

# House Bill 2383

Sponsored by Representative BARNHART; Representatives GREENLICK, MATTHEWS, NATHANSON, Senator DINGFELDER (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**.

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

Permits action by Attorney General or district attorney to restrain violation and obtain civil penalty of not more than \$1,000 per violation. Permits court to award 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 that a payment card is issued to or a person that is**  
6 **authorized to use a payment card.**

7 (b) **“Merchant” means a person that, in the ordinary course of the person’s business,**  
8 **accepts the use of a payment card to obtain goods or services by purchase or through an**  
9 **extension of credit.**

10 (c) **“Payment card” means a credit card, charge card, debit card, stored value card or**  
11 **other device that enables a cardholder to obtain goods or services from a merchant by pre-**  
12 **senting the card or device as payment.**

13 (d) **“Payment card transaction” means an exchange in which a cardholder presents and**  
14 **a merchant accepts a payment card as a method by which the cardholder obtains and the**  
15 **merchant provides goods or services.**

16 (e) **“Person” means an individual, corporation, limited liability company, partnership or**  
17 **other association or entity.**

18 (f) **“Statement of account” means a record or document that a person that issues a**  
19 **payment card maintains, in any form or format, as evidence of and information about a**  
20 **cardholder’s payment card transactions.**

21 (2)(a) **A merchant may not require a cardholder to present a statement of account to the**  
22 **merchant in order for the cardholder to obtain a refund of all or a portion of the amount**  
23 **of a payment card transaction to which the cardholder is otherwise entitled, whether or not**  
24 **a receipt, a sales draft or any other record or evidence of the payment card transaction ex-**  
25 **ists.**

26 (b) **Paragraph (a) of this subsection does not relieve a cardholder of the requirement to**  
27 **comply with any other terms and conditions a merchant may lawfully impose on a**  
28 **cardholder’s right to obtain a refund for all or a portion of the amount of a payment card**  
29 **transaction between the cardholder and the merchant.**

**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       **SECTION 2.** (1) The Attorney General or a district attorney may bring an action in the  
2 name of this state against a person to restrain and prevent a violation of section 1 of this  
3 2013 Act.

4       (2) The Attorney General or a district attorney may in the name of this state seek and  
5 obtain a civil penalty from a person that violates an order or injunction issued under this  
6 section.

7       (3)(a) A person that violates an order or injunction issued under subsection (1) of this  
8 section shall forfeit and pay a civil penalty of not more than \$1,000 per violation. The circuit  
9 court that issues the order or injunction retains jurisdiction of the action to consider a re-  
10 quest for a civil penalty.

11       (b) In an action that a district attorney brings under this section, the court may award  
12 the prevailing party, in addition to any other relief provided by law, reasonable attorney fees  
13 at trial and on appeal.

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