

HOUSE MINORITY REPORT AMENDMENTS TO HOUSE BILL 4107

By Nonconcurring Members of COMMITTEE ON JUDICIARY

February 17

- 1 On page 1 of the printed bill, line 2, after “provisions;” insert “and”.
- 2 Delete lines 8 through 23.
- 3 On page 2, delete lines 1 through 24 and insert:
- 4 **“SECTION 1. (1) Except as provided in subsection (2) of this section, it is an unlawful**
- 5 **practice for a place of public accommodation offering goods or services, or any person acting**
- 6 **on behalf of such place, to:**
- 7 **“(a) Refuse to accept from a customer or patron United States coins and currency, in-**
- 8 **cluding federal reserve bank notes and circulating notes of federal reserve banks and na-**
- 9 **tional banks, as payment for goods and services.**
- 10 **“(b) Make any distinction, discrimination or restriction because a customer or patron**
- 11 **offers United States coins and currency, including federal reserve bank notes and circulating**
- 12 **notes of federal reserve banks and national banks, as payment for goods and services.**
- 13 **“(2) Notwithstanding subsection (1) of this section, a place of public accommodation, or**
- 14 **any person acting on behalf of such place, may refuse to accept as payment for goods and**
- 15 **services:**
- 16 **“(a) United States coins, in any combination, in an amount equal to or greater than \$100;**
- 17 **or**
- 18 **“(b) United States currency in denominations of \$50 or \$100.**
- 19 **“(3) This section does not apply to:**
- 20 **“(a) Transactions for goods or services involving a place or service offering goods, ser-**
- 21 **vices, transient lodging or transportation, when the transaction or a portion of the trans-**
- 22 **action requires a customer or patron to deposit moneys or sign an agreement to rent or**
- 23 **lease consumer goods;**
- 24 **“(b) Any establishment that is owned by or operated under the control of the United**
- 25 **States Government or an agency of the United States;**
- 26 **“(c) Retail transactions that occur entirely over the telephone or by mail;**
- 27 **“(d) Internet-based transactions;**
- 28 **“(e) A filling station, service station, garage or other dispensary where Class 1 flammable**
- 29 **liquids are dispensed, during the hours in which an owner, operator or other employee is not**
- 30 **present to dispense the liquids;**
- 31 **“(f) Electric vehicle charging stations;**
- 32 **“(g) Transactions that occur in a micro market, including purchases from a vending**
- 33 **machine;**
- 34 **“(h) Purchases from a vending machine unless the vending machine is located within a**

1 concentration or cluster of more than eight vending machines that do not accept coins or
2 currency as payment for purchases;

3 “(i) Transactions involving the sale of products for which a license is required by ORS
4 744.053; or

5 “(j) A place of public accommodation that provides hospital or medical services and that
6 bills or invoices a person after such services are rendered, provided that the place of public
7 accommodation accepts coins and currency as payment for the bill or invoice by mail or at
8 a designated location other than the location where the services are rendered.

9 “(4) Nothing in this section may be construed to prohibit, restrict, or otherwise interfere
10 with the ability of a place of public accommodation to:

11 “(a) Accept, in addition to the forms of payment described under subsection (1) of this
12 section, as payment for goods or services, any other form of payment provided that such
13 payment is not prohibited under federal or state law;

14 “(b) After services are rendered, invoice or bill a customer or patron, or submit a claim
15 to a third party to receive payment for the services; or

16 “(c) Offer a customer or patron an incentive for paying for goods or services in coin or
17 currency.

18 “(5) A person who alleges a violation of subsection (1) of this section may file a complaint
19 with the Commissioner of the Bureau of Labor and Industries in the manner provided by
20 ORS 659A.820.

21 “(6) As used in this section:

22 “(a) ‘Class I flammable liquids’ has the meaning given that term in ORS 480.310.

23 “(b) ‘Consumer goods’ has the meaning given that term in ORS 79.0102.

24 “(c)(A) ‘Internet-based transaction’ means a transaction that occurs over the Internet
25 and that involves a sale, purchase or reservation of or deposit for goods or services to be
26 picked up by, delivered to or consumed by a customer or patron.

27 “(B) ‘Internet-based transaction’ does not mean an in-person transaction.

28 “(d) ‘Micro market’ means an unattended retail establishment to which access by the
29 general public is restricted that offers whole or fresh-cut fruit and vegetables, packaged
30 foods or beverages for purchase through an automated payment processing system.

31 “(e) ‘Place of public accommodation’ has the meaning given that term in ORS 659A.400.

32 “(f) ‘Transient lodging’ has the meaning given that term in ORS 699.005.

33 “(g) ‘Vending machine’ has the meaning given that term in ORS 624.310.

34 “SECTION 1a. Section 1 of this 2020 Act is amended to read:

35 “**Sec. 1.** (1) Except as provided in subsection (2) of this section, it is an unlawful practice for
36 a place of public accommodation offering goods or services, or any person acting on behalf of such
37 place, to:

38 “(a) Refuse to accept from a customer or patron United States coins and currency, including
39 federal reserve bank notes and circulating notes of federal reserve banks and national banks, as
40 payment for goods and services.

