

A-Engrossed
Senate Bill 1571

Ordered by the Senate February 13
Including Senate Amendments dated February 13

Sponsored by Senator SHIELDS; Senators MONNES ANDERSON, PROZANSKI, ROSENBAUM, Representative BAILEY (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.

[Prohibits certain solicitation practices by construction contractors providing restoration work on residential or commercial property or contents following man-made or natural disaster. Makes violation subject to civil penalty not to exceed \$10,000. Requires minimum civil penalty of \$1,000 and imposition of license sanctions for repeat violations.]

Allows person contracting for restoration work to rescind contract within five days after formation of contract. Prohibits waiver of rescission right if provider contracting for work does not give person good faith written estimate of cost of work. Makes contract void if provider contracting for work does not give person notice of right to rescind contract. Requires new or amended contract with new right of rescission if actual cost of restoration work exceeds cost estimate.

A BILL FOR AN ACT

1
2 Relating to restoration work.

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

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

5 (a) **“Board-up services” means covering over building openings to secure the property**
6 **against weather or unauthorized or unsafe entry.**

7 (b) **“Contracting person” means a property owner, occupant or manager, the property**
8 **owner’s authorized agent or an owner of the contents of a property.**

9 (c) **“Man-made or natural disaster” means a fire, flood, earthquake, crime or other sud-**
10 **den event that causes property or the contents of property to suffer damage that precludes**
11 **the normal and ordinary use of the property or contents.**

12 (d)(A) **“Restoration work” means repair, restoration or nonroutine cleaning services**
13 **undertaken because of damage to a residential or commercial property, or to the contents**
14 **of a residential or commercial property, that was caused by a man-made or natural disaster.**

15 (B) **“Restoration work” does not include board-up services.**

16 (2) **Notwithstanding ORS 83.710 to 83.750 or 701.310, except as provided in subsection (3)**
17 **of this section:**

18 (a) **A contracting person has a right to rescind a contract for restoration work within**
19 **five days after formation of the contract; and**

20 (b) **If the provider contracting for the work does not give the contracting person a good**
21 **faith written estimate of the cost of the work, the rescission right described in paragraph**

22 (a) **of this subsection is not waivable.**

23 (3) **A contract for the performance of restoration work is void if the provider contracting**

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 for the work does not give the contracting person a written notice describing the rescission
2 right of the contracting person under subsection (2) of this section.

3 (4) If the actual cost of restoration work exceeds a cost estimate given for the work, the
4 provider contracting for the work shall present the contracting person with a new or
5 amended contract that states the actual cost of the work. A new or amended contract de-
6 scribed in this subsection is subject to subsections (2) and (3) of this section.

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