

House Bill 3312

Sponsored by Representative CLEM (at the request of Kevin Cameron)

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 mailed solicitation for payment of fee in exchange for assistance with filing annual report with Secretary of State unless mailing contains specified disclosures. Provides that violation of prohibition is unlawful trade practice.

A BILL FOR AN ACT

1
2 Relating to unlawful trade practices; creating new provisions; and amending ORS 646.607.

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

4 **SECTION 1. (1) A person may not mail or cause to be sent to another person a document**
5 **soliciting the payment of a fee in exchange for assistance with preparing or filing an annual**
6 **report required by ORS 60.787 or 63.787 unless the document contains a clear and conspicu-**
7 **ous disclosure, on the top of each page and on the exterior of the envelope or mailing, that:**

8 (a) **The sender is not a public body and is not affiliated with any public body; and**

9 (b) **The document is not an official document from the Secretary of State.**

10 (2) **A violation of subsection (1) of this section is an unlawful trade practice under ORS**
11 **646.607.**

12 (3) **As used in this section:**

13 (a) **“Clear and conspicuous” means a disclosure that is sufficiently prominent, in terms**
14 **of placement, font or color contrast, as compared with the remainder of the solicitation, as**
15 **to be reasonably apparent to the audience to which the solicitation is directed.**

16 (b) **“Person” means an individual or entity other than a public body.**

17 (c) **“Public body” has the meaning given that term in ORS 174.109.**

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

19 646.607. A person engages in an unlawful trade practice if in the course of the person's business,
20 vocation or occupation the person:

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

23 (2) **Fails to deliver all or any portion of real estate, goods or services as promised, and at a**
24 **customer's request, fails to refund money that the customer gave to the person to purchase the**
25 **undelivered real estate, goods or services and that the person does not retain pursuant to any right,**
26 **claim or defense the person may assert in good faith. This subsection does not create a warranty**
27 **obligation and does not apply to a dispute over the quality of real estate, goods or services delivered**
28 **to a customer.**

29 (3) **Violates ORS 401.965 (2).**

30 (4) **Violates a provision of ORS 646A.725 to 646A.750.**

31 (5) **Violates ORS 646A.530.**

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 (6) Employs a collection practice that is unlawful under ORS 646.639.
- 2 (7) Is a beneficiary that violates ORS 86.726 (1)(a) or (2), 86.729 (4) or 86.732 (1) or (2).
- 3 (8) Violates ORS 646A.093.
- 4 (9) Violates a provision of ORS 646A.600 to 646A.628.
- 5 (10) Violates ORS 646A.808 (2).
- 6 (11) Violates ORS 336.184.
- 7 (12) Publishes on a website related to the person's business, or in a consumer agreement related
- 8 to a consumer transaction, a statement or representation of fact in which the person asserts that
- 9 the person, in a particular manner or for particular purposes, will use, disclose, collect, maintain,
- 10 delete or dispose of information that the person requests, requires or receives from a consumer and
- 11 the person uses, discloses, collects, maintains, deletes or disposes of the information in a manner
- 12 that is materially inconsistent with the person's statement or representation.
- 13 (13) Violates ORS 646A.813 (2).
- 14 **(14) Violates section 1 (1) of this 2021 Act.**
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