

House Bill 2193

Sponsored by Representative RESCHKE (Pre-session 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 **as introduced**. The statement includes a measure digest written in compliance with applicable readability standards.

Digest: Says that a person may not trade or not trade with a resident of this state on the basis of the resident's social standing. (Flesch Readability Score: 69.6).

Prohibits a person from engaging in or refusing to engage in an economic relationship with a resident of this state, or allowing or barring the resident from entry into a place of public accommodation, on the basis of or with reference to any score, rating, appraisal, assessment or other evaluation of the resident's social standing or reputation, adherence to or expression of a religious, moral or political belief or doctrine, compliance with a public health mandate or exercise of a constitutionally protected right, including the right to free expression or freedom of association or assembly. Specifies exceptions.

Punishes a violation of the Act as an unlawful practice under the Unlawful Trade Practices Act. Takes effect on the 91st day following adjournment sine die.

A BILL FOR AN ACT

1
2 Relating to social credit scoring; creating new provisions; amending ORS 646.608; and prescribing
3 an effective date.

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

SECTION 1. (1) As used in this section:

5
6 (a) **"Economic relationship" means the conduct of trade, commerce, custom, exchange,**
7 **employment or contractual relations or the provision or receipt of goods or services of any**
8 **description.**

9 (b) **"Person" means:**

10 (A) **A partnership, a limited partnership, a limited liability partnership, a corporation, a**
11 **nonprofit corporation, a limited liability company, a business trust, a joint venture or any**
12 **other incorporated or unincorporated association, organization or business entity;**

13 (B) **A public body as defined in ORS 174.109;**

14 (C) **The Oregon State Bar, the Oregon Health and Science University or an intergovern-**
15 **mental entity formed with a public body; or**

16 (D) **A public university listed in ORS 352.002.**

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

18 (d) **"Resident" means an individual natural person who resides in this state.**

19 (2) **Except as provided in subsection (3) of this section, a person may not engage in or**
20 **refuse to engage in an economic relationship with a resident, or allow or bar the resident**
21 **from entry into a place of public accommodation, on the basis of or with reference to any**
22 **score, rating, appraisal, assessment or other evaluation of the resident's social standing or**
23 **reputation, adherence to or expression of a religious, moral or political belief or doctrine,**
24 **compliance with a public health mandate or exercise of a constitutionally protected right,**
25 **including the right to free expression or freedom of association or assembly.**

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 **(3)(a) The prohibition described in subsection (2) of this section does not apply to a**
2 **person’s engagement in or refusal to engage in an economic relationship with a resident on**
3 **the basis of a score, rating, appraisal, assessment or evaluation of:**

4 **(A) The resident’s creditworthiness, if the score, rating, appraisal, assessment or evalu-**
5 **ation complies with the requirements of the Fair Credit Reporting Act, 15 U.S.C. 1681b et**
6 **seq., as in effect on the effective date of this 2025 Act, and applicable state laws that govern**
7 **credit reporting and decisions to grant or deny credit; or**

8 **(B) The resident’s previous conviction for a crime that involved violence or fraud, except**
9 **to the extent that the use of the score, rating, appraisal, assessment or evaluation for this**
10 **purpose is prohibited under applicable federal laws.**

11 **(b) This section does not apply to an action or activity in which a labor organization en-**
12 **gages as preparation for or conduct of collective bargaining or an action or activity that is**
13 **otherwise related to collective bargaining.**

14 **(4) A person’s violation of subsection (2) of this section is an unlawful practice under**
15 **ORS 646.608.**

16 **SECTION 2.** ORS 646.608, as amended by section 6, chapter 410, Oregon Laws 2023, is amended
17 to read:

18 646.608. (1) A person engages in an unlawful practice if in the course of the person’s business,
19 vocation or occupation the person does any of the following:

20 (a) Passes off real estate, goods or services as the real estate, goods or services of another.

21 (b) Causes likelihood of confusion or of misunderstanding as to the source, sponsorship, ap-
22 proval, or certification of real estate, goods or services.

23 (c) Causes likelihood of confusion or of misunderstanding as to affiliation, connection, or asso-
24 ciation with, or certification by, another.

25 (d) Uses deceptive representations or designations of geographic origin in connection with real
26 estate, goods or services.

27 (e) Represents that real estate, goods or services have sponsorship, approval, characteristics,
28 ingredients, uses, benefits, quantities or qualities that the real estate, goods or services do not have
29 or that a person has a sponsorship, approval, status, qualification, affiliation, or connection that the
30 person does not have.

