



Oregon

Tina Kotek, Governor

Landscape Contractors Board

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Oregon Landscape Contractors Board Testimony
House Committee on Business and Labor

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HB 2292: Right of Rescission in Contracts for Landscaping Work

Problem:

Consumers who enter into contracts with landscape contracting businesses (LCB) currently do not have the same right to cancel a contract as they have with construction contracting businesses (CCB) or for door-to-door sales. HB 2292 seeks to provide consumers with equal protection.

In the past few years there have been complaints brought to the Oregon Landscape Contractors Board (OLCB) where the Board has not been able to protect consumers who were caught up by high pressure tactics to sign contracts with large, non-refundable deposits. In these cases, the consumers have reported feeling doubt about signing the contract once the contractor has left the property. They have often contacted their family members for a second opinion or other companies for a second bid. The second bids have come back considerably lower and with solutions that are often much simpler in nature. Currently, once the contract is signed, the consumer has no way to change their mind shortly after signing the contract.

ORS 83.720 Cancellation of home solicitation sale; notice; exception, gives the right of rescission in the case of door-to-door sales to help protect against contracts like the ones described above. *ORS 701.310 Cancellation of contract*, provides the right of rescission in the case of a contract for construction, improvement, or repair of residential property with a CCB licensee. However, the current statute does not offer the same protection to consumers who contract with an LCB.

Solution:

HB 2292 allows the right to cancel a contract within three business days after the execution of the contract with an LCB licensee. The measure provides exceptions for work that is agreed by both parties, in writing, to begin before the three-business day period ends. The three-business day period only applies to the original signing, not to any amendments that take place after the three-business day period.

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