

Requested by Representative GREENLICK

**PROPOSED AMENDMENTS TO  
HOUSE BILL 2112**

1 In line 2 of the printed bill, before the period insert “; creating new pro-  
2 visions; and amending ORS 646.608”.

3 Delete lines 4 through 15 and insert:

4 **“SECTION 1. (1) If a financial institution closes an account without**  
5 **the consent of the account holder, the financial institution must no-**  
6 **tify the account holder of the reason for the closure.**

7 **“(2) The Director of the Department of Consumer and Business**  
8 **Services may adopt rules to implement the provisions of this section.**

9 **“(3) A violation of this section is an unlawful practice under ORS**  
10 **646.608.**

11 **“(4) As used in this section:**

12 **“(a) ‘Account’ means a demand deposit account, checking or nego-**  
13 **tiable withdrawal order account, savings account, share draft account,**  
14 **time deposit account or money-market mutual fund account.**

15 **“(b) ‘Financial institution’ has the meaning given that term in ORS**  
16 **706.008.**

17 **“SECTION 2. ORS 646.608 is amended to read:**

18 **“646.608. (1) A person engages in an unlawful practice if in the course of**  
19 **the person’s business, vocation or occupation the person does any of the**  
20 **following:**

21 **“(a) Passes off real estate, goods or services as the real estate, goods or**

1 services of another.

2 “(b) Causes likelihood of confusion or of misunderstanding as to the  
3 source, sponsorship, approval, or certification of real estate, goods or ser-  
4 vices.

5 “(c) Causes likelihood of confusion or of misunderstanding as to affil-  
6 iation, connection, or association with, or certification by, another.

7 “(d) Uses deceptive representations or designations of geographic origin  
8 in connection with real estate, goods or services.

9 “(e) Represents that real estate, goods or services have sponsorship, ap-  
10 proval, characteristics, ingredients, uses, benefits, quantities or qualities that  
11 the real estate, goods or services do not have or that a person has a spon-  
12 sorship, approval, status, qualification, affiliation, or connection that the  
13 person does not have.

14 “(f) Represents that real estate or goods are original or new if the real  
15 estate or goods are deteriorated, altered, reconditioned, reclaimed, used or  
16 secondhand.

17 “(g) Represents that real estate, goods or services are of a particular  
18 standard, quality, or grade, or that real estate or goods are of a particular  
19 style or model, if the real estate, goods or services are of another.

20 “(h) Disparages the real estate, goods, services, property or business of a  
21 customer or another by false or misleading representations of fact.

22 “(i) Advertises real estate, goods or services with intent not to provide  
23 the real estate, goods or services as advertised, or with intent not to supply  
24 reasonably expectable public demand, unless the advertisement discloses a  
25 limitation of quantity.

26 “(j) Makes false or misleading representations of fact concerning the  
27 reasons for, existence of, or amounts of price reductions.

28 “(k) Makes false or misleading representations concerning credit avail-  
29 ability or the nature of the transaction or obligation incurred.

30 “(L) Makes false or misleading representations relating to commissions

1 or other compensation to be paid in exchange for permitting real estate,  
2 goods or services to be used for model or demonstration purposes or in ex-  
3 change for submitting names of potential customers.

4 “(m) Performs service on or dismantles any goods or real estate if the  
5 owner or apparent owner of the goods or real estate does not authorize the  
6 service or dismantling.

7 “(n) Solicits potential customers by telephone or door to door as a seller  
8 unless the person provides the information required under ORS 646.611.

9 “(o) In a sale, rental or other disposition of real estate, goods or services,  
10 gives or offers to give a rebate or discount or otherwise pays or offers to pay  
11 value to the customer in consideration of the customer giving to the person  
12 the names of prospective purchasers, lessees, or borrowers, or otherwise  
13 aiding the person in making a sale, lease, or loan to another person, if  
14 earning the rebate, discount or other value is contingent upon an event oc-  
15 ccurring after the time the customer enters into the transaction.

16 “(p) Makes any false or misleading statement about a prize, contest or  
17 promotion used to publicize a product, business or service.

18 “(q) Promises to deliver real estate, goods or services within a certain  
19 period of time with intent not to deliver the real estate, goods or services  
20 as promised.

21 “(r) Organizes or induces or attempts to induce membership in a pyramid  
22 club.

23 “(s) Makes false or misleading representations of fact concerning the of-  
24 fering price of, or the person’s cost for real estate, goods or services.

25 “(t) Concurrent with tender or delivery of any real estate, goods or ser-  
26 vices fails to disclose any known material defect or material nonconformity.

27 “(u) Engages in any other unfair or deceptive conduct in trade or com-  
28 merce.