31 (f) Represents that real estate or goods are original or new if the real estate or goods are de-
32 teriorated, altered, reconditioned, reclaimed, used or secondhand.

33 (g) Represents that real estate, goods or services are of a particular standard, quality, or grade,
34 or that real estate or goods are of a particular style or model, if the real estate, goods or services
35 are of another.

36 (h) Disparages the real estate, goods, services, property or business of a customer or another
37 by false or misleading representations of fact.

38 (i) Advertises real estate, goods or services with intent not to provide the real estate, goods or
39 services as advertised, or with intent not to supply reasonably expectable public demand, unless the
40 advertisement discloses a limitation of quantity.

41 (j) Makes false or misleading representations of fact concerning the reasons for, existence of,
42 or amounts of price reductions.

43 (k) Makes false or misleading representations concerning credit availability or the nature of the
44 transaction or obligation incurred.

45 (L) Makes false or misleading representations relating to commissions or other compensation to

1 be paid in exchange for permitting real estate, goods or services to be used for model or demon-
 2 stration purposes or in exchange for submitting names of potential customers.

3 (m) Performs service on or dismantles any goods or real estate if the owner or apparent owner
 4 of the goods or real estate does not authorize the service or dismantling.

5 (n) Solicits potential customers by telephone or door to door as a seller unless the person pro-
 6 vides the information required under ORS 646.611.

7 (o) In a sale, rental or other disposition of real estate, goods or services, gives or offers to give
 8 a rebate or discount or otherwise pays or offers to pay value to the customer in consideration of
 9 the customer giving to the person the names of prospective purchasers, lessees, or borrowers, or
 10 otherwise aiding the person in making a sale, lease, or loan to another person, if earning the rebate,
 11 discount or other value is contingent upon an event occurring after the time the customer enters
 12 into the transaction.

13 (p) Makes any false or misleading statement about a prize, contest or promotion used to publi-
 14 cize a product, business or service.

15 (q) Promises to deliver real estate, goods or services within a certain period of time with intent
 16 not to deliver the real estate, goods or services as promised.

17 (r) Organizes or induces or attempts to induce membership in a pyramid club.

18 (s) Makes false or misleading representations of fact concerning the offering price of, or the
 19 person's cost for real estate, goods or services.

20 (t) Concurrent with tender or delivery of any real estate, goods or services, fails to disclose any
 21 known material defect or material nonconformity.

22 (u) Engages in any other unfair or deceptive conduct in trade or commerce.

23 (v) Violates any of the provisions relating to auction sales, consignment sales, auctioneers,
 24 consignees or auction marts under ORS 698.640, whether in a commercial or noncommercial situ-
 25 ation.

26 (w) Manufactures mercury fever thermometers.

27 (x) Sells or supplies mercury fever thermometers unless the thermometer is required by federal
 28 law, or is:

29 (A) Prescribed by a person licensed under ORS chapter 677; and

30 (B) Supplied with instructions on the careful handling of the thermometer to avoid breakage and
 31 on the proper cleanup of mercury should breakage occur.

32 (y) Sells a thermostat that contains mercury, unless the thermostat is labeled in a manner to
 33 inform the purchaser that mercury is present in the thermostat and that the thermostat may not be
 34 disposed of until the mercury is removed, reused, recycled or otherwise managed to ensure that the
 35 mercury does not become part of the solid waste stream or wastewater. For purposes of this para-
 36 graph, "thermostat" means a device commonly used to sense and, through electrical communication
 37 with heating, cooling or ventilation equipment, control room temperature.

38 (z) Sells or offers for sale a motor vehicle manufactured after January 1, 2006, that contains
 39 mercury light switches.

40 (aa) Violates the provisions of ORS 803.375, 803.385 or 815.410 to 815.430.

41 (bb) Violates ORS 646A.070 (1).

42 (cc) Violates any requirement of ORS 646A.030 to 646A.040.

43 (dd) Violates the provisions of ORS 128.801 to 128.898.

44 (ee) Violates ORS 646.883 or 646.885.

45 (ff) Violates ORS 646.569 or 646A.374.

