member of a petition or answer seeking for the member any reorganization, ar-  
38 rangement, composition, readjustment, liquidation, dissolution or similar relief under any statute,  
39 law or rule;

40 (e) Filing by a member of an answer or other pleading admitting or failing to contest the mate-  
41 rial allegations of a petition filed against the member in any proceeding of this nature;

42 (f) Seeking, consenting to or acquiescing in the appointment of a trustee, receiver or liquidator  
43 of the member or of all or any substantial part of the member’s properties;

44 (g) Commencement of an involuntary bankruptcy case against a member that has not been dis-  
45 missed on or before the 120th day after the commencement of the case;

1 (h) Appointment, without the member’s consent, of a trustee, receiver or liquidator either of the  
 2 member or of all or any substantial part of the member’s properties that is not vacated or stayed  
 3 on or before the 90th day after appointment; or

4 (i) Appointment described in paragraph (h) of this subsection that is not vacated on or before  
 5 the 90th day after expiration of the stay under paragraph (h) of this subsection.

6 (4) “Contribution” means anything of value which a person contributes to the limited liability  
 7 company as a prerequisite for or in connection with membership including cash, property or services  
 8 rendered or a promissory note or other binding obligation to contribute cash or property or to per-  
 9 form services.

10 (5) “Corporation” or “domestic corporation” means a corporation for profit incorporated under  
 11 ORS chapter 60.

12 (6) “Distribution” means a direct or indirect transfer of money or other property, except of a  
 13 limited liability company’s own interests, or incurrence of indebtedness by a limited liability com-  
 14 pany to or for the benefit of its members in respect of any of its member’s interests. A distribution  
 15 may be in the form of a declaration or payment of profits, a purchase, retirement or other acquisi-  
 16 tion of interests, a distribution of indebtedness, or otherwise.

17 (7) “Domestic nonprofit corporation” means a corporation not for profit incorporated under ORS  
 18 chapter 65.

19 (8) “Domestic professional corporation” means a corporation organized under ORS chapter 58  
 20 for the purpose of rendering professional services and for the purposes provided under ORS chapter  
 21 58.

22 (9) “Entity” includes a domestic or foreign limited liability company, corporation, professional  
 23 corporation, foreign corporation, domestic or foreign nonprofit corporation, domestic or foreign co-  
 24 operative corporation, profit or nonprofit unincorporated association, business trust, [*estate*,] do-  
 25 mestic or foreign general or limited partnership, [*trust*,] two or more persons having a joint or  
 26 common economic interest, any state, the United States or any foreign government.

27 (10) “Foreign corporation” means a corporation for profit incorporated under a law other than  
 28 the law of this state.

29 (11) “Foreign limited liability company” means an entity that is an unincorporated association  
 30 organized under the laws of a state other than this state, under the laws of a federally recognized  
 31 Indian tribe or under the laws of a foreign country and that is organized under a statute under  
 32 which an association may be formed that affords to each of its members limited liability with respect  
 33 to the liabilities of the entity.

34 (12) “Foreign limited partnership” means a limited partnership formed under the laws of any  
 35 jurisdiction other than this state and having as partners one or more general partners and one or  
 36 more limited partners.

37 (13) “Foreign nonprofit corporation” means a corporation not for profit organized under the laws  
 38 of a state other than this state.

39 (14) “Foreign professional corporation” means a professional corporation organized under the  
 40 laws of a state other than this state.

41 (15) “Incompetency” means the entry of a judgment by a court of competent jurisdiction adju-  
 42 dicating the member incompetent to manage the member’s person or estate.

43 (16) “Individual” means a natural person.

44 (17) “Limited liability company” or “domestic limited liability company” means an entity that  
 45 is an unincorporated association having one or more members that is organized under this chapter.

1 (18) “Limited partnership” or “domestic limited partnership” means a partnership formed by two  
 2 or more persons under ORS chapter 70 and having one or more general partners and one or more  
 3 limited partners.

4 (19) “Manager” or “managers” means a person or persons, who need not be members, designated  
 5 by the members of a manager-managed limited liability company to manage the limited liability  
 6 company’s business and affairs.

7 (20) “Manager-managed limited liability company” means a limited liability company that is  
 8 designated as a manager-managed limited liability company in its articles of organization or whose  
 9 articles of organization otherwise expressly provide that the limited liability company will be man-  
 10 aged by a manager or managers.

11 (21) “Member” or “members” means a person or persons with both an ownership interest in a  
 12 limited liability company and all the rights and obligations of a member specified under this chapter.  
 13 “Member” does not include an assignee of an ownership interest who has not also acquired the  
 14 voting and other rights appurtenant to membership.

15 (22) “Member-managed limited liability company” means a limited liability company other than  
 16 a manager-managed limited liability company.

17 (23) “Membership interest” or “interest” means a member’s collective rights in a limited liability  
 18 company, including the member’s share of profits and losses of the limited liability company, the  
 19 right to receive distributions of the limited liability company’s assets and any right to vote or par-  
 20 ticipate in management.

21 (24) “Office,” when used to refer to the administrative unit directed by the Secretary of State,  
 22 means the office of the Secretary of State.

23 (25) “Operating agreement” means any valid agreement, written or oral, of the member or  
 24 members as to the affairs of a limited liability company and the conduct of its business.

25 (26) “Organizer” means one of the signers of the initial articles of organization.

26 (27) “Party” includes an individual who was, is or is threatened to be made a named defendant  
 27 or respondent in a proceeding.

28 (28) “Person” means an individual or entity.

29 (29) “Proceeding” means any threatened, pending or completed action, suit or proceeding  
 30 whether civil, criminal, administrative or investigatory and whether formal or informal.

31 (30) “State,” when referring to a part of the United States, includes a state, commonwealth,  
 32 territory or insular possession of the United States and its agencies and governmental subdivisions.

33 (31) “United States” includes a district, authority, bureau, commission, department or any other  
 34 agency of the United States.

35 **SECTION 8.** ORS 65.001 is amended to read:

36 65.001. As used in this chapter, unless otherwise specifically provided:

37 (1) “Anniversary” means that day each year exactly one or more years after the date of filing  
 38 by the Office of the Secretary of State of the articles of incorporation in the case of a domestic  
 39 corporation or the date of filing by the Office of the Secretary of State of an application for au-  
 40 thority to transact business in the case of a foreign corporation. An event which would otherwise  
 41 cause an anniversary to fall on February 29 shall be deemed to have occurred on February 28.

42 (2) “Approved by the members” or “approval by the members” means approved or ratified by the  
 43 members entitled to vote on the issue through either:

44 (a) The affirmative vote of a majority of the votes of such members represented and voting at  
 45 a duly held meeting at which a quorum is present or the affirmative vote of such greater proportion

1 including the votes of any required proportion of the members of any class as the articles, bylaws  
 2 or this chapter may provide for specified types of member action; or

3 (b) A written ballot or written consent in conformity with this chapter.

4 (3) "Articles of incorporation" or "articles" include amended and restated articles of incorpo-  
 5 ration and articles of merger, and corrections thereto.

6 (4) "Board" or "board of directors" means the individual or individuals vested with overall  
 7 management of the affairs of the domestic or foreign corporation, irrespective of the name by which  
 8 the individual or individuals are designated, except that no individual or group of individuals are  
 9 the board of directors because of powers delegated to that individual or group pursuant to ORS  
 10 65.301.

11 (5) "Bylaws" means the code or codes of rules, other than the articles adopted pursuant to this  
 12 chapter or the laws governing a foreign corporation for the regulation or management of the affairs  
 13 of the domestic or foreign corporation, irrespective of the name or names by which such rules are  
 14 designated.

15 (6) "Class" means a group of memberships which have the same rights with respect to voting,  
 16 dissolution, redemption and transfer. For the purpose of this section, rights shall be considered the  
 17 same if they are determined by a formula applied uniformly.

18 (7) "Contact address" means a mailing address at which a person affiliated with the organization  
 19 will receive and transmit to the organization notices intended for the foreign or domestic corpo-  
 20 ration when it is either not practical to send such notices to the registered agent, or a duplicate  
 21 notice is desirable. The contact address may be the principal place of business, if any, or the busi-  
 22 ness or residence address of any person associated with the corporation or foreign corporation who  
 23 has consented to serve, but shall not be the address of the registered agent.

24 (8) "Corporation" or "domestic corporation" means a nonprofit corporation that is not a foreign  
 25 corporation, and that is incorporated under or subject to the provisions of this chapter.

26 (9) "Delegates" means those persons elected or appointed to vote in a representative assembly  
 27 for the election of a director or directors or on other matters.

28 (10) "Deliver" includes mail.

29 (11) "Directors" means individuals designated in the articles or bylaws or elected by the  
 30 incorporators to act as members of the board, and their successors.

31 (12) "Distribution" means the payment of a dividend or any part of the income or profit of a  
 32 corporation to its members, directors or officers, and does not include payment of value for property  
 33 received or services performed or payment of benefits in furtherance of the corporation's purposes.

34 (13) "Domestic business corporation" means a for profit corporation incorporated under ORS  
 35 chapter 60.

36 (14) "Domestic limited liability company" means an entity that is an unincorporated association  
 37 having one or more members and that is organized under ORS chapter 63.

38 (15) "Domestic professional corporation" means a corporation organized under ORS chapter 58  
 39 for the purpose of rendering professional services and for the purposes provided under ORS chapter  
 40 58.

41 (16) "Effective date of notice" has the meaning given that term in ORS 65.034.

42 (17) "Employee" does not include an officer or director who is not employed by the corporation  
 43 with compensation for services beyond those encompassed by board membership.

44 (18) "Entity" includes a corporation, foreign corporation, business corporation and foreign  
 45 business corporation, profit and nonprofit unincorporated association, corporation sole, business

1 trust, [*estate*,] partnership, [*trust*,] two or more persons having a joint or common economic interest,  
 2 any state, the United States and any foreign government.

3 (19) "File," "filed" or "filing" means reviewed, accepted and entered in the Office of the Secre-  
 4 tary of State.

5 (20) "Foreign business corporation" means a for profit corporation incorporated under the laws  
 6 of a state other than this state.

7 (21) "Foreign corporation" means a corporation organized under a law other than the law of this  
 8 state which would be a nonprofit corporation if formed under the laws of this state.

9 (22) "Foreign limited liability company" means an entity that is an unincorporated association  
 10 organized under the laws of a state other than this state, under the laws of a federally recognized  
 11 Indian tribe or under the laws of a foreign country and that is organized under a statute under  
 12 which an association may be formed that affords to each of its members limited liability with respect  
 13 to liabilities of the entity.

14 (23) "Foreign professional corporation" means a professional corporation organized under the  
 15 laws of a state other than this state.

16 (24) "Governmental subdivision" includes an authority, county, district and municipality.

17 (25) "Includes" denotes a partial definition.

18 (26) "Individual" means a natural person and includes the guardian of an incompetent individual.

19 (27) "Means" denotes an exhaustive definition.

20 (28)(a) "Member" means any person or persons entitled, pursuant to a domestic or foreign cor-  
 21 poration's articles or bylaws, without regard to what a person is called in the articles or bylaws,  
 22 to vote on more than one occasion for the election of a director or directors.

23 (b) A person is not a member by virtue of any of the following rights the person has:

24 (A) As a delegate;

25 (B) To designate or appoint a director or directors;

26 (C) As a director; or

27 (D) As a holder of an evidence of indebtedness issued or to be issued by the corporation.

28 (c) Notwithstanding the provisions of paragraph (a) of this subsection, a person is not a member  
 29 if the person's membership rights have been eliminated as provided in ORS 65.164 or 65.167.

30 (29) "Membership" refers to the rights and obligations a member or members, as defined in this  
 31 chapter, have pursuant to this chapter.

32 (30) "Mutual benefit corporation" means a domestic corporation which either is formed as a  
 33 mutual benefit corporation pursuant to ORS 65.044 to 65.067, is designated a mutual benefit corpo-  
 34 ration by a statute or does not come within the definition of public benefit or religious corporation.

35 (31) "Nonprofit corporation" means mutual benefit corporations, public benefit corporations and  
 36 religious corporations.

37 (32) "Notice" has the meaning given that term in ORS 65.034.

38 (33) "Office" when used to refer to the administrative unit directed by the Secretary of State,  
 39 means the Office of the Secretary of State.

40 (34) "Person" includes any individual or entity.

41 (35) "Principal office" means the place, in or out of this state, so designated in the most recent  
 42 annual report filed pursuant to ORS 65.787 or if no annual report is on file, as designated in the  
 43 articles of incorporation, or the application for authority to transact business in this state, which  
 44 shall be the place where the principal executive offices of a domestic or foreign corporation are  
 45 located, or if none, the contact address.

1 (36) "Proceeding" includes civil, criminal, administrative and investigatory action.

2 (37) "Public benefit corporation" means a domestic corporation which:

3 (a) Is formed as a public benefit corporation pursuant to ORS 65.044 to 65.067, is designated as  
4 a public benefit corporation by a statute, is recognized as tax exempt under section 501 (c) (3) of the  
5 Internal Revenue Code of 1986 or is otherwise organized for a public or charitable purpose;

6 (b) Is restricted so that on dissolution it must distribute its assets to an organization organized  
7 for a public or charitable purpose, a religious corporation, the United States, a state or a person  
8 which is recognized as exempt under section 501 (c) (3) of the Internal Revenue Code of 1986; and

9 (c) Does not come within the definition of "religious corporation."

10 (38) "Record date" means the date established under ORS 65.131 to 65.177 or 65.201 to 65.254  
11 on which a corporation determines the identity of its members and their membership rights for the  
12 purposes of this chapter. The determinations shall be made as of the time of close of transactions  
13 on the record date unless another time for doing so is specified at the time the record date is fixed.

14 (39) "Religious corporation" means a domestic corporation which is formed as a religious cor-  
15 poration pursuant to ORS 65.044 to 65.067, is designated a religious corporation by a statute or is  
16 organized primarily or exclusively for religious purposes.

17 (40) "Secretary," when used in the context of a corporate official, means the corporate officer  
18 to whom the board of directors has delegated responsibility under ORS 65.371 for preparing the  
19 minutes of the directors' and members' meetings and for authenticating the records of the corpo-  
20 ration.

21 (41) "State" when referring to a part of the United States, includes a state, commonwealth,  
22 territory and insular possession of the United States and its agencies and governmental subdivisions.

23 (42) "Uncompensated officer" means an individual who serves in an office without compensation  
24 for personal service. Payment solely for actual expenses in performing duties of the officer or a  
25 stipend which is paid only to compensate the average expenses incurred over the course of a year  
26 shall not be deemed to be compensation.

27 (43) "United States" includes district, authority, bureau, commission, department and any other  
28 agency of the United States.

29 (44) "Vote" includes authorization by written ballot and written consent, where permitted.

30 (45) "Voting power" means the total number of votes entitled to be cast on the issue at the time  
31 the determination of voting power is made, excluding a vote which is contingent upon the happening  
32 of a condition or event which has not occurred at the time. Where a class is entitled to vote as a  
33 class for directors, the determination of voting power of the class shall be based on the percentage  
34 of the number of directors the class is entitled to elect out of the total number of authorized direc-  
35 tors.

36 **SECTION 9.** ORS 67.005 is amended to read:

37 67.005. As used in this chapter:

38 (1) "Business" includes every trade, occupation, profession and commercial activity.

39 (2) "Debtor in bankruptcy" means a person who is the subject of:

40 (a) An order for relief under Title 11 of the United States Code or a comparable order under a  
41 successor statute of general application; or

42 (b) A comparable order under federal, state or foreign law governing insolvency.

43 (3) "Dissociated partner" means a partner with respect to whom an event specified in ORS  
44 67.220 has occurred.

45 (4) "Distribution" means a transfer of money or other property from a partnership to a partner

1 in the partner’s capacity as a partner or to the partner’s transferee.

2 (5) “Foreign limited liability partnership” means a partnership that:

3 (a) Is formed under laws other than the law of this state; and

4 (b) Has the status of a limited liability partnership under those laws.

5 (6) “Limited liability partnership” means a partnership that has registered under ORS 67.590,  
6 and has not registered or qualified in any other jurisdiction other than as a foreign limited liability  
7 partnership.

8 (7) “Partnership” means an association of two or more persons to carry on as co-owners a  
9 business for profit created under ORS 67.055, predecessor law, or comparable law of another juris-  
10 diction. A partnership includes a limited liability partnership.

11 (8) “Partnership agreement” means the agreement, whether written, oral or implied, among the  
12 partners concerning the partnership, including amendments to the partnership agreement.

13 (9) “Partnership at will” means a partnership in which the partners have not agreed to remain  
14 partners until the expiration of a definite term or the completion of a particular undertaking.

15 (10) “Partnership interest” or “partner’s interest in the partnership” means all of a partner’s  
16 interests in the partnership, including the partner’s transferable interest and all management and  
17 other rights.

18 (11) “Person” means an individual, corporation, business trust, [*estate, trust,*] partnership, limited  
19 liability company, association, joint venture, government, governmental subdivision, agency,  
20 instrumentality or any other legal or commercial entity.

21 (12) “Professional” means:

22 (a) Accountants licensed under ORS 673.010 to 673.457 or the laws of another state;

23 (b) Architects licensed under ORS 671.010 to 671.220 or the laws of another state;

24 (c) Attorneys licensed under ORS 9.005 to 9.755 or the laws of another state;

25 (d) Chiropractors licensed under ORS chapter 684 or the laws of another state;

26 (e) Dentists licensed under ORS chapter 679 or the laws of another state;

27 (f) Landscape architects licensed under ORS 671.310 to 671.459 or the laws of another state;

28 (g) Naturopaths licensed under ORS chapter 685 or the laws of another state;

29 (h) Nurse practitioners licensed under ORS 678.010 to 678.410 or the laws of another state;

30 (i) Psychologists licensed under ORS 675.010 to 675.150 or the laws of another state;

31 (j) Physicians licensed under ORS chapter 677 or the laws of another state;

32 (k) Podiatrists licensed under ORS chapter 677 or the laws of another state;

33 (L) Radiologic technologists licensed under ORS 688.405 to 688.605 or the laws of another state;

34 (m) Real estate appraisers licensed under ORS chapter 674 or the laws of another state; and

35 (n) Other persons providing to the public types of personal service or services substantially  
36 similar to those listed in paragraphs (a) to (m) of this subsection that may be lawfully rendered only  
37 pursuant to a license.

38 (13) “Professional service” means the service rendered by a professional.

39 (14) “Property” means all property, real, personal or mixed, tangible or intangible, or any in-  
40 terest therein.

41 (15) “State” means a state of the United States, the District of Columbia, the Commonwealth  
42 of Puerto Rico or any territory or insular possession subject to the jurisdiction of the United States.

43 (16) “Transfer” includes an assignment, conveyance, lease, mortgage, deed, encumbrance, cre-  
44 ation of a security interest and any other disposition.

45 (17) “Transferable interest of a partner in the partnership” means the partner’s share of the

1 profits and losses of the partnership and the partner’s right to receive distributions.

2 **SECTION 10.** ORS 70.005 is amended to read:

3 70.005. As used in this chapter:

4 (1) “Certificate of limited partnership” means the certificate referred to in ORS 70.075, and the  
5 certificate as amended, articles of conversion and articles of merger.

6 (2) “Contribution” means any cash, property, services rendered, or a promissory note or other  
7 binding obligation to contribute cash or property or to perform services, that a partner contributes  
8 to a limited partnership in the capacity as a partner.

9 (3) “Corporation” or “domestic corporation” means a corporation for profit incorporated under  
10 ORS chapter 60.

11 (4) “Domestic limited liability company” means an entity that is an unincorporated association  
12 having one or more members and that is organized under ORS chapter 63.

13 (5) “Domestic nonprofit corporation” means a corporation not for profit incorporated under ORS  
14 chapter 65.

15 (6) “Domestic professional corporation” means a corporation organized under ORS chapter 58  
16 for the purpose of rendering professional services and for the purposes provided under ORS chapter  
17 58.

18 (7) “Event of withdrawal of a general partner” means an event that causes a person to cease  
19 to be a general partner as provided in ORS 70.180.

20 (8) “Foreign corporation” means a corporation for profit incorporated under the laws of a state  
21 other than this state.

22 (9) “Foreign limited liability company” means an entity that is an unincorporated association  
23 organized under the laws of a state other than this state, under the laws of a federally recognized  
24 Indian tribe or under the laws of a foreign country and that is organized under a statute under  
25 which an association may be formed that affords to each of its members limited liability with respect  
26 to liabilities of the entity.

27 (10) “Foreign limited partnership” means a partnership formed under the laws of any jurisdiction  
28 other than this state and having as partners one or more general partners and one or more limited  
29 partners.

30 (11) “Foreign nonprofit corporation” means a corporation not for profit organized under the laws  
31 of a state other than this state.

32 (12) “Foreign professional corporation” means a professional corporation organized under the  
33 laws of a state other than this state.

34 (13) “General partner” means a person who has been admitted to a limited partnership as a  
35 general partner in accordance with the partnership agreement and named in the certificate of lim-  
36 ited partnership as a general partner.

37 (14) “Limited partner” means a person who has been admitted to a limited partnership as a  
38 limited partner in accordance with the partnership agreement.

39 (15) “Limited partnership” and “domestic limited partnership” mean a partnership formed by two  
40 or more persons under the laws of this state and having one or more general partners and one or  
41 more limited partners.

42 (16) “Partner” means a limited or general partner.

43 (17) “Partnership agreement” means any valid agreement, written or oral, of the partners as to  
44 the affairs of a limited partnership and the conduct of its business.

45 (18) “Partnership interest” means a partner’s share of the profits and losses of a limited part-



nership and the right to receive distributions of partnership assets.

(19) "Person" means an individual, partnership, limited partnership (domestic or foreign), [*trust, estate,*] association or corporation.

**SECTION 11.** ORS 84.004 is amended to read:

84.004. As used in ORS 84.001 to 84.061:

(1) "Agreement" means the bargain of the parties in fact, as found in their language or inferred from other circumstances and from rules, regulations and procedures given the effect of agreements under laws otherwise applicable to a particular transaction.

