

House Bill 2636

Sponsored by Representative DRAZAN (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**.

Permits Attorney General by rule to identify act, practice or other conduct as unlawful trade practice and to investigate, negotiate assurance of voluntary compliance, seek restitution for or bring action to punish violation of rules Attorney General adopts.

A BILL FOR AN ACT

1
2 Relating to the Attorney General's authority to declare conduct to be an unlawful trade practice;
3 amending ORS 646.607.

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

5 **SECTION 1.** ORS 646.607 is amended to read:

6 646.607. A person engages in an unlawful trade practice if in the course of the person's business,
7 vocation or occupation the person:

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

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

16 (3) Violates ORS 401.965 (2).

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

18 (5) Violates ORS 646A.530.

19 (6) Employs a collection practice that is unlawful under ORS 646.639.

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

21 (8) Violates ORS 646A.093.

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

23 (10) Violates ORS 646A.808 (2).

24 (11) Violates ORS 336.184.

25 (12) Publishes on a website related to the person's business, or in a consumer agreement related
26 to a consumer transaction, a statement or representation of fact in which the person asserts that
27 the person, in a particular manner or for particular purposes, will use, disclose, collect, maintain,
28 delete or dispose of information that the person requests, requires or receives from a consumer and
29 the person uses, discloses, collects, maintains, deletes or disposes of the information in a manner
30 that is materially inconsistent with the person's statement or representation.

31 (13) Violates ORS 646A.813 (2).

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 **(14) Engages in any act, practice or other conduct that the Attorney General by rule**
2 **identifies as an unlawful trade practice. In adopting a rule under this subsection, the At-**
3 **torney General shall comply with the requirements of ORS chapter 183 and in the rule shall**
4 **declare as unfair or deceptive in trade or commerce the act, practice or other conduct that**
5 **the Attorney General identifies as an unlawful trade practice. The Attorney General may,**
6 **as appropriate, investigate, negotiate an assurance of voluntary compliance or bring an**
7 **action in accordance with ORS 646.618, 646.622, 646.626 or 646.632 to enjoin, seek restitution**
8 **for or punish a violation of any rule the Attorney General adopts under this subsection.**

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