

SENATE AMENDMENTS TO A-ENGROSSED HOUSE BILL 4107

By COMMITTEE ON RULES

March 3

1 On page 1 of the printed minority report A-engrossed bill, line 2, after “659A.001” delete the rest
2 of the line and line 3 and insert “and 659A.030.”.

3 In line 9, after “practice” insert “under ORS chapter 659A”.

4 On page 2, delete lines 4 through 45 and delete page 3.

5 On page 4, delete lines 1 through 22 and insert:

6 “(3) This section does not apply to:

7 “(a) Farmers’ markets or roadside stands;

8 “(b) Transactions occurring on aircraft;

9 “(c) Transactions for goods or services involving a place or service offering goods, services,
10 transient lodging or transportation, when the transaction or a portion of the transaction requires
11 a customer or patron to deposit moneys or sign an agreement to rent or lease consumer goods;

12 “(d) Any establishment that is owned by or operated under the control of the United States
13 Government or an agency of the United States;

14 “(e) Retail transactions that occur entirely over the telephone or by mail;

15 “(f) Internet-based transactions;

16 “(g) The purchase of Class 1 flammable liquids at a filling station, service station, garage or
17 other dispensary where Class 1 flammable liquids are dispensed;

18 “(h) Electric vehicle charging stations;

19 “(i) Transactions that occur in a micro market, including purchases from a vending machine;

20 “(j) Purchases from a vending machine, unless the vending machine is located within a concen-
21 tration or cluster of more than eight vending machines that do not accept coins or currency as
22 payment for purchases;

23 “(k) Activities for which a license or certificate is required to transact insurance;

24 “(L) A place of public accommodation that provides hospital or medical services and that bills
25 or invoices a person after such services are rendered, provided that the place of public accommo-
26 dation accepts coins and currency as payment for the bill or invoice by mail or at a designated lo-
27 cation other than the location where the services are rendered;

28 “(m) Any regional office of the Department of Revenue;

29 “(n) A place of public accommodation that is a branch or office of a bank holding company, fi-
30 nancial holding company, financial institution or trust company or an affiliate of a bank holding
31 company, financial holding company, financial institution or trust company;

32 “(o) Transactions for which a license is required under ORS 59.165;

33 “(p) Transactions for which a license is required under ORS chapter 86A; or

34 “(q) Escrow transactions for which a license is required under ORS 696.511.

35 “(4) Nothing in this section may be construed to prohibit, restrict or otherwise interfere with

1 the ability of a place of public accommodation to:

2 “(a) Accept, in addition to the forms of payment described under subsection (1) of this section,
3 as payment for goods or services any other form of payment, provided that such payment is not
4 prohibited under federal or state law;

5 “(b) After services are rendered, invoice or bill a customer or patron, or submit a claim to a
6 third party to receive payment for the services; or

7 “(c) Offer a customer or patron an incentive for paying for goods or services in coin or cur-
8 rency.

9 “(5) A person who alleges a violation of subsection (1) of this section may file a complaint with
10 the Commissioner of the Bureau of Labor and Industries in the manner provided by ORS 659A.820.

11 “(6) As used in this section:

12 “(a) ‘Affiliate’ means any company that controls, is controlled by or is under common control
13 of another company.

14 “(b) ‘Bank holding company,’ ‘financial holding company,’ ‘financial institution’ and ‘trust com-
15 pany’ have the meanings given those terms in ORS 706.008.

16 “(c) ‘Class 1 flammable liquids’ has the meaning given that term in ORS 480.310.

17 “(d) ‘Consumer goods’ has the meaning given that term in ORS 79.0102.

18 “(e) ‘Escrow’ has the meaning given that term in ORS 696.505.

19 “(f)(A) ‘Internet-based transaction’ means a transaction that occurs over the Internet and that
20 involves a sale, purchase or reservation of or deposit for goods or services to be picked up by, de-
21 livered to, shipped to or consumed by a customer or patron.

22 “(B) ‘Internet-based transaction’ does not mean an in-person transaction.

23 “(g) ‘Micro market’ means an unattended retail establishment to which access by the general
24 public is restricted that offers whole or fresh-cut fruit and vegetables, packaged foods or beverages
25 for purchase through an automated payment processing system.

26 “(h) ‘Place of public accommodation’ has the meaning given that term in ORS 659A.400.

27 “(i) ‘Public body’ has the meaning given that term in ORS 174.109.

28 “(j) ‘Regional office’ means an office of the Department of Revenue other than a central office
29 or headquarters building located in Salem.

30 “(k) ‘Transact insurance’ has the meaning given that term in ORS 731.146.

31 “(L) ‘Transient lodging’ has the meaning given that term in ORS 699.005.

32 “(m) ‘Vending machine’ has the meaning given that term in ORS 624.310.”.

33 On page 8, delete lines 39 through 45 and delete pages 9 through 20 and insert:

34
35 **“OPERATIVE DATE**

36
37 **“SECTION 6. (1) Section 1 of this 2020 Act becomes operative on July 1, 2021.**

38 **“(2) The Commissioner of the Bureau of Labor and Industries may adopt rules and take**
39 **any action before the operative date specified in subsection (1) of this section that is neces-**
40 **sary for the commissioner to exercise, on or after the operative date specified in subsection**
41 **(1) of this section, all the duties, functions and powers conferred on the commissioner by**
42 **section 1 of this 2020 Act.**

43
44 **“UNIT CAPTIONS**

1 **“SECTION 7. The unit captions used in this 2020 Act are provided only for the conven-**
2 **ience of the reader and do not become part of the statutory law of this state or express any**
3 **legislative intent in the enactment of this 2020 Act.”**

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