

Requested by Representative BYNUM

**PROPOSED AMENDMENTS TO
HOUSE BILL 4107**

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,**
5 **it is an unlawful practice for a place of public accommodation, as de-**
6 **defined in ORS 659A.400, offering goods or services, or any person acting**
7 **on behalf of such place, to:**

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

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

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

19 **“(a) United States coins, in any combination, in an amount equal**
20 **to or greater than \$100; or**

21 **“(b) United States currency in denominations of \$50 or \$100.**

- 1 **“(3) This section does not apply to:**
- 2 **“(a) A place of public accommodation that is owned or maintained**
3 **by a public body, as defined in ORS 174.109;**
- 4 **“(b) Any service to the public, other than public transportation**
5 **services, that is provided by a public body, as defined in ORS 174.109;**
- 6 **“(c) Farmers’ markets or roadside stands;**
- 7 **“(d) Transactions occurring on aircraft;**
- 8 **“(e) Transactions for goods or services involving a place or service**
9 **offering goods, services, transient lodging or transportation, when the**
10 **transaction or a portion of the transaction requires a customer or**
11 **patron to deposit moneys or sign an agreement to rent or lease con-**
12 **sumer goods;**
- 13 **“(f) Any establishment that is owned by or operated under the**
14 **control of the United States Government or an agency of the United**
15 **States;**
- 16 **“(g) Retail transactions that occur entirely over the telephone or**
17 **by mail;**
- 18 **“(h) Internet-based transactions;**
- 19 **“(i) The purchase of Class 1 flammable liquids, as defined in ORS**
20 **480.310, at a filling station, service station, garage or other dispensary**
21 **where Class 1 flammable liquids are dispensed;**
- 22 **“(j) Electric vehicle charging stations;**
- 23 **“(k) Transactions that occur in a micro market, including pur-**
24 **chases from a vending machine;**
- 25 **“(L) Purchases from a vending machine unless the vending machine**
26 **is located within a concentration or cluster of more than eight vending**
27 **machines that do not accept coins or currency as payment for pur-**
28 **chases;**
- 29 **“(m) Transactions involving the sale of products for which a license**
30 **is required by ORS 744.053; or**

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

7 “(4) Nothing in this section may be construed to prohibit, restrict,
8 or otherwise interfere with the ability of a place of public accommo-
9 dation to:

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

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

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

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

22 “(6) As used in this section:

23 “(a) ‘Consumer goods’ has the meaning given that term in ORS
24 79.0102.

25 “(b)(A) ‘Internet-based transaction’ means a transaction that oc-
26 curs over the Internet and that involves a sale, purchase or reserva-
27 tion of or deposit for goods or services to be picked up by, delivered
28 to or consumed by a customer or patron.

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

1 “(c) ‘Micro market’ means an unattended retail establishment to
2 which access by the general public is restricted that offers whole or
3 fresh-cut fruit and vegetables, packaged foods or beverages for pur-
4 chase through an automated payment processing system.

5 “(d) ‘Transient lodging’ has the meaning given that term in ORS
6 699.005.

7 “(e) ‘Vending machine’ has the meaning given that term in ORS
8 624.310.

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

10 “**Sec. 1.** (1) Except as provided in subsection (2) of this section, it is an
11 unlawful practice for a place of public accommodation, as defined in ORS
12 659A.400, offering goods or services, or any person acting on behalf of such
13 place, to:

14 “(a) Refuse to accept from a customer or patron United States coins and
15 currency, including federal reserve bank notes and circulating notes of fed-
16 eral reserve banks and national banks, as payment for goods and services.

17 “(b) Make any distinction, discrimination or restriction because a cus-
18 tomer or patron offers United States coins and currency, including federal
19 reserve bank notes and circulating notes of federal reserve banks and na-
20 tional banks, as payment for goods and services.

21 “(2) Notwithstanding subsection (1) of this section, a place of public ac-
22 commodation, or any person acting on behalf of such place, may refuse to
23 accept as payment for goods and services:

24 “(a) United States coins, in any combination, in an amount equal to or
25 greater than \$100; or

26 “(b) United States currency in denominations of \$50 or \$100.

