

A-Engrossed
House Bill 2090

Ordered by the House April 6
Including House Amendments dated April 6

Sponsored by Representatives HUFFMAN, WILLIAMSON (Pre-session 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.

Provides that person engages in unlawful trade practice if person publishes on website related to person's business, or in consumer agreement related to consumer transaction, statement or representation of fact in which person asserts that person, in particular manner or for particular purposes, will use, disclose, **collect, maintain, delete** or dispose of information that person requests, requires or receives from consumer and person uses, discloses, **collects, maintains, deletes** or disposes of information in manner [*not in accordance*] **that is materially inconsistent** with person's statement or representation.

A BILL FOR AN ACT

1
2 Relating to failures to use information gathered from consumers in accordance with stated policies;
3 amending ORS 646.607.

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

5 **SECTION 1.** ORS 646.607 is amended to read:

6 646.607. A person engages in an unlawful trade practice if in the course of the person's business,
7 vocation or occupation the person:

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

10 (2) Fails to deliver all or any portion of real estate, goods or services as promised, and at a
11 customer's request, fails to refund money that the customer gave to the person to purchase the
12 undelivered real estate, goods or services and that the person does not retain pursuant to any right,
13 claim or defense the person may assert in good faith. This subsection does not create a warranty
14 obligation and does not apply to a dispute over the quality of real estate, goods or services delivered
15 to a customer;

16 (3) Violates ORS 401.965 (2);

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

18 (5) Violates ORS 646A.530;

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

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

21 (8) Violates ORS 646A.093;

22 (9) Violates a provision of ORS 646A.600 to 646A.628;

23 (10) Violates ORS 646A.808 (2); [*or*]

24 (11) Violates ORS 336.184[.]; **or**

25 **(12) Publishes on a website related to the person's business, or in a consumer agreement**

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 **related to a consumer transaction, a statement or representation of fact in which the person**
2 **asserts that the person, in a particular manner or for particular purposes, will use, disclose,**
3 **collect, maintain, delete or dispose of information that the person requests, requires or re-**
4 **ceives from a consumer and the person uses, discloses, collects, maintains, deletes or dis-**
5 **poses of the information in a manner that is materially inconsistent with the person's**
6 **statement or representation.**

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