

Senate Bill 328

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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**.

Provides that person engages in unlawful practice when in course of person's business, vocation or occupation person employs unlawful collection practice.

A BILL FOR AN ACT

1
2 Relating to unlawful collection practices; creating new provisions; and amending ORS 646.607.

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

4 **SECTION 1.** ORS 646.607, as amended by section 16, chapter 19, Oregon Laws 2008, and section
5 4, chapter 31, Oregon Laws 2008, is amended to read:

6 646.607. A person engages in an unlawful practice when in the course of the person's business,
7 vocation or occupation the person:

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

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

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

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

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

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

20 **SECTION 2. The amendments to ORS 646.607 by section 1 of this 2009 Act apply to col-**
21 **lection practices employed on or after the effective date of this 2009 Act.**

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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.