(2) "Automated transaction" means a transaction conducted or performed, in whole or in part, by electronic means or electronic records, in which the acts or records of one or both parties are not reviewed by an individual in the ordinary course in forming a contract, performing under an existing contract or fulfilling an obligation required by the transaction.

(3) "Computer program" means a set of statements or instructions to be used directly or indirectly in an information processing system in order to bring about a certain result.

(4) "Contract" means the total legal obligation resulting from the parties' agreement under ORS 84.001 to 84.061 and other applicable law.

(5) "Electronic" means relating to technology having electrical, digital, magnetic, wireless, optical, electromagnetic or similar capabilities.

(6) "Electronic agent" means a computer program or an electronic or other automated means used independently to initiate an action or respond to electronic records or performances in whole or in part, without review or action by an individual.

(7) "Electronic record" means a record created, generated, sent, communicated, received or stored by electronic means.

(8) "Electronic signature" means an electronic sound, symbol or process attached to or logically associated with a record and executed or adopted by a person with the intent to sign the record.

(9) "Governmental agency" means an executive, legislative or judicial agency, department, board, commission, authority, institution or instrumentality of the federal government or of a state or of a county, municipality or other political subdivision of a state.

(10) "Information" means data, text, images, sounds, codes, computer programs, software, databases or the like.

(11) "Information processing system" means an electronic system for creating, generating, sending, receiving, storing, displaying or processing information.

(12) "Person" means an individual, corporation, business trust, [*estate, trust,*] partnership, limited liability company, association, joint venture, governmental agency, public corporation or any other legal or commercial entity.

(13) "Record" means information that is inscribed on a tangible medium or that is stored in an electronic or other medium and is retrievable in perceivable form.

(14) "Security procedure" means a procedure employed for the purpose of verifying that an electronic signature, record or performance is that of a specific person or for detecting changes or errors in the information in an electronic record. "Security procedure" includes a procedure that requires the use of algorithms or other codes, identifying words or numbers, encryption, or callback or other acknowledgment procedures.

(15) "State" means a state of the United States, the District of Columbia, Puerto Rico, the United States Virgin Islands or any territory or insular possession subject to the jurisdiction of the United States. "State" includes an Indian tribe or band or an Alaskan native village, which is re-

1 cognized by federal law or formally acknowledged by a state.

2 (16) "Transaction" means an action or set of actions occurring between two or more persons  
3 relating to the conduct of business, commercial or governmental affairs.

4 **SECTION 12.** ORS 86.205 is amended to read:

5 86.205. As used in ORS 86.205 to 86.275:

6 (1) "Borrower" means any person who becomes obligated on a real estate loan agreement, either  
7 directly or indirectly, and includes, but is not limited to, mortgagors, grantors under trust deeds,  
8 vendees under conditional land sales contracts, and persons who purchase real property securing a  
9 real estate loan agreement, whether the persons assume the loan or purchase the property subject  
10 to the loan.

11 (2) "Direct reduction provision" or "capitalization provision" means any provision which is part  
12 of a real estate loan agreement, whether incorporated into the agreement or as part of a separately  
13 executed document, whereby the borrower makes periodic prepayment of property taxes, insurance  
14 premiums and similar charges to the lender or the designee of the lender, who applies such pre-  
15 payments first to accrued interest and then to the principal amount of the loan, and upon payment  
16 of such charges, adds the amount of such payment to the principal amount of the loan.

17 (3) "Escrow account" means any account which is a part of a real estate loan agreement,  
18 whether incorporated into the agreement or as part of a separately executed document, whereby the  
19 borrower makes periodic prepayment to the lender or the designee of the lender of taxes, insurance  
20 premiums, and similar charges, and the lender or the designee of the lender pays the charges out  
21 of the account at the due dates.

22 (4) "Lender" means any person who makes, extends, or holds a real estate loan agreement and  
23 includes, but is not limited to, mortgagees, beneficiaries under trust deeds, and vendors under con-  
24 ditional land sales contracts.

25 (5) "Lender's security protection provision" means any provision which is a part of a real estate  
26 loan agreement, whether incorporated into the agreement or as part of a separately executed docu-  
27 ment, whereby the borrower prepays, pledges or otherwise commits cash or other assets owned by  
28 the borrower in advance of due dates for payments of property taxes, insurance premiums and sim-  
29 ilar charges relating to the property securing the loan in order to assure timely payment of the  
30 charges and protect the lender's security interest in the property, and includes, but is not limited  
31 to, escrow accounts, direct reduction provisions, capitalization provisions, and pledges of savings  
32 accounts.

33 (6) "Person" means individuals, corporations, associations[,] **and** partnerships [*and trusts*], and  
34 includes, but is not limited to, financial institutions as defined in ORS 706.008, investment compa-  
35 nies, insurance companies, pension funds, and mortgage companies.

36 (7) "Real estate loan agreement" or "real estate loan" means any agreement providing for a loan  
37 on residential property, including multifamily, occupied by the borrower in the amount of \$100,000  
38 or less, secured in whole or in part by real property, or any interest therein, located in this state,  
39 and includes, but is not limited to, mortgages, trust deeds and conditional land sales contracts.

40 **SECTION 13.** ORS 87.700 is amended to read:

41 87.700. As used in ORS 87.228 and 87.700 to 87.736, unless the context otherwise requires:

42 (1) "Agricultural produce" means horticultural products, viticultural products, fruit, berries,  
43 vegetables, hops, mint oil, hazelnuts or other nuts, dairy products, bee products, vermiculture pro-  
44 ducts, hay or straw baled and prepared for market, meat animals and Christmas trees as defined in  
45 ORS 571.505.

1 (2) "Agricultural producer" means a person that engages in or has engaged in the business of  
 2 growing or producing agricultural produce for market or for delivery or transfer to others owning  
 3 or holding title to the produce. "Agricultural producer" includes a landowner, producer, landlord,  
 4 tenant, sharecropper or other person who participates in the growing of agricultural produce and  
 5 receives a share of the produce.

6 (3) "Meat animal" has the meaning for that term provided in ORS 603.010.

7 (4) "Person" means individual, corporation, partnership, association, joint stock company,  
 8 [trust,] limited liability company, limited liability partnership, cooperative, government entity,  
 9 unincorporated organization or other business entity.

10 (5) "Purchaser" does not include a cooperative organized and operating under ORS chapter 62,  
 11 including a foreign cooperative authorized to do business in this state under ORS chapter 60, if the  
 12 agricultural producer is a member of the cooperative.

13 (6) "Security interest" has the meaning given that term in ORS 71.2010 (37).

14 **SECTION 14.** ORS 95.200 is amended to read:

15 95.200. As used in ORS 95.200 to 95.310:

16 (1) "Affiliate" means any of the following:

17 (a) A person who directly or indirectly owns, controls or holds with power to vote 20 or more  
 18 percent of the outstanding voting securities of the debtor, other than a person who holds the secu-  
 19 rities:

20 (A) As a fiduciary or agent without sole discretionary power to vote the securities; or

21 (B) Solely to secure a debt, if the person has not in fact exercised the power to vote.

22 (b) A corporation, 20 or more percent of whose outstanding voting securities are directly or in-  
 23 directly owned, controlled or held with power to vote by the debtor or by a person who directly or  
 24 indirectly owns, controls or holds with power to vote 20 or more percent of the outstanding voting  
 25 securities of the debtor, other than a person who holds the securities:

26 (A) As a fiduciary or agent without sole discretionary power to vote the securities; or

27 (B) Solely to secure a debt, if the person has not in fact exercised the power to vote.

28 (c) A person whose business is operated by the debtor under a lease or other agreement, or a  
 29 person substantially all of whose assets are controlled by the debtor.

30 (d) A person who operates the debtor's business under a lease or other agreement or controls  
 31 substantially all of the debtor's assets.

32 (2) "Asset" means property of a debtor but does not include:

33 (a) Property to the extent that it is encumbered by a valid lien;

34 (b) Property to the extent that it is generally exempt under nonbankruptcy law; or

35 (c) An interest in property held in tenancy by the entirety to the extent that it is not subject  
 36 to process by a creditor holding a claim against only one tenant.

37 (3) "Claim" means a right to payment, whether or not the right is reduced to judgment, liqui-  
 38 dated, unliquidated, fixed, contingent, matured, unmatured, disputed, undisputed, legal, equitable,  
 39 secured or unsecured.

40 (4) "Creditor" means a person who has a claim against a debtor.

41 (5) "Debt" means liability on a claim.

42 (6) "Debtor" means a person against whom a creditor has a claim.

43 (7) An "insider" includes:

44 (a) If the debtor is an individual:

45 (A) A relative of the debtor or of a general partner of the debtor;

- 1 (B) A partnership in which the debtor is a general partner;  
 2 (C) A general partner in a partnership described in subparagraph (B) of this paragraph; or  
 3 (D) A corporation of which the debtor is a director, officer or person in control.  
 4 (b) If the debtor is a corporation:  
 5 (A) A director of the debtor;  
 6 (B) An officer of the debtor;  
 7 (C) A person in control of the debtor;  
 8 (D) A partnership in which the debtor is a general partner;  
 9 (E) A general partner in a partnership described in subparagraph (D) of this paragraph; or  
 10 (F) A relative of a general partner, director, officer or person in control of the debtor.  
 11 (c) If the debtor is a partnership:  
 12 (A) A general partner in the debtor;  
 13 (B) A relative of a general partner in a debtor, of a general partner of a debtor, or of a person  
 14 in control of the debtor;  
 15 (C) Another partnership in which the debtor is a general partner;  
 16 (D) A general partner in a partnership described in subparagraph (C) of this paragraph; or  
 17 (E) A person in control of the debtor.  
 18 (d) An affiliate or an insider of an affiliate as if the affiliate were the debtor; and  
 19 (e) A managing agent of the debtor.  
 20 (8) "Lien" means a charge against or an interest in property to secure payment of a debt or  
 21 performance of an obligation, including a security interest created by agreement, a judicial lien ob-  
 22 tained by legal or equitable process or proceedings, a common-law lien or a statutory lien.  
 23 (9) "Person" means an individual, partnership, corporation, association, organization, govern-  
 24 ment or governmental subdivision or agency, business trust[, *estate, trust*] or any other legal or  
 25 commercial entity.  
 26 (10) "Property" means anything that may be the subject of ownership.  
 27 (11) "Relative" means an individual related within the third degree as determined by the com-  
 28 mon law, a spouse, or an individual related to a spouse within the third degree as so determined,  
 29 and includes an individual in an adoptive relationship within the third degree.  
 30 (12) "Transfer" means every mode, direct or indirect, absolute or conditional, voluntary or in-  
 31 voluntary, of disposing of or parting with an asset or an interest in an asset, and includes a payment  
 32 of money, a release, a lease and the creation of a lien or encumbrance.  
 33 (13) "Valid lien" means a lien that is effective against the holder of a judicial lien subsequently  
 34 obtained by legal or equitable process or proceedings.  
 35 **SECTION 15.** ORS 98.302 is amended to read:  
 36 98.302. As used in ORS 98.302 to 98.436 and 98.992, unless the context otherwise requires:  
 37 (1) "Administrator" means the Director of the Department of State Lands.  
 38 (2) "Apparent owner" means the person whose name appears on the records of the holder as the  
 39 person entitled to property held, issued or owing by the holder.  
 40 (3) "Business association" means a nonpublic corporation, joint stock company, business trust,  
 41 partnership, investment company or an association for business purposes of two or more individuals,  
 42 whether or not for profit, including a financial institution, insurance company or utility.  
 43 (4) "Domicile" means the state of incorporation of a corporation and the state of the principal  
 44 place of business of an unincorporated person.  
 45 (5) "Financial institution" means a financial institution or a trust company, as those terms are

1 defined in ORS 706.008, a safe deposit company, a private banker, a savings and loan association,  
 2 a building and loan association or an investment company.

3 (6) "Holder" means a person, wherever organized or domiciled, who is in possession of property  
 4 belonging to another, a trustee or indebted to another on an obligation.

5 (7) "Insurance company" means an association, corporation, fraternal or mutual benefit organ-  
 6 ization, whether or not for profit, which is engaged in providing insurance coverage, including ac-  
 7 cident, burial, casualty, workers' compensation, credit life, contract performance, dental, fidelity,  
 8 fire, health, hospitalization, illness, life (including endowments and annuities), malpractice, marine,  
 9 mortgage, surety and wage protection insurance.

10 (8) "Intangible property" includes:

11 (a) Credit balances, customer overpayments, security deposits, refunds, credit memos, unpaid  
 12 wages, unused airline tickets and unidentified remittances;

13 (b) Stocks and other intangible ownership interests in business associations;

14 (c) Moneys deposited to redeem stocks, bonds, coupons, and other securities, or to make dis-  
 15 tributions;

16 (d) Amounts due and payable under the terms of insurance policies;

17 (e) Amounts distributed from a trust or custodial fund established under a plan to provide  
 18 health, welfare, pension, vacation, severance, retirement, death, stock purchase, profit sharing, em-  
 19 ployee savings, supplemental unemployment insurance or similar benefits; and

20 (f) Moneys, checks, drafts, deposits, interest, dividends and income.

21 (9) "Last-known address" means a description of the location of the apparent owner sufficient  
 22 for the purpose of delivery of mail.

23 (10) "Lawful deduction" means a deduction related to the purpose of an account or deposit, for  
 24 example, to satisfy unpaid utility bills.

25 (11) "Owner" means a depositor in case of a deposit, a beneficiary in case of a trust other than  
 26 a deposit in trust, a creditor, claimant, or payee in case of other intangible property, or a person,  
 27 or the person's legal representative, having a legal or equitable interest in property.

28 (12) "Person" means an individual, business association, state or other government or political  
 29 subdivision or agency, public corporation, public authority, [*estate, trust,*] two or more persons hav-  
 30 ing a joint or common interest, or any other legal or commercial entity.

31 (13) "Service charge" means fees or charges that are limited to a specific situation and that  
 32 meet basic contractual and notice requirements.

33 (14) "State" means any state, district, commonwealth, territory, insular possession or any other  
 34 area subject to the legislative authority of the United States.

35 (15) "Utility" means a person who owns or operates for public use, any plant, equipment, prop-  
 36 erty, franchise or license for the transmission of communications or the production, storage, trans-  
 37 mission, sale, delivery or furnishing of electricity, water, steam or gas.

38 **SECTION 16.** ORS 105.624 is amended to read:

39 105.624. As used in ORS 105.623 to 105.649:

40 (1) "Disclaimant" means the person to whom a disclaimed interest or power would have passed  
 41 had the disclaimer not been made.

42 (2) "Disclaimed interest" means the interest that would have passed to the disclaimant had the  
 43 disclaimer not been made.

44 (3) "Disclaimer" means the refusal to accept an interest in property or a power over property.

45 (4) "Fiduciary" means a personal representative, trustee, agent acting under a power of attorney

1 or other person authorized to act as a fiduciary with respect to the property of another person.

2 (5) "Jointly held property" means property held in the name of two or more persons under an  
3 arrangement pursuant to which:

4 (a) All holders have concurrent interests; and

5 (b) The last surviving holder is entitled to the whole of the property.

6 (6) "Person" means an individual, corporation, business trust, [*estate, trust,*] partnership, limited  
7 liability company, association, joint venture, government, governmental subdivision, agency, public  
8 corporation or any other legal or commercial entity.

9 (7) "State" means a state of the United States, the District of Columbia, Puerto Rico, the United  
10 States Virgin Islands or any territory or insular possession subject to the jurisdiction of the United  
11 States. The term includes an Indian tribe or band, or Alaskan native village, recognized by federal  
12 law or formally acknowledged by another state.

13 (8) "Trust" means:

14 (a) A charitable or noncharitable express trust, including any additions made to the trust,  
15 whenever and however created; and

16 (b) A trust created pursuant to a statute or judgment that requires the trust to be administered  
17 in the same manner as an express trust.

18 **SECTION 17.** ORS 109.704 is amended to read:

19 109.704. As used in ORS 109.701 to 109.834:

20 (1) "Abandoned" means left without provision for reasonable and necessary care or supervision.

21 (2) "Child" means an individual who has not attained 18 years of age.

22 (3) "Child custody determination" means a judgment or other order of a court providing for the  
23 legal custody, physical custody, parenting time or visitation with respect to a child. "Child custody  
24 determination" includes a permanent, temporary, initial and modification order. "Child custody de-  
25 termination" does not include an order relating to child support or other monetary obligation of an  
26 individual.

27 (4) "Child custody proceeding" means a proceeding in which legal custody, physical custody,  
28 parenting time or visitation with respect to a child is an issue. "Child custody proceeding" includes  
29 a proceeding for divorce, separation, neglect, abuse, dependency, guardianship, paternity, termi-  
30 nation of parental rights and protection from domestic violence in which the issue may appear.  
31 "Child custody proceeding" does not include a proceeding involving juvenile delinquency, contrac-  
32 tual emancipation or enforcement under ORS 109.774 to 109.827.

33 (5) "Commencement" means the filing of the first pleading in a proceeding.

34 (6) "Court" means an entity authorized under the law of a state to establish, enforce or modify  
35 a child custody determination.

36 (7) "Home state" means the state in which a child lived with a parent or a person acting as a  
37 parent for at least six consecutive months immediately before the commencement of a child custody  
38 proceeding. In the case of a child less than six months of age, "home state" means the state in which  
39 the child lived from birth with any of the persons mentioned. Any temporary absence of any of the  
40 mentioned persons is part of the period.

41 (8) "Initial determination" means the first child custody determination concerning a particular  
42 child.

43 (9) "Issuing court" means the court that makes a child custody determination for which  
44 enforcement is sought under ORS 109.701 to 109.834.

45 (10) "Issuing state" means the state in which a child custody determination is made.

1 (11) "Modification" means a child custody determination that changes, replaces, supersedes or  
 2 is otherwise made after a previous determination concerning the same child, whether or not it is  
 3 made by the court that made the previous determination.

4 (12) "Person" means an individual, corporation, public corporation, business trust, [*estate,*  
 5 *trust,*] partnership, limited liability company, association, joint venture, government or a govern-  
 6 mental subdivision, agency or instrumentality, or any other legal or commercial entity.

7 (13) "Person acting as a parent" means a person, other than a parent, who:

8 (a) Has physical custody of the child or has had physical custody for a period of six consecutive  
 9 months, including any temporary absence, within one year immediately before the commencement  
 10 of a child custody proceeding; and

11 (b) Has been awarded legal custody by a court or claims a right to legal custody under the law  
 12 of this state.

13 (14) "Physical custody" means the physical care and supervision of a child.

14 (15) "State" means a state of the United States, the District of Columbia, Puerto Rico, the  
 15 United States Virgin Islands or any territory or insular possession subject to the jurisdiction of the  
 16 United States.

17 (16) "Tribe" means an Indian tribe or band, or Alaskan Native village, that is recognized by  
 18 federal law or formally acknowledged by a state.

19 (17) "Warrant" means an order issued by a court authorizing law enforcement officers to take  
 20 physical custody of a child.

21 **SECTION 18.** ORS 128.316 is amended to read:

22 128.316. As used in ORS 128.305 to 128.336:

23 (1) "Charitable purpose" means the relief of poverty, the advancement of education or religion,  
 24 the promotion of health, the promotion of a governmental purpose or any other purpose the  
 25 achievement of which is beneficial to the community.

26 (2) "Endowment fund" means an institutional fund or part of an institutional fund that, under  
 27 the terms of a gift instrument, is not wholly expendable by the institution on a current basis.  
 28 "Endowment fund" does not include assets that an institution designates as an endowment fund for  
 29 the institution's own use.

30 (3) "Gift instrument" means a record or records, including an institutional solicitation, under  
 31 which property is granted to, transferred to or held by an institution as an institutional fund.

32 (4) "Institution" means:

33 (a) A person, other than an individual, organized and operated exclusively for charitable pur-  
 34 poses;

35 (b) A government or governmental subdivision, agency or instrumentality, to the extent that it  
 36 holds funds exclusively for a charitable purpose; and

37 (c) A trust that had both charitable and noncharitable interests, after all noncharitable interests  
 38 have terminated.

39 (5) "Institutional fund" means a fund held by an institution exclusively for charitable purposes.  
 40 "Institutional fund" does not include:

41 (a) Program-related assets;

42 (b) A fund held for an institution by a trustee that is not an institution;

43 (c) A fund in which a beneficiary that is not an institution has an interest, other than an in-  
 44 terest that could arise upon violation or failure of the purposes of the fund; or

45 (d) A fund managed by the State Treasurer, moneys held by the State Treasurer for investment

1 or moneys managed or held for investment by or on behalf of the State Treasurer under ORS chapter  
2 293 or 348.

3 (6) "Person" means an individual, corporation, business trust, [*estate, trust,*] partnership, limited  
4 liability company, association, joint venture, public corporation, government or governmental sub-  
5 division, agency or instrumentality, or any other legal or commercial entity.

6 (7) "Program-related asset" means an asset held by an institution primarily to accomplish a  
7 charitable purpose of the institution and not primarily for investment.

8 (8) "Record" means information that is inscribed on a tangible medium or that is stored in an  
9 electronic or other medium and is retrievable in perceivable form.

10 **SECTION 19.** ORS 129.205 is amended to read:

11 129.205. In this chapter:

12 (1) "Accounting period" means a calendar year unless another 12-month period is selected by a  
13 fiduciary. The term includes a portion of a calendar year or other 12-month period that begins when  
14 an income interest begins or ends when an income interest ends.

15 (2) "Beneficiary" includes, in the case of a decedent's estate, an heir and devisee and, in the  
16 case of a trust, an income beneficiary and a remainder beneficiary.

17 (3) "Fiduciary" means a personal representative or a trustee. The term includes an executor,  
18 administrator, successor personal representative, special administrator and a person performing  
19 substantially the same function.

20 (4) "Income" means money or property that a fiduciary receives as current return from a prin-  
21 cipal asset. The term includes a portion of receipts from a sale, exchange or liquidation of a prin-  
22 cipal asset, to the extent provided in ORS 129.300 to 129.385.

