

B-Engrossed
House Bill 3070

Ordered by the Senate June 4
Including House Amendments dated April 15 and Senate Amendments
dated June 4

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

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.

Requires disclosure of shipping and handling charges in sale or advertisement of consumer good.
Makes violation of requirement unlawful practice that is subject to enforcement under Unlawful Trade Practices Act.

A BILL FOR AN ACT

1
2 Relating to consumer goods disclosures; 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) **"Advertise" means to communicate about a consumer good by newspaper, radio,**
6 **television, handbill, placard or other print, broadcast or electronic medium within this state**
7 **for the purpose of selling the consumer good.**

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

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

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

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

18 646.607. A person engages in an unlawful practice when in the course of the person's business,
19 vocation or occupation the person:

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

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

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 or services delivered to a customer;

2 (3) Violates ORS 401.965 (2);

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

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

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

6 **(7) Violates section 1 of this 2013 Act.**

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

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