

Requested by Representative BYNUM

**PROPOSED AMENDMENTS TO  
MINORITY REPORT A-ENGROSSED HOUSE BILL 4107**

1 On page 1 of the printed minority report A-engrossed bill, line 2, after  
2 “659A.001” delete the rest of the line and line 3 and insert “and 659A.030.”.

3 In line 9, after “practice” insert “under ORS chapter 659A”.

4 On page 2, delete lines 4 through 45 and delete page 3.

5 On page 4, delete lines 1 through 22 and insert:

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

7 “(a) Farmers’ markets or roadside stands;

8 “(b) Transactions occurring on aircraft;

9 “(c) Transactions for goods or services involving a place or service offer-  
10 ing goods, services, transient lodging or transportation, when the transaction  
11 or a portion of the transaction requires a customer or patron to deposit  
12 moneys or sign an agreement to rent or lease consumer goods;

13 “(d) Any establishment that is owned by or operated under the control  
14 of the United States Government or an agency of the United States;

15 “(e) Retail transactions that occur entirely over the telephone or by mail;

16 “(f) Internet-based transactions;

17 “(g) The purchase of Class 1 flammable liquids at a filling station, service  
18 station, garage or other dispensary where Class 1 flammable liquids are dis-  
19 pensed;

20 “(h) Electric vehicle charging stations;

21 “(i) Transactions that occur in a micro market, including purchases from

1 a vending machine;

2 “(j) Purchases from a vending machine unless the vending machine is lo-  
3 cated within a concentration or cluster of more than eight vending machines  
4 that do not accept coins or currency as payment for purchases;

5 “(k) Transactions involving the sale of products for which a license is  
6 required by ORS 744.053;

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

12 “(m) Any regional office of the Department of Revenue;

13 “(n) A place of public accommodation that is a branch or office of a bank  
14 holding company, financial holding company, financial institution or trust  
15 company or an affiliate of a bank holding company, financial holding com-  
16 pany, financial institution or trust company; or

17 “(o) Transactions for which a license is required under ORS 59.165.

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

20 “(a) Accept, in addition to the forms of payment described under sub-  
21 section (1) of this section, as payment for goods or services, any other form  
22 of payment provided that such payment is not prohibited under federal or  
23 state law;

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

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

28 “(5) A person who alleges a violation of subsection (1) of this section may  
29 file a complaint with the Commissioner of the Bureau of Labor and Indus-  
30 tries in the manner provided by ORS 659A.820.

1 “(6) As used in this section:

2 “(a) ‘Affiliate’ means any company that controls, is controlled by or is  
3 under common control of another company.

4 “(b) ‘Bank holding company,’ ‘financial holding company,’ ‘financial in-  
5 stitution’ and ‘trust company’ have the meanings given those terms in ORS  
6 706.008.

7 “(c) ‘Class 1 flammable liquids’ has the meaning given that term in ORS  
8 480.310.

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

10 “(e)(A) ‘Internet-based transaction’ means a transaction that occurs over  
11 the Internet and that involves a sale, purchase or reservation of or deposit  
12 for goods or services to be picked up by, delivered to, shipped to or consumed  
13 by a customer or patron.

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

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

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

21 “(h) ‘Public body’ has the meaning given that term in ORS 174.109.

22 “(i) ‘Regional office’ means an office of the Department of Revenue other  
23 than a central office or headquarters building located in Salem.

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

25 “(k) ‘Vending machine’ has the meaning given that term in ORS  
26 624.310.”.

27 On page 8, delete lines 42 through 45 and delete pages 9 through 20 and  
28 insert:

29 **“SECTION 6. (1) Upon receiving a complaint alleging a violation of**  
30 **section 1 of this 2020 Act, the Commissioner of the Bureau of Labor**

1 and Industries shall make inquiries and investigations in the manner  
2 provided in ORS 659A.835.

3 “(2)(a) If after the completion of an investigation under this section  
4 the commissioner issues a finding of substantial evidence, the com-  
5 missioner may assess civil penalties against a place of public accom-  
6 modation and against any person acting on behalf of a place of public  
7 accommodation. A civil penalty imposed under this subsection is in  
8 addition to any other penalty provided by law.

9 “(b) A civil penalty imposed under this subsection may not exceed:

10 “(A) \$1,000 for a first violation;

11 “(B) \$5,000 for a second violation; or

12 “(C) \$15,000 for a third or subsequent violation.

13 “(3) Civil penalties assessed under this section shall be imposed in  
14 the manner provided in ORS 183.745.

15 “(4) Civil penalties recovered under this section shall be applied first  
16 toward reimbursing costs incurred by the commissioner in conducting  
17 inquiries and investigations under subsection (1) of this section. Any  
18 remaining amounts shall be transferred to the General Fund.

19 “SECTION 7. (1) Sections 1 and 6 of this 2020 Act become operative  
20 on July 1, 2021.

21 “(2) The Commissioner of the Bureau of Labor and Industries may  
22 adopt rules and take any action before the operative date specified in  
23 subsection (1) of this section that is necessary for the commissioner  
24 to exercise, on or after the operative date specified in subsection (1)  
25 of this section, all the duties, functions and powers conferred on the  
26 commissioner by section 1 of this 2020 Act.

27 “SECTION 8. The unit captions used in this 2020 Act are provided  
28 only for the convenience of the reader and do not become part of the  
29 statutory law of this state or express any legislative intent in the  
30 enactment of this 2020 Act.”.

