

# House Bill 3419

Sponsored by Representative HOLVEY

## 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 **as introduced**.

Prohibits financial institution from using broker price opinion to value real property or interest in real property in certain circumstances. Classifies use of broker price opinions as unlawful practice.

Declares emergency, effective on passage.

## A BILL FOR AN ACT

1  
2 Relating to broker price opinions; creating new provisions; amending ORS 646.607; and declaring an  
3 emergency.

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

5 **SECTION 1. (1)(a) As used in this section, "broker price opinion" means an opinion that**  
6 **a real estate broker, as defined in ORS 696.010, or a person that engages in professional real**  
7 **estate activity, as defined in ORS 696.010, provides to a financial institution, as defined in**  
8 **ORS 706.008, concerning the value of real property or an interest in real property on a spe-**  
9 **cific date or at a specific time.**

10 **(b) "Broker price opinion" does not include real estate appraisal activity, as defined in**  
11 **ORS 674.010, that a person licensed under ORS chapter 674 performs in accordance with rules**  
12 **that the Appraiser Certification and Licensure Board adopts.**

13 **(2) A financial institution may not use a broker price opinion to value real property or**  
14 **an interest in real property:**

15 **(a) For the purpose of making a mortgage loan, as defined in ORS 86A.100;**

16 **(b) In connection with a foreclosure of a trust deed under ORS 86.705 to 86.815 or a**  
17 **foreclosure of a mortgage or other lien under ORS chapter 88; or**

18 **(c) In other circumstances where a law requires a real estate appraisal.**

19 **(3) Violating a provision of subsection (2) of this section is an unlawful practice under**  
20 **ORS 646.607 that is subject to an investigative demand under ORS 646.618 and to enforcement**  
21 **in accordance with ORS 646.632.**

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

23 646.607. A person engages in an unlawful practice if in the course of the person's business, vo-  
24 cation or occupation the person:

25 (1) Employs any unconscionable tactic in connection with selling, renting or disposing of real  
26 estate, goods or services, or collecting or enforcing an obligation;

27 (2) Fails to deliver all or any portion of real estate, goods or services as promised, and at a  
28 customer's request, fails to refund money that the customer gave to the person to purchase the  
29 undelivered real estate, goods or services and that the person does not retain pursuant to any right,  
30 claim or defense the person may assert in good faith. This subsection does not create a warranty

**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 obligation and does not apply to a dispute over the quality of real estate, goods or services delivered  
2 to a customer;

3 (3) Violates ORS 401.965 (2);

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

5 (5) Violates ORS 646A.530;

6 (6) Employs a collection practice that is unlawful under ORS 646.639;

7 (7) Is a beneficiary that violates ORS 86.726 (1)(a) or (2), 86.729 (4) or 86.732 (1) or (2); [or]

8 (8) Violates ORS 646A.093[.]; **or**

9 **(9) Violates section 1 (2) of this 2015 Act.**

10 **SECTION 3. This 2015 Act being necessary for the immediate preservation of the public**  
11 **peace, health and safety, an emergency is declared to exist, and this 2015 Act takes effect**  
12 **on its passage.**

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