

HB 3171-1
(LC 2296)
4/2/21 (TSB/ps)

Requested by HOUSE COMMITTEE ON BUSINESS AND LABOR (at the request of Representative Paul Holvey)

**PROPOSED AMENDMENTS TO
HOUSE BILL 3171**

1 On page 2 of the printed bill, delete lines 1 through 11 and insert:

2 “(6)(a) ‘Real estate, goods or services’ means those that are or may be
3 obtained primarily for personal, family or household purposes, or that are
4 or may be obtained for any purposes as a result of a telephone solicitation,
5 and includes loans and extensions of credit and franchises, distributorships
6 and other similar business opportunities.

7 “(b) Notwithstanding paragraph (a) of this subsection:

8 “(A) ‘Real estate’ does not cover conduct covered by ORS chapter 90.

9 “(B) ‘Loans and extensions of credit’ does not include transactions in-
10 volving a pawnbroker, as defined in ORS 726.010, that is required to be li-
11 censed under ORS chapter 726.

12 “(C) ‘Goods or services’ does not include insurance, except as provided in
13 ORS 646.608 (1)(bbbb).”.

14 On page 3, lines 16 and 17, restore the bracketed material and delete the
15 boldfaced material.

16 In lines 37 through 40, restore the bracketed material and delete the
17 boldfaced material.

18 On page 7, lines 6 through 9, delete the boldfaced material.

19 Delete line 22.

20 In line 28, delete “to the person in interest”.

21 Delete lines 38 through 45 and insert:

1 “(2)(a) A person that brings an action under subsection (1) of this section
2 shall mail a copy of the complaint or other initial pleading to the Attorney
3 General at the time the action commences and, upon entry of any judgment
4 in the action, shall mail a copy of the judgment to the Attorney General.
5 Failure to mail a copy of the complaint is not a jurisdictional defect, but a
6 court may not enter judgment for the plaintiff until proof of mailing is filed
7 with the court. Proof of mailing may be by affidavit or by return receipt of
8 mailing.

9 “(b) A person that brings an action under ORS 646.608 (1)(bbbb) shall mail
10 a copy of the complaint or initial pleading, and of any judgment the court
11 enters, to the Director of the Department of Consumer and Business
12 Services.”.

13 On page 8, delete lines 1 and 2.

14 Delete line 45.

15 On page 9, delete line 1

16 In line 2, restored the bracketed material and delete the boldfaced mate-
17 rial.

18 Delete lines 32 through 40 and insert:

19 **“SECTION 8. A prosecuting attorney may not take action under**
20 **ORS 646.618 or 646.632 with respect to an act or practice declared un-**
21 **lawful under ORS 646.608 (1)(bbbb) unless the Director of the Depart-**
22 **ment of Consumer and Business Services first requests the prosecuting**
23 **attorney to take action. The director may elect to be named as a party**
24 **in any action or proceeding that the prosecuting attorney commences**
25 **at the director’s request.**

26 **“SECTION 9. Section 8 of this 2021 Act and the amendments to ORS**
27 **646.605, 646.608, 646.612, 646.636, 646.638 and 646.648 by sections 1 to 6 of**
28 **this 2021 Act apply to acts that occur on or after the effective date of**
29 **this 2021 Act.”.**

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