

House Bill 2398

Sponsored by Representative WITT; Representatives BARNHART, BUCKLEY, DOHERTY, HARKER, HOLVEY, KENY-GUYER (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 sale of certain consumer goods by self-checkout device. Makes violation unlawful trade practice.

A BILL FOR AN ACT

1
2 Relating to self-checkout devices; creating new provisions; and amending ORS 646.607.

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

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

5 (a) **"Retail seller" means any person who is engaged in the business of selling, offering**
6 **for sale or otherwise dispensing to consumers one or more of the consumer goods listed in**
7 **subsection (2) of this section, either alone or in conjunction with other consumer goods or**
8 **services.**

9 (b) **"Self-checkout device" means any equipment or machine designed to permit a con-**
10 **sumer to initiate and complete a purchase transaction of consumer goods on the premises**
11 **of a business operated or owned by a retail seller.**

12 (2) **A retail seller may not sell or dispense cigarettes, tobacco products as defined in ORS**
13 **323.500 (14), alcoholic beverages or over-the-counter or prescription pharmaceuticals to a**
14 **consumer through the use of a self-checkout device.**

15 **SECTION 2. ORS 646.607 is amended to read:**

16 646.607. A person engages in an unlawful practice when in the course of the person's business,
17 vocation or occupation the person:

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

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

26 (3) Violates ORS 401.965 (2);

27 (4) Violates a provision of ORS 646A.725 to 646A.750;

28 (5) Violates ORS 646A.530; *[or]*

29 (6) Employs a collection practice that is unlawful under ORS 646.639; **or**

30 (7) **Violates section 1 of this 2013 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.