23 (5) "Income beneficiary" means a person to whom net income of a trust is or may be payable.

24 (6) "Income interest" means the right of an income beneficiary to receive all or part of net in-  
25 come, whether the terms of the trust require it to be distributed or authorize it to be distributed in  
26 the trustee's discretion.

27 (7) "Mandatory income interest" means the right of an income beneficiary to receive net income  
28 that the terms of the trust require the fiduciary to distribute.

29 (8) "Net income" means the total receipts allocated to income during an accounting period mi-  
30 nus the disbursements made from income during the period, plus or minus transfers under this  
31 chapter to or from income during the period.

32 (9) "Person" means an individual, corporation, business trust, [*estate, trust,*] partnership, limited  
33 liability company, association, joint venture, government, governmental subdivision, agency or  
34 instrumentality, public corporation or any other legal or commercial entity.

35 (10) "Principal" means property held in trust for distribution to a remainder beneficiary when  
36 the trust terminates.

37 (11) "Remainder beneficiary" means a person entitled to receive principal when an income in-  
38 terest ends.

39 (12) "Terms of a trust" means the manifestation of the intent of a settlor or decedent with re-  
40 spect to the trust, expressed in a manner that admits of its proof in a judicial proceeding, whether  
41 by written or spoken words or by conduct.

42 (13) "Trustee" includes an original, additional or successor trustee, whether or not appointed  
43 or confirmed by a court.

44 **SECTION 20.** ORS 130.010 is amended to read:

45 130.010. For the purposes of this chapter:



1 (1) "Ascertainable standard" means an ascertainable standard relating to an individual's health,  
 2 education, support or maintenance within the meaning of section 2041(b)(1)(A) or 2514(c)(1) of the  
 3 Internal Revenue Code, as in effect on January 1, 2006.

4 (2) "Beneficiary" means a person that:

5 (a) Has a present or future beneficial interest in a trust, whether vested or contingent; or

6 (b) Holds a power of appointment over trust property in a capacity other than that of trustee.

7 (3) "Charitable trust" means a trust, or portion of a trust, created for a charitable purpose de-  
 8 scribed in ORS 130.170 (1).

9 (4) "Conservator" means a person appointed by a court to administer the estate of a minor or  
 10 adult individual.

11 (5) "Environmental law" means a federal, state or local law, rule, regulation or ordinance re-  
 12 lating to protection of the environment.

13 (6) "Financial institution" has the meaning given that term in ORS 706.008.

14 (7) "Financially incapable" has the meaning given that term in ORS 125.005. "Financially capa-  
 15 ble" means not financially incapable.

16 (8) "Guardian" means a person appointed by a court to make decisions regarding the support,  
 17 care, education, health and welfare of a minor or adult individual. "Guardian" does not include a  
 18 guardian ad litem.

19 (9) "Interests of the beneficiaries" means the beneficial interests provided in the terms of a  
 20 trust.

21 (10) "Permissible distributee" means a beneficiary who is currently eligible to receive distrib-  
 22 utions of trust income or principal, whether the distribution is mandatory or discretionary.

23 (11) "Person" means an individual, corporation, business trust, [*estate, trust,*] partnership, limited  
 24 liability company, association, joint venture, public body as defined in ORS 174.109 or any other le-  
 25 gal or commercial entity.

26 (12) "Power of withdrawal" means a presently exercisable general power of appointment, other  
 27 than a power exercisable by a trustee that is limited by an ascertainable standard or that is  
 28 exercisable by another person only upon consent of the trustee or a person holding an adverse in-  
 29 terest.

30 (13) "Property" means anything that may be the subject of ownership, whether real or personal,  
 31 legal or equitable, or any interest therein.

32 (14) "Qualified beneficiary" means a beneficiary who:

33 (a) Is a permissible distributee on the date the beneficiary's qualification is determined;

34 (b) Would be a permissible distributee if the interests of all permissible distributees described  
 35 in paragraph (a) of this subsection terminated on the date the beneficiary's qualification is deter-  
 36 mined; or

37 (c) Would be a permissible distributee if the trust terminated on the date the beneficiary's  
 38 qualification is determined.

39 (15) "Revocable trust" means a trust that can be revoked by the settlor without the consent of  
 40 the trustee or a person holding an adverse interest.

41 (16) "Settlor" means a person, including a testator, who creates a trust or contributes property  
 42 to a trust. If more than one person creates or contributes property to a trust, each person is a  
 43 settlor of the portion of the trust property attributable to that person's contribution and of the  
 44 portion as to which that person has the power to revoke or withdraw.

45 (17) "Spendthrift provision" means a term of a trust that restrains both voluntary and involun-

1 tary transfer of a beneficiary's interest.

2 (18) "State" means a state of the United States, the District of Columbia, Puerto Rico, the  
 3 United States Virgin Islands or any territory or insular possession subject to the jurisdiction of the  
 4 United States. "State" includes an Indian tribe or band recognized by federal law or formally ac-  
 5 knowledged by a state.

6 (19) "Terms of a trust" means the manifestation of the settlor's intent regarding a trust's pro-  
 7 visions as expressed in the trust instrument or as may be established by other evidence that would  
 8 be admissible in a judicial proceeding.

9 (20) "Trust instrument" means an instrument executed by a settlor that contains terms of the  
 10 trust, including any amendments to the instrument.

11 (21) "Trustee" means an original trustee, an additional trustee, a successor trustee or a  
 12 cotrustee.

13 **SECTION 21.** ORS 205.010 is amended to read:

14 205.010. (1) As used in the statutes of this state in reference to a chattel mortgage and action  
 15 by the appropriate recording officer, "record," "recorded" and "recording" mean "record or file,"  
 16 "recorded or filed" or "recording or filing," as the context requires.

17 (2) As used in this chapter:

18 (a) "Person" means an individual, organization, corporation, government, governmental subdivi-  
 19 sion or agency, business trust, [*estate, trust,*] partnership or association, two or more persons having  
 20 a joint or common interest or any other legal or commercial entity.

21 (b) "Text" includes the words contained in the body of an instrument to be recorded and the  
 22 names of the transactions contained in the instrument. The term does not include instructions for  
 23 completing the instrument, form numbers or statutory references.

24 (c) "Transaction" means an action, including but not limited to a transfer, encumbrance or re-  
 25 lease affecting title to or an interest in real property, that is required or permitted by state law or  
 26 rule or federal law or regulation to be recorded.

27 **SECTION 22.** ORS 268.020 is amended to read:

28 268.020. As used in this chapter:

29 (1) "District" means a metropolitan service district established under this chapter.

30 (2) "District charter" means a home rule charter enacted by the electors of a district under  
 31 section 14, Article XI, Oregon Constitution.

32 (3) "Metropolitan area" means that area which on October 4, 1997, lies within the boundaries  
 33 of Clackamas, Multnomah and Washington Counties.

34 (4) "Improvement" means the facilities and other property constructed, erected or acquired by  
 35 and to be used in the performance of services authorized to be performed by a district.

36 (5) "Metropolitan significance" means having major or significant district-wide impact.

37 (6) "Person" means a public body as defined in ORS 174.109, individual, corporation, partnership,  
 38 association, firm[, *trust, estate*] or any other legal entity.

39 (7) "Regional framework plan" means the Metro regional framework plan defined in ORS 197.015  
 40 and any district ordinances that implement the plan.

41 **SECTION 23.** ORS 348.105 is amended to read:

42 348.105. (1) As used in this section:

43 (a) "Educational institution" means any post-secondary educational institution that is approved  
 44 or accredited by the Northwest Association of Schools and Colleges, by its regional equivalent or  
 45 by the appropriate official, department or agency of the state or nation in which the institution is

1 located, and that is:

- 2 (A) A four-year college or university;
- 3 (B) A junior college or community college; or
- 4 (C) A technical, professional or career school.

5 (b) “Educational loan” means a loan or other aid or assistance for the purpose of furthering the  
6 obligor’s education at an educational institution.

7 (c) “Person” means an individual, corporation, government or governmental subdivision or  
8 agency, business trust, [*estate, trust,*] partnership or association, or any other legal entity.

9 (2) Notwithstanding any other provision of law, any written obligation made by any minor in  
10 consideration of an educational loan received by the minor from any person shall be as valid and  
11 binding as if the minor had, at the time of making and executing the obligation, attained the age  
12 of majority, but only if prior to the making of the educational loan an educational institution has  
13 certified in writing to the person making the educational loan that the minor is enrolled, or has been  
14 accepted for enrollment, in the educational institution.

15 (3) Any obligation mentioned in subsection (2) of this section may be enforced in any action or  
16 proceeding against such person in the name of the person and shall be valid, insofar as the issue  
17 of age is concerned, without the consent thereto of the parent or guardian of such person. Such  
18 person may not disaffirm the obligation because of age nor may such person interpose in any action  
19 or proceeding arising out of the educational loan the defense that the borrower is, or was, at the  
20 time of making or executing the obligation, a minor.

21 (4) Any parent or legal guardian who did not consent to guarantee or otherwise ensure per-  
22 formance of the obligation mentioned in subsection (2) of this section shall not be liable for payment  
23 of such obligation.

24 **SECTION 24.** ORS 441.600 is amended to read:

25 441.600. As used in ORS 441.600 to 441.625 unless the context requires otherwise:

- 26 (1) “Department” means the Department of Human Services.
- 27 (2) “Facility” means a long term care facility as defined in ORS 442.015.

28 (3) “Legal representative” means attorney at law, person holding a general power of attorney,  
29 guardian, conservator or any person appointed by a court to manage the personal or financial affairs  
30 of a resident or person or agency legally responsible for the welfare or support of a resident.

31 (4) “Person” means an individual and every form of organization, whether incorporated or  
32 unincorporated, including partnership, corporation, [*trust,*] association or administrative agency or  
33 political subdivision of this state.

34 (5) “Resident” means an individual under care in a facility.

35 **SECTION 25.** ORS 442.015 is amended to read:

36 442.015. As used in ORS chapter 441 and this chapter, unless the context requires otherwise:

37 (1) “Acquire” or “acquisition” means obtaining equipment, supplies, components or facilities by  
38 any means, including purchase, capital or operating lease, rental or donation, with intention of using  
39 such equipment, supplies, components or facilities to provide health services in Oregon. When  
40 equipment or other materials are obtained outside of this state, acquisition is considered to occur  
41 when the equipment or other materials begin to be used in Oregon for the provision of health ser-  
42 vices or when such services are offered for use in Oregon.

43 (2) “Adjusted admission” means the sum of all inpatient admissions divided by the ratio of in-  
44 patient revenues to total patient revenues.

45 (3) “Affected persons” has the same meaning as given to “party” in ORS 183.310.

1 (4) "Ambulatory surgical center" means a facility that performs outpatient surgery not routinely  
 2 or customarily performed in a physician's or dentist's office, and is able to meet health facility  
 3 licensure requirements.

4 (5) "Audited actual experience" means data contained within financial statements examined by  
 5 an independent, certified public accountant in accordance with generally accepted auditing stan-  
 6 dards.

7 (6) "Budget" means the projections by the hospital for a specified future time period of expen-  
 8 ditures and revenues with supporting statistical indicators.

9 (7) "Case mix" means a calculated index for each hospital, based on financial accounting and  
 10 case mix data collection as set forth in ORS 442.425, reflecting the relative costliness of that hos-  
 11 pital's mix of cases compared to a state or national mix of cases.

12 (8) "Commission" means the Oregon Health Policy Commission.

13 (9) "Department" means the Department of Human Services of the State of Oregon.

14 (10) "Develop" means to undertake those activities that on their completion will result in the  
 15 offer of a new institutional health service or the incurring of a financial obligation, as defined under  
 16 applicable state law, in relation to the offering of such a health service.

17 (11) "Director" means the Director of Human Services.

18 (12) "Expenditure" or "capital expenditure" means the actual expenditure, an obligation to an  
 19 expenditure, lease or similar arrangement in lieu of an expenditure, and the reasonable value of a  
 20 donation or grant in lieu of an expenditure but not including any interest thereon.

21 (13) "Freestanding birthing center" means a facility licensed for the primary purpose of per-  
 22 forming low risk deliveries.

23 (14) "Governmental unit" means the state, or any county, municipality or other political subdi-  
 24 vision, or any related department, division, board or other agency.

25 (15) "Gross revenue" means the sum of daily hospital service charges, ambulatory service  
 26 charges, ancillary service charges and other operating revenue. "Gross revenue" does not include  
 27 contributions, donations, legacies or bequests made to a hospital without restriction by the donors.

28 (16)(a) "Health care facility" means a hospital, a long term care facility, an ambulatory surgical  
 29 center, a freestanding birthing center or an outpatient renal dialysis facility.

30 (b) "Health care facility" does not mean:

31 (A) An establishment furnishing residential care or treatment not meeting federal intermediate  
 32 care standards, not following a primarily medical model of treatment, prohibited from admitting  
 33 persons requiring 24-hour nursing care and licensed or approved under the rules of the Department  
 34 of Human Services or the Department of Corrections; or

35 (B) An establishment furnishing primarily domiciliary care.

36 (17) "Health maintenance organization" or "HMO" means a public organization or a private  
 37 organization organized under the laws of any state that:

38 (a) Is a qualified HMO under section 1310 (d) of the U.S. Public Health Services Act; or

39 (b)(A) Provides or otherwise makes available to enrolled participants health care services, in-  
 40 cluding at least the following basic health care services:

41 (i) Usual physician services;

42 (ii) Hospitalization;

43 (iii) Laboratory;

44 (iv) X-ray;

45 (v) Emergency and preventive services; and

1 (vi) Out-of-area coverage;

2 (B) Is compensated, except for copayments, for the provision of the basic health care services  
3 listed in subparagraph (A) of this paragraph to enrolled participants on a predetermined periodic  
4 rate basis; and

5 (C) Provides physicians' services primarily directly through physicians who are either employees  
6 or partners of such organization, or through arrangements with individual physicians or one or more  
7 groups of physicians organized on a group practice or individual practice basis.

8 (18) "Health services" means clinically related diagnostic, treatment or rehabilitative services,  
9 and includes alcohol, drug or controlled substance abuse and mental health services that may be  
10 provided either directly or indirectly on an inpatient or ambulatory patient basis.

11 (19) "Hospital" means a facility with an organized medical staff, with permanent facilities that  
12 include inpatient beds and with medical services, including physician services and continuous nurs-  
13 ing services under the supervision of registered nurses, to provide diagnosis and medical or surgical  
14 treatment primarily for but not limited to acutely ill patients and accident victims, to provide  
15 treatment for patients with mental illness or to provide treatment in special inpatient care facilities.

16 (20) "Institutional health services" means health services provided in or through health care  
17 facilities and includes the entities in or through which such services are provided.

18 (21) "Intermediate care facility" means a facility that provides, on a regular basis, health-related  
19 care and services to individuals who do not require the degree of care and treatment that a hospital  
20 or skilled nursing facility is designed to provide, but who because of their mental or physical con-  
21 dition require care and services above the level of room and board that can be made available to  
22 them only through institutional facilities.

23 (22) "Long term care facility" means a facility with permanent facilities that include inpatient  
24 beds, providing medical services, including nursing services but excluding surgical procedures ex-  
25 cept as may be permitted by the rules of the director, to provide treatment for two or more unre-  
26 lated patients. "Long term care facility" includes skilled nursing facilities and intermediate care  
27 facilities but may not be construed to include facilities licensed and operated pursuant to ORS  
28 443.400 to 443.455.

29 (23) "Major medical equipment" means medical equipment that is used to provide medical and  
30 other health services and that costs more than \$1 million. "Major medical equipment" does not in-  
31 clude medical equipment acquired by or on behalf of a clinical laboratory to provide clinical labo-  
32 ratory services, if the clinical laboratory is independent of a physician's office and a hospital and  
33 has been determined under Title XVIII of the Social Security Act to meet the requirements of par-  
34 agraphs (10) and (11) of section 1861(s) of that Act.

35 (24) "Net revenue" means gross revenue minus deductions from revenue.

36 (25) "New hospital" means a facility that did not offer hospital services on a regular basis within  
37 its service area within the prior 12-month period and is initiating or proposing to initiate such ser-  
38 vices. "New hospital" also includes any replacement of an existing hospital that involves a sub-  
39 stantial increase or change in the services offered.

40 (26) "New skilled nursing or intermediate care service or facility" means a service or facility  
41 that did not offer long term care services on a regular basis by or through the facility within the  
42 prior 12-month period and is initiating or proposing to initiate such services. "New skilled nursing  
43 or intermediate care service or facility" also includes the rebuilding of a long term care facility, the  
44 relocation of buildings that are a part of a long term care facility, the relocation of long term care  
45 beds from one facility to another or an increase in the number of beds of more than 10 or 10 percent

1 of the bed capacity, whichever is the lesser, within a two-year period.

2 (27) "Offer" means that the health care facility holds itself out as capable of providing, or as  
3 having the means for the provision of, specified health services.

4 (28) "Operating expenses" means the sum of daily hospital service expenses, ambulatory service  
5 expenses, ancillary expenses and other operating expenses, excluding income taxes.

6 (29) "Outpatient renal dialysis facility" means a facility that provides renal dialysis services  
7 directly to outpatients.

8 (30) "Person" means an individual, [*a trust or estate*,] a partnership, a corporation (including  
9 associations, joint stock companies and insurance companies), a state, or a political subdivision or  
10 instrumentality, including a municipal corporation, of a state.

11 (31) "Skilled nursing facility" means a facility or a distinct part of a facility, that is primarily  
12 engaged in providing to inpatients skilled nursing care and related services for patients who require  
13 medical or nursing care, or an institution that provides rehabilitation services for the rehabilitation  
14 of individuals who are injured or sick or who have disabilities.

15 (32) "Special inpatient care facility" means a facility with permanent inpatient beds and other  
16 facilities designed and utilized for special health care purposes, including but not limited to a re-  
17 habilitation center, a college infirmary, a chiropractic facility, a facility for the treatment of  
18 alcoholism or drug abuse, an inpatient care facility meeting the requirements of ORS 441.065, and  
19 any other establishment falling within a classification established by the Department of Human  
20 Services, after determination of the need for such classification and the level and kind of health care  
21 appropriate for such classification.

22 (33) "Total deductions from gross revenue" or "deductions from revenue" means reductions from  
23 gross revenue resulting from inability to collect payment of charges. Such reductions include bad  
24 debts, contractual adjustments, uncompensated care, administrative, courtesy and policy discounts  
25 and adjustments and other such revenue deductions. The deduction shall be net of the offset of re-  
26 stricted donations and grants for indigent care.

27 **SECTION 26.** ORS 448.405 is amended to read:

28 448.405. As used in ORS 448.405 to 448.465:

29 (1) "Commission" means the Environmental Quality Commission.

30 (2) "Department" means the Department of Environmental Quality.

31 (3) "Director" means the Director of the Department of Environmental Quality.

32 (4) "Operator" means a person responsible for the operation of a potable water treatment plant,  
33 water distribution system or sewage treatment works.

34 (5) "Person" means any individual, partnership, firm, association, joint venture, public or private  
35 corporation, [*trust, estate*,] commission, board, public or private institution, utility, cooperative,  
36 municipality or any other political subdivision of this state, any interstate body or any other legal  
37 entity.

38 (6) "Potable water treatment plant" means that portion of a water system that in some way al-  
39 ters the physical, chemical or bacteriological quality of the water being treated.

40 (7) "Sewage treatment works" means any structure, equipment or process required to collect,  
41 carry away and treat domestic waste and dispose of sewage as defined in ORS 454.010.

42 (8) "Supervise" means to operate or to be responsible for directing employees that are respon-  
43 sible for the operation of a water system.

44 (9) "Water distribution system" means that portion of the water system in which water is stored  
45 and conveyed from the potable water treatment plant or other supply point to the premises of a

1 consumer.

2 (10) "Water system" means potable water treatment plants and water distribution systems:

3 (a) That have 15 or more service connections used by year-round residents or that regularly  
4 serve 25 or more year-round residents; or

5 (b) That regularly serve at least 25 of the same persons for more than six months per year.

6 **SECTION 27.** ORS 453.396 is amended to read:

7 453.396. As used in ORS 453.396 to 453.414:

8 (1) "Department" means the Department of Revenue.

9 (2) "Facility" means all buildings, equipment, structures and other stationary items that are lo-  
10 cated on a single site or on contiguous or adjacent sites and that are owned or operated by the same  
11 person or by any person who controls, is controlled by or under common control with such person.

12 (3) "Hazardous substance" means any chemical substance or waste for which a material safety  
13 data sheet is required by the Department of Consumer and Business Services.

14 (4) "Material safety data sheet" means written or printed material concerning a hazardous  
15 chemical which is prepared in accordance with rules of the Department of Consumer and Business  
16 Services.

17 (5) "Person" includes any entity operating a facility that is included in one or more of the  
18 standard industrial classification categories identified by the State Fire Marshal or added by the  
19 State Fire Marshal under ORS 453.408 (2). "Entity" includes any individual, [*trust*,] firm, association,  
20 corporation, partnership, joint stock company, joint venture, public or municipal corporation, com-  
21 mission, political subdivision, the state or any agency or commission thereof, interstate body, and  
22 the federal government and any agency thereof.

23 (6) "Possess" or "possession" means the physical possession of a hazardous substance within this  
24 state.

25 **SECTION 28.** ORS 459.005 is amended to read:

26 459.005. As used in ORS 459.005 to 459.437, 459.705 to 459.790 and 459A.005 to 459A.665:

27 (1) "Affected person" means a person or entity involved in the solid waste collection service  
28 process including but not limited to a recycling collection service, disposal site permittee or owner,  
29 city, county and metropolitan service district.

30 (2) "Board of county commissioners" or "board" includes a county court.

31 (3) "Collection service" means a service that provides for collection of solid waste or recyclable  
32 material or both but does not include that part of a business operated under a certificate issued  
33 under ORS 822.110.