29 “(v) Violates any of the provisions relating to auction sales, consignment  
30 sales, auctioneers, consignees or auction marts under ORS 698.640, whether

1 in a commercial or noncommercial situation.

2 “(w) Manufactures mercury fever thermometers.

3 “(x) Sells or supplies mercury fever thermometers unless the thermometer  
4 is required by federal law, or is:

5 “(A) Prescribed by a person licensed under ORS chapter 677; and

6 “(B) Supplied with instructions on the careful handling of the  
7 thermometer to avoid breakage and on the proper cleanup of mercury should  
8 breakage occur.

9 “(y) Sells a thermostat that contains mercury unless the thermostat is  
10 labeled in a manner to inform the purchaser that mercury is present in the  
11 thermostat and that the thermostat may not be disposed of until the mercury  
12 is removed, reused, recycled or otherwise managed to ensure that the mer-  
13 cury does not become part of the solid waste stream or wastewater. For  
14 purposes of this paragraph, ‘thermostat’ means a device commonly used to  
15 sense and, through electrical communication with heating, cooling or venti-  
16 lation equipment, control room temperature.

17 “(z) Sells or offers for sale a motor vehicle manufactured after January  
18 1, 2006, that contains mercury light switches.

19 “(aa) Violates the provisions of ORS 803.375, 803.385 or 815.410 to 815.430.

20 “(bb) Violates ORS 646A.070 (1).

21 “(cc) Violates any requirement of ORS 646A.030 to 646A.040.

22 “(dd) Violates the provisions of ORS 128.801 to 128.898.

23 “(ee) Violates ORS 646.883 or 646.885.

24 “(ff) Violates ORS 646.569.

25 “(gg) Violates the provisions of ORS 646A.142.

26 “(hh) Violates ORS 646A.360.

27 “(ii) Violates ORS 646.553 or 646.557 or any rule adopted pursuant thereto.

28 “(jj) Violates ORS 646.563.

29 “(kk) Violates ORS 759.690 or any rule adopted pursuant thereto.

30 “(LL) Violates the provisions of ORS 759.705, 759.710 and 759.720 or any

1 rule adopted pursuant thereto.

2 “(mm) Violates ORS 646A.210 or 646A.214.

3 “(nn) Violates any provision of ORS 646A.124 to 646A.134.

4 “(oo) Violates ORS 646A.095.

5 “(pp) Violates ORS 822.046.

6 “(qq) Violates ORS 128.001.

7 “(rr) Violates ORS 646A.800 (2) to (4).

8 “(ss) Violates ORS 646A.090 (2) to (4).

9 “(tt) Violates ORS 87.686.

10 “(uu) Violates ORS 646A.803.

11 “(vv) Violates ORS 646A.362.

12 “(ww) Violates ORS 646A.052 or any rule adopted under ORS 646A.052 or  
13 646A.054.

14 “(xx) Violates ORS 180.440 (1) or 180.486 (1).

15 “(yy) Commits the offense of acting as a vehicle dealer without a certif-  
16 icate under ORS 822.005.

17 “(zz) Violates ORS 87.007 (2) or (3).

18 “(aaa) Violates ORS 92.405 (1), (2) or (3).

19 “(bbb) Engages in an unlawful practice under ORS 646.648.

20 “(ccc) Violates ORS 646A.365.

21 “(ddd) Violates ORS 98.854 or 98.858 or a rule adopted under ORS 98.864.

22 “(eee) Sells a gift card in violation of ORS 646A.276.

23 “(fff) Violates ORS 646A.102, 646A.106 or 646A.108.

24 “(ggg) Violates ORS 646A.430 to 646A.450.

25 “(hhh) Violates a provision of ORS 744.318 to 744.384.

26 “(iii) Violates a provision of ORS 646A.702 to 646A.720.

27 “(jjj) Violates ORS 646A.530 30 or more days after a recall notice, warning  
28 or declaration described in ORS 646A.530 is issued for the children’s product,  
29 as defined in ORS 646A.525, that is the subject of the violation.

30 “(kkk) Violates a provision of ORS 697.612, 697.642, 697.652, 697.662,

1 697.682, 697.692 or 697.707.

2 “(LLL) Violates the consumer protection provisions of the  
3 Servicemembers Civil Relief Act, 50 U.S.C. App. 501 et seq., as in effect on  
4 January 1, 2010.

5 “(mmm) Violates a provision of ORS 646A.480 to 646A.495.

6 “(nnn) Violates ORS 646A.082.

7 “(ooo) Violates ORS 646.647.

8 “(ppp) Violates ORS 646A.115.

9 “(qqq) Violates a provision of ORS 646A.405.

