

Enrolled
House Bill 3070

Sponsored by Representatives DOHERTY, GORSEK, HOYLE; Representatives FREDERICK, KOMP, WILLIAMSON, WITT

CHAPTER

AN ACT

Relating to consumer goods disclosures; creating new provisions; and amending ORS 646.607.

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

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

(a) "Advertise" means to communicate about a consumer good by newspaper, radio, television, handbill, placard or other print, broadcast or electronic medium within this state for the purpose of selling the consumer good.

(b) "Consumer goods" means goods that an individual uses or buys for use primarily for personal, family or household purposes.

(2) A person that offers for sale, sells or advertises consumer goods that the person will ship directly to a consumer in this state shall clearly disclose during the sales transaction the charges, if any, that the consumer must pay for handling and shipping the consumer goods.

(3) A person that fails to disclose the handling and shipping charges for consumer goods in a transaction described in subsection (2) of this section commits an unlawful practice under ORS 646.607 that is subject to enforcement under ORS 646.632.

SECTION 2. ORS 646.607 is amended to read:

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

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

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

(3) Violates ORS 401.965 (2);

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

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

(6) Employs a collection practice that is unlawful under ORS 646.639[.]; or

(7) Violates section 1 of this 2013 Act.

SECTION 3. Section 1 of this 2013 Act and the amendments to ORS 646.607 by section 2 of this 2013 Act apply to a sale or advertisement of consumer goods that occurs on or after the effective date of this 2013 Act.

Passed by House April 17, 2013

Received by Governor:

Repassed by House June 11, 2013

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Approved:

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Ramona J. Line, Chief Clerk of House

.....M,....., 2013

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Tina Kotek, Speaker of House

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John Kitzhaber, Governor

Passed by Senate June 6, 2013

Filed in Office of Secretary of State:

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Peter Courtney, President of Senate

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Kate Brown, Secretary of State