

House Bill 2513

Sponsored by Representatives DOHERTY, HERNANDEZ; Representative SANCHEZ (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 **as introduced**.

Requires residential landlords to provide voter registration card to new tenants. Requires buyers' real estate licensees to provide voter registration card to home buyers.

Takes effect on 91st day following adjournment sine die.

A BILL FOR AN ACT

1
2 Relating to voter registration forms for new residents; creating new provisions; amending ORS
3 696.810; and prescribing an effective date.

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

5 **SECTION 1. Section 2 of this 2019 Act is added to and made a part of ORS 90.100 to 90.465.**

6 **SECTION 2. Within 30 days of the commencement of a rental agreement, a landlord shall**
7 **deliver to the tenant a physical voter registration card. If a landlord fails to timely provide**
8 **a voter registration card, a tenant may bring an individual action to recover actual damages**
9 **or \$100.**

10 **SECTION 3. ORS 696.810 is amended to read:**

11 696.810. (1) A real estate licensee other than the seller's agent may agree with the buyer to act
12 as the buyer's agent only. The buyer's agent is not representing the seller, even if the buyer's agent
13 is receiving compensation for services rendered, either in full or in part, from the seller or through
14 the seller's agent.

15 (2) A buyer's agent owes the buyer, other principals and the principals' agents involved in a real
16 estate transaction the following affirmative duties:

17 (a) To deal honestly and in good faith;

18 (b) To present all written offers, written notices and other written communications to and from
19 the parties in a timely manner without regard to whether the property is subject to a contract for
20 sale or the buyer is already a party to a contract to purchase; and

21 (c) To disclose material facts known by the buyer's agent and not apparent or readily
22 ascertainable to a party.

23 (3) A buyer's agent owes the buyer involved in a real estate transaction the following affirma-
24 tive duties:

25 (a) To exercise reasonable care and diligence;

26 (b) To account in a timely manner for money and property received from or on behalf of the
27 buyer;

28 (c) To be loyal to the buyer by not taking action that is adverse or detrimental to the buyer's
29 interest in a transaction;

30 (d) To disclose in a timely manner to the buyer any conflict of interest, existing or contemplated;

31 (e) To advise the buyer to seek expert advice on matters related to the transaction that are

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 beyond the agent's expertise;

2 (f) To maintain confidential information from or about the buyer except under subpoena or court
3 order, even after termination of the agency relationship; [*and*]

4 (g) Unless agreed otherwise in writing, to make a continuous, good faith effort to find property
5 for the buyer, except that a buyer's agent is not required to seek additional properties for the buyer
6 while the buyer is subject to a contract for purchase or to show properties for which there is no
7 written agreement to pay compensation to the buyer's agent[.]; **and**

8 **(h) If the buyer intends to occupy the property as a dwelling, to deliver to the buyer a**
9 **physical voter registration card within 30 days of closing a purchase.**

10 (4) A buyer's agent may show properties in which the buyer is interested to other prospective
11 buyers without breaching an affirmative duty to the buyer.

12 (5) Except as provided in subsection (3)(g) of this section, an affirmative duty may not be waived.

13 (6) Nothing in this section implies a duty to investigate matters that are outside the scope of
14 the real estate licensee's expertise, including but not limited to investigation of the condition of
15 property, the legal status of the title or the owner's past conformance with law, unless the licensee
16 or the licensee's agent agrees in writing to investigate a matter.

17 **SECTION 4. This 2019 Act takes effect on the 91st day after the date on which the 2019**
18 **regular session of the Eightieth Legislative Assembly adjourns sine die.**

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