10 “(rrr) Violates ORS 646A.092.

11 “(sss) Violates a provision of ORS 646.644.

12 “(ttt) Violates a provision of ORS 646A.295.

13 “(uuu) Violates ORS 646A.564.

14 “(vvv) Engages in the business of, or acts in the capacity of, an immi-  
15 gration consultant, as defined in ORS 9.280, in this state and for compen-  
16 sation, unless federal law authorizes the person to do so or unless the person  
17 is an active member of the Oregon State Bar.

18 “(www) Violates ORS 702.012, 702.029, 702.032 or 702.054.

19 “(xxx) Violates ORS 646A.806.

20 “(yyy) Violates ORS 646A.810 (2).

21 “(zzz) Violates a provision of sections 1 to 7, chapter 523, Oregon Laws  
22 2015.

23 **“(aaaa) Violates section 1 of this 2017 Act.**

24 “(2) A representation under subsection (1) of this section or ORS 646.607  
25 may be any manifestation of any assertion by words or conduct, including,  
26 but not limited to, a failure to disclose a fact.

27 “(3) In order to prevail in an action or suit under ORS 336.184 and 646.605  
28 to 646.652, a prosecuting attorney need not prove competition between the  
29 parties or actual confusion or misunderstanding.

30 “(4) An action or suit may not be brought under subsection (1)(u) of this

1 section unless the Attorney General has first established a rule in accord-  
2 ance with the provisions of ORS chapter 183 declaring the conduct to be  
3 unfair or deceptive in trade or commerce.

4 “(5) Notwithstanding any other provision of ORS 336.184 and 646.605 to  
5 646.652, if an action or suit is brought under subsection (1)(xx) of this section  
6 by a person other than a prosecuting attorney, relief is limited to an in-  
7 junction and the prevailing party may be awarded reasonable attorney fees.

8 **“SECTION 3.** ORS 646.608, as amended by section 10, chapter 523, Oregon  
9 Laws 2015, is amended to read:

10 “646.608. (1) A person engages in an unlawful practice if in the course of  
11 the person’s business, vocation or occupation the person does any of the  
12 following:

13 “(a) Passes off real estate, goods or services as the real estate, goods or  
14 services of another.

15 “(b) Causes likelihood of confusion or of misunderstanding as to the  
16 source, sponsorship, approval, or certification of real estate, goods or ser-  
17 vices.

18 “(c) Causes likelihood of confusion or of misunderstanding as to affil-  
19 iation, connection, or association with, or certification by, another.

20 “(d) Uses deceptive representations or designations of geographic origin  
21 in connection with real estate, goods or services.

22 “(e) Represents that real estate, goods or services have sponsorship, ap-  
23 proval, characteristics, ingredients, uses, benefits, quantities or qualities that  
24 the real estate, goods or services do not have or that a person has a spon-  
25 sorship, approval, status, qualification, affiliation, or connection that the  
26 person does not have.

27 “(f) Represents that real estate or goods are original or new if the real  
28 estate or goods are deteriorated, altered, reconditioned, reclaimed, used or  
29 secondhand.

30 “(g) Represents that real estate, goods or services are of a particular

1 standard, quality, or grade, or that real estate or goods are of a particular  
2 style or model, if the real estate, goods or services are of another.

3 “(h) Disparages the real estate, goods, services, property or business of a  
4 customer or another by false or misleading representations of fact.

5 “(i) Advertises real estate, goods or services with intent not to provide  
6 the real estate, goods or services as advertised, or with intent not to supply  
7 reasonably expectable public demand, unless the advertisement discloses a  
8 limitation of quantity.

9 “(j) Makes false or misleading representations of fact concerning the  
10 reasons for, existence of, or amounts of price reductions.

11 “(k) Makes false or misleading representations concerning credit avail-  
12 ability or the nature of the transaction or obligation incurred.

13 “(L) Makes false or misleading representations relating to commissions  
14 or other compensation to be paid in exchange for permitting real estate,  
15 goods or services to be used for model or demonstration purposes or in ex-  
16 change for submitting names of potential customers.

17 “(m) Performs service on or dismantles any goods or real estate if the  
18 owner or apparent owner of the goods or real estate does not authorize the  
19 service or dismantling.

20 “(n) Solicits potential customers by telephone or door to door as a seller  
21 unless the person provides the information required under ORS 646.611.

22 “(o) In a sale, rental or other disposition of real estate, goods or services,  
23 gives or offers to give a rebate or discount or otherwise pays or offers to pay  
24 value to the customer in consideration of the customer giving to the person  
25 the names of prospective purchasers, lessees, or borrowers, or otherwise  
26 aiding the person in making a sale, lease, or loan to another person, if  
27 earning the rebate, discount or other value is contingent upon an event oc-  
28 ccurring after the time the customer enters into the transaction.