34 (4) "Commercial" means stores, offices including manufacturing and industry offices, restaurants,  
35 warehouses, schools, colleges, universities, hospitals and other nonmanufacturing entities, but does  
36 not include other manufacturing activities or business, manufacturing or processing activities in  
37 residential dwellings.

38 (5) "Commission" means the Environmental Quality Commission.

39 (6) "Compost" means the controlled biological decomposition of organic material or the product  
40 resulting from such a process.

41 (7) "Department" means the Department of Environmental Quality.

42 (8)(a) "Disposal site" means land and facilities used for the disposal, handling or transfer of, or  
43 energy recovery, material recovery and recycling from solid wastes, including but not limited to  
44 dumps, landfills, sludge lagoons, sludge treatment facilities, disposal sites for septic tank pumping  
45 or cesspool cleaning service, transfer stations, energy recovery facilities, incinerators for solid waste

1 delivered by the public or by a collection service, composting plants and land and facilities previ-  
 2 ously used for solid waste disposal at a land disposal site.

3 (b) "Disposal site" does not include:

4 (A) A facility authorized by a permit issued under ORS 466.005 to 466.385 to store, treat or  
 5 dispose of both hazardous waste and solid waste;

6 (B) A facility subject to the permit requirements of ORS 468B.050 or 468B.053;

7 (C) A site used by the owner or person in control of the premises to dispose of soil, rock, con-  
 8 crete or other similar nondecomposable material, unless the site is used by the public either directly  
 9 or through a collection service; or

10 (D) A site operated by a dismantler issued a certificate under ORS 822.110.

11 (9) "Energy recovery" means recovery in which all or a part of the solid waste materials are  
 12 processed to use the heat content, or other forms of energy, of or from the material.

13 (10) "Franchise" includes a franchise, certificate, contract or license issued by a local govern-  
 14 ment unit authorizing a person to provide solid waste management services.

15 (11) "Hazardous waste" has the meaning given that term in ORS 466.005.

16 (12) "Household hazardous waste" means any discarded, useless or unwanted chemical, material,  
 17 substance or product that is or may be hazardous or toxic to the public or the environment and is  
 18 commonly used in or around households and is generated by the household. "Household hazardous  
 19 waste" may include but is not limited to some cleaners, solvents, pesticides and automotive and  
 20 paint products.

21 (13) "Land disposal site" means a disposal site in which the method of disposing of solid waste  
 22 is by landfill, dump, pit, pond or lagoon.

23 (14) "Landfill" means a facility for the disposal of solid waste involving the placement of solid  
 24 waste on or beneath the land surface.

25 (15) "Local government unit" means a city, county, metropolitan service district formed under  
 26 ORS chapter 268, sanitary district or sanitary authority formed under ORS chapter 450, county  
 27 service district formed under ORS chapter 451, regional air quality control authority formed under  
 28 ORS 468A.100 to 468A.130 and 468A.140 to 468A.175 or any other local government unit responsible  
 29 for solid waste management.

30 (16) "Material recovery" means any process of obtaining from solid waste, by presegregation or  
 31 otherwise, materials that still have useful physical or chemical properties and can be reused or re-  
 32 cycled for some purpose.

33 (17) "Metropolitan service district" means a district organized under ORS chapter 268 and ex-  
 34 exercising solid waste authority granted to such district under this chapter and ORS chapters 268 and  
 35 459A.

36 (18) "Person" means the United States, the state or a public or private corporation, local gov-  
 37 ernment unit, public agency, individual, partnership, association, firm[, *trust, estate*] or any other  
 38 legal entity.

39 (19) "Recyclable material" means any material or group of materials that can be collected and  
 40 sold for recycling at a net cost equal to or less than the cost of collection and disposal of the same  
 41 material.

42 (20) "Recycling" means any process by which solid waste materials are transformed into new  
 43 products in a manner that the original products may lose their identity.

44 (21) "Region" means the states of Idaho, Oregon and Washington and those counties in  
 45 California and Nevada that share a common border with Oregon.



1 (22) “Regional disposal site” means a disposal site that receives, or a proposed disposal site that  
 2 is designed to receive more than 75,000 tons of solid waste a year from outside the immediate ser-  
 3 vice area in which the disposal site is located. As used in this subsection, “immediate service  
 4 area” means the county boundary of all counties except a county that is within the boundary of the  
 5 metropolitan service district. For a county within the metropolitan service district, “immediate ser-  
 6 vice area” means the metropolitan service district boundary.

7 (23) “Reuse” means the return of a commodity into the economic stream for use in the same kind  
 8 of application as before without change in its identity.

9 (24) “Solid waste” means all useless or discarded putrescible and nonputrescible materials, in-  
 10 cluding but not limited to garbage, rubbish, refuse, ashes, paper and cardboard, sewage sludge, sep-  
 11 tic tank and cesspool pumpings or other sludge, useless or discarded commercial, industrial,  
 12 demolition and construction materials, discarded or abandoned vehicles or parts thereof, discarded  
 13 home and industrial appliances, manure, vegetable or animal solid and semisolid materials, dead  
 14 animals and infectious waste as defined in ORS 459.386. “Solid waste” does not include:

15 (a) Hazardous waste as defined in ORS 466.005.

16 (b) Materials used for fertilizer or for other productive purposes or which are salvageable as  
 17 such materials are used on land in agricultural operations and the growing or harvesting of crops  
 18 and the raising of animals.

19 (25) “Solid waste management” means prevention or reduction of solid waste, management of the  
 20 storage, collection, transportation, treatment, utilization, processing and final disposal of solid  
 21 waste, recycling, reuse and material or energy recovery from solid waste and facilities necessary  
 22 or convenient to such activities.

23 (26) “Source separate” means that the person who last uses recyclable material separates the  
 24 recyclable material from solid waste.

25 (27) “Transfer station” means a fixed or mobile facility other than a collection vehicle where  
 26 solid waste is deposited temporarily after being removed from the site of generation but before being  
 27 transported to a final disposal location.

28 (28) “Waste prevention” means to reduce the amount of solid waste generated or resources used,  
 29 without increasing toxicity, in the design, manufacture, purchase or use of products or packaging.  
 30 “Waste prevention” does not include reuse, recycling or composting.

31 (29) “Wasteshed” means an area of the state having a common solid waste disposal system or  
 32 designated by the commission as an appropriate area of the state within which to develop a common  
 33 recycling program.

34 (30) “Yard debris” includes grass clippings, leaves, hedge trimmings and similar vegetative waste  
 35 generated from residential property or landscaping activities, but does not include stumps or similar  
 36 bulky wood materials.

37 **SECTION 29.** ORS 459A.305 is amended to read:

38 459A.305. As used in ORS 459A.305 to 459A.355:

39 (1) “Brand” means a name, symbols, words or marks that identify a covered electronic device,  
 40 rather than any of its components, and attribute the device to the owner of the brand as the man-  
 41 ufacturer.

42 (2) “Collector” means an entity that collects covered electronic devices as part of a manufac-  
 43 turer program or the state contractor program.

44 (3)(a) “Covered electronic device” means:

45 (A) A computer monitor of any type having a viewable area greater than four inches measured

1 diagonally;

2 (B) A desktop computer or portable computer; or

3 (C) A television of any type having a viewable area greater than four inches measured  
4 diagonally.

5 (b) “Covered electronic device” does not include:

6 (A) Any part of a motor vehicle;

7 (B) Any part of a larger piece of equipment designed and intended for use in an industrial,  
8 commercial or medical setting, such as diagnostic, monitoring or control equipment;

9 (C) Telephones or personal digital assistants of any type unless the telephone or personal digital  
10 assistant contains a viewable area greater than four inches measured diagonally; or

11 (D) Any part of a clothes washer, clothes dryer, refrigerator, freezer, microwave oven, conven-  
12 tional oven or range, dishwasher, room air conditioner, dehumidifier or air purifier.

13 (4) “Covered entity” means any Oregon household, a business that employs 10 or fewer individ-  
14 uals, a not-for-profit organization exempt from taxation under section 501(c)(3) of the Internal Re-  
15 venue Code that employs 10 or fewer individuals, or any person giving seven or fewer covered  
16 electronic devices to a collector at any one time.

17 (5) “Environmentally sound management practices” means practices that comply with all appli-  
18 cable laws, including but not limited to adequate record keeping, tracking the fate of recycled ma-  
19 terials, performance audits and inspections, provisions for reuse and refurbishment, compliance with  
20 worker health and safety requirements, maintaining liability insurance and financial assurances and  
21 practices that may be adopted by rule by the Environmental Quality Commission.

22 (6)(a) “Manufacturer” means any person, irrespective of the selling technique used, including by  
23 means of remote sale:

24 (A) That manufactures covered electronic devices under a brand that it owns or is licensed to  
25 use;

26 (B) That sells covered electronic devices manufactured by others under a brand that the seller  
27 owns;

28 (C) That manufactures covered electronic devices without affixing a brand;

29 (D) That manufactures covered electronic devices to which it affixes a brand that it does not  
30 own; or

31 (E) On whose account covered electronic devices manufactured outside the United States are  
32 imported into the United States. This subparagraph does not apply if, at the time the covered  
33 electronic devices are imported into the United States, another person is registered as the man-  
34 ufacturer of the brand of the covered electronic devices.

35 (b) “Manufacturer” does not include a person with a license to manufacture covered electronic  
36 devices for delivery exclusively to or at the order of the licensor.

37 (7) “Manufacturer program” means a statewide plan for collecting, transporting and recycling  
38 covered electronic devices that is provided by a single manufacturer or group of manufacturers  
39 pursuant to ORS 459A.320.

40 (8) “Orphan device” means a covered electronic device for which no manufacturer can be iden-  
41 tified.

42 (9) “Person” means the United States, the state or a public or private corporation, local gov-  
43 ernment unit, public agency, individual, partnership, association, firm[, *trust, estate*] or other legal  
44 entity.

45 (10) “Portable computer” means any of the following that has a viewable area greater than four

1 inches measured diagonally and that can be carried as one unit by an individual:

- 2 (a) A laptop computer;
- 3 (b) A notebook computer; or
- 4 (c) A notepad computer.

5 (11) "Premium service" means services such as at-location system upgrade services and at-home  
6 pickup services, including curbside pickup service.

7 (12)(a) "Recycling" means:

8 (A) Processing through disassembling, dismantling, shredding, transforming or remanufacturing  
9 covered electronic devices, components and by-products into usable or marketable raw materials or  
10 products in a manner such that the original products may lose their identity; or

11 (B) Smelting materials from components removed from covered electronic devices to recover  
12 metals for reuse in conformance with applicable laws and rules.

13 (b) "Recycling" does not include:

14 (A) Landfill disposal or incineration of covered electronic devices; or

15 (B) Energy recovery or energy generation by means of combusting covered electronic devices,  
16 components and by-products with or without other waste.

17 (13) "Retailer" means a person that offers new covered electronic devices for sale at retail  
18 through any means, including but not limited to remote offerings such as sales outlets, catalogs or  
19 the Internet.

20 (14) "Return share" means the minimum percentage of covered electronic devices that an indi-  
21 vidual manufacturer is responsible for collecting, transporting and recycling.

22 (15) "Return share by weight" means the minimum total weight of covered electronic devices  
23 that an individual manufacturer is responsible for collecting, transporting and recycling.

24 (16)(a) "Sell" or "sale" means any transfer of title for consideration, including but not limited  
25 to remote sales conducted through sales outlets, catalogs or the Internet, or any other similar  
26 electronic means.

27 (b) "Sell" or "sale" does not include leases.

28 (17) "State contractor program" means a statewide program for collecting, transporting and re-  
29 cycling covered electronic devices that is provided by the Department of Environmental Quality for  
30 manufacturers who pay a recycling fee to the department pursuant to 459A.325.

31 **SECTION 30.** ORS 459A.555 is amended to read:

32 459A.555. As used in ORS 459A.552 to 459A.599 unless the context requires otherwise:

33 (1) "Commission" means the Environmental Quality Commission.

34 (2) "Department" means the Department of Environmental Quality.

35 (3) "Recycle" means to prepare used oil for reuse as a petroleum product by refining, rerefining,  
36 reclaiming, reprocessing or other means or to use used oil in a manner that substitutes for a pe-  
37 troleum product made from new oil, provided that the preparation or use is operationally safe, en-  
38 vironmentally sound and complies with all laws and regulations.

39 (4) "Person" means any individual, private or public corporation, partnership, cooperative asso-  
40 ciation, [estate,] municipality, political or jurisdictional subdivision or governmental agency or  
41 instrumentality.

42 (5) "Used oil" means a petroleum-based oil which through use, storage or handling has become  
43 unsuitable for its original purpose due to the presence of impurities or loss of original properties.

44 **SECTION 31.** ORS 461.010 is amended to read:

45 461.010. Unless the context requires otherwise, the definitions contained in this chapter shall

1 govern the construction of this chapter.

2 (1) "Lottery" or "state lottery" means the Oregon State Lottery established and operated pur-  
 3 suant to the Constitution of the State of Oregon and this chapter.

4 (2) "Commissioner" means one of the members of the lottery commission appointed by the Gov-  
 5 ernor pursuant to the Constitution of the State of Oregon and this chapter to oversee the state  
 6 lottery.

7 (3) "Director" means the Director of the Oregon State Lottery appointed by the Governor pur-  
 8 suant to the Constitution of the State of Oregon and this chapter as the chief administrator of the  
 9 Oregon State Lottery.

10 (4) "Lottery commission" or "commission" means the five-member body appointed by the Gov-  
 11 ernor pursuant to the Constitution of the State of Oregon and this chapter to oversee the lottery  
 12 and the director.

13 (5) "Lottery game" or "game" means any procedure authorized by the commission whereby  
 14 prizes are distributed among persons who have paid, or unconditionally agreed to pay, for tickets  
 15 or shares which provide the opportunity to win such prizes.

16 (6) "Person" means any natural person or corporation, [trust,] association, partnership, joint  
 17 venture, subsidiary or other business entity.

18 (7) "Lottery game retailer" means a person with whom the lottery commission has contracted  
 19 for the purpose of selling tickets or shares in lottery games to the public.

20 (8) "Lottery vendor" or "vendor" means any person who submits a bid, proposal or offer to  
 21 provide goods or services to the commission or lottery.

22 (9) "Lottery contractor" means a person with whom the state lottery has contracted for the  
 23 purpose of providing goods and services for the state lottery.

24 **SECTION 32.** ORS 465.101 is amended to read:

25 465.101. As used in ORS 465.101 to 465.131:

26 (1) "Bulk facility" means a facility, including pipeline terminals, refinery terminals, rail and  
 27 barge terminals and associated underground and aboveground tanks, connected or separate, from  
 28 which petroleum products are withdrawn from bulk and delivered into a cargo tank or barge used  
 29 to transport those products.

30 (2) "Cargo tank" means an assembly used for transporting, hauling or delivering petroleum  
 31 products and consisting of a tank having one or more compartments mounted on a wagon, truck,  
 32 trailer, truck-trailer, railcar or wheels. "Cargo tank" does not include any assembly used for trans-  
 33 porting, hauling or delivering petroleum products that holds less than 100 gallons in individual,  
 34 separable containers.

35 (3) "Department" means the Department of Revenue.

36 (4) "Person" means an individual, [trust,] firm, joint stock company, corporation, partnership,  
 37 joint venture, consortium, association, state, municipality, commission, political subdivision of a  
 38 state or any interstate body, any commercial entity and the federal government or any agency of  
 39 the federal government.

40 (5) "Petroleum product" means a petroleum product that is obtained from distilling and pro-  
 41 cessing crude oil and that is capable of being used as a fuel for the propulsion of a motor vehicle  
 42 or aircraft, including motor gasoline, gasohol, other alcohol-blended fuels, aviation gasoline,  
 43 kerosene, distillate fuel oil and number 1 and number 2 diesel. The term does not include naphtha-  
 44 type jet fuel, kerosene-type jet fuel, or a petroleum product destined for use in chemical manufac-  
 45 turing or feedstock of that manufacturing or fuel sold to vessels engaged in interstate or foreign

1 commerce.

2 (6) "Withdrawal from bulk" means the removal of a petroleum product from a bulk facility for  
 3 delivery directly into a cargo tank or a barge to be transported to another location other than an-  
 4 other bulk facility for use or sale in this state.

5 **SECTION 33.** ORS 465.200 is amended to read:

6 465.200. As used in ORS 465.200 to 465.545 and 465.900:

7 (1) "Claim" means a demand in writing for a sum certain.

8 (2) "Commission" means the Environmental Quality Commission.

9 (3) "Department" means the Department of Environmental Quality.

10 (4) "Director" means the Director of the Department of Environmental Quality.

11 (5) "Dry Cleaner Environmental Response Account" means the account established under ORS  
 12 465.510.

13 (6) "Dry cleaning facility" means any active or inactive facility located in this state that is or  
 14 was engaged in dry cleaning apparel and household fabrics for the general public, and dry stores,  
 15 other than a:

16 (a) Facility located on a United States military base;

17 (b) Uniform service or linen supply facility; or

18 (c) Prison or other penal institution.

19 (7) "Dry cleaning operator" means a person who has, or had, a business license to operate a dry  
 20 cleaning facility or a business operation that a dry cleaning facility is a part of. If a dry cleaning  
 21 facility is operated without a business license, both the dry cleaning owner and any person directing  
 22 the operations shall be considered the dry cleaning operator and shall be jointly and severally liable  
 23 for the fees and duties imposed on dry cleaning operators.

24 (8) "Dry cleaning owner" means a person who owns or owned the real property underlying a  
 25 dry cleaning facility.

26 (9) "Dry cleaning service" means:

27 (a) The cleaning of garments or fabrics at a dry cleaning facility using a dry cleaning solvent  
 28 and the pressing or alteration of garments or fabrics if those services are not charged for separately  
 29 from cleaning; and

30 (b) The services of a dry store.

31 (10) "Dry cleaning solvent" means any nonaqueous solvent for use in the cleaning of garments  
 32 or other fabrics at a dry cleaning facility, including but not limited to perchloroethylene and pe-  
 33 troleum based solvents and the products into which dry cleaning solvents degrade.

34 (11) "Dry store" means a facility that does not include machinery using dry cleaning solvents,  
 35 including but not limited to a pickup store, dropoff store, call station, agency for dry cleaning, press  
 36 shop, and pickup and delivery service not otherwise operated by a dry cleaning facility.

37 (12) "Environment" includes the waters of the state, any drinking water supply, any land surface  
 38 and subsurface strata and ambient air.

39 (13) "Facility" means any building, structure, installation, equipment, pipe or pipeline including  
 40 any pipe into a sewer or publicly owned treatment works, well, pit, pond, lagoon, impoundment,  
 41 ditch, landfill, storage container, above ground tank, underground storage tank, motor vehicle, roll-  
 42 ing stock, aircraft, or any site or area where a hazardous substance has been deposited, stored,  
 43 disposed of, or placed, or otherwise come to be located and where a release has occurred or where  
 44 there is a threat of a release, but does not include any consumer product in consumer use or any  
 45 vessel.

- 1 (14) "Fund" means the Hazardous Substance Remedial Action Fund established by ORS 465.381.
- 2 (15) "Guarantor" means any person, other than the owner or operator, who provides evidence  
3 of financial responsibility for an owner or operator under ORS 465.200 to 465.545 and 465.900.
- 4 (16) "Hazardous substance" means:
- 5 (a) Hazardous waste as defined in ORS 466.005.
- 6 (b) Any substance defined as a hazardous substance pursuant to section 101(14) of the federal  
7 Comprehensive Environmental Response, Compensation and Liability Act, P.L. 96-510, as amended,  
8 and P.L. 99-499.
- 9 (c) Oil.
- 10 (d) Any substance designated by the commission under ORS 465.400.
- 11 (17) "Inactive dry cleaning facility" means property formerly used, but not currently used, for  
12 providing dry cleaning services.
- 13 (18) "Natural resources" includes but is not limited to land, fish, wildlife, biota, air, surface  
14 water, ground water, drinking water supplies and any other resource owned, managed, held in trust  
15 or otherwise controlled by the State of Oregon or a political subdivision of the state.
- 16 (19) "Oil" includes gasoline, crude oil, fuel oil, diesel oil, lubricating oil, oil sludge or refuse and  
17 any other petroleum-related product, or waste or fraction thereof that is liquid at a temperature of  
18 60 degrees Fahrenheit and pressure of 14.7 pounds per square inch absolute.
- 19 (20) "Owner or operator" means any person who owned, leased, operated, controlled or exer-  
20 cised significant control over the operation of a facility. "Owner or operator" does not include a  
21 person, who, without participating in the management of a facility, holds indicia of ownership pri-  
22 marily to protect a security interest in the facility.
- 23 (21) "Person" means an individual, [*trust,*] firm, joint stock company, joint venture, consortium,  
24 commercial entity, partnership, association, corporation, commission, state and any agency thereof,  
25 political subdivision of the state, interstate body or the federal government including any agency  
26 thereof.
- 27 (22) "Release" means any spilling, leaking, pumping, pouring, emitting, emptying, discharging,  
28 injecting, escaping, leaching, dumping or disposing into the environment including the abandonment  
29 or discarding of barrels, containers and other closed receptacles containing any hazardous sub-  
30 stance, or threat thereof, but excludes:
- 31 (a) Any release that results in exposure to a person solely within a workplace, with respect to  
32 a claim that the person may assert against the person's employer under ORS chapter 656;
- 33 (b) Emissions from the engine exhaust of a motor vehicle, rolling stock, aircraft, vessel or pipe-  
34 line pumping station engine;
- 35 (c) Any release of source, by-product or special nuclear material from a nuclear incident, as  
36 those terms are defined in the Atomic Energy Act of 1954, as amended, if the release is subject to  
37 requirements with respect to financial protection established by the Nuclear Regulatory Commission  
38 under section 170 of the Atomic Energy Act of 1954, as amended, or, for the purposes of ORS 465.260  
39 or any other removal or remedial action, any release of source by-product or special nuclear mate-  
40 rial from any processing site designated under section 102(a)(1) or 302(a) of the Uranium Mill  
41 Tailings Radiation Control Act of 1978; and
- 42 (d) The normal application of fertilizer.
- 43 (23) "Remedial action" means those actions consistent with a permanent remedial action taken  
44 instead of or in addition to removal actions in the event of a release or threatened release of a  
45 hazardous substance into the environment, to prevent or minimize the release of a hazardous sub-

1 stance so that it does not migrate to cause substantial danger to present or future public health,  
 2 safety, welfare or the environment. “Remedial action” includes, but is not limited to:

3 (a) Such actions at the location of the release as storage, confinement, perimeter protection us-  
 4 ing dikes, trenches or ditches, clay cover, neutralization, cleanup of released hazardous substances  
 5 and associated contaminated materials, recycling or reuse, diversion, destruction, segregation of re-  
 6 active wastes, dredging or excavations, repair or replacement of leaking containers, collection of  
 7 leachate and runoff, on-site treatment or incineration, provision of alternative drinking and house-  
 8 hold water supplies, and any monitoring reasonably required to assure that the actions protect the  
 9 public health, safety, welfare and the environment.

