

House Bill 2996

Sponsored by Representative NOBLE (at the request of Denise Farag)

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**.

Prohibits alarm monitoring company from locking out client from security alarm system or device. Specifies exceptions.

A BILL FOR AN ACT

1
2 Relating to alarm monitoring companies; creating new provisions; and amending ORS 646.607.

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

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

5 (a) **"Alarm monitoring company" means a person that for compensation provides moni-**
6 **toring service for a security alarm system or device that is installed on a client's premises.**

7 (b) **"Client" means a person that obtains or has previously obtained monitoring service**
8 **for a security alarm system or device from an alarm monitoring company.**

9 (c) **"Lock out" means to disable or interfere with a client's access to a security alarm**
10 **system or device or to render the security alarm system or device inoperable or incapable**
11 **of use or monitoring by an alarm monitoring company or other person other than the alarm**
12 **monitoring company or person that locked out the client.**

13 (d) **"Monitoring service" means a service in which a person actively watches, listens for**
14 **or waits for an alert or other signal from a security alarm system or device and reports to**
15 **the client, a law enforcement agency or emergency services personnel activity that the se-**
16 **curity alarm system or device detects.**

17 (2)(a) **Except as provided in paragraph (b) of this subsection and notwithstanding any**
18 **provision of any agreement between an alarm monitoring company and a client to the con-**
19 **trary, an alarm monitoring company may not lock out a client from a security alarm system**
20 **or device that the client owns or leases.**

21 (b) **An alarm monitoring company may lock out a client from a security alarm system**
22 **or device under the following circumstances:**

23 (A) **The alarm monitoring company is responding to an attempt by a third party to**
24 **tamper with, control or disable the security alarm system or device, and locking out the**
25 **client:**

26 (i) **Is necessary to prevent or respond to the third party's attempt to tamper with, con-**
27 **trol or disable the security alarm system or device;**

28 (ii) **Lasts only for the period of time that is necessary to protect or secure the security**
29 **alarm system or device from the third party;**

30 (iii) **Occurs only at the same time as or immediately after the alarm monitoring company**
31 **notifies the client of the attempt to tamper with, control or disable the security alarm sys-**

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 **tem or device, states that locking out the client from the security alarm system or device**
 2 **is necessary to protect or secure the security alarm system or device and estimates how long**
 3 **the client will be locked out; and**

4 **(iv) Does not occur for the purpose of preventing access to the security alarm system**
 5 **or device by another alarm monitoring company or person that the client has authorized to**
 6 **provide monitoring service for the client.**

7 **(B) The alarm monitoring company owns the security alarm system or device that is in-**
 8 **stalled on the client's premises, an agreement between the alarm monitoring company and**
 9 **the client provides that the alarm monitoring company may take possession of the security**
 10 **alarm system or device a reasonable time after the client or the alarm monitoring company**
 11 **terminates the alarm monitoring company's monitoring service for the client and the client**
 12 **or the alarm monitoring company has actually terminated the alarm monitoring company's**
 13 **monitoring service.**

14 **(3) An alarm monitoring company that locks out a client from a security alarm system**
 15 **or device in violation of subsection (2) of this section engages in an unlawful trade practice**
 16 **under ORS 646.607.**

17 **SECTION 2.** ORS 646.607 is amended to read:

18 646.607. A person engages in an unlawful trade practice if in the course of the person's business,
 19 vocation or occupation the person:

20 (1) Employs any unconscionable tactic in connection with selling, renting or disposing of real
 21 estate, goods or services, or collecting or enforcing an obligation;

22 (2) Fails to deliver all or any portion of real estate, goods or services as promised, and at a
 23 customer's request, fails to refund money that the customer gave to the person to purchase the
 24 undelivered real estate, goods or services and that the person does not retain pursuant to any right,
 25 claim or defense the person may assert in good faith. This subsection does not create a warranty
 26 obligation and does not apply to a dispute over the quality of real estate, goods or services delivered
 27 to a customer;

28 (3) Violates ORS 401.965 (2);

29 (4) Violates a provision of ORS 646A.725 to 646A.750;

30 (5) Violates ORS 646A.530;

31 (6) Employs a collection practice that is unlawful under ORS 646.639;

32 (7) Is a beneficiary that violates ORS 86.726 (1)(a) or (2), 86.729 (4) or 86.732 (1) or (2);

33 (8) Violates ORS 646A.093;

34 (9) Violates a provision of ORS 646A.600 to 646A.628;

35 (10) Violates ORS 646A.808 (2);

36 (11) Violates ORS 336.184; [or]

37 (12) Publishes on a website related to the person's business, or in a consumer agreement related
 38 to a consumer transaction, a statement or representation of fact in which the person asserts that
 39 the person, in a particular manner or for particular purposes, will use, disclose, collect, maintain,
 40 delete or dispose of information that the person requests, requires or receives from a consumer and
 41 the person uses, discloses, collects, maintains, deletes or disposes of the information in a manner
 42 that is materially inconsistent with the person's statement or representation[.]; **or**

43 **(13) Locks out a client from a security alarm system or device in violation of section 1**
 44 **(2) of this 2019 Act.**

45 **SECTION 3.** Section 1 of this 2019 Act and the amendments to ORS 646.607 by section 2

1 **of this 2019 Act apply to agreements for monitoring service between an alarm monitoring**
2 **company and a client that the parties execute or renew on or after the effective date of this**
3 **2019 Act.**

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