

Enrolled
House Bill 3292

Sponsored by Representatives SPRENGER, WILLIAMSON; Representatives BENTZ, WHITSETT,
Senator JOHNSON

CHAPTER

AN ACT

Relating to tourist facilities.

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

SECTION 1. Section 2 of this 2015 Act is added to and made a part of ORS 446.310 to 446.350.

SECTION 2. (1) As used in this section:

- (a) "Landlord" means a tourist facility owner holding a license issued under ORS 446.320.
- (b) "Tenant" means a person, or a public body as defined in ORS 174.109, that:
 - (A) Is not under common ownership, management or control with the landlord;
 - (B) Rents or leases all or part of a tourist facility from a landlord for the purpose of operating an organizational camp, conference or other private gathering on one or more days during the term of the rental or lease; and
 - (C) For the term of the rental or lease enjoys exclusive occupancy of the rented or leased part of the tourist facility.

(2) The Oregon Health Authority shall adopt rules identifying duties under ORS 446.310 to 446.350 that a landlord may contractually delegate to a tenant for the term of the rental or lease of a tourist facility. The authority may adopt rules specifying the form and format to be used in a contract under which a landlord delegates a duty to a tenant, including but not limited to the manner of setting forth the delegated duty.

(3) Notwithstanding ORS 446.320, if a contract delegates a duty identified in authority rules adopted under subsection (2) of this section and the contract form and format conforms with any specifications of the authority, the authority may not deny, suspend or revoke the tourist facility license of the landlord or issue the landlord a civil penalty under ORS 446.310 to 446.350, and the landlord may not be charged with a misdemeanor under ORS 446.990, due to:

- (a) A failure of the tenant to properly perform the delegated duty during the term of the rental or lease of the tourist facility; or
- (b) A failure of the landlord to inform the tenant of any delegated or nondelegated duty of the landlord or the tenant under ORS 446.310 to 446.350 or authority rules.

(4) Subsection (3) of this section does not apply if the failure of a tenant to properly perform a delegated duty during the term of a rental or lease is due to a tourist facility condition already existing at the beginning of the term and constituting a nonconformance with ORS 446.310 to 446.350 or authority rules.

Passed by House April 30, 2015

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Timothy G. Sekerak, Chief Clerk of House

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Tina Kotek, Speaker of House

Passed by Senate May 20, 2015

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Peter Courtney, President of Senate

Received by Governor:

.....M,....., 2015

Approved:

.....M,....., 2015

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Kate Brown, Governor

Filed in Office of Secretary of State:

.....M,....., 2015

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Jeanne P. Atkins, Secretary of State