10 (b) Offsite transport and offsite storage, treatment, destruction or secure disposition of hazard-  
 11 ous substances and associated, contaminated materials.

12 (c) Such actions as may be necessary to monitor, assess, evaluate or investigate a release or  
 13 threat of release.

14 (24) “Remedial action costs” means reasonable costs which are attributable to or associated  
 15 with a removal or remedial action at a facility, including but not limited to the costs of adminis-  
 16 tration, investigation, legal or enforcement activities, contracts and health studies.

17 (25) “Removal” means the cleanup or removal of a released hazardous substance from the envi-  
 18 ronment, such actions as may be necessary taken in the event of the threat of release of a hazardous  
 19 substance into the environment, such actions as may be necessary to monitor, assess and evaluate  
 20 the release or threat of release of a hazardous substance, the disposal of removed material, or the  
 21 taking of such other actions as may be necessary to prevent, minimize or mitigate damage to the  
 22 public health, safety, welfare or to the environment, that may otherwise result from a release or  
 23 threat of release. “Removal” also includes but is not limited to security fencing or other measures  
 24 to limit access, provision of alternative drinking and household water supplies, temporary evacu-  
 25 ation and housing of threatened individuals and action taken under ORS 465.260.

26 (26) “Retail sale or transfer” means a transfer of title or possession, exchange or barter, condi-  
 27 tional or otherwise, for a purpose other than resale in the ordinary course of business.

28 (27) “Transport” means the movement of a hazardous substance by any mode, including pipeline  
 29 and in the case of a hazardous substance that has been accepted for transportation by a common  
 30 or contract carrier, the term “transport” shall include any stoppage in transit that is temporary,  
 31 incidental to the transportation movement, and at the ordinary operating convenience of a common  
 32 or contract carrier, and any such stoppage shall be considered as a continuity of movement and not  
 33 as the storage of a hazardous substance.

34 (28) “Underground storage tank” has the meaning given that term in ORS 466.706.

35 (29) “Waters of the state” has the meaning given that term in ORS 468B.005.

36 **SECTION 34.** ORS 466.005 is amended to read:

37 466.005. As used in ORS 453.635 and 466.005 to 466.385 and 466.992, unless the context requires  
 38 otherwise:

39 (1) “Commission” means the Environmental Quality Commission.

40 (2) “Department” means the Department of Environmental Quality.

41 (3) “Director” means the Director of the Department of Environmental Quality.

42 (4) “Dispose” or “disposal” means the discharge, deposit, injection, dumping, spilling, leaking or  
 43 placing of any hazardous waste into or on any land or water so that the hazardous waste or any  
 44 hazardous constituent thereof may enter the environment or be emitted into the air or discharged  
 45 into any waters of the state as defined in ORS 468B.005.

1 (5) "Facility" means all contiguous land, structures, other appurtenances and improvements on  
 2 the land used for treating, storing or disposing of hazardous waste. "Facility" may consist of one  
 3 or more treatment, storage or disposal operational units.

4 (6) "Generator" means the person, who by virtue of ownership, management or control, is re-  
 5 sponsible for causing or allowing to be caused the creation of a hazardous waste.

6 (7) "Hazardous waste" does not include radioactive material or the radioactively contaminated  
 7 containers and receptacles used in the transportation, storage, use or application of radioactive  
 8 waste, unless the material, container or receptacle is classified as hazardous waste under paragraph  
 9 (a), (b) or (c) of this subsection on some basis other than the radioactivity of the material, container  
 10 or receptacle. Hazardous waste does include all of the following which are not declassified by the  
 11 commission under ORS 466.015 (3):

12 (a) Discarded, useless or unwanted materials or residues resulting from any substance or com-  
 13 bination of substances intended for the purpose of defoliating plants or for the preventing, destroy-  
 14 ing, repelling or mitigating of insects, fungi, weeds, rodents or predatory animals, including but not  
 15 limited to defoliant, desiccants, fungicides, herbicides, insecticides, nematocides and rodenticides.

16 (b) Residues resulting from any process of industry, manufacturing, trade or business or gov-  
 17 ernment or from the development or recovery of any natural resources, if such residues are classi-  
 18 fied as hazardous by order of the commission, after notice and public hearing. For purposes of  
 19 classification, the commission must find that the residue, because of its quantity, concentration, or  
 20 physical, chemical or infectious characteristics may:

21 (A) Cause or significantly contribute to an increase in mortality or an increase in serious irre-  
 22 versible or incapacitating reversible illness; or

23 (B) Pose a substantial present or potential hazard to human health or the environment when  
 24 improperly treated, stored, transported, or disposed of, or otherwise managed.

25 (c) Discarded, useless or unwanted containers and receptacles used in the transportation, stor-  
 26 age, use or application of the substances described in paragraphs (a) and (b) of this subsection.

27 (8) "Hazardous waste disposal site" means a geographical site in which or upon which hazardous  
 28 waste is disposed.

29 (9) "Hazardous waste storage site" means the geographical site upon which hazardous waste is  
 30 stored.

31 (10) "Hazardous waste treatment site" means the geographical site upon which or a facility in  
 32 which hazardous waste is treated.

33 (11) "Manifest" means the form used for identifying the quantity, composition, and the origin,  
 34 routing and destination of hazardous waste during its transportation from the point of generation  
 35 to the point of disposal, treatment or storage.

36 (12) "PCB" has the meaning given that term in ORS 466.505.

37 (13) "Person" means the United States, the state or a public or private corporation, local gov-  
 38 ernment unit, public agency, individual, partnership, association, firm[, *trust, estate*] or any other  
 39 legal entity.

40 (14) "Store" or "storage" means the containment of hazardous waste either on a temporary basis  
 41 or for a period of years, in a manner that does not constitute disposal of the hazardous waste.

42 (15) "Transporter" means any person engaged in the transportation of hazardous waste by any  
 43 means.

44 (16) "Treat" or "treatment" means any method, technique, activity or process, including but not  
 45 limited to neutralization, designed to change the physical, chemical, or biological character or



1 composition of any hazardous waste so as to neutralize the waste or so as to render the waste  
2 nonhazardous, safer for transport, amenable for recovery, amenable for storage, or reduced in vol-  
3 ume.

4 **SECTION 35.** ORS 466.605 is amended to read:

5 466.605. As used in ORS 466.605 to 466.680 and 466.990 (3) and (4):

6 (1) "Barrel" means 42 U.S. gallons at 60 degrees Fahrenheit.

7 (2) "Cleanup" means the containment, collection, removal, treatment or disposal of oil or haz-  
8 arduous material; site restoration; and any investigations, monitoring, surveys, testing and other in-  
9 formation gathering required or conducted by the Department of Environmental Quality.

10 (3) "Cleanup costs" means all costs associated with the cleanup of a spill or release incurred  
11 by the state, its political subdivision or any person with written approval from the department when  
12 implementing ORS 466.205, 466.605 to 466.680, 466.990 (3) and (4) and 466.995 (2) or 468B.320.

13 (4) "Commission" means the Environmental Quality Commission.

14 (5) "Department" means the Department of Environmental Quality.

15 (6) "Director" means the Director of the Department of Environmental Quality.

16 (7) "Hazardous material" means one of the following:

17 (a) A material designated by the commission under ORS 466.630.

18 (b) Hazardous waste as defined in ORS 466.005.

19 (c) Radioactive waste as defined in ORS 469.300, radioactive material identified by the Energy  
20 Facility Siting Council under ORS 469.605 and radioactive substances as defined in ORS 453.005.

21 (d) Communicable disease agents as regulated by the Department of Human Services under ORS  
22 431.035 to 431.530, 433.001 to 433.045 and 433.110 to 433.770.

23 (e) Hazardous substances designated by the United States Environmental Protection Agency  
24 under section 311 of the Federal Water Pollution Control Act, P.L. 92-500, as amended.

25 (8) "Oils" or "oil" includes gasoline, crude oil, fuel oil, diesel oil, lubricating oil, sludge, oil re-  
26 fuse and any other petroleum related product.

27 (9) "Person" means an individual, [trust,] firm, joint stock company, corporation, partnership,  
28 association, municipal corporation, political subdivision, interstate body, the state and any agency  
29 or commission thereof and the federal government and any agency thereof.

30 (10) "Reportable quantity" means one of the following:

31 (a) A quantity designated by the commission under ORS 466.625.

32 (b) The lesser of:

33 (A) The quantity designated for hazardous substances by the United States Environmental Pro-  
34 tection Agency pursuant to section 311 of the Federal Water Pollution Control Act, P.L. 92-500, as  
35 amended;

36 (B) The quantity designated for hazardous waste under ORS 466.005 to 466.385, 466.990 (1) and  
37 (2) and 466.992;

38 (C) Any quantity of radioactive material, radioactive substance or radioactive waste;

39 (D) If spilled into waters of the state, or escape into waters of the state is likely, any quantity  
40 of oil that would produce a visible oily slick, oily solids, or coat aquatic life, habitat or property  
41 with oil, but excluding normal discharges from properly operating marine engines; or

42 (E) If spilled on land, any quantity of oil over one barrel.

43 (c) Ten pounds unless otherwise designated by the commission under ORS 466.625.

44 (11) "Respond" or "response" means:

45 (a) Actions taken to monitor, assess and evaluate a spill or release or threatened spill or release

1 of oil or hazardous material;

2 (b) First aid, rescue or medical services, and fire suppression; or

3 (c) Containment or other actions appropriate to prevent, minimize or mitigate damage to the  
 4 public health, safety, welfare or the environment which may result from a spill or release or  
 5 threatened spill or release if action is not taken.

6 (12) "Spill or release" means the discharge, deposit, injection, dumping, spilling, emitting, re-  
 7 leasing, leaking or placing of any oil or hazardous material into the air or into or on any land or  
 8 waters of the state, as defined in ORS 468B.005, except as authorized by a permit issued under ORS  
 9 chapter 454, 459, 459A, 468, 468A, 468B or 469, ORS 466.005 to 466.385, 466.990 (1) and (2) or 466.992  
 10 or federal law or while being stored or used for its intended purpose.

11 (13) "Threatened spill or release" means oil or hazardous material is likely to escape or be  
 12 carried into the air or into or on any land or waters of the state.

13 **SECTION 36.** ORS 466.706 is amended to read:

14 466.706. As used in ORS 466.706 to 466.882 and 466.994:

15 (1) "Commercial lending institution" means any financial institution or trust company, as those  
 16 terms are defined in ORS 706.008, or any cooperative financial institution regulated by an agency  
 17 of the federal government or this state.

18 (2) "Commission" means the Environmental Quality Commission.

19 (3) "Corrective action" means remedial action taken to protect the present or future public  
 20 health, safety, welfare or the environment from a release of a regulated substance. "Corrective  
 21 action" includes but is not limited to:

22 (a) The prevention, elimination, removal, abatement, control, minimization, investigation, as-  
 23 sessment, evaluation or monitoring of a hazard or potential hazard or threat, including migration  
 24 of a regulated substance; or

25 (b) Transportation, storage, treatment or disposal of a regulated substance or contaminated  
 26 material from a site.

27 (4) "Decommission" means to remove from operation an underground storage tank, including  
 28 temporary or permanent removal from operation, abandonment in place or removal from the ground.

29 (5) "Department" means the Department of Environmental Quality.

30 (6) "Facility" means any one or combination of underground storage tanks and underground  
 31 pipes connected to the tanks, used to contain an accumulation of motor fuel, including gasoline or  
 32 diesel oil, that are located at one contiguous geographical site.

33 (7) "Fee" means a fixed charge or service charge.

34 (8) "Guarantor" means any person other than the permittee who by guaranty, insurance, letter  
 35 of credit or other acceptable device, provides financial responsibility for an underground storage  
 36 tank as required under ORS 466.815.

37 (9) "Heating oil tank" means an aboveground or underground tank and pipes connected to the  
 38 tank that contain heating oil for heating a building with human habitation or water heating not used  
 39 for commercial processing.

40 (10) "Heating oil tank service" means the decommissioning of a heating oil tank or the per-  
 41 formance of corrective action necessary as a result of a release of oil from a heating oil tank.

42 (11) "Investigation" means monitoring, surveying, testing or other information gathering.

43 (12) "Local unit of government" means a city, county, special service district, metropolitan ser-  
 44 vice district created under ORS chapter 268 or a political subdivision of the state.

45 (13) "Oil" means gasoline, crude oil, fuel oil, diesel oil, lubricating oil, sludge, oil refuse and any

1 other petroleum related product or fraction thereof that is liquid at a temperature of 60 degrees  
 2 Fahrenheit and a pressure of 14.7 pounds per square inch absolute.

3 (14) "Owner" means the owner of an underground storage tank.

4 (15) "Permittee" means the owner or a person designated by the owner who is in control of or  
 5 has responsibility for the daily operation or maintenance of an underground storage tank under a  
 6 permit issued pursuant to ORS 466.760.

7 (16) "Person" means an individual, [*trust,*] firm, joint stock company, corporation, partnership,  
 8 joint venture, consortium, association, state, municipality, commission, political subdivision of a  
 9 state or any interstate body, any commercial entity or the federal government or any agency of the  
 10 federal government.

11 (17) "Regulated substance" means:

12 (a) Any substance listed by the United States Environmental Protection Agency in 40 C.F.R.  
 13 Table 302.4 pursuant to the Comprehensive Environmental Response, Compensation and Liability  
 14 Act of 1980 as amended (P.L. 96-510 and P.L. 98-80), but not including any substance regulated as  
 15 a hazardous waste under 40 C.F.R. part 261 and OAR 340 Division 101;

16 (b) Oil; or

17 (c) Any other substance designated by the commission under ORS 466.630.

18 (18) "Release" means the discharge, deposit, injection, dumping, spilling, emitting, leaking or  
 19 placing of a regulated substance from an underground storage tank into the air or into or on land  
 20 or the waters of the state, other than as authorized by a permit issued under state or federal law.

21 (19) "Stage I vapor collection system" means a system where gasoline vapors are forced from  
 22 a tank into a vapor-tight holding system or vapor control system through direct displacement by the  
 23 gasoline being loaded.

24 (20) "Stage II vapor collection system" means a system where at least 90 percent, by weight,  
 25 of the gasoline vapors that are displaced or drawn from a vehicle fuel tank during refueling are  
 26 transferred to a vapor-tight holding system or vapor control system.

27 (21) "Underground storage tank" means any one or combination of tanks and underground pipes  
 28 connected to the tank, used to contain an accumulation of a regulated substance, and the volume  
 29 of which, including the volume of the underground pipes connected to the tank, is 10 percent or  
 30 more beneath the surface of the ground.

31 (22) "Waters of the state" has the meaning given that term in ORS 468B.005.

32 **SECTION 37.** ORS 468.076 is amended to read:

33 468.076. As used in ORS 468.076 to 468.089:

34 (1) "Person" means an individual, corporation, business trust, [*estate, trust,*] partnership, associ-  
 35 ation, joint venture, government in its private or public capacity, governmental subdivision or  
 36 agency, or any other legal entity.

37 (2) "Reciprocating jurisdiction" means a state of the United States of America, the District of  
 38 Columbia, the Commonwealth of Puerto Rico, a territory or possession of the United States of  
 39 America or a province or territory of Canada, that has enacted an Act to provide substantially  
 40 equivalent access to its courts and administrative agencies as provided in ORS 468.076 to 468.087.

41 **SECTION 38.** ORS 474.005 is amended to read:

42 474.005. As used in ORS 474.005 to 474.095, unless the context requires otherwise:

43 (1) "Importer" means any wholesale distributor importing malt beverages into this state for sale  
 44 to retailer accounts or for sale to other wholesalers designated as subjobbers for resale.

45 (2) "Malt beverage manufacturer" means any manufacturer, brewer, importer or master distrib-

1 utor of malt beverages located within or outside this state, or any other person, whether located  
 2 within or outside this state who enters into an agreement of distributorship for the resale of malt  
 3 beverages in this state with any wholesale distributor doing business in the State of Oregon.

4 (3) "Person" means any natural person, corporation, partnership, [trust,] agency or other entity,  
 5 as well as any individual officers, directors or other persons in active control of the activities of  
 6 such entity.

7 (4) "Supplier" means any malt beverage manufacturer, agent of a malt beverage manufacturer,  
 8 importer or holder of a certificate under ORS 471.244 who enters into or is a party to any wholesale  
 9 distribution agreement with a wholesale distributor.

10 (5) "Wholesale distribution agreement" means any contract, agreement, commercial relationship,  
 11 license, association or any other arrangement for a definite or indefinite period between a supplier  
 12 and wholesale distributor.

13 (6) "Wholesale distributor" means any person importing or causing to be imported into this  
 14 state, or purchasing or causing to be purchased within this state, any malt beverage for sale or re-  
 15 sale to retailers licensed under the laws of this state, regardless of whether the business of such  
 16 person is conducted under the terms of any agreement with a malt beverage manufacturer.

17 **SECTION 39.** ORS 475.005 is amended to read:

18 475.005. As used in ORS 475.005 to 475.285 and 475.840 to 475.980, unless the context requires  
 19 otherwise:

20 (1) "Abuse" means the repetitive excessive use of a drug short of dependence, without legal or  
 21 medical supervision, which may have a detrimental effect on the individual or society.

22 (2) "Administer" means the direct application of a controlled substance, whether by injection,  
 23 inhalation, ingestion or any other means, to the body of a patient or research subject by:

24 (a) A practitioner or an authorized agent thereof; or

25 (b) The patient or research subject at the direction of the practitioner.

26 (3) "Administration" means the Drug Enforcement Administration of the United States Depart-  
 27 ment of Justice, or its successor agency.

28 (4) "Agent" means an authorized person who acts on behalf of or at the direction of a man-  
 29 ufacturer, distributor or dispenser. It does not include a common or contract carrier, public  
 30 warehouseman or employee of the carrier or warehouseman.

31 (5) "Board" means the State Board of Pharmacy.

32 (6) "Controlled substance" means a drug or its immediate precursor classified in Schedules I  
 33 through V under the federal Controlled Substances Act, 21 U.S.C. 811 to 812, as modified under ORS  
 34 475.035. The use of the term "precursor" in this subsection does not control and is not controlled  
 35 by the use of the term "precursor" in ORS 475.840 to 475.980.

36 (7) "Counterfeit substance" means a controlled substance or its container or labeling, which,  
 37 without authorization, bears the trademark, trade name, or other identifying mark, imprint, number  
 38 or device, or any likeness thereof, of a manufacturer, distributor or dispenser other than the person  
 39 who in fact manufactured, delivered or dispensed the substance.

40 (8) "Deliver" or "delivery" means the actual, constructive or attempted transfer, other than by  
 41 administering or dispensing, from one person to another of a controlled substance, whether or not  
 42 there is an agency relationship.

43 (9) "Device" means instruments, apparatus or contrivances, including their components, parts  
 44 or accessories, intended:

45 (a) For use in the diagnosis, cure, mitigation, treatment or prevention of disease in humans or

- 1 animals; or
- 2 (b) To affect the structure of any function of the body of humans or animals.
- 3 (10) “Dispense” means to deliver a controlled substance to an ultimate user or research subject  
4 by or pursuant to the lawful order of a practitioner, and includes the prescribing, administering,  
5 packaging, labeling or compounding necessary to prepare the substance for that delivery.
- 6 (11) “Dispenser” means a practitioner who dispenses.
- 7 (12) “Distributor” means a person who delivers.
- 8 (13) “Drug” means:
- 9 (a) Substances recognized as drugs in the official United States Pharmacopoeia, official  
10 Homeopathic Pharmacopoeia of the United States or official National Formulary, or any supplement  
11 to any of them;
- 12 (b) Substances intended for use in the diagnosis, cure, mitigation, treatment or prevention of  
13 disease in humans or animals;
- 14 (c) Substances (other than food) intended to affect the structure or any function of the body of  
15 humans or animals; and
- 16 (d) Substances intended for use as a component of any article specified in paragraph (a), (b) or  
17 (c) of this subsection; however, the term does not include devices or their components, parts or ac-  
18 cessories.
- 19 (14) “Electronically transmitted” or “electronic transmission” means a communication sent or  
20 received through technological apparatuses, including computer terminals or other equipment or  
21 mechanisms linked by telephone or microwave relays, or any similar apparatus having electrical,  
22 digital, magnetic, wireless, optical, electromagnetic or similar capabilities.
- 23 (15) “Manufacture” means the production, preparation, propagation, compounding, conversion  
24 or processing of a controlled substance, either directly or indirectly by extraction from substances  
25 of natural origin, or independently by means of chemical synthesis, or by a combination of extraction  
26 and chemical synthesis, and includes any packaging or repackaging of the substance or labeling or  
27 relabeling of its container, except that this term does not include the preparation or compounding  
28 of a controlled substance:
- 29 (a) By a practitioner as an incident to administering or dispensing of a controlled substance in  
30 the course of professional practice; or
- 31 (b) By a practitioner, or by an authorized agent under the practitioner’s supervision, for the  
32 purpose of, or as an incident to, research, teaching or chemical analysis and not for sale.
- 33 (16) “Marijuana” means all parts of the plant Cannabis family Moraceae, whether growing or  
34 not; the resin extracted from any part of the plant; and every compound, manufacture, salt, deriva-  
35 tive, mixture, or preparation of the plant or its resin. It does not include the mature stalks of the  
36 plant, fiber produced from the stalks, oil or cake made from the seeds of the plant, any other com-  
37 pound, manufacture, salt, derivative, mixture, or preparation of the mature stalks (except the resin  
38 extracted therefrom), fiber, oil, or cake, or the sterilized seed of the plant which is incapable of  
39 germination.
- 40 (17) “Person” includes a government subdivision or agency, business trust[, *estate, trust*] or any  
41 other legal entity.
- 42 (18) “Practitioner” means physician, dentist, veterinarian, scientific investigator, certified nurse  
43 practitioner, physician assistant or other person licensed, registered or otherwise permitted by law  
44 to dispense, conduct research with respect to or to administer a controlled substance in the course  
45 of professional practice or research in this state but does not include a pharmacist or a pharmacy.

