

Senate Bill 428

Sponsored by Senator PROZANSKI, Representative FRAGALA (at the request of McKenzie River Trust) (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: This Act limits risk from selling unlawful units of land to protect nature. (Flesch Readability Score: 63.7).

Exempts seller and nonprofit purchaser of property for conservation purposes from civil or criminal liability for selling units of land not lawfully established.

A BILL FOR AN ACT

1
2 Relating to sales of units of land not lawfully established for conservation purposes; amending ORS
3 92.018 and 92.990.

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

5 **SECTION 1.** ORS 92.018 is amended to read:

6 92.018. (1) If a person buys a unit of land that is not a lawfully established unit of land, the
7 person may bring an individual action against the seller in an appropriate court to recover damages
8 or to obtain equitable relief. The court shall award reasonable attorney fees to the prevailing party
9 in an action under this section.

10 (2) If the seller of a unit of land that was not lawfully established is a county that
11 [*involuntarily*] acquired the unit of land by means of foreclosure under ORS chapter 312 of delin-
12 quent tax liens, the person who purchases the unit of land is not entitled to damages or equitable
13 relief.

14 **(3) If the purchaser of the unit of land is a public benefit corporation, as defined in ORS**
15 **65.001, and the deed from the seller reflects an intention that the purchaser use the property**
16 **for conservation purposes:**

17 **(a) The purchaser is not entitled to damages or equitable relief under this section against**
18 **the seller.**

19 **(b) A person acquiring an interest from the purchaser or from someone subsequent in**
20 **title to the purchaser, is not entitled to damages or equitable relief under this section**
21 **against the purchaser or the seller.**

22 **SECTION 2.** ORS 92.990 is amended to read:

23 92.990. (1)(a) Violation of any provision of ORS 92.010 to 92.090, 92.100 and 92.120 to 92.170 or
24 of any regulation or ordinance adopted thereunder, is a Class C misdemeanor.

25 **(b) This subsection does not apply to a sale of property that is not a lawfully established**
26 **unit of land made to or from a purchaser as described in ORS 92.018 (3).**

27 (2) Any person who violates any of the provisions of ORS 92.325 (1), 92.345 to 92.365, 92.405 (1),
28 (2) and (3), 92.425, 92.433, 92.460 to 92.475 and any alternative requirements of the Real Estate
29 Commissioner prescribed pursuant to ORS 92.425 (3), not waived by the commissioner pursuant to

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 ORS 92.395, or who provides false information or omits to state material facts pursuant to ORS
2 92.337, commits a Class C felony.
3 _____