

# Senate Bill 890

Sponsored by Senator KNOPP

## 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**.

Requires car rental companies to make tire chains available in winter months. Provides that violation of requirement is unlawful trade practice.

## A BILL FOR AN ACT

1 Relating to tire chains; creating new provisions; and amending ORS 646.607.

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

3 **SECTION 1. Section 2 of this 2019 Act is added to and made a part of the Oregon Vehicle**  
4 **Code.**

5 **SECTION 2. (1) As used in this section:**

6 (a) "Chains" includes chains as described in ORS 815.045.

7 (b) "Rental agreement" means a written agreement setting forth the terms and condi-  
8 tions governing use of a motor vehicle provided by a rental company for rent.

9 (c) "Rental company" means a person in the business of providing motor vehicles to the  
10 public under a rental agreement for a period of 90 days or less.

11 (2) Beginning on November 1 of each year and ending on April 1 of the following year,  
12 every rental company doing business in the State of Oregon shall make tire chains available  
13 for use on the motor vehicles the rental company provides for rent.

14 (3) This section does not apply to motor vehicles for rent that are exempt under ORS  
15 815.145 from the offense of failure to use vehicle traction tires or chains.

16 (4) Violation of this section is an unlawful trade practice under ORS 646.607.

17 **SECTION 3. 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 **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 (6) Employs a collection practice that is unlawful under ORS 646.639;
- 2 (7) Is a beneficiary that violates ORS 86.726 (1)(a) or (2), 86.729 (4) or 86.732 (1) or (2);
- 3 (8) Violates ORS 646A.093;
- 4 (9) Violates a provision of ORS 646A.600 to 646A.628;
- 5 (10) Violates ORS 646A.808 (2);
- 6 (11) Violates ORS 336.184; *[or]*
- 7 (12) Publishes on a website related to the person's business, or in a consumer agreement related
- 8 to a consumer transaction, a statement or representation of fact in which the person asserts that
- 9 the person, in a particular manner or for particular purposes, will use, disclose, collect, maintain,
- 10 delete or dispose of information that the person requests, requires or receives from a consumer and
- 11 the person uses, discloses, collects, maintains, deletes or disposes of the information in a manner
- 12 that is materially inconsistent with the person's statement or representation; **or**
- 13 **(13) Violates section 2 of this 2019 Act.**
- 14 **SECTION 4. Section 2 of this 2019 Act and the amendments to ORS 646.607 by section 3**
- 15 **of this 2019 Act apply to motor vehicles rented on or after November 1, 2020.**

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