

House Bill 2212

Sponsored by Representative KOMP (Presession filed.)

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**.

- Restricts amount of consideration floral order facilitator can receive.
- Requires floral order facilitators to pay delivery charges and other amounts to direct providers of floral or plant arrangements or related services within reasonable time.
- Makes violation unlawful trade practice.
- Declares emergency, effective on passage.

A BILL FOR AN ACT

1
2 Relating to floral order facilitators; and declaring an emergency.

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

4 **SECTION 1. (1) As used in this section:**

5 (a) **“Consideration” means compensation paid to a floral order facilitator, whether in the**
6 **form of a fee, charge, commission or other form of payment, or any combination thereof.**

7 (b) **“Delivery charge” means an amount paid by a purchasing floral consumer for delivery**
8 **of a floral or plant arrangement or related service to an ultimate floral consumer.**

9 (c) **“Floral order facilitator” means a person that, for consideration, transmits orders of**
10 **purchasing floral consumers to persons other than the floral order facilitator that are direct**
11 **providers of floral or plant arrangements or related services to ultimate floral consumers.**

12 (d) **“Handling fee” means an amount paid by a purchasing floral consumer to a person**
13 **that is not a floral order facilitator as compensation for taking an order for a floral or plant**
14 **arrangement or related service and transmitting the order to a floral order facilitator.**

15 (e) **“Person” has the meaning given that term in ORS 646.605.**

16 (f) **“Purchasing floral consumer” means a person that purchases a floral or plant ar-**
17 **rangement or related service, whether at retail or wholesale, whose order is transmitted to**
18 **a floral order facilitator.**

19 (g) **“Ultimate floral consumer” means a person that is the direct recipient of a floral or**
20 **plant arrangement or related service purchased by a purchasing floral consumer.**

21 (2) **A floral order facilitator may not charge or receive consideration that exceeds five**
22 **percent of the amount paid by a purchasing floral consumer for any single order of floral or**
23 **plant arrangements or related services. For purposes of this subsection, the amount paid by**
24 **the purchasing floral consumer is the cost of the floral or plant arrangements or related**
25 **services plus any delivery charge, but does not include a handling fee.**

26 (3) **A floral order facilitator must pay to the person that is the direct provider of a floral**
27 **or plant arrangement or related service to an ultimate floral consumer, within a reasonable**
28 **time, the following:**

29 (a) **Any delivery charge paid by a purchasing floral consumer; and**

30 (b) **An amount equal to the amount paid by a purchasing floral consumer, less any de-**

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 livery charge, handling fee and any consideration received by the floral order facilitator un-
2 der subsection (2) of this section.

3 (4) A person that violates subsection (2) or (3) of this section commits an unlawful
4 practice under ORS 646.608. The requirements under subsections (2) and (3) of this section
5 are subject to enforcement and penalty as provided under ORS 646.605 to 646.652.

6 SECTION 2. Section 1 of this 2011 Act applies to purchases of floral or plant arrange-
7 ments or related services made on or after the effective date of this 2011 Act.

8 SECTION 3. This 2011 Act being necessary for the immediate preservation of the public
9 peace, health and safety, an emergency is declared to exist, and this 2011 Act takes effect
10 on its passage.

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