

Requested by SENATE COMMITTEE ON RULES

**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
3 located within a concentration or cluster of more than eight vending ma-
4 chines that do not accept coins or currency as payment for purchases;

5 “(k) Activities for which a license or certificate is required to transact
6 insurance;

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;

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

18 “(p) Transactions for which a license is required under ORS chapter 86A;

19 or

20 “(q) Escrow transactions for which a license is required under ORS
21 696.511.

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

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

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

30 “(c) Offer a customer or patron an incentive for paying for goods or ser-

1 vices in coin or currency.

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

5 “(6) As used in this section:

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

8 “(b) ‘Bank holding company,’ ‘financial holding company,’ ‘financial in-
9 stitution’ and ‘trust company’ have the meanings given those terms in ORS
10 706.008.

11 “(c) ‘Class 1 flammable liquids’ has the meaning given that term in ORS
12 480.310.

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

14 “(e) ‘Escrow’ has the meaning given that term in ORS 696.505.

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

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

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

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

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

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

29 “(k) ‘Transact insurance’ has the meaning given that term in ORS 731.146.

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

1 “(m) ‘Vending machine’ has the meaning given that term in ORS
2 624.310.”.

3 On page 8, delete lines 39 through 45 and delete pages 9 through 20 and
4 insert:

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“OPERATIVE DATE

7

8 **“SECTION 6. (1) Section 1 of this 2020 Act becomes operative on**
9 **July 1, 2021.**

10 **“(2) The Commissioner of the Bureau of Labor and Industries may**
11 **adopt rules and take any action before the operative date specified in**
12 **subsection (1) of this section that is necessary for the commissioner**
13 **to exercise, on or after the operative date specified in subsection (1)**
14 **of this section, all the duties, functions and powers conferred on the**
15 **commissioner by section 1 of this 2020 Act.**

16

17

“UNIT CAPTIONS

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19 **“SECTION 7. The unit captions used in this 2020 Act are provided**
20 **only for the convenience of the reader and do not become part of the**
21 **statutory law of this state or express any legislative intent in the**
22 **enactment of this 2020 Act.”.**

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