1 (19) "Prescription" means a written, oral or electronically transmitted direction, given by a  
 2 practitioner for the preparation and use of a drug. When the context requires, "prescription" also  
 3 means the drug prepared under such written, oral or electronically transmitted direction. Any label  
 4 affixed to a drug prepared under written, oral or electronically transmitted direction shall promi-  
 5 nently display a warning that the removal thereof is prohibited by law.

6 (20) "Production" includes the manufacture, planting, cultivation, growing or harvesting of a  
 7 controlled substance.

8 (21) "Research" means an activity conducted by the person registered with the federal Drug  
 9 Enforcement Administration pursuant to a protocol approved by the United States Food and Drug  
 10 Administration.

11 (22) "Ultimate user" means a person who lawfully possesses a controlled substance for the use  
 12 of the person or for the use of a member of the household of the person or for administering to an  
 13 animal owned by the person or by a member of the household of the person.

14 **SECTION 40.** ORS 520.005 is amended to read:

15 520.005. As used in this chapter, unless the context requires otherwise:

16 (1) "Condensate" means liquid hydrocarbons that were originally in the gaseous phase in the  
 17 reservoir.

18 (2) "Field" means the general area underlaid by one or more pools.

19 (3) "Gas" means all natural gas and all other fluid hydrocarbons not defined as oil in subsection  
 20 (5) of this section, including condensate originally in the gaseous phase in the reservoir.

21 (4) "Information hole" means a hole drilled for information purposes only, including but not  
 22 limited to core holes, stratigraphic holes or other test holes.

23 (5) "Oil" means crude petroleum oil and all other hydrocarbons, regardless of gravity, that are  
 24 produced in liquid form by ordinary production methods, but does not include liquid hydrocarbons  
 25 that were originally in a gaseous phase in the reservoir.

26 (6) "Person" means any natural person, partnership, corporation, association, receiver, [*trustee,*]  
 27 guardian, fiduciary, [*executor,*] administrator, representative of any kind, or the State of Oregon and  
 28 any public body as defined in ORS 174.109.

29 (7) "Pool" means an underground reservoir containing a common accumulation of oil and natural  
 30 gas. A zone of a structure that is completely separated from any other zone in the same structure  
 31 is a pool.

32 (8) "Owner" means a person who has the right to drill into and to produce from any pool and  
 33 to appropriate the oil or gas produced therefrom either for others, for the person or for the person  
 34 and others.

35 (9) "Protect correlative rights" means that the action or regulation by the board affords a rea-  
 36 sonable opportunity to each person entitled thereto to recover or receive the oil or gas in the tract  
 37 or tracts of the person or the equivalent thereof, without being required to drill unnecessary wells  
 38 or to incur other unnecessary expense to recover or receive such oil or gas or its equivalent.

39 (10) "Seismic program" means the collection of seismic exploration data through a continuous  
 40 field operation.

41 (11) "Sidetrack" means to reenter a well from the well's surface location with drilling equipment  
 42 for the purpose of deviating from the existing well bore to achieve production from an alternate zone  
 43 or bottom hole location, or to remedy an engineering problem encountered in the existing well bore.

44 (12) "Unit area" means one or more pools or parts thereof under unit operation pursuant to ORS  
 45 520.260 to 520.330 and 520.230 (2).

1 (13) "Underground reservoir" means any subsurface sand, strata, formation, aquifer, cavern or  
 2 void whether natural or artificially created, suitable for the injection and storage of natural gas  
 3 therein and the withdrawal of natural gas therefrom, but excluding a pool.

4 (14) "Underground storage" means the process of injecting and storing natural gas within and  
 5 withdrawing natural gas from an underground reservoir.

6 (15) "Waste of oil or gas" means:

7 (a) The inefficient, excessive or improper use or dissipation of reservoir energy of any pool, or  
 8 the locating, spacing, drilling, equipping, operating or producing of any oil well or gas well in a  
 9 manner that results or may result in reducing the quantity of oil or gas ultimately recoverable from  
 10 any pool; or

11 (b) The inefficient storing of oil and the locating, spacing, drilling, equipping, operating or  
 12 producing of oil wells or gas wells in a manner that causes or may cause unnecessary or excessive  
 13 surface loss or destruction of oil or gas.

14 (16)(a) "Well" means a well drilled for the purpose of producing or storing oil or gas or other  
 15 gaseous substances, reservoir pressure maintenance, disposal of produced fluids, and injection of  
 16 water as part of a water flood.

17 (b) "Well" includes a well drilled in search of a new or undiscovered pool, or with the intent  
 18 of extending the limits of a developed pool.

19 (c) "Well" does not include an information hole or a hole drilled as part of a seismic program.

20 **SECTION 41.** ORS 645.005 is amended to read:

21 645.005. As used in this chapter:

22 (1) "Board of trade" means any person or persons engaged in buying or selling any commodity  
 23 or receiving the same for sale on consignment, whether such person or persons are characterized  
 24 as a board of trade, exchange or other form of marketplace.

25 (2) "Commodity" means, except as otherwise specified by the director by rule, all goods, articles,  
 26 products, foreign currency or items of any kind. "Commodity" does not include real property or any  
 27 timber, agricultural or livestock product grown or raised on real property and offered or sold by the  
 28 owner or lessee of such real property.

29 (3) "Commodity contract":

30 (a) Means any account, agreement or contract for the purchase or sale of one or more com-  
 31 modities, however characterized, which is primarily for speculation or investment purposes and not  
 32 for use or consumption by the offeree or purchaser or between persons engaged in producing, pro-  
 33 cessing, using commercially or handling as merchants the commodity or any by-product thereof. Any  
 34 contract for one or more commodities offered or sold shall, in the absence of evidence to the con-  
 35 trary, be presumed to be offered or sold for speculation or investment purposes; and

36 (b) Does not include any contract or agreement which requires, and under which the purchaser  
 37 receives within 28 days of payment of any portion of the purchase price, physical delivery of the  
 38 total amount of each commodity to be purchased under the contract or agreement.

39 (4) "Commodity merchant" means any person, other than a futures association, required to reg-  
 40 ister with the Commodity Futures Trading Commission.

41 (5) "Commodity option":

42 (a) Means any account, agreement or contract giving a party thereto the right but not the ob-  
 43 ligation to purchase or sell one or more commodities or one or more commodity contracts, whether  
 44 characterized as an option, privilege, indemnity, bid, offer, put, call, advance guaranty, decline  
 45 guaranty or otherwise; and

1 (b) Does not include an option traded on a national securities exchange registered with the  
2 federal Securities and Exchange Commission.

3 (6) "Director" means the Director of the Department of Consumer and Business Services or an  
4 agent or employee authorized to act on the director's behalf.

5 (7) "Financial institution" means an insured institution or trust company as those terms are  
6 defined in ORS 706.008.

7 (8) "Fraud," "deceit" and "defraud" are not limited to common-law deceit.

8 (9) "Offer" includes every offer to sell, offer to purchase or offer to enter into a commodity  
9 contract or commodity option.

10 (10) "Person" includes an individual, a joint venture, a partnership, a cooperative, an associ-  
11 ation, a joint stock company, a corporation, [a trust,] an unincorporated organization, a government  
12 or a political subdivision of a government.

13 (11) "Sale" or "sell" includes every sale, contract of sale, contract to sell or disposition for  
14 value.

15 **SECTION 42.** ORS 646.461 is amended to read:

16 646.461. As used in ORS 646.461 to 646.475, unless the context otherwise requires:

17 (1) "Improper means" includes theft, bribery, misrepresentation, breach or inducement of a  
18 breach of a duty to maintain secrecy or espionage through electronic or other means. Reverse en-  
19 gineering and independent development alone shall not be considered improper means.

20 (2) "Misappropriation" means:

21 (a) Acquisition of a trade secret of another by a person who knows or has reason to know that  
22 the trade secret was acquired by improper means;

23 (b) Disclosure or use of a trade secret of another without express or implied consent by a person  
24 who used improper means to acquire knowledge of the trade secret;

25 (c) Disclosure or use of a trade secret of another without express or implied consent by a person  
26 who, before a material change of position, knew or had reason to know that it was a trade secret  
27 and that knowledge of it had been acquired by accident or mistake; or

28 (d) Disclosure or use of a trade secret of another without express or implied consent by a per-  
29 son, who at the time of disclosure or use, knew or had reason to know that the knowledge of the  
30 trade secret was:

31 (A) Derived from or through a person who had utilized improper means to acquire it;

32 (B) Acquired under circumstances giving rise to a duty to maintain its secrecy or limit its use;

33 or

34 (C) Derived from or through a person who owed a duty to the person seeking relief to maintain  
35 its secrecy or limit its use.

36 (3) "Person" means a natural person, corporation, business trust, [estate, trust,] partnership, as-  
37 sociation, joint venture, government, governmental subdivision or agency or any other legal or  
38 commercial entity.

39 (4) "Trade secret" means information, including a drawing, cost data, customer list, formula,  
40 pattern, compilation, program, device, method, technique or process that:

41 (a) Derives independent economic value, actual or potential, from not being generally known to  
42 the public or to other persons who can obtain economic value from its disclosure or use; and

43 (b) Is the subject of efforts that are reasonable under the circumstances to maintain its secrecy.

44 **SECTION 43.** ORS 646.605 is amended to read:

45 646.605. As used in ORS 646.605 to 646.652:



- 1 (1) "Appropriate court" means the circuit court of a county:
- 2 (a) Where one or more of the defendants reside;
- 3 (b) Where one or more of the defendants maintain a principal place of business;
- 4 (c) Where one or more of the defendants are alleged to have committed an act prohibited by
- 5 ORS 646.605 to 646.652; or
- 6 (d) With the defendant's consent, where the prosecuting attorney maintains an office.
- 7 (2) "Documentary material" means the original or a copy of any book, record, report, memo-
- 8 randum, paper, communication, tabulation, map, chart, photograph, mechanical transcription, or
- 9 other tangible document or recording, wherever situate.
- 10 (3) "Examination" of documentary material shall include inspection, study or copying of any
- 11 such material, and taking testimony under oath or acknowledgment in respect of any such docu-
- 12 mentary material or copy thereof.
- 13 (4) "Person" means natural persons, corporations, [*trusts,*] partnerships, incorporated or
- 14 unincorporated associations and any other legal entity except bodies or officers acting under statu-
- 15 tory authority of this state or the United States.
- 16 (5) "Prosecuting attorney" means the Attorney General or the district attorney of any county
- 17 in which a violation of ORS 646.605 to 646.652 is alleged to have occurred.
- 18 (6) "Real estate, goods or services" means those that are or may be obtained primarily for per-
- 19 sonal, family or household purposes, or that are or may be obtained for any purposes as a result of
- 20 a telephone solicitation, and includes franchises, distributorships and other similar business oppor-
- 21 tunities, but does not include insurance. Except as provided in section 2, chapter 658, Oregon Laws
- 22 2003, real estate does not cover conduct covered by ORS chapter 90.
- 23 (7) "Telephone solicitation" means a solicitation where a person, in the course of the person's
- 24 business, vocation or occupation, uses a telephone or an automatic dialing-announcing device to in-
- 25 itiate telephonic contact with a potential customer and the person is not one of the following:
- 26 (a) A person who is a broker-dealer or salesperson licensed under ORS 59.175, or a mortgage
- 27 banker or mortgage broker licensed under ORS 59.850 when the solicitation is for a security quali-
- 28 fied for sale pursuant to ORS 59.055.
- 29 (b) A real estate licensee or a person who is otherwise authorized to engage in professional real
- 30 estate activity pursuant to ORS chapter 696, when the solicitation involves professional real estate
- 31 activity.
- 32 (c) A person licensed or exempt from licensure as a builder pursuant to ORS chapter 701, when
- 33 the solicitation involves the construction, alteration, repair, improvement or demolition of a struc-
- 34 ture.
- 35 (d) A person licensed or otherwise authorized to sell insurance as an insurance producer pur-
- 36 suant to ORS chapter 744, when the solicitation involves insurance.
- 37 (e) A person soliciting the sale of a newspaper of general circulation, a magazine or membership
- 38 in a book or record club who complies with ORS 646.611, when the solicitation involves newspapers,
- 39 magazines or membership in a book or record club.
- 40 (f) A person soliciting without the intent to complete and who does not complete the sales
- 41 presentation during the telephone solicitation and who only completes the sales presentation at a
- 42 later face-to-face meeting between the solicitor and the prospective purchaser.
- 43 (g) A supervised financial institution or parent, subsidiary or affiliate thereof. As used in this
- 44 paragraph, "supervised financial institution" means any financial institution or trust company, as
- 45 those terms are defined in ORS 706.008, or any personal property broker, consumer finance lender,

1 commercial finance lender or insurer that is subject to regulation by an official or agency of this  
 2 state or of the United States.

3 (h) A person who is authorized to conduct prearrangement or preconstruction funeral or ceme-  
 4 tery sales, pursuant to ORS chapter 692, when the solicitation involves prearrangement or precon-  
 5 struction funeral or cemetery plans.

6 (i) A person who solicits the services provided by a cable television system licensed or fran-  
 7 chised pursuant to state, local or federal law, when the solicitation involves cable television ser-  
 8 vices.

9 (j) A person or affiliate of a person whose business is regulated by the Public Utility Commission  
 10 of Oregon.

11 (k) A person who sells farm products as defined by ORS 576.006 if the solicitation neither in-  
 12 tends to nor actually results in a sale that costs the purchaser in excess of \$100.

13 (L) An issuer or subsidiary of an issuer that has a class of securities that is subject to section  
 14 12 of the Securities Exchange Act of 1934 and that is either registered or exempt from registration  
 15 under paragraph (A), (B), (C), (E), (F), (G) or (H) or subsection (g) of that section.

16 (m) A person soliciting exclusively the sale of telephone answering services to be provided by  
 17 that person or that person's employer when the solicitation involves answering services.

18 (n) A telecommunications utility with access lines of 15,000 or less or a cooperative telephone  
 19 association when the solicitation involves regulated goods or services.

20 (8) "Trade" and "commerce" mean advertising, offering or distributing, whether by sale, rental  
 21 or otherwise, any real estate, goods or services, and include any trade or commerce directly or in-  
 22 directly affecting the people of this state.

23 (9) "Unconscionable tactics" include, but are not limited to, actions by which a person:

24 (a) Knowingly takes advantage of a customer's physical infirmity, ignorance, illiteracy or ina-  
 25 bility to understand the language of the agreement;

26 (b) Knowingly permits a customer to enter into a transaction from which the customer will  
 27 derive no material benefit; or

28 (c) Permits a customer to enter into a transaction with knowledge that there is no reasonable  
 29 probability of payment of the attendant financial obligation in full by the customer when due.

30 (10) A willful violation occurs when the person committing the violation knew or should have  
 31 known that the conduct of the person was a violation.

32 (11) A loan is made "in close connection with the sale of a manufactured dwelling" if:

33 (a) The lender directly or indirectly controls, is controlled by or is under common control with  
 34 the seller, unless the relationship is remote and is not a factor in the transaction;

35 (b) The lender gives a commission, rebate or credit in any form to a seller who refers the bor-  
 36 rower to the lender, other than payment of the proceeds of the loan jointly to the seller and the  
 37 borrower;

38 (c) The lender is related to the seller by blood or marriage;

39 (d) The seller directly and materially assists the borrower in obtaining the loan;

40 (e) The seller prepares documents that are given to the lender and used in connection with the  
 41 loan; or

42 (f) The lender supplies documents to the seller used by the borrower in obtaining the loan.

43 **SECTION 44.** ORS 646.605, as amended by section 12, chapter 658, Oregon Laws 2003, section  
 44 199, chapter 71, Oregon Laws 2007, and section 32, chapter 319, Oregon Laws 2007, is amended to  
 45 read:

1 646.605. As used in ORS 646.605 to 646.652:

2 (1) "Appropriate court" means the circuit court of a county:

3 (a) Where one or more of the defendants reside;

4 (b) Where one or more of the defendants maintain a principal place of business;

5 (c) Where one or more of the defendants are alleged to have committed an act prohibited by  
6 ORS 646.605 to 646.652; or

7 (d) With the defendant's consent, where the prosecuting attorney maintains an office.

8 (2) "Documentary material" means the original or a copy of any book, record, report, memo-  
9 randum, paper, communication, tabulation, map, chart, photograph, mechanical transcription, or  
10 other tangible document or recording, wherever situate.

11 (3) "Examination" of documentary material shall include inspection, study or copying of any  
12 such material, and taking testimony under oath or acknowledgment in respect of any such docu-  
13 mentary material or copy thereof.

14 (4) "Person" means natural persons, corporations, [*trusts,*] partnerships, incorporated or  
15 unincorporated associations and any other legal entity except bodies or officers acting under statu-  
16 tory authority of this state or the United States.

17 (5) "Prosecuting attorney" means the Attorney General or the district attorney of any county  
18 in which a violation of ORS 646.605 to 646.652 is alleged to have occurred.

19 (6) "Real estate, goods or services" means those that are or may be obtained primarily for per-  
20 sonal, family or household purposes, or that are or may be obtained for any purposes as a result of  
21 a telephone solicitation, and includes franchises, distributorships and other similar business oppor-  
22 tunities, but does not include insurance. Real estate does not cover conduct covered by ORS chapter  
23 90.

24 (7) "Telephone solicitation" means a solicitation where a person, in the course of the person's  
25 business, vocation or occupation, uses a telephone or an automatic dialing-announcing device to in-  
26 itiate telephonic contact with a potential customer and the person is not one of the following:

27 (a) A person who is a broker-dealer or salesperson licensed under ORS 59.175, or a mortgage  
28 banker or mortgage broker licensed under ORS 59.850 when the solicitation is for a security quali-  
29 fied for sale pursuant to ORS 59.055.

30 (b) A real estate licensee or a person who is otherwise authorized to engage in professional real  
31 estate activity pursuant to ORS chapter 696, when the solicitation involves professional real estate  
32 activity.

33 (c) A person licensed or exempt from licensure as a builder pursuant to ORS chapter 701, when  
34 the solicitation involves the construction, alteration, repair, improvement or demolition of a struc-  
35 ture.

36 (d) A person licensed or otherwise authorized to sell insurance as an insurance producer pur-  
37 suant to ORS chapter 744, when the solicitation involves insurance.

38 (e) A person soliciting the sale of a newspaper of general circulation, a magazine or membership  
39 in a book or record club who complies with ORS 646.611, when the solicitation involves newspapers,  
40 magazines or membership in a book or record club.

41 (f) A person soliciting without the intent to complete and who does not complete the sales  
42 presentation during the telephone solicitation and who only completes the sales presentation at a  
43 later face-to-face meeting between the solicitor and the prospective purchaser.

44 (g) A supervised financial institution or parent, subsidiary or affiliate thereof. As used in this  
45 paragraph, "supervised financial institution" means any financial institution or trust company, as

1 those terms are defined in ORS 706.008, or any personal property broker, consumer finance lender,  
 2 commercial finance lender or insurer that is subject to regulation by an official or agency of this  
 3 state or of the United States.

4 (h) A person who is authorized to conduct prearrangement or preconstruction funeral or ceme-  
 5 tery sales, pursuant to ORS chapter 692, when the solicitation involves prearrangement or precon-  
 6 struction funeral or cemetery plans.

7 (i) A person who solicits the services provided by a cable television system licensed or fran-  
 8 chised pursuant to state, local or federal law, when the solicitation involves cable television ser-  
 9 vices.

10 (j) A person or affiliate of a person whose business is regulated by the Public Utility Commission  
 11 of Oregon.

12 (k) A person who sells farm products as defined by ORS 576.006 if the solicitation neither in-  
 13 tends to nor actually results in a sale that costs the purchaser in excess of \$100.

14 (L) An issuer or subsidiary of an issuer that has a class of securities that is subject to section  
 15 12 of the Securities Exchange Act of 1934 and that is either registered or exempt from registration  
 16 under paragraph (A), (B), (C), (E), (F), (G) or (H) or subsection (g) of that section.

17 (m) A person soliciting exclusively the sale of telephone answering services to be provided by  
 18 that person or that person’s employer when the solicitation involves answering services.

19 (n) A telecommunications utility with access lines of 15,000 or less or a cooperative telephone  
 20 association when the solicitation involves regulated goods or services.

21 (8) “Trade” and “commerce” mean advertising, offering or distributing, whether by sale, rental  
 22 or otherwise, any real estate, goods or services, and include any trade or commerce directly or in-  
 23 directly affecting the people of this state.

24 (9) “Unconscionable tactics” include, but are not limited to, actions by which a person:

25 (a) Knowingly takes advantage of a customer’s physical infirmity, ignorance, illiteracy or ina-  
 26 bility to understand the language of the agreement;

27 (b) Knowingly permits a customer to enter into a transaction from which the customer will  
 28 derive no material benefit; or

29 (c) Permits a customer to enter into a transaction with knowledge that there is no reasonable  
 30 probability of payment of the attendant financial obligation in full by the customer when due.

31 (10) A willful violation occurs when the person committing the violation knew or should have  
 32 known that the conduct of the person was a violation.