41 “(b) Make any distinction, discrimination or restriction because a customer or patron offers
42 United States coins and currency, including federal reserve bank notes and circulating notes of
43 federal reserve banks and national banks, as payment for goods and services.

44 “(2) Notwithstanding subsection (1) of this section, a place of public accommodation, or any
45 person acting on behalf of such place, may refuse to accept as payment for goods and services:

1 “(a) United States coins, in any combination, in an amount equal to or greater than \$100; or
2 “(b) United States currency in denominations of \$50 or \$100.
3 “(3) This section does not apply to:
4 “(a) Transactions for goods or services involving a place or service offering goods, services,
5 transient lodging or transportation, when the transaction or a portion of the transaction requires
6 a customer or patron to deposit moneys or sign an agreement to rent or lease consumer goods;
7 “(b) Any establishment that is owned by or operated under the control of the United States
8 Government or an agency of the United States;
9 “(c) Retail transactions that occur entirely over the telephone or by mail;
10 “(d) Internet-based transactions;
11 “(e) A filling station, service station, garage or other dispensary where Class 1 flammable liquids
12 are dispensed, during the hours in which an owner, operator or other employee is not present to
13 dispense the liquids;
14 “(f) Electric vehicle charging stations;
15 “(g) Transactions that occur in a micro market, including purchases from a vending machine;
16 “(h) Purchases from a vending machine unless the vending machine is located within a concen-
17 tration or cluster of more than eight vending machines that do not accept coins or currency as
18 payment for purchases;
19 “(i) Transactions involving the sale of products for which a license is required by ORS 744.053;
20 or
21 “(j) A place of public accommodation that provides hospital or medical services and that bills
22 or invoices a person after such services are rendered, provided that the place of public accommo-
23 dation accepts coins and currency as payment for the bill or invoice by mail or at a designated lo-
24 cation other than the location where the services are rendered.
25 “(4) Nothing in this section may be construed to prohibit, restrict, or otherwise interfere with
26 the ability of a place of public accommodation to:
27 “(a) Accept, in addition to the forms of payment described under subsection (1) of this section,
28 as payment for goods or services, any other form of payment provided that such payment is not
29 prohibited under federal or state law;
30 “(b) After services are rendered, invoice or bill a customer or patron, or submit a claim to a
31 third party to receive payment for the services; or
32 “(c) Offer a customer or patron an incentive for paying for goods or services in coin or cur-
33 rency.
34 “(5) A person who alleges a violation of subsection (1) of this section **may bring a civil action**
35 **under ORS 659A.885 or** may file a complaint with the Commissioner of the Bureau of Labor and
36 Industries in the manner provided by ORS 659A.820.
37 “(6) As used in this section:
38 “(a) ‘Class I flammable liquids’ has the meaning given that term in ORS 480.310.
39 “(b) ‘Consumer goods’ has the meaning given that term in ORS 79.0102.
40 “(c)(A) ‘Internet-based transaction’ means a transaction that occurs over the Internet and that
41 involves a sale, purchase or reservation of or deposit for goods or services to be picked up by, de-
42 livered to or consumed by a customer or patron.
43 “(B) ‘Internet-based transaction’ does not mean an in-person transaction.
44 “(d) ‘Micro market’ means an unattended retail establishment to which access by the general
45 public is restricted that offers whole or fresh-cut fruit and vegetables, packaged foods or beverages

1 for purchase through an automated payment processing system.
2 “(e) ‘Place of public accommodation’ has the meaning given that term in ORS 659A.400.
3 “(f) ‘Transient lodging’ has the meaning given that term in ORS 699.005.
4 “(g) ‘Vending machine’ has the meaning given that term in ORS 624.310.”
5 On page 4, line 7, after “class” insert a period and delete the rest of the line and line 8.
6 On page 17, after line 37, insert:
7 **“SECTION 11. (1) Section 1 of this 2020 Act becomes operative on July 1, 2021.**
8 **“(2) The amendments to section 1 of this 2020 Act and ORS 659A.885 by sections 1a and**
9 **6 to 10 of this 2020 Act become operative on January 1, 2022.**
10 **“(3) The Commissioner of the Bureau of Labor and Industries may adopt rules and take**
11 **any action before the operative dates specified in subsections (1) and (2) of this section that**
12 **is necessary for the commissioner to exercise, on or after the operative dates specified in**
13 **subsections (1) and (2) of this section, all the duties, functions and powers conferred on the**
14 **commissioner by section 1 of this 2020 Act and the amendments to section 1 of this 2020 Act**
15 **and ORS 659A.885 by sections 1a and 6 to 10 of this 2020 Act.”.**
16 In line 38, delete “11” and insert “12”.
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18 /s/ Rick Lewis
Representative
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20 /s/ Ron Noble
Representative
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