

B-Engrossed
Senate Bill 1565

Ordered by the House February 24
Including Senate Amendments dated February 14 and House Amendments
dated February 24

Sponsored by Senators PROZANSKI, LAWRENCE SPENCE, MANNING JR, Representatives CAMPOS, HAYDEN, LIVELY; Senators DEMBROW, FREDERICK, GOLDEN, SOLLMAN, TAYLOR, Representatives ALONSO LEON, GRAYBER, HELM, MCLAIN, PHAM, POWER, SANCHEZ, SCHOUTEN, WILLIAMS (Presession filed.)

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.

Makes unlawful practice for place of public accommodation to refuse to accept United States coins or currency as payment for goods and services. Creates limited exceptions. Allows person to file complaint with Commissioner of Bureau of Labor and Industries alleging unlawful practice against operator or person acting on behalf of place of public accommodation.

Takes effect on 91st day following adjournment sine die.

A BILL FOR AN ACT

1
2 Relating to discrimination based on the use of certain types of currency as payment; and prescribing
3 an effective date.

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

5 **SECTION 1. (1) Except as provided in subsections (2) and (4) of this section, it is an un-**
6 **lawful practice under ORS chapter 659A for a place of public accommodation offering goods**
7 **or services, or any person acting on behalf of such place, to:**

8 (a) Refuse to accept from a customer or patron, as payment for goods and services, any
9 of the following:

10 (A) United States coins.

11 (B) United States currency, including federal reserve bank notes and circulating notes
12 of federal reserve banks and national banks.

13 (b) Make any distinction, discrimination or restriction because a customer or patron of-
14 fers any of the following as payment for goods and services:

15 (A) United States coins.

16 (B) United States currency, including federal reserve bank notes and circulating notes
17 of federal reserve banks and national banks.

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

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

22 or

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

24 (3) This section does not apply to:

25 (a) Farmers' markets or roadside stands;

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 **(b) Transactions occurring on aircraft;**
- 2 **(c) Transactions for goods or services involving a place or service offering goods, ser-**
3 **VICES, transient lodging or transportation, when the transaction or a portion of the trans-**
4 **action requires a customer or patron to deposit moneys or sign an agreement to rent or**
5 **lease consumer goods;**
- 6 **(d) Any establishment that is owned by or operated under the control of the United**
7 **States Government or an agency of the United States;**
- 8 **(e) Retail transactions that occur entirely over the telephone or by mail;**
- 9 **(f) Internet-based transactions;**
- 10 **(g) The purchase of diesel fuel or Class 1 flammable liquids at a filling station, service**
11 **station, garage or other dispensary where diesel fuel or Class 1 flammable liquids are dis-**
12 **persed and sold at retail, during the hours in which the filling station, service station, garage**
13 **or dispensary is unattended by an owner, operator or other employee to dispense the fuel**
14 **or liquids or is attended by only one owner, operator or other employee to dispense the fuel**
15 **or liquids;**
- 16 **(h) Electric vehicle charging stations;**
- 17 **(i) Transactions that occur in a micro market, including purchases from a vending ma-**
18 **chine;**
- 19 **(j) Purchases from a vending machine, unless the vending machine is located within a**
20 **concentration or cluster of more than eight vending machines that do not accept coins or**
21 **currency as payment for purchases;**
- 22 **(k) Activities for which a license or certificate is required to transact insurance;**
- 23 **(L) A place of public accommodation that provides hospital or medical services and that**
24 **bills or invoices a person after such services are rendered, provided that the place of public**
25 **accommodation accepts coins and currency as payment for the bill or invoice by mail or at**
26 **a designated location other than the location where the services are rendered;**
- 27 **(m) Any regional office of the Department of Revenue;**
- 28 **(n) A place of public accommodation that is a branch or office of a bank holding company,**
29 **financial holding company, financial institution or trust company or an affiliate of a bank**
30 **holding company, financial holding company, financial institution or trust company;**
- 31 **(o) Transactions for which a license is required under ORS 59.165;**
- 32 **(p) Transactions for which a license is required under ORS 86A.095 to 86A.198, 86A.200**
33 **to 86A.239 or 86A.303 to 86A.339;**
- 34 **(q) Escrow transactions for which a license is required under ORS 696.511;**
- 35 **(r) A licensee under ORS chapter 725;**
- 36 **(s) A membership-only retail establishment where goods and services are sold to mem-**
37 **bers who pay a recurring membership fee; or**
- 38 **(t) On-street and off-street parking pay stations that do not accept currency, provided**
39 **that the pay station accepts coins as one method of payment.**
- 40 **(4) It is not a violation of subsection (1) of this section for a place of public accommo-**
41 **dation, including a venue or facility used for live entertainment or sporting events, to require**
42 **patrons or event attendees to make purchases at different points of sale within the place of**
43 **public accommodation using a payment system that transfers or converts cash into a**
44 **cashless payment instrument, including, but not limited to, tokens, cards, wristbands or**
45 **other instruments that are preloaded with funds, provided that the place of public accom-**

1 **modation does not charge a transaction fee for the conversion or transfer of cash to the**
2 **cashless payment instrument or to refund any balance that remains on the cashless payment**
3 **instrument back to the patron or event attendee.**

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

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

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

11 **(c) Offer a customer or patron an incentive for paying for goods or services in coin or**
12 **currency.**

13 **(6) A person who alleges a violation of subsection (1) of this section may file a complaint**
14 **with the Commissioner of the Bureau of Labor and Industries in the manner provided by**
15 **ORS 659A.820.**

16 **(7) As used in this section:**

17 **(a) "Affiliate" means any company that controls, is controlled by or is under common**
18 **control of another company.**

19 **(b) "Bank holding company," "financial holding company," "financial institution" and**
20 **"trust company" have the meanings given those terms in ORS 706.008.**

21 **(c) "Class 1 flammable liquids" has the meaning given that term in ORS 480.310.**

22 **(d) "Consumer goods" has the meaning given that term in ORS 79.0102.**

23 **(e) "Escrow" has the meaning given that term in ORS 696.505.**

24 **(f)(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, shipped to or consumed by a customer or patron.**

27 **(B) "Internet-based transaction" does not mean an in-person transaction.**

28 **(g) "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 **(h) "Place of public accommodation" has the meaning given that term in ORS 659A.400.**

32 **(i) "Regional office" means an office of the Department of Revenue other than a central**
33 **office or headquarters building located in Salem.**

34 **(j) "Transact insurance" has the meaning given that term in ORS 731.146.**

35 **(k) "Transient lodging" has the meaning given that term in ORS 699.005.**

36 **(L) "Vending machine" has the meaning given that term in ORS 624.310.**

37 **SECTION 2. This 2022 Act takes effect on the 91st day after the date on which the 2022**
38 **regular session of the Eighty-first Legislative Assembly adjourns sine die.**

39