27 “(3) This section does not apply to:

28 “(a) A place of public accommodation that is owned or maintained by a
29 public body, as defined in ORS 174.109;

30 “(b) Any service to the public, other than public transportation services,

1 that is provided by a public body, as defined in ORS 174.109;

2 “(c) Farmers’ markets or roadside stands;

3 “(d) Transactions occurring on aircraft;

4 “(e) Transactions for goods or services involving a place or service offer-

5 ing goods, services, transient lodging or transportation, when the transaction

6 or a portion of the transaction requires a customer or patron to deposit

7 moneys or sign an agreement to rent or lease consumer goods;

8 “(f) Any establishment that is owned by or operated under the control of

9 the United States Government or an agency of the United States;

10 “(g) Retail transactions that occur entirely over the telephone or by mail;

11 “(h) Internet-based transactions;

12 “(i) The purchase of Class 1 flammable liquids, as defined in ORS 480.310,

13 at a filling station, service station, garage or other dispensary where Class

14 1 flammable liquids are dispensed;

15 “(j) Electric vehicle charging stations;

16 “(k) Transactions that occur in a micro market, including purchases from

17 a vending machine;

18 “(L) Purchases from a vending machine unless the vending machine is

19 located within a concentration or cluster of more than eight vending ma-

20 chines that do not accept coins or currency as payment for purchases;

21 “(m) Transactions involving the sale of products for which a license is

22 required by ORS 744.053; or

23 “(n) A place of public accommodation that provides hospital or medical

24 services and that bills or invoices a person after such services are rendered,

25 provided that the place of public accommodation accepts coins and currency

26 as payment for the bill or invoice by mail or at a designated location other

27 than the location where the services are rendered.

28 “(4) Nothing in this section may be construed to prohibit, restrict, or

29 otherwise interfere with the ability of a place of public accommodation to:

30 “(a) Accept, in addition to the forms of payment described under sub-

1 section (1) of this section, as payment for goods or services, any other form
2 of payment provided that such payment is not prohibited under federal or
3 state law;

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

6 “(c) Offer a customer or patron an incentive for paying for goods or ser-
7 vices in coin or currency.

8 “(5) A person who alleges a violation of subsection (1) of this section
9 **may bring a civil action under ORS 659A.885 or** may file a complaint with
10 the Commissioner of the Bureau of Labor and Industries in the manner pro-
11 vided by ORS 659A.820.

12 “(6) As used in this section:

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

14 “(b)(A) ‘Internet-based transaction’ means a transaction that occurs over
15 the Internet and that involves a sale, purchase or reservation of or deposit
16 for goods or services to be picked up by, delivered to or consumed by a cus-
17 tomer or patron.

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

19 “(c) ‘Micro market’ means an unattended retail establishment to which
20 access by the general public is restricted that offers whole or fresh-cut fruit
21 and vegetables, packaged foods or beverages for purchase through an auto-
22 mated payment processing system.

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

24 “(e) ‘Vending machine’ has the meaning given that term in ORS
25 624.310.”.

26 On page 4, line 7, after “class” insert a period and delete the rest of the
27 line and line 8.

28 On page 17, after line 37, insert:

29 **“SECTION 11. (1) Section 1 of this 2020 Act becomes operative on**
30 **July 1, 2021.**

1 **“(2) The amendments to section 1 of this 2020 Act and ORS 659A.885**
2 **by sections 1a and 6 to 10 of this 2020 Act become operative on January**
3 **1, 2022.**

4 **“(3) The Commissioner of the Bureau of Labor and Industries may**
5 **adopt rules and take any action before the operative dates specified in**
6 **subsections (1) and (2) of this section that is necessary for the com-**
7 **missioner to exercise, on or after the operative dates specified in sub-**
8 **section (1) of this section, all the duties, functions and powers**
9 **conferred on the commissioner by sections 1 and 1a of this 2020 Act**
10 **and the amendments to ORS 659A.885 by sections 6 to 10 of this 2020**
11 **Act.”.**

12 In line 38, delete “11” and insert “12”.

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