29 “(p) Makes any false or misleading statement about a prize, contest or  
30 promotion used to publicize a product, business or service.



1 “(q) Promises to deliver real estate, goods or services within a certain  
2 period of time with intent not to deliver the real estate, goods or services  
3 as promised.

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20 thermometer to avoid breakage and on the proper cleanup of mercury should  
21 breakage occur.

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24 thermostat and that the thermostat may not be disposed of until the mercury  
25 is removed, reused, recycled or otherwise managed to ensure that the mer-  
26 cury does not become part of the solid waste stream or wastewater. For  
27 purposes of this paragraph, ‘thermostat’ means a device commonly used to  
28 sense and, through electrical communication with heating, cooling or venti-  
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- 22 “(tt) Violates ORS 87.686.
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- 24 “(vv) Violates ORS 646A.362.
- 25 “(ww) Violates ORS 646A.052 or any rule adopted under ORS 646A.052 or  
26 646A.054.
- 27 “(xx) Violates ORS 180.440 (1) or 180.486 (1).
- 28 “(yy) Commits the offense of acting as a vehicle dealer without a certif-  
29 icate under ORS 822.005.
- 30 “(zz) Violates ORS 87.007 (2) or (3).

1 “(aaa) Violates ORS 92.405 (1), (2) or (3).  
2 “(bbb) Engages in an unlawful practice under ORS 646.648.  
3 “(ccc) Violates ORS 646A.365.  
4 “(ddd) Violates ORS 98.854 or 98.858 or a rule adopted under ORS 98.864.  
5 “(eee) Sells a gift card in violation of ORS 646A.276.  
6 “(fff) Violates ORS 646A.102, 646A.106 or 646A.108.  
7 “(ggg) Violates ORS 646A.430 to 646A.450.  
8 “(hhh) Violates a provision of ORS 744.318 to 744.384.  
9 “(iii) Violates a provision of ORS 646A.702 to 646A.720.  
10 “(jjj) Violates ORS 646A.530 30 or more days after a recall notice, warning  
11 or declaration described in ORS 646A.530 is issued for the children’s product,  
12 as defined in ORS 646A.525, that is the subject of the violation.  
13 “(kkk) Violates a provision of ORS 697.612, 697.642, 697.652, 697.662,  
14 697.682, 697.692 or 697.707.  
15 “(LLL) Violates the consumer protection provisions of the  
16 Servicemembers Civil Relief Act, 50 U.S.C. App. 501 et seq., as in effect on  
17 January 1, 2010.  
18 “(mmm) Violates a provision of ORS 646A.480 to 646A.495.  
19 “(nnn) Violates ORS 646A.082.  
20 “(ooo) Violates ORS 646.647.  
21 “(ppp) Violates ORS 646A.115.  
22 “(qqq) Violates a provision of ORS 646A.405.  
23 “(rrr) Violates ORS 646A.092.  
24 “(sss) Violates a provision of ORS 646.644.  
25 “(ttt) Violates a provision of ORS 646A.295.  
26 “(uuu) Violates ORS 646A.564.  
27 “(vvv) Engages in the business of, or acts in the capacity of, an immi-  
28 gration consultant, as defined in ORS 9.280, in this state and for compen-  
29 sation, unless federal law authorizes the person to do so or unless the person  
30 is an active member of the Oregon State Bar.

1 “(www) Violates ORS 702.012, 702.029, 702.032 or 702.054.

2 “(xxx) Violates ORS 646A.806.

3 “(yyy) Violates ORS 646A.810 (2).

4 “(zzz) **Violates section 1 of this 2017 Act.**

5 “(2) A representation under subsection (1) of this section or ORS 646.607  
6 may be any manifestation of any assertion by words or conduct, including,  
7 but not limited to, a failure to disclose a fact.

8 “(3) In order to prevail in an action or suit under ORS 336.184 and 646.605  
9 to 646.652, a prosecuting attorney need not prove competition between the  
10 parties or actual confusion or misunderstanding.

11 “(4) An action or suit may not be brought under subsection (1)(u) of this  
12 section unless the Attorney General has first established a rule in accord-  
13 ance with the provisions of ORS chapter 183 declaring the conduct to be  
14 unfair or deceptive in trade or commerce.

15 “(5) Notwithstanding any other provision of ORS 336.184 and 646.605 to  
16 646.652, if an action or suit is brought under subsection (1)(xx) of this section  
17 by a person other than a prosecuting attorney, relief is limited to an in-  
18 junction and the prevailing party may be awarded reasonable attorney  
19 fees.”.

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