

**PROPOSED AMENDMENTS TO  
A-ENGROSSED HOUSE BILL 3070**

1 On page 1 of the printed A-engrossed bill, line 2, delete “646.608” and in-  
2 sert “646.607”.

3 Delete lines 14 through 28 and delete pages 2 through 4 and insert:

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

8 **“SECTION 2.** ORS 646.607 is amended to read:

9 “646.607. A person engages in an unlawful practice when in the course  
10 of the person’s business, vocation or occupation the person:

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

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

22 “(3) Violates ORS 401.965 (2);

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

2 “(5) Violates ORS 646A.530; [or]

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

4 **or**

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

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

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