

HB 2620 STAFF MEASURE SUMMARY

House Committee On Business and Labor

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Meeting Dates: 2/6, 3/8

WHAT THE MEASURE DOES:

Punishes violation of Home Solicitation Sales Act (HSSA) as unlawful practice under Unlawful Trade Practices Act. Takes effect on 91st day following adjournment sine die.

ISSUES DISCUSSED:

- Ability of Attorney General to enforce Home Solicitation Sales Act (HSSA)
- Expressly adds violations of HSSA to Unlawful Trade Practices Act (UTPA)
- Sellers obligations and responsibilities under HSSA
- Protection of consumers

EFFECT OF AMENDMENT:

No amendment.

BACKGROUND:

The Unlawful Trade Practices Act (UTPA) is one tool consumers can use to recover damages that occur because of deceptive sales or business practices. The UTPA provides individuals with a right to sue for deceptive practices with the sale of real estate, goods, or services. It prohibits both general and specific conduct. Generally, the UTPA says that a person engages in unlawful practices if, during business, the person: employs unconscionable tactics when selling, renting, or disposing of real estate, goods or services; and fails to deliver the goods or services, or refuses to refund money to the consumer for undelivered goods. An individual may bring an action for any of the specific acts prohibited by the UTPA but only a prosecuting attorney (District Attorney or Attorney General) may bring an action for the more general “unconscionable tactics” outlined in statute.

Oregon's Home Solicitation Sales Act (HSSA) is a consumer protection statute that grants a customer in a home solicitation sale the right to cancel the transaction within three business days of either signing the sales agreement or paying by cash or check. The HSSA generally applies to sales, leases, or rentals of goods or services in an amount of at least \$25 and purchased primarily for personal, family, or household purposes.

House Bill 2620 adds violations of Oregon's HSSA as an unlawful practice under UTPA.