33 (11) A loan is made “in close connection with the sale of a manufactured dwelling” if:

34 (a) The lender directly or indirectly controls, is controlled by or is under common control with  
 35 the seller, unless the relationship is remote and is not a factor in the transaction;

36 (b) The lender gives a commission, rebate or credit in any form to a seller who refers the bor-  
 37 rower to the lender, other than payment of the proceeds of the loan jointly to the seller and the  
 38 borrower;

39 (c) The lender is related to the seller by blood or marriage;

40 (d) The seller directly and materially assists the borrower in obtaining the loan;

41 (e) The seller prepares documents that are given to the lender and used in connection with the  
 42 loan; or

43 (f) The lender supplies documents to the seller used by the borrower in obtaining the loan.

44 **SECTION 45.** ORS 646.639 is amended to read:

45 646.639. (1) As used in subsection (2) of this section:

1 (a) "Consumer" means a natural person who purchases or acquires property, services or credit  
 2 for personal, family or household purposes.

3 (b) "Consumer transaction" means a transaction between a consumer and a person who sells,  
 4 leases or provides property, services or credit to consumers.

5 (c) "Commercial creditor" means a person who in the ordinary course of business engages in  
 6 consumer transactions.

7 (d) "Credit" means the right granted by a creditor to a consumer to defer payment of a debt,  
 8 to incur a debt and defer its payment, or to purchase or acquire property or services and defer  
 9 payment therefor.

10 (e) "Debt" means any obligation or alleged obligation arising out of a consumer transaction.

11 (f) "Debtor" means a consumer who owes or allegedly owes an obligation arising out of a con-  
 12 sumer transaction.

13 (g) "Debt collector" means any person who by any direct or indirect action, conduct or practice,  
 14 enforces or attempts to enforce an obligation that is owed or due to any commercial creditor, or  
 15 alleged to be owed or due to any commercial creditor, by a consumer as a result of a consumer  
 16 transaction.

17 (h) "Person" means an individual, corporation, [trust,] partnership, incorporated or  
 18 unincorporated association or any other legal entity.

19 (2) It shall be an unlawful collection practice for a debt collector, while collecting or attempting  
 20 to collect a debt to do any of the following:

21 (a) Use or threaten the use of force or violence to cause physical harm to a debtor or to the  
 22 debtor's family or property.

23 (b) Threaten arrest or criminal prosecution.

24 (c) Threaten the seizure, attachment or sale of a debtor's property when such action can only  
 25 be taken pursuant to court order without disclosing that prior court proceedings are required.

26 (d) Use profane, obscene or abusive language in communicating with a debtor or the debtor's  
 27 family.

28 (e) Communicate with the debtor or any member of the debtor's family repeatedly or contin-  
 29 uously or at times known to be inconvenient to that person with intent to harass or annoy the  
 30 debtor or any member of the debtor's family.

31 (f) Communicate or threaten to communicate with a debtor's employer concerning the nature  
 32 or existence of the debt.

33 (g) Communicate without the debtor's permission or threaten to communicate with the debtor  
 34 at the debtor's place of employment if the place is other than the debtor's residence, except that the  
 35 debt collector may:

36 (A) Write to the debtor at the debtor's place of employment if no home address is reasonably  
 37 available and if the envelope does not reveal that the communication is from a debt collector other  
 38 than a provider of the goods, services or credit from which the debt arose.

39 (B) Telephone a debtor's place of employment without informing any other person of the nature  
 40 of the call or identifying the caller as a debt collector but only if the debt collector in good faith  
 41 has made an unsuccessful attempt to telephone the debtor at the debtor's residence during the day  
 42 or during the evening between the hours of 6 p.m. and 9 p.m. The debt collector may not contact  
 43 the debtor at the debtor's place of employment more frequently than once each business week and  
 44 may not telephone the debtor at the debtor's place of employment if the debtor notifies the debt  
 45 collector not to telephone at the debtor's place of employment or if the debt collector knows or has

1 reason to know that the debtor's employer prohibits the debtor from receiving such communication.  
2 For the purposes of this subparagraph, any language in any instrument creating the debt which  
3 purports to authorize telephone calls at the debtor's place of employment shall not be considered  
4 as giving permission to the debt collector to call the debtor at the debtor's place of employment.

5 (h) Communicate with the debtor in writing without clearly identifying the name of the debt  
6 collector, the name of the person, if any, for whom the debt collector is attempting to collect the  
7 debt and the debt collector's business address, on all initial communications. In subsequent commu-  
8 nications involving multiple accounts, the debt collector may eliminate the name of the person, if  
9 any, for whom the debt collector is attempting to collect the debt, and the term "various" may be  
10 substituted in its place.

11 (i) Communicate with the debtor orally without disclosing to the debtor within 30 seconds the  
12 name of the individual making the contact and the true purpose thereof.

13 (j) Cause any expense to the debtor in the form of long distance telephone calls, telegram fees  
14 or other charges incurred by a medium of communication, by concealing the true purpose of the debt  
15 collector's communication.

16 (k) Attempt to or threaten to enforce a right or remedy with knowledge or reason to know that  
17 the right or remedy does not exist, or threaten to take any action which the debt collector in the  
18 regular course of business does not take.

19 (L) Use any form of communication which simulates legal or judicial process or which gives the  
20 appearance of being authorized, issued or approved by a governmental agency, governmental official  
21 or an attorney at law when it is not in fact so approved or authorized.

22 (m) Represent that an existing debt may be increased by the addition of attorney fees, investi-  
23 gation fees or any other fees or charges when such fees or charges may not legally be added to the  
24 existing debt.

25 (n) Collect or attempt to collect any interest or any other charges or fees in excess of the actual  
26 debt unless they are expressly authorized by the agreement creating the debt or expressly allowed  
27 by law.

28 (o) Threaten to assign or sell the debtor's account with an attending misrepresentation or im-  
29 plication that the debtor would lose any defense to the debt or would be subjected to harsh,  
30 vindictive or abusive collection tactics.

31 (3) It shall be an unlawful collection practice for a debt collector, by use of any direct or indi-  
32 rect action, conduct or practice, to enforce or attempt to enforce an obligation made void and  
33 unenforceable by the provisions of ORS 759.720 (3) to (5).

34 **SECTION 46.** ORS 646A.602 is amended to read:

35 646A.602. As used in ORS 646A.600 to 646A.628:

36 (1)(a) "Breach of security" means unauthorized acquisition of computerized data that materially  
37 compromises the security, confidentiality or integrity of personal information maintained by the  
38 person.

39 (b) "Breach of security" does not include good-faith acquisition of personal information by a  
40 person or that person's employee or agent for a legitimate purpose of that person if the personal  
41 information is not used in violation of applicable law or in a manner that harms or poses an actual  
42 threat to the security, confidentiality or integrity of the personal information.

43 (2) "Consumer" means an individual who is also a resident of this state.

44 (3) "Consumer report" means a consumer report as described in section 603(d) of the federal Fair  
45 Credit Reporting Act (15 U.S.C. 1681a(d)), as that Act existed on October 1, 2007, that is compiled

1 and maintained by a consumer reporting agency.

2 (4) "Consumer reporting agency" means a consumer reporting agency as described in section  
 3 603(p) of the federal Fair Credit Reporting Act (15 U.S.C. 1681a(p)) as that Act existed on October  
 4 1, 2007.

5 (5) "Debt" means any obligation or alleged obligation arising out of a consumer transaction, as  
 6 defined in ORS 646.639.

7 (6) "Encryption" means the use of an algorithmic process to transform data into a form in which  
 8 the data is rendered unreadable or unusable without the use of a confidential process or key.

9 (7) "Extension of credit" means the right to defer payment of debt or to incur debt and defer its  
 10 payment offered or granted primarily for personal, family or household purposes.

11 (8) "Identity theft" has the meaning set forth in ORS 165.800.

12 (9) "Identity theft declaration" means a completed and signed statement documenting alleged  
 13 identity theft, using the form available from the Federal Trade Commission, or another substantially  
 14 similar form.

15 (10) "Person" means any individual, private or public corporation, partnership, cooperative, as-  
 16 sociation, [estate,] limited liability company, organization or other entity, whether or not organized  
 17 to operate at a profit, or a public body as defined in ORS 174.109.

18 (11) "Personal information":

19 (a) Means a consumer's first name or first initial and last name in combination with any one  
 20 or more of the following data elements, when the data elements are not rendered unusable through  
 21 encryption, redaction or other methods, or when the data elements are encrypted and the encryption  
 22 key has also been acquired:

23 (A) Social Security number;

24 (B) Driver license number or state identification card number issued by the Department of  
 25 Transportation;

26 (C) Passport number or other United States issued identification number; or

27 (D) Financial account number, credit or debit card number, in combination with any required  
 28 security code, access code or password that would permit access to a consumer's financial account.

29 (b) Means any of the data elements or any combination of the data elements described in para-  
 30 graph (a) of this subsection when not combined with the consumer's first name or first initial and  
 31 last name and when the data elements are not rendered unusable through encryption, redaction or  
 32 other methods, if the information obtained would be sufficient to permit a person to commit identity  
 33 theft against the consumer whose information was compromised.

34 (c) Does not include information, other than a Social Security number, in a federal, state or local  
 35 government record that is lawfully made available to the public.

36 (12) "Redacted" means altered or truncated so that no more than the last four digits of a Social  
 37 Security number, driver license number, state identification card number, account number or credit  
 38 or debit card number is accessible as part of the data.

39 (13) "Security freeze" means a notice placed in a consumer report, at the request of a consumer  
 40 and subject to certain exemptions, that prohibits the consumer reporting agency from releasing the  
 41 consumer report for the extension of credit unless the consumer has temporarily lifted or removed  
 42 the freeze.

43 **SECTION 47.** ORS 648.005 is amended to read:

44 648.005. As used in this chapter:

45 (1) "Assumed business name" means one or more words or numerals, or a combination of words

1 and numerals, that a person uses to identify any business that the person carries on, conducts or  
 2 transacts, if at the time and place that the person carries on, conducts or transacts the business,  
 3 the person does not conspicuously disclose the real and true name of each person who is carrying  
 4 on, conducting or transacting the business. Any name that a person uses to identify a business that  
 5 includes a word or phrase that suggests the existence of additional owners, such as “Company,”  
 6 “& Company,” “& Daughters,” “& Associates,” or a similar word or phrase, is an assumed business  
 7 name, unless it is the real and true name of the person that carries on, conducts or transacts the  
 8 business.

9 (2) “Business” includes activity carried on, conducted or transacted by or on behalf of nonprofit,  
 10 social, fraternal and charitable entities and unincorporated associations, as well as activity carried  
 11 on, conducted or transacted for commercial gain.

12 (3) “Carry on, conduct or transact business” means:

- 13 (a) To sell or to lease to another, real estate, goods, intangible property or services;
- 14 (b) To purchase or to lease from another, real estate, goods, intangible property or services;
- 15 (c) To solicit an investment in or a donation to a business;
- 16 (d) Knowingly to permit another person to solicit an investment in or a donation to a business  
 17 in which one has an interest; or
- 18 (e) To apply for an extension of credit.

19 (4) “Entity” includes a foreign or domestic corporation, foreign or domestic nonprofit corpo-  
 20 ration, foreign or domestic profit or nonprofit unincorporated association, foreign or domestic busi-  
 21 ness trust, [*foreign or domestic estate*,] foreign or domestic limited partnership, foreign or domestic  
 22 general partnership, foreign or domestic limited liability company, [*foreign or domestic business*  
 23 *trust*,] two or more persons having a joint or common economic interest, any state, the United States  
 24 or any foreign government.

25 (5) “Person” includes individual and entity.

26 (6) “Real and true name” means:

- 27 (a) The surname of an individual coupled with a combination of the individual’s given names and  
 28 initials;
- 29 (b) The corporate name of a domestic corporation stated in the articles of incorporation or  
 30 amendment filed with the Office of the Secretary of State or the corporate name of a foreign cor-  
 31 poration as stated under ORS 60.707 (1);
- 32 (c) The name of a foreign or domestic limited partnership stated in the documents filed with the  
 33 Office of the Secretary of State under ORS chapter 70;
- 34 (d) The name of a foreign or domestic limited liability company stated in the documents filed  
 35 with the Office of the Secretary of State under ORS chapter 63;
- 36 (e) The name of a foreign or domestic nonprofit corporation stated in the documents filed with  
 37 the Office of the Secretary of State under ORS chapter 65;
- 38 (f) The name of a foreign or domestic general partnership stated in any documents filed with the  
 39 Office of the Secretary of State under this chapter; or
- 40 (g) The name of a foreign or domestic business trust or estate stated in any documents filed with  
 41 the Office of the Secretary of State.

42 (7) “Service mark” has the meaning given in ORS 647.005.

43 **SECTION 48.** ORS 659A.001, as amended by section 4, chapter 36, Oregon Laws 2008, is  
 44 amended to read:

45 659A.001. As used in this chapter:



- 1 (1) "Bureau" means the Bureau of Labor and Industries.
- 2 (2) "Commissioner" means the Commissioner of the Bureau of Labor and Industries.
- 3 (3) "Employee" does not include any individual employed by the individual's parents, spouse or  
4 child or in the domestic service of any person.
- 5 (4) "Employer" means any person who in this state, directly or through an agent, engages or  
6 uses the personal service of one or more employees, reserving the right to control the means by  
7 which such service is or will be performed.
- 8 (5) "Employment agency" includes any person undertaking to procure employees or opportu-  
9 nities to work.
- 10 (6)(a) "Familial status" means the relationship between one or more individuals who have not  
11 attained 18 years of age and who are domiciled with:
- 12 (A) A parent or another person having legal custody of the individual; or
- 13 (B) The designee of the parent or other person having such custody, with the written permission  
14 of the parent or other person.
- 15 (b) "Familial status" includes any individual, regardless of age or domicile, who is pregnant or  
16 is in the process of securing legal custody of an individual who has not attained 18 years of age.
- 17 (7) "Labor organization" includes any organization which is constituted for the purpose, in  
18 whole or in part, of collective bargaining or in dealing with employers concerning grievances, terms  
19 or conditions of employment or of other mutual aid or protection in connection with employees.
- 20 (8) "National origin" includes ancestry.
- 21 (9) "Person" includes:
- 22 (a) One or more individuals, partnerships, associations, labor organizations, limited liability  
23 companies, joint stock companies, corporations, legal representatives, [*trustees,*] trustees in bank-  
24 ruptcy or receivers.
- 25 (b) A public body as defined in ORS 30.260.
- 26 (c) For purposes of ORS 659A.145 and 659A.421 and the application of any federal housing law,  
27 a fiduciary, mutual company, trust or unincorporated organization.
- 28 (10) "Respondent" means any person against whom a complaint or charge of an unlawful prac-  
29 tice is filed with the commissioner or whose name has been added to such complaint or charge  
30 pursuant to ORS 659A.835.
- 31 (11) "Unlawful employment practice" means a practice specifically denominated as an unlawful  
32 employment practice in this chapter. "Unlawful employment practice" includes a practice that is  
33 specifically denominated in another statute of this state as an unlawful employment practice and  
34 that is specifically made subject to enforcement under this chapter.
- 35 (12) "Unlawful practice" means any unlawful employment practice or any other practice specif-  
36 ically denominated as an unlawful practice in this chapter. "Unlawful practice" includes a practice  
37 that is specifically denominated in another statute of this state as an unlawful practice and that is  
38 specifically made subject to enforcement under this chapter, or a practice that violates a rule  
39 adopted by the commissioner for the enforcement of the provisions of this chapter.
- 40 **SECTION 49.** ORS 682.025 is amended to read:
- 41 682.025. As used in this chapter, unless the context requires otherwise:
- 42 (1) "Ambulance" or "ambulance vehicle" means any privately or publicly owned motor vehicle,  
43 aircraft or watercraft that is regularly provided or offered to be provided for the emergency trans-  
44 portation of persons who are ill or injured or who have disabilities.
- 45 (2) "Ambulance service" means any person, governmental unit, corporation, partnership, sole

1 proprietorship or other entity that operates ambulances and that holds itself out as providing pre-  
2 hospital care or medical transportation to persons who are ill or injured or who have disabilities.

3 (3) "Board" means the Oregon Medical Board.

4 (4) "Department" means the Department of Human Services.

5 (5) "Emergency care" means the performance of acts or procedures under emergency conditions  
6 in the observation, care and counsel of persons who are ill or injured or who have disabilities; in  
7 the administration of care or medications as prescribed by a licensed physician, insofar as any of  
8 these acts is based upon knowledge and application of the principles of biological, physical and so-  
9 cial science as required by a completed course utilizing an approved curriculum in prehospital  
10 emergency care. However, "emergency care" does not include acts of medical diagnosis or pre-  
11 scription of therapeutic or corrective measures.

12 (6) "Emergency medical technician" or "EMT" means a person who has received formal training  
13 in prehospital and emergency care, and is state certified to attend any person who is ill or injured  
14 or who has a disability. Police officers, firefighters, funeral home employees and other personnel  
15 serving in a dual capacity one of which meets the definition of "emergency medical technician" are  
16 "emergency medical technicians" within the meaning of this chapter.

17 (7) "First responder" means a person who has successfully completed a first responder training  
18 course approved by the department and:

19 (a) Has been examined and certified as a first responder by an authorized representative of the  
20 department to perform basic emergency and nonemergency care procedures; or

21 (b) Has been otherwise designated as a first responder by an authorized representative of the  
22 department to perform basic emergency and nonemergency care procedures.

23 (8) "Fraud or deception" means the intentional misrepresentation or misstatement of a material  
24 fact, concealment of or failure to make known any material fact, or any other means by which  
25 misinformation or false impression knowingly is given.

26 (9) "Governmental unit" means the state or any county, municipality or other political subdivi-  
27 sion or any department, board or other agency of any of them.

28 (10) "Highway" means every public way, thoroughfare and place, including bridges, viaducts and  
29 other structures within the boundaries of this state, used or intended for the use of the general  
30 public for vehicles.

31 (11) "Nonemergency care" means the performance of acts or procedures on a patient who is not  
32 expected to die, become permanently disabled or suffer permanent harm within the next 24 hours,  
33 including but not limited to observation, care and counsel of a patient and the administration of  
34 medications prescribed by a physician licensed under ORS chapter 677, insofar as any of those acts  
35 are based upon knowledge and application of the principles of biological, physical and social science  
36 and are performed in accordance with scope of practice rules adopted by the Oregon Medical Board  
37 in the course of providing prehospital care as defined by this section.

38 (12) "Owner" means the person having all the incidents of ownership in an ambulance service  
39 or an ambulance vehicle or where the incidents of ownership are in different persons, the person,  
40 other than a security interest holder or lessor, entitled to the possession of an ambulance vehicle  
41 or operation of an ambulance service under a security agreement or a lease for a term of 10 or more  
42 successive days.

43 (13) "Patient" means a person who is ill or injured or who has a disability and who is trans-  
44 ported in an ambulance.

45 (14) "Person" means any individual, corporation, association, firm, partnership, joint stock com-

1 pany, group of individuals acting together for a common purpose or organization of any kind and  
 2 includes any receiver, [trustee,] assignee or other similar representative thereof.

3 (15) "Prehospital care" means that care rendered by emergency medical technicians as an inci-  
 4 dent of the operation of an ambulance as defined by this chapter and that care rendered by emer-  
 5 gency medical technicians as incidents of other public or private safety duties, and includes, but is  
 6 not limited to, "emergency care" as defined by this section.

7 (16) "Scope of practice" means the maximum level of emergency or nonemergency care that an  
 8 emergency medical technician may provide.

9 (17) "Standing orders" means the written protocols that an emergency medical technician fol-  
 10 lows to treat patients when direct contact with a physician is not maintained.

11 (18) "Supervising physician" means a medical or osteopathic physician licensed under ORS  
 12 chapter 677, actively registered and in good standing with the board, who provides direction of  
 13 emergency or nonemergency care provided by emergency medical technicians.

14 (19) "Unprofessional conduct" means conduct unbecoming a person certified in emergency care,  
 15 or detrimental to the best interests of the public and includes:

16 (a) Any conduct or practice contrary to recognized standards of ethics of the medical profession  
 17 or any conduct or practice which does or might constitute a danger to the health or safety of a  
 18 patient or the public or any conduct, practice or condition which does or might impair an emergency  
 19 medical technician's ability safely and skillfully to practice emergency or nonemergency care;

20 (b) Willful performance of any medical treatment which is contrary to acceptable medical stan-  
 21 dards; and

22 (c) Willful and consistent utilization of medical service for treatment which is or may be con-  
 23 sidered inappropriate or unnecessary.

24 **SECTION 50.** ORS 697.005 is amended to read:

25 697.005. As used in ORS 697.005 to 697.095:

26 (1)(a) "Collection agency" means:

27 (A) Any person directly or indirectly engaged in soliciting claims for collection, or collecting  
 28 or attempting to collect claims owed, due or asserted to be owed or due to another person or to a  
 29 public body;

30 (B) Any person who directly or indirectly furnishes, attempts to furnish, sells or offers to sell  
 31 forms represented to be a collection system even though the forms direct the debtor to make pay-  
 32 ment to the creditor and even though the forms may be or are actually used by the creditor in the  
 33 creditor's own name;

34 (C) Any person who in attempting to collect or in collecting the person's own claim uses a fic-  
 35 titious name or any name other than the person's own that indicates to the debtor that a third  
 36 person is collecting or attempting to collect the claim;

37 (D) Any person in the business of engaging in the solicitation of the right to repossess or in the  
 38 repossession of collateral security due or asserted to be due to another person; or

39 (E) Any person who in the collection of claims from another person:

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

42 (ii) Engages in any action or conduct that tends to convey the impression that a third party has  
 43 been employed or engaged to collect the claim.

