

House Bill 3347

Sponsored by Representative SOLLMAN; Representatives CLEM, EVANS, SCHOUTEN, ZIKA (at the request of Marna Foss)

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 person from collecting or receiving for purpose of recovering or defraying costs of sending printed copy of invoice or bill, or receiving or processing printed check, money order or cash as payment from consumer, any surcharge, fee or other amount in excess of amount person charges consumer for goods or services the consumer purchased and any of person's actual and verifiable expenses for shipping and handling or taxes that are directly related to transaction for goods or services.

Permits person to offer discount or reduction in amount person charges for goods or services in return for consumer's agreement to receive bill or invoice or make payment electronically.

Punishes failure to comply with Act as unlawful trade practice under Unlawful Trade Practices Act.

Takes effect on 91st day following adjournment sine die.

A BILL FOR AN ACT

1
2 Relating to charges for transactions in goods or services conducted other than by electronic means;
3 creating new provisions; amending ORS 646.607; and prescribing an effective date.

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

5 **SECTION 1. (1) A person that sends an invoice or bill for goods or services to a consumer**
6 **may not collect or receive for the purpose of recovering or defraying the costs of sending a**
7 **printed copy of the invoice or bill, or receiving or processing a printed check, money order**
8 **or cash as payment from the consumer, any surcharge, fee or other amount in excess of the**
9 **amount the person charges the consumer for:**

10 (a) **The goods or services; and**

11 (b) **Any of the person's actual and verifiable expenses for shipping and handling or taxes**
12 **that are directly related to the transaction for the goods or services.**

13 (2) **A person may offer a consumer a discount or reduction in the amount the person**
14 **charges for goods or services in return for the consumer's agreement to receive a bill or**
15 **invoice for the goods or services electronically or for making a payment electronically. The**
16 **person must obtain an affirmative written acceptance of the offer from the consumer and**
17 **must inform the consumer of the offer in a writing that is separate and distinct from any**
18 **other communication the person has with the consumer.**

19 (3) **Failure to comply with this section is an unlawful trade practice under ORS 646.607.**

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

21 646.607. A person engages in an unlawful trade practice if in the course of the person's business,
22 vocation or occupation the person:

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

25 (2) **Fails to deliver all or any portion of real estate, goods or services as promised, and at a**

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 customer's request, fails to refund money that the customer gave to the person to purchase the
2 undelivered real estate, goods or services and that the person does not retain pursuant to any right,
3 claim or defense the person may assert in good faith. This subsection does not create a warranty
4 obligation and does not apply to a dispute over the quality of real estate, goods or services delivered
5 to a customer;

6 (3) Violates ORS 401.965 (2);

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

8 (5) Violates ORS 646A.530;

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

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

11 (8) Violates ORS 646A.093;

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

13 (10) Violates ORS 646A.808 (2);

14 (11) Violates ORS 336.184; [*or*]

15 (12) Publishes on a website related to the person's business, or in a consumer agreement related
16 to a consumer transaction, a statement or representation of fact in which the person asserts that
17 the person, in a particular manner or for particular purposes, will use, disclose, collect, maintain,
18 delete or dispose of information that the person requests, requires or receives from a consumer and
19 the person uses, discloses, collects, maintains, deletes or disposes of the information in a manner
20 that is materially inconsistent with the person's statement or representation[.]; **or**

21 **(13) Violates section 1 of this 2019 Act.**

22 **SECTION 3. This 2019 Act takes effect on the 91st day after the date on which the 2019**
23 **regular session of the Eightieth Legislative Assembly adjourns sine die.**

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