

## HOUSE AMENDMENTS TO HOUSE BILL 3533

By COMMITTEE ON COMMERCE AND CONSUMER PROTECTION

April 9

- 1 On page 1 of the printed bill, line 2, delete “and”.
- 2 In line 3, after “699.008” insert “; and prescribing an effective date”.
- 3 Delete lines 5 through 27 and delete pages 2 and 3 and insert:
- 4 “**SECTION 1.** ORS 646.607 is amended to read:
- 5 “646.607. A person engages in an unlawful trade practice if in the course of the person’s busi-
- 6 ness, vocation or occupation the person:
- 7 “(1) Employs any unconscionable tactic in connection with selling, renting or disposing of real
- 8 estate, goods or services, or collecting or enforcing an obligation.
- 9 “(2) Fails to deliver all or any portion of real estate, goods or services as promised, and at a
- 10 customer’s request, fails to refund money that the customer gave to the person to purchase the
- 11 undelivered real estate, goods or services and that the person does not retain pursuant to any right,
- 12 claim or defense the person may assert in good faith. This subsection does not create a warranty
- 13 obligation and does not apply to a dispute over the quality of real estate, goods or services delivered
- 14 to a customer.
- 15 “(3) Violates ORS 401.965 (2).
- 16 “(4) Violates a provision of ORS 646A.725 to 646A.750.
- 17 “(5) Violates ORS 646A.530.
- 18 “(6) Employs a collection practice that is unlawful under ORS 646.639.
- 19 “(7) Is a beneficiary that violates ORS 86.726 (1)(a) or (2), 86.729 (4) or 86.732 (1) or (2).
- 20 “(8) Violates ORS 646A.093 **(2)(a) or (b)**.
- 21 “(9) Violates a provision of ORS 646A.600 to 646A.628.
- 22 “(10) Violates ORS 646A.808 (2).
- 23 “(11) Violates ORS 336.184.
- 24 “(12) Publishes on a website related to the person’s business, or in a consumer agreement re-
- 25 lated to a consumer transaction, a statement or representation of fact in which the person asserts
- 26 that the person, in a particular manner or for particular purposes, will use, disclose, collect, main-
- 27 tain, delete or dispose of information that the person requests, requires or receives from a consumer
- 28 and the person uses, discloses, collects, maintains, deletes or disposes of the information in a manner
- 29 that is materially inconsistent with the person’s statement or representation.
- 30 “(13) Violates ORS 646A.813 (2).
- 31 “(14) Violates ORS 137.930 (1).
- 32 “**SECTION 2.** ORS 646A.093 is amended to read:
- 33 “646A.093. (1) As used in this section:
- 34 “(a) ‘Advertise’ means to communicate about [*a consumer good*] **consumer goods or services**
- 35 by newspaper, radio, television, handbill, placard or other print, broadcast or electronic medium

1 within this state [*for the purpose of selling the consumer good*].

2 “(b) ‘Consumer goods **or services**’ means goods **or services** that an individual [*uses or buys*]  
3 **obtains or may obtain** for use primarily for personal, family or household purposes.

4 “(2)(a) A person that offers or sells consumer goods or services to a resident of this state  
5 **may not advertise, display or offer a price for the consumer goods or services that does not**  
6 **include all fees and charges that the resident must pay to complete a transaction for the**  
7 **goods or services, other than:**

8 “(A) Taxes or fees that a governmental body imposes on the transaction; or

9 “(B) Reasonable charges that the person actually incurs to ship the goods or provide the  
10 **services to the resident.**

11 “(b) A person that offers for sale, sells or advertises consumer goods that the person will ship  
12 directly to a [*consumer in*] **resident** of this state shall clearly disclose [*during the sales*] **before**  
13 **completing the** transaction the charges, if any, that the [*consumer*] **resident** must pay for handling  
14 and shipping the consumer goods.

15 “(c) A person that provides broadband Internet access service, as defined in 47 C.F.R.  
16 **8.1(b)**, as in effect on the effective date of this 2025 Act, complies with paragraph (a) of this  
17 subsection if the person complies with the requirements of 47 C.F.R. 8.2, as in effect on the  
18 **effective date of this 2025 Act.**

19 “(3) A person that [*fails to disclose the handling and shipping charges for consumer goods in a*  
20 *transaction described in subsection (2) of this section commits*] **violates subsection (2)(a) or (b) of**  
21 **this section engages in** an unlawful trade practice under ORS 646.607 that is subject to enforce-  
22 ment under ORS 646.632.

23 “(4) This section does not apply to a financial institution, as defined in ORS 706.008, a  
24 mortgage banker or mortgage broker, both as defined in ORS 86A.100, or a licensee, as de-  
25 fined in ORS 725.010, to the extent that the financial institution, mortgage broker or mort-  
26 gage banker or licensee must provide disclosures for a transaction under any of the following  
27 federal laws, or under regulations adopted under the following federal laws, all as in effect  
28 on the effective date of this 2025 Act:

29 “(a) The Truth in Savings Act, 12 U.S.C. 4301 et seq.;

30 “(b) The Electronic Fund Transfer Act, 15 U.S.C. 1693 et seq.;

31 “(c) The Federal Reserve Act, 12 U.S.C. 461 to 467;

32 “(d) The Truth in Lending Act, 15 U.S.C. 1601 et seq.;

33 “(e) The Real Estate Settlement Procedures Act, 12 U.S.C. 2601 et seq.; or

34 “(f) The Home Ownership and Equity Protection Act, 15 U.S.C. 1639.

35 “**SECTION 3.** ORS 699.008 is amended to read:

36 “699.008. (1) A hotelkeeper or innkeeper may not charge a facility fee in addition to the price  
37 of rental of a guest room in the hotel or inn unless the hotelkeeper or innkeeper discloses the fa-  
38 cility fee **as provided in ORS 646A.093** [*at the time that a guest reserves or rents a guest room,*  
39 *whichever is sooner*].

40 “(2) A travel arrangement company that facilitates the reservation or rental of a guest room in  
41 a hotel or inn shall disclose **as provided in ORS 646A.093** [*at the time of reservation or rental,*  
42 *whichever is sooner,*] any facility fee that the hotel or inn charges in addition to the price of rental  
43 of a guest room.

44 “(3) This section does not prohibit the hotelkeeper or innkeeper from assessing any state or lo-  
45 cal transient lodging taxes.

1           **“SECTION 4. The amendments to ORS 646.607, 646A.093 and 699.008 by sections 1 to 3 of**  
2 **this 2025 Act apply to transactions that occur on or after the effective date of this 2025 Act.**

3           **“SECTION 5. This 2025 Act takes effect on the 91st day after the date on which the 2025**  
4 **regular session of the Eighty-third Legislative Assembly adjourns sine die.”.**

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