

STAFF MEASURE SUMMARY

House Committee On Business and Labor

Fiscal: No Fiscal Impact

Revenue: No Revenue Impact

Action Date: 05/13/15

Action: Do Pass.

Meeting Dates: 04/22, 05/13

Vote:

Yeas: 10 - Barreto, Barton, Doherty, Esquivel, Evans, Fagan, Heard, Holvey, Kennemer, Nosse

Nays: 1 - Weidner

Prepared By: Jan Nordlund, Committee Administrator

WHAT THE MEASURE DOES:

Repeals requirement for business to file with the Secretary of State (SOS) a notice of intent to conduct going-out-of-business sale. Requires businesses to self-generate and post the notice that they currently file with SOS. Merges requirements dealing with registration, recording and fees for union labels and fraternal insignia with requirements for trademarks. Repeals provision relating to filing credentials of member of consular corps with SOS. Declares emergency, effective on passage.

ISSUES DISCUSSED:

- Members of consular corps
- Purpose of regulating going-out-of-business sales
- Enforcement of going-out-of-business sales regulations
- Three issues included in measure all related to filings at SOS

EFFECT OF COMMITTEE AMENDMENT:

No amendment.

BACKGROUND:

Current law (ORS 192.190) allows the Secretary of State (SOS) to accept and file credentials of members of the consular corps. No member of a consular corps has ever registered under this provision. Senate Bill 76 repeals the statute allowing the SOS to accept and file the credentials of a member of the consular corps.

Current law provides protections for registrants of union labels and fraternal insignia against unauthorized use. No one has filed a union label with the Corporation Division in 22 years, nor has a fraternal insignia been filed in 13 years. Instead, citizens often register trademarks with the SOS to secure similar protections. Senate Bill 76 is intended to reduce differences in the regulations that apply to filings related to trademarks, fraternal insignia, union labels, etc., given how seldom fraternal insignia and union labels are used.

Oregon businesses report that sometimes a competitor holds or advertises a going-out-of-business sale when the competitor is not actually planning to go out of business. Under current law, businesses must file with the SOS a notice of intent to conduct a going-out-of-business sale and prominently display a copy of the filed notice before it can legally hold or advertise such a sale; the Oregon Department of Justice is responsible for enforcing going-out-of-business sales. Senate Bill 76 repeals ORS 646A.102 and requires businesses to self-generate and prominently post the notice.