- 1 (gg) Violates the provisions of ORS 646A.142.
- 2 (hh) Violates ORS 646A.360.
- 3 (ii) Violates ORS 646.553 or 646.557 or any rule adopted pursuant thereto.
- 4 (jj) Violates ORS 646.563.
- 5 (kk) Violates ORS 759.680 or any rule adopted pursuant thereto.
- 6 (LL) Violates the provisions of ORS 759.705, 759.710 and 759.720 or any rule adopted pursuant
- 7 thereto.
- 8 (mm) Violates ORS 646A.210 or 646A.214.
- 9 (nn) Violates any provision of ORS 646A.124 to 646A.134.
- 10 (oo) Violates ORS 646A.095.
- 11 (pp) Violates ORS 822.046.
- 12 (qq) Violates ORS 128.001.
- 13 (rr) Violates ORS 646A.800 (2) to (4).
- 14 (ss) Violates ORS 646A.090 (2) to (5).
- 15 (tt) Violates ORS 87.686.
- 16 (uu) Violates ORS 646A.803.
- 17 (vv) Violates ORS 646A.362.
- 18 (ww) Violates ORS 646A.052 or any rule adopted under ORS 646A.052 or 646A.054.
- 19 (xx) Violates ORS 180.440 (1) or 180.486 (1).
- 20 (yy) Commits the offense of acting as a vehicle dealer without a certificate under ORS 822.005.
- 21 (zz) Violates ORS 87.007 (2) or (3).
- 22 (aaa) Violates ORS 92.405 (1), (2) or (3).
- 23 (bbb) Engages in an unlawful practice under ORS 646.648.
- 24 (ccc) Violates ORS 646A.365.
- 25 (ddd) Violates ORS 98.853, 98.854, 98.856 or 98.858.
- 26 (eee) Sells a gift card in violation of ORS 646A.276.
- 27 (fff) Violates ORS 646A.102, 646A.106 or 646A.108.
- 28 (ggg) Violates ORS 646A.430 to 646A.450.
- 29 (hhh) Violates a provision of ORS 744.318 to 744.384.
- 30 (iii) Violates a provision of ORS 646A.702 to 646A.720.
- 31 (jjj) Violates ORS 646A.530 30 or more days after a recall notice, warning or declaration de-
- 32 scribed in ORS 646A.530 is issued for the children's product, as defined in ORS 646A.525, that is the
- 33 subject of the violation.
- 34 (kkk) Violates a provision of ORS 697.612, 697.642, 697.652, 697.662, 697.682, 697.692 or 697.707.
- 35 (LLL) Violates the consumer protection provisions of the Servicemembers Civil Relief Act, 50
- 36 U.S.C. 3901 et seq., as in effect on January 1, 2010.
- 37 (mmm) Violates a provision of ORS 646A.480 to 646A.495.
- 38 (nnn) Violates ORS 646A.082.
- 39 (ooo) Violates ORS 646.647.
- 40 (ppp) Violates ORS 646A.115.
- 41 (qqq) Violates a provision of ORS 646A.405.
- 42 (rrr) Violates ORS 646A.092.
- 43 (sss) Violates a provision of ORS 646.644.
- 44 (ttt) Violates a provision of ORS 646A.295.
- 45 (uuu) Engages in the business of, or acts in the capacity of, an immigration consultant, as de-

1 fined in ORS 9.280, in this state and for compensation, unless federal law authorizes the person to
2 do so or unless the person is an active member of the Oregon State Bar.

3 (vvv) Violates ORS 702.012, 702.029 or 702.054.

4 (www) Violates ORS 646A.806.

5 (xxx) Violates ORS 646A.810 (2).

6 (yyy) Violates ORS 443.376.

7 (zzz) Violates a provision of ORS 646A.770 to 646A.787.

8 (aaaa) Violates ORS 815.077.

9 **(bbbb) Violates section 1 of this 2025 Act.**

10 (2) A representation under subsection (1) of this section or ORS 646.607 may be any manifesta-
11 tion of any assertion by words or conduct, including, but not limited to, a failure to disclose a fact.

12 (3) In order to prevail in an action or suit under ORS 336.184 and 646.605 to 646.652, a prose-
13 cuting attorney need not prove competition between the parties or actual confusion or misunder-
14 standing.

15 (4) An action or suit may not be brought under subsection (1)(u) of this section unless the At-
16 torney General has first established a rule in accordance with the provisions of ORS chapter 183
17 declaring the conduct to be unfair or deceptive in trade or commerce.

18 (5) Notwithstanding any other provision of ORS 336.184 and 646.605 to 646.652, if an action or
19 suit is brought under subsection (1)(xx) of this section by a person other than a prosecuting attor-
20 ney, relief is limited to an injunction, and the prevailing party may be awarded reasonable attorney
21 fees.

22 **SECTION 3. This 2025 Act takes effect on the 91st day after the date on which the 2025**
23 **regular session of the Eighty-third Legislative Assembly adjourns sine die.**

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