44 (b) "Collection agency" does not include:

45 (A) Any individual engaged in soliciting claims for collection, or collecting or attempting to

1 collect claims on behalf of a registrant under ORS 697.005 to 697.095, if the individual is an em-  
 2 ployee of the registrant;

3 (B) Any individual collecting or attempting to collect claims for not more than three employers,  
 4 if all collection efforts are carried on in the name of the employer and the individual is an employee  
 5 of the employer;

6 (C) Any person who prepares or mails monthly or periodic statements of accounts due on behalf  
 7 of another person if all payments are made to that other person and no other collection efforts are  
 8 made by the person preparing the statements of accounts;

9 (D) Any attorney-at-law rendering services in the performance of the duties of an attorney-at-  
 10 law;

11 (E) Any licensed certified public accountant or public accountant rendering services in the  
 12 performance of the duties of a licensed certified public accountant or public accountant;

13 (F) Any bank, mutual savings bank, consumer finance company, trust company, savings and loan  
 14 association, credit union or debt consolidation agency;

15 (G) Any real estate licensee or escrow agent licensed under the provisions of ORS chapter 696,  
 16 as to any collection or billing activity involving a real estate transaction or collection escrow  
 17 transaction of the licensee or escrow agent;

18 (H) Any individual regularly employed as a credit person or in a similar capacity by one person,  
 19 firm or corporation that is not a collection agency as defined in this section;

20 (I) Any public officer or any person acting under order of any court;

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

23 (K) Any person while the person is providing billing services. A person is providing billing ser-  
 24 vices for the purposes of this subparagraph if the person engages, directly or indirectly, in the  
 25 business or pursuit of collection of claims for other persons, whether in the other person's name or  
 26 any other name, by any means that:

27 (i) Is an accounting procedure, preparation of mail billing or any other means intended to ac-  
 28 celerate cash flow to the other person's bank account or to any separate trust account; and

29 (ii) Does not include any personal contact or contact by telephone with the person from whom  
 30 the claim is sought to be collected;

31 (L) Any person while the person is providing factoring services. A person is providing factoring  
 32 services for the purposes of this subparagraph if the person engages, directly or indirectly, in the  
 33 business or pursuit of:

34 (i) Lending or advancing money to commercial clients on the security of merchandise or ac-  
 35 counts receivable and then enforcing collection actions or procedures on such accounts; or

36 (ii) Soliciting or collecting on accounts that have been purchased from commercial clients under  
 37 an agreement whether or not the agreement:

38 (I) Allows recourse against the commercial client;

39 (II) Requires the commercial client to provide any form of guarantee of payment of the pur-  
 40 chased account; or

41 (III) Requires the commercial client to establish or maintain a reserve account in any form;

42 (M) Any individual employed by another person who operates as a collection agency if the per-  
 43 son does not operate as a collection agency independent of that employment;

44 (N) Any mortgage banker as defined in ORS 59.840;

45 (O) Any public utility, as defined in ORS 757.005, any telecommunications utility, as defined in

1 ORS 759.005, any people’s utility district, as defined in ORS 261.010, and any cooperative corporation  
 2 engaged in furnishing electric or communication service to consumers;

3 (P) Any public body or any individual collecting or attempting to collect claims owed, due or  
 4 asserted to be owed or due to any public body, if the individual is an employee of the public body;  
 5 or

6 (Q) Any person for whom the Director of the Department of Consumer and Business Services  
 7 determines by order or by rule that the protection of the public health, safety and welfare does not  
 8 require registration with the department as a collection agency.

9 (2) “Collection system” means a scheme intended or calculated to be used to collect claims sent,  
 10 prepared or delivered by:

11 (a) A person who in collecting or attempting to collect the person’s own claim uses a fictitious  
 12 name or any name other than the person’s own that indicates to the debtor that a third person is  
 13 collecting or attempting to collect the claim; or

14 (b) A person directly or indirectly engaged in soliciting claims for collection, or collecting or  
 15 attempting to collect claims owed or due or asserted to be owed or due another person.

16 (3) “Claim” means any obligation for the payment of money or thing of value arising out of any  
 17 agreement or contract, express or implied.

18 (4) “Client” or “customer” means any person authorizing or employing a collection agency to  
 19 collect a claim.

20 (5) “Debtor” means any person owing or alleged to owe a claim.

21 (6) “Debts incurred outside this state” means any action or proceeding that:

22 (a) Arises out of a promise, made anywhere to the plaintiff or a third party for the plaintiff’s  
 23 benefit, by the defendant to perform services outside of this state or to pay for services to be per-  
 24 formed outside of this state by the plaintiff;

25 (b) Arises out of services actually performed for the plaintiff by the defendant outside of this  
 26 state or services actually performed for the defendant by the plaintiff outside of this state, if the  
 27 performance outside of this state was authorized or ratified by the defendant;

28 (c) Arises out of a promise, made anywhere to the plaintiff or a third party for the plaintiff’s  
 29 benefit, by the defendant to deliver or receive outside of this state or to send from outside of this  
 30 state goods, documents of title or other things of value;

31 (d) Relates to goods, documents of title or other things of value sent from outside of this state  
 32 by the defendant to the plaintiff or a third person on the plaintiff’s order or direction;

33 (e) Relates to goods, documents of title or other things of value actually received outside of this  
 34 state by the plaintiff from the defendant or by the defendant from the plaintiff, without regard to  
 35 where delivery to carrier occurred; or

36 (f) Where jurisdiction at the time the debt was incurred was outside of this state.

37 (7) “Department” means the Department of Consumer and Business Services.

38 (8) “Director” means the Director of the Department of Consumer and Business Services.

39 (9) “Out-of-state collection agency” means a collection agency located outside of this state  
 40 whose activities within this state are limited to collecting debts incurred outside of this state from  
 41 debtors located in this state. As used in this subsection, “collecting debts” means collecting by  
 42 means of interstate communications, including telephone, mail or facsimile transmission from the  
 43 collection agency location in another state on behalf of clients located outside of this state.

44 (10) “Person” includes an individual, firm, partnership, [trust,] joint venture, association, limited  
 45 liability company or corporation.

1 (11) “Public body” means:

2 (a) The state and any branch, department, agency, board or commission of the state;

3 (b) Any city, county, district or other political subdivision or municipal or public corporation  
4 and any instrumentality thereof; and

5 (c) Any intergovernmental agency, department, council, joint board of control created under  
6 ORS 190.125 or other like entity, which is created under ORS 190.003 to 190.130 and which does not  
7 act under the direction and control of any single member government.

8 (12) “Registered” or “registrant” means any person registered under ORS 697.005 to 697.095 or  
9 registered or licensed as a collection agency under the laws of another state.

10 (13) “Statement of account” means a report setting forth amounts billed, invoices, credits al-  
11 lowed or aged balance due.

12 **SECTION 51.** ORS 702.005 is amended to read:

13 702.005. As used in ORS 702.005 to 702.065, 702.991 and 702.994:

14 (1) “Agency contract” means an agreement in which a student athlete authorizes a person to  
15 negotiate or solicit on behalf of the student athlete a professional sports services contract or an  
16 endorsement contract.

17 (2)(a) “Athlete agent” means an individual who enters into an agency contract with a student  
18 athlete or, directly or indirectly, recruits or solicits a student athlete to enter into an agency con-  
19 tract. “Athlete agent” includes an individual who represents to the public that the individual is an  
20 athlete agent.

21 (b) “Athlete agent” does not include a spouse, parent, sibling, grandparent or legal guardian of  
22 the student athlete or an individual acting solely on behalf of a professional sports team or profes-  
23 sional sports organization.

24 (3) “Athletic director” means an individual responsible for administering the overall athletic  
25 program of an educational institution or, if an educational institution has separately administered  
26 athletic programs for male students and female students, the athletic program for males or the ath-  
27 letic program for females, as appropriate.

28 (4) “Contact” means a communication, direct or indirect, between an athlete agent and a student  
29 athlete, to recruit or solicit the student athlete to enter into an agency contract.

30 (5) “Endorsement contract” means an agreement under which a student athlete is employed or  
31 receives consideration to use on behalf of the other party any value that the student athlete may  
32 have because of publicity, reputation, following or fame obtained because of athletic ability or per-  
33 formance.

34 (6) “Intercollegiate sport” means a sport played at the collegiate level for which eligibility re-  
35 quirements for participation by a student athlete are established by a national association for the  
36 promotion or regulation of collegiate athletics.

37 (7) “Person” means an individual, corporation, business trust, [*estate, trust,*] partnership, limited  
38 liability company, association, joint venture, public body, as defined in ORS 174.109, or any other  
39 legal or commercial entity.

40 (8) “Professional sports services contract” means an agreement under which an individual is  
41 employed, or agrees to render services, as a player on a professional sports team, with a professional  
42 sports organization or as a professional athlete.

43 (9) “Record” means information that is inscribed on a tangible medium or that is stored in an  
44 electronic or other medium and is retrievable in perceivable form.

45 (10) “Registration” means registration as an athlete agent pursuant to ORS 702.005 to 702.065,

1 702.991 and 702.994.

2 (11) "State" means a state of the United States, the District of Columbia, Puerto Rico, the  
 3 United States Virgin Islands or any territory or insular possession subject to the jurisdiction of the  
 4 United States.

5 (12) "Student athlete" means an individual who engages in, is eligible to engage in or may be  
 6 eligible in the future to engage in any intercollegiate sport. If an individual is permanently ineligible  
 7 to participate in a particular intercollegiate sport, the individual is not a student athlete for pur-  
 8 poses of that sport.

9 **SECTION 52.** ORS 717.200 is amended to read:

10 717.200. As used in ORS 717.200 to 717.320, 717.900 and 717.905, unless the context requires  
 11 otherwise:

12 (1) "Applicant" means a person filing an application for a license under ORS 717.200 to 717.320,  
 13 717.900 and 717.905.

14 (2) "Authorized delegate" means a person designated by the licensee under the provisions of  
 15 ORS 717.200 to 717.320, 717.900 and 717.905 to sell or issue payment instruments or engage in the  
 16 business of transmitting money on behalf of a licensee.

17 (3) "Control" means the possession, directly or indirectly, of the power to direct or cause the  
 18 direction of the management and policies of a person, whether through ownership of voting securi-  
 19 ties, by contract or otherwise.

20 (4) "Controlling person" means any person in control of a licensee or applicant for a license.

21 (5) "Controlling shareholder" means any person, or group of persons acting in concert, that  
 22 owns 25 percent or more of any voting class of an applicant's stock.

23 (6) "Director" means the Director of the Department of Consumer and Business Services.

24 (7) "Electronic instrument" means a card or other tangible object for the transmission or pay-  
 25 ment of money that contains a microprocessor chip, magnetic stripe or other means for the storage  
 26 of information, that is prefunded and for which the value is decremented upon each use. "Electronic  
 27 instrument" does not include a card or other tangible object that is redeemable by the issuer in the  
 28 issuer's goods or services.

29 (8) "Executive officer" means the licensee's president, chairperson of the executive committee,  
 30 senior officer responsible for the licensee's business, chief financial officer and any other person who  
 31 performs similar functions.

32 (9) "Licensee" means a person licensed under ORS 717.200 to 717.320, 717.900 and 717.905.

33 (10) "Material litigation" means any litigation that, according to generally accepted accounting  
 34 principles, is deemed significant to an applicant's or licensee's financial health and would be re-  
 35 quired to be referenced in the applicant's or licensee's annual audited financial statements, report  
 36 to shareholders or similar documents.

37 (11) "Money transmission" means the sale or issuance of payment instruments or engaging in  
 38 the business of receiving money for transmission or transmitting money within the United States or  
 39 to locations abroad by any and all means, including but not limited to payment instrument, wire,  
 40 facsimile or electronic transfer.

41 (12) "Payment instrument" means any electronic or written check, draft, money order, traveler's  
 42 check or other electronic or written instrument or order for the transmission or payment of money,  
 43 sold or issued to one or more persons, whether or not the instrument is negotiable. "Payment in-  
 44 strument" does not include any credit card voucher, any letter of credit or any instrument that is  
 45 redeemable by the issuer in goods or services.

1 (13) "Outstanding payment instrument" means any payment instrument issued by a licensee that  
 2 has been sold in the United States directly by the licensee or any payment instrument issued by a  
 3 licensee that has been sold in the United States by an authorized delegate of the licensee, that has  
 4 been reported to the licensee as having been sold and that has not yet been paid by or for the  
 5 licensee.

6 (14) "Permissible investments" means:

7 (a) Cash;

8 (b) Certificates of deposit or other debt obligations of a financial institution, either domestic or  
 9 foreign;

10 (c) Bills of exchange or time drafts drawn on and accepted by a commercial bank, otherwise  
 11 known as bankers' acceptances, that are eligible for purchase by member banks of the Federal Re-  
 12 serve System;

13 (d) Any investment security bearing a rating of one of the three highest grades as defined by a  
 14 nationally recognized organization that rates such securities;

15 (e) Investment securities that are obligations of the United States Government, its agencies or  
 16 instrumentalities, or obligations that are guaranteed fully as to principal and interest by the United  
 17 States, or any obligations of any state, municipality or any political subdivision thereof;

18 (f) Shares in a money market mutual fund, interest-bearing bills, notes or bonds, debentures or  
 19 stock traded on any national securities exchange or national market system, mutual funds primarily  
 20 composed of such securities or a fund composed of one or more permissible investments as set forth  
 21 herein;

22 (g) Any demand borrowing agreement or agreements made to a corporation or a subsidiary of  
 23 a corporation whose capital stock is listed on a national securities exchange;

24 (h) Receivables that are due to a licensee from the licensee's authorized delegates under a con-  
 25 tract described in ORS 717.270 and that are not past due or doubtful of collection; or

26 (i) Any other investments or security device approved by the Director of the Department of  
 27 Consumer and Business Services.

28 (15) "Person" means any individual, partnership, association, joint stock association, limited li-  
 29 ability company[, *trust*] or corporation.

30 (16) "Remit" means either to make direct payment of the funds to a licensee or representatives  
 31 of a licensee authorized to receive those funds, or to deposit the funds in a bank, credit union or  
 32 savings and loan association or other similar financial institution in an account specified by the  
 33 licensee.

34 (17) "Security device" means a surety bond, irrevocable letter of credit issued by an insured  
 35 institution as defined in ORS 706.008 or other similar security acceptable to the Director of the  
 36 Department of Consumer and Business Services.

37 **SECTION 53.** ORS 722.458 is amended to read:

38 722.458. (1) As required by rule of the Director of the Department of Consumer and Business  
 39 Services, each domestic association shall file with the director each calendar quarter a report of  
 40 outstanding extensions of credit by the domestic association to the following persons as of the last  
 41 day of the immediately preceding calendar quarter:

42 (a) The managing officer and each director of the domestic association and, if the association  
 43 is a stock association, each principal shareholder of the association.

44 (b) Each related interest of each person described in paragraph (a) of this subsection.

45 (2) The report shall show for each borrower the borrower's position or class, the original



1 amount of each outstanding extension of credit, the balance due on each outstanding extension of  
2 credit and whether any payment or portion of the balance is currently past due.

3 (3) For purposes of this section:

4 (a) A principal shareholder of a stock association or of a business entity described in paragraph  
5 (b)(A) of this subsection is any person who, directly or indirectly or acting through or in concert  
6 with one or more persons, owns, controls or has the power to vote more than 25 percent of any class  
7 of voting stock of the association or business entity. For purposes of this paragraph, a “business  
8 entity” includes but is not limited to a corporation, partnership, [*trust*,] sole proprietorship, associ-  
9 ation or labor union.

10 (b) A related interest of a person described in subsection (1) of this section includes either of  
11 the following:

12 (A) Any business entity described in paragraph (a) of this subsection in which the person is a  
13 director, partner, principal shareholder, officer[,] **or** sole owner [*or trustee*].

14 (B) A borrower whose extension of credit is cosigned or indorsed by a director, managing officer  
15 or principal shareholder of a domestic association.

16 (c) An extension of credit is a making of a loan, a granting of a line of credit or any other  
17 manner of credit extended to a person.

18 (4) The director shall adopt rules governing the submission of reports under subsection (1) of  
19 this section. The director may require any other information in the reports that the director decides  
20 is necessary. The director may exclude from the reporting requirement:

21 (a) Any advance payment against accrued salary or other accrued compensation, or an advance  
22 for the payment of expenses incurred or to be incurred on behalf of the domestic association.

23 (b) Indebtedness, to a maximum set by the director, that arises by reason of any general ar-  
24 rangement by which a domestic association acquires charge or time credit accounts, or makes pay-  
25 ments to or on behalf of participants in a credit card plan, check credit plan, interest-bearing  
26 overdraft credit plan or any similar open-end credit plan.

27 (c) Any other indebtedness that the director declares by rule not to be subject to the reporting  
28 requirements under subsection (1) of this section. The director may exclude any indebtedness under  
29 this paragraph the reporting of which, according to the director, is not necessary for proper super-  
30 vision of savings associations or creates an excessive burden without an offsetting regulatory ben-  
31 efit.

32 (5) The director may require a domestic association to file additional reports under this section  
33 more often than quarterly, as the director determines is necessary.

34 **SECTION 54.** ORS 756.010 is amended to read:

35 756.010. As used in ORS chapters 756, 757, 758 and 759, except as otherwise specifically provided  
36 or unless the context requires otherwise:

37 (1) “Commission” means the Public Utility Commission of Oregon.

38 (2) “Commissioner” means a member of the Public Utility Commission of Oregon.

39 (3) “Customer” includes the patrons, passengers, shippers, subscribers, users of the service and  
40 consumers of the product of a public utility or telecommunications utility.

41 (4) “Municipality” means any city, municipal corporation or quasi-municipal corporation.

42 (5) “Person” includes individuals, joint ventures, partnerships, corporations and associations or  
43 their officers, employees, agents, lessees, assignees[, *trustees*] or receivers.

44 (6) “Public utility” has the meaning given that term in ORS 757.005.

45 (7) “Rate” means any fare, charge, joint rate, schedule or groups of rates or other remuneration

1 or compensation for service.

2 (8) "Service" is used in its broadest and most inclusive sense and includes equipment and facil-  
 3 ities related to providing the service or the product served.

4 (9) "Telecommunications utility" has the meaning given that term in ORS 759.005.

5 **SECTION 55.** ORS 758.400 is amended to read:

6 758.400. As used in ORS 758.015 and 758.400 to 758.475 unless the context requires otherwise:

7 (1) "Allocated territory" means an area with boundaries established by a contract between  
 8 persons furnishing a similar utility service and approved by the Public Utility Commission or es-  
 9 tablished by an order of the commission approving an application for the allocation of territory.

10 (2) "Person" includes individuals, firms, partnerships, corporations, associations, cooperatives  
 11 and municipalities, or their agent, lessee[, trustee] or referee.

12 (3) "Utility service" means service provided by any equipment, plant or facility for the distrib-  
 13 ution of electricity to users or the distribution of natural or manufactured gas to consumers through  
 14 a connected and interrelated distribution system. "Utility service" does not include service provided  
 15 through or by the use of any equipment, plant or facilities for the production or transmission of  
 16 electricity or gas which pass through or over but are not used to provide service in or do not ter-  
 17 minate in an area allocated to another person providing a similar utility service.

18 **SECTION 56.** ORS 836.005 is amended to read:

19 836.005. When used in the laws of this state relating to aviation, unless the context otherwise  
 20 provides:

21 (1) "Air navigation facility" means any facility other than one owned or operated by the United  
 22 States used in, available for use in, or designed for use in, aid of air navigation, including airports  
 23 and any structures, mechanisms, lights, beacons, markers, communicating system or other instru-  
 24 mentalities or devices used or useful as an aid, or constituting an advantage or convenience to the  
 25 safe taking-off, navigation and landing of aircraft, or the safe and efficient operation or maintenance  
 26 of an airport, and any combination of any or all of such facilities.

27 (2) "Aircraft" means any contrivance used or designed for navigation of or flight in the air, but  
 28 does not mean a one-person motorless glider that is launched from the earth's surface solely by the  
 29 operator's power.

30 (3) "Airport" means any area of land or water, within or without this state, that is used, or in-  
 31 tended for use, for the landing and take-off of aircraft, and any appurtenant areas that are used, or  
 32 intended for use, for airport buildings or other airport facilities or rights of way, together with all  
 33 airport buildings and facilities located thereon.

34 (4) "Airport hazard" means any structure, object of natural growth, or use of land, that ob-  
 35 structs the airspace required for the flight of aircraft in landing or taking off at an airport, or is  
 36 otherwise hazardous to such landing or taking off.

37 (5) "Aviation" means the science and art of flight and includes but is not limited to:

38 (a) Transportation by aircraft;

39 (b) The operation, construction, repair or maintenance of aircraft, aircraft power plants and  
 40 accessories, including the repair, packing and maintenance of parachutes;

41 (c) The design, establishment, construction, extension, operation, improvement, repair or main-  
 42 tenance of airports or other air navigation facilities; and

43 (d) Instruction in flying or ground subjects pertaining thereto.

44 (6) "Civil aircraft" means any aircraft other than a public aircraft.

45 (7) "Department" means the Oregon Department of Aviation.

1 (8) "Municipality" means any county, city, town, village, borough, authority, district or other  
2 political subdivision or public corporation of this state. "Municipal" means pertaining to a munici-  
3 pality as defined in this section.

4 (9) "Operation of aircraft" or "operate aircraft" means the use, navigation or piloting of aircraft  
5 in the airspace over this state or upon any airport within this state.

6 (10) "Person" means any individual, firm, partnership, corporation, company, association, joint  
7 stock association, or body politic; and includes any [*trustee,*] receiver, assignee, or other similar  
8 representative thereof.

9 (11) "Pilot" means any individual certificated by the federal government to operate an aircraft  
10 or an individual in training for such certification who possesses a valid student pilot certificate is-  
11 sued by the appropriate federal agency.

12 (12) "Public aircraft" means any aircraft used exclusively in the service of any government or  
13 of any political subdivision thereof, including the government of any state, territory or possession  
14 of the United States, or the District of Columbia, but not including any government-owned aircraft  
15 engaged in carrying persons or property for commercial purposes.

16 (13) "State" or "this state" means the State of Oregon and territory over which any municipality  
17 of the State of Oregon has jurisdiction.

18