

House Bill 2318

Sponsored by Representative BARNHART; Representative MATTHEWS (Pre-session 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**.

Prohibits merchant from requiring statement of account as condition for cardholder to obtain refund in payment card transaction.

Permits action by Attorney General or district attorney to restrain violation and obtain civil penalty not exceeding \$1,000 per violation. Authorizes attorney fees to prevailing party.

A BILL FOR AN ACT

1
2 Relating to refunds of payment card transactions.

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

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

5 (a) **"Cardholder"** means a person to whom a payment card is issued or a person that is
6 authorized to use the payment card.

7 (b) **"Merchant"** means a person that, in the ordinary course of that person's business,
8 permits persons to present payment cards in payment for goods or services.

9 (c) **"Payment card"** means a credit card, charge card, debit card, stored value card or
10 any card that is issued to a person and allows the cardholder to obtain something of value
11 from a merchant.

12 (d) **"Payment card transaction"** means a sale or other transaction or act in which a
13 payment card is used to pay for, or to obtain on credit, goods or services.

14 (e) **"Person"** means any individual, corporation, partnership or association.

15 (f) **"Statement of account"** means a written, electronic or magnetic record, paper or
16 document provided to a cardholder by the issuer of a payment card that contains information
17 regarding payment card transactions entered into by the cardholder.

18 (2) A merchant may not, as a condition of receiving a refund for a payment card trans-
19 action to which a cardholder is otherwise entitled, require the cardholder to provide a
20 statement of account, regardless of whether there exists any other record or evidence of the
21 payment card transaction, such as a receipt, sales draft or other instrument.

22 (3) Subsection (2) of this section does not relieve the cardholder from having to comply
23 with any other lawful terms and conditions imposed by a merchant that are necessary for a
24 cardholder to be entitled to a refund for a payment card transaction with that merchant.

25 **SECTION 2. (1)(a) The Attorney General or a district attorney may bring an action in the**
26 **name of the state against a person to restrain and prevent a violation of section 1 of this**
27 **2011 Act.**

28 (b) **The Attorney General or a district attorney may in the name of the state seek and**
29 **obtain a civil penalty from a person that violates an order or injunction issued pursuant to**
30 **this subsection.**

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 **(2)(a) A person that violates an order or injunction issued pursuant to subsection (1) of**
2 **this section shall forfeit and pay a civil penalty of not more than \$1,000 per violation. The**
3 **circuit court issuing the order or injunction retains jurisdiction of the action to consider a**
4 **request for a civil penalty.**

5 **(b) In an action brought by a prosecuting attorney under this section, the court may**
6 **award the prevailing party, in addition to any other relief provided by law, reasonable attor-**
7 **ney fees at trial and on appeal.**

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