

HB 2620 STAFF MEASURE SUMMARY

Senate Committee On Labor and Business

Prepared By: Whitney Perez, LPRO Analyst

Meeting Dates: 4/4, 4/6

WHAT THE MEASURE DOES:

Adds violation of Home Solicitation Sales Act (HSSA) as unlawful practice under Unlawful Trade Practices Act. Takes effect on 91st day following adjournment sine die.

ISSUES DISCUSSED:

EFFECT OF AMENDMENT:

No amendment.

BACKGROUND:

The Unlawful Trade Practices Act (UTPA) is one tool consumers may use to recover damages that occur because of deceptive sales or business practices. The UTPA provides individuals with a right to use for deceptive practices relating to the sale of real estate, good, or services. It prohibits both general and specific conduct. Generally, the UTPA provides that a person is engaging in unlawful practices if, during business, the person: employs unconscionable tactics when selling, renting, or disposing of real estate, good, or services; and fails to deliver the goods or services, or refuses to refund money to the consumer for undelivered goods. A person may bring an action for any of the specific acts prohibited by the UTPA, but only a prosecuting attorney may bring an action for the more general "unconscionable tactics" outlined in statute.

Oregon's Home Solicitation Sales Act (HSSA) is a consumer protection statute that grants a customer in a home solicitation sale the right to cancel the transaction within three business days of either signing the sales agreement or paying by cash or check. The HSSA generally applies to sales, leases, or rentals of goods or services in an amount of at least \$25 and purchased for personal, family, or household purposes.

House Bill 2620 adds violations of Oregon's HSSA as an unlawful practice under UTPA.