

Minority Report
A-Engrossed
Senate Bill 910

Ordered by the Senate April 5
Including Senate Minority Report Amendments dated April 5

Sponsored by nonconcurring members of the Senate Committee on Judiciary: Senators LINTHICUM, THATCHER

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.

Excludes certain on-street and off-street parking pay stations from requirement to accept coins and currency as payment for goods and services **provided that access to another pay station that accepts coins or currency as payment is available within 300 feet of pay station that does not accept coins or currency.**

A BILL FOR AN ACT

1
2 Relating to exemptions from requirements mandating the acceptance of cash payments; amending
3 section 1, chapter 98, Oregon Laws 2022.

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

5 **SECTION 1.** Section 1, chapter 98, Oregon Laws 2022, is amended to read:

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

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

11 (A) United States coins.

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

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

16 (A) United States coins.

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

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

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

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

23 (3) This section does not apply to:

24 (a) Farmers' markets or roadside stands;

25 (b) Transactions occurring on aircraft;

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 (c) Transactions for goods or services involving a place or service offering goods, services,
2 transient lodging or transportation, when the transaction or a portion of the transaction requires
3 a customer or patron to deposit moneys or sign an agreement to rent or lease consumer goods;

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

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

7 (f) Internet-based transactions;

8 (g) The purchase of diesel fuel or Class 1 flammable liquids at a filling station, service station,
9 garage or other dispensary where diesel fuel or Class 1 flammable liquids are dispensed and sold
10 at retail, during the hours in which the filling station, service station, garage or dispensary is un-
11 attended by an owner, operator or other employee to dispense the fuel or liquids or is attended by
12 only one owner, operator or other employee to dispense the fuel or liquids;

13 (h) Electric vehicle charging stations;

14 (i) Transactions that occur in a micro market, including purchases from a vending machine;

15 (j) Purchases from a vending machine, unless the vending machine is located within a concen-
16 tration or cluster of more than eight vending machines that do not accept coins or currency as
17 payment for purchases;

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

19 (L) A place of public accommodation that provides hospital or medical services and that bills
20 or invoices a person after such services are rendered, provided that the place of public accommo-
21 dation accepts coins and currency as payment for the bill or invoice by mail or at a designated lo-
22 cation other than the location where the services are rendered;

23 (m) Any regional office of the Department of Revenue;

24 (n) A place of public accommodation that is a branch or office of a bank holding company, fi-
25 nancial holding company, financial institution or trust company or an affiliate of a bank holding
26 company, financial holding company, financial institution or trust company;

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

28 (p) Transactions for which a license is required under ORS 86A.095 to 86A.198, 86A.200 to
29 86A.239 or 86A.303 to 86A.339;

30 (q) Escrow transactions for which a license is required under ORS 696.511;

31 (r) A licensee under ORS chapter 725;

32 (s) A membership-only retail establishment where goods and services are sold to members who
33 pay a recurring membership fee; [*or*]

34 (t) On-street and off-street parking pay stations that [*do not accept currency, provided that the*
35 *pay station accepts*] **accept either coins or currency** as one method of payment[.]; **or**

36 **(u) On-street and off-street parking pay stations that do not accept coins or currency,**
37 **provided that access to another pay station that accepts coins or currency as payment for**
38 **the parking is made available within 300 feet of a pay station that does not accept coins or**
39 **currency.**

40 (4) It is not a violation of subsection (1) of this section for a place of public accommodation,
41 including a venue or facility used for live entertainment or sporting events, to require patrons or
42 event attendees to make purchases at different points of sale within the place of public accommo-
43 dation using a payment system that transfers or converts cash into a cashless payment instrument,
44 including, but not limited to, tokens, cards, wristbands or other instruments that are preloaded with
45 funds, provided that the place of public accommodation does not charge a transaction fee for the

1 conversion or transfer of cash to the cashless payment instrument or to refund any balance that
2 remains on the cashless payment instrument back to the patron or event attendee.

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

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

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

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

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

13 (7) As used in this section:

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

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

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

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

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

21 (f)(A) "Internet-based transaction" means a transaction that occurs over the Internet and that
22 involves a sale, purchase or reservation of or deposit for goods or services to be picked up by, de-
23 livered to, shipped to or consumed by a customer or patron.

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

25 (g) "Micro market" means an unattended retail establishment to which access by the general
26 public is restricted that offers whole or fresh-cut fruit and vegetables, packaged foods or beverages
27 for purchase through an automated payment processing system.

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

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

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

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

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

34