

Enrolled
Senate Bill 328

Printed pursuant to Senate Interim Rule 213.28 by order of the President of the Senate in conformance with pre-session filing rules, indicating neither advocacy nor opposition on the part of the President (at the request of Attorney General-elect John Kroger and Attorney General Hardy Myers for Department of Justice)

CHAPTER

AN ACT

Relating to unlawful collection practices; creating new provisions; and amending ORS 646.607.

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

SECTION 1. ORS 646.607, as amended by section 16, chapter 19, Oregon Laws 2008, and section 4, chapter 31, Oregon Laws 2008, is amended to read:

646.607. A person engages in an unlawful practice when in the course of the person's business, vocation or occupation the person:

(1) Employs any unconscionable tactic in connection with the sale, rental or other disposition of real estate, goods or services, or collection or enforcement of an obligation;

(2) Fails to deliver all or any portion of real estate, goods or services as promised, and upon request of the customer, fails to refund any money that has been received from the customer that was for the purchase of the undelivered real estate, goods or services and that is not retained by the seller pursuant to any right, claim or defense asserted in good faith. This subsection does not create a warranty obligation and does not apply to a dispute over the quality of real estate, goods or services delivered to a customer;

(3) Violates ORS 401.107 [(1) to (4)] (2);

(4) Violates a provision of sections 9 to 14, chapter 19, Oregon Laws 2008; [or]

(5) Violates section 2, chapter 31, Oregon Laws 2008[.]; or

(6) Employs a collection practice that is unlawful under ORS 646.639.

SECTION 2. The amendments to ORS 646.607 by section 1 of this 2009 Act apply to collection practices employed on or after the effective date of this 2009 Act.

Passed by Senate February 26, 2009

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Secretary of Senate

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President of Senate

Passed by House April 1, 2009

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Speaker of House

Received by Governor:

.....M,....., 2009

Approved:

.....M,....., 2009

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Governor

Filed in Office of Secretary of State:

.....M,....., 2009

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Secretary of State