

Requested by Representative ELMER

**PROPOSED AMENDMENTS TO
HOUSE BILL 2759**

1 On page 1 of the printed bill, line 3, after “646.569,” insert “646.607,”.

2 Delete lines 12 through 18 and insert:

3 “(b) A person, including a telecommunications company, engages in an
4 unlawful trade practice under ORS 646.607 if the person knows or con-
5 sciously avoids knowing that another person is engaging in an act or prac-
6 tice that violates the provisions of paragraph (a) of this subsection and
7 nonetheless provides substantial assistance or support for the violation.

8 “(c) Paragraph (b) of this subsection does not apply to a person that has
9 implemented the STIR/SHAKEN authentication framework in the person’s
10 Internet Protocol networks in compliance with 47 C.F.R. 64.6301, as in effect
11 on the effective date of this 2023 Act.”.

12 In line 19, delete “(c)” and insert “(d)”.

13 On page 2, delete lines 17 through 23 and insert:

14 “(4)(a) A person, including a telecommunications company, engages in an
15 unlawful trade practice under ORS 646.607 if the person knows or con-
16 sciously avoids knowing that another person is engaging in an act or prac-
17 tice that violates the provisions of subsection (1) or (2) of this section and
18 the person nonetheless provides substantial assistance or support for the vi-
19 olation.

20 “(b) Paragraph (a) of this subsection does not apply to a person that has
21 implemented the STIR/SHAKEN authentication framework in the person’s

1 Internet Protocol networks in compliance with 47 C.F.R. 64.6301, as in effect
2 on the effective date of this 2023 Act.

3 **SECTION 3.** ORS 646.607 is amended to read:

4 “646.607. A person engages in an unlawful trade practice if in the course
5 of the person’s business, vocation or occupation the person:

6 “(1) Employs any unconscionable tactic in connection with selling, rent-
7 ing or disposing of real estate, goods or services, or collecting or enforcing
8 an obligation.

9 “(2) Fails to deliver all or any portion of real estate, goods or services
10 as promised, and at a customer’s request, fails to refund money that the
11 customer gave to the person to purchase the undelivered real estate, goods
12 or services and that the person does not retain pursuant to any right, claim
13 or defense the person may assert in good faith. This subsection does not
14 create a warranty obligation and does not apply to a dispute over the quality
15 of real estate, goods or services delivered 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
21 86.732 (1) or (2).

22 “(8) Violates ORS 646A.093.

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

24 “(10) Violates ORS 646A.808 (2).

25 “(11) Violates ORS 336.184.

26 “(12) Publishes on a website related to the person’s business, or in a
27 consumer agreement related to a consumer transaction, a statement or rep-
28 resentation of fact in which the person asserts that the person, in a partic-
29 ular manner or for particular purposes, will use, disclose, collect, maintain,
30 delete or dispose of information that the person requests, requires or receives

1 from a consumer and the person uses, discloses, collects, maintains, deletes
2 or disposes of the information in a manner that is materially inconsistent
3 with the person’s statement or representation.

4 “(13) Violates ORS 646A.813 (2).

5 “(14) Violates ORS 137.930 (1).

6 “(15) Violates section 1, chapter 305, Oregon Laws 2021.

7 “**(16) Violates ORS 646.569 (1)(b) or 646A.374 (1) or (2).**

8 “**SECTION 4.** ORS 646.607, as amended by section 3, chapter 305, Oregon
9 Laws 2021, is amended to read:

10 “646.607. A person engages in an unlawful trade practice if in the course
11 of the person’s business, vocation or occupation the person:

12 “(1) Employs any unconscionable tactic in connection with selling, rent-
13 ing or disposing of real estate, goods or services, or collecting or enforcing
14 an obligation.

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

22 “(3) Violates ORS 401.965 (2).

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

24 “(5) Violates ORS 646A.530.

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

26 “(7) Is a beneficiary that violates ORS 86.726 (1)(a) or (2), 86.729 (4) or
27 86.732 (1) or (2).

28 “(8) Violates ORS 646A.093.

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

30 “(10) Violates ORS 646A.808 (2).

1 “(11) Violates ORS 336.184.

2 “(12) Publishes on a website related to the person’s business, or in a
3 consumer agreement related to a consumer transaction, a statement or rep-
4 resentation of fact in which the person asserts that the person, in a partic-
5 ular manner or for particular purposes, will use, disclose, collect, maintain,
6 delete or dispose of information that the person requests, requires or receives
7 from a consumer and the person uses, discloses, collects, maintains, deletes
8 or disposes of the information in a manner that is materially inconsistent
9 with the person’s statement or representation.

10 “(13) Violates ORS 646A.813 (2).

11 “(14) Violates ORS 137.930 (1).

12 “**(15) Violates ORS 646.569 (1)(b) or 646A.374 (1) or (2).**”.

13 In line 26, delete “3.” and insert “5.”.

14 On page 4, delete line 9 and insert:

15 “(ff) Violates ORS 646.569 (1)(a) or 646A.374 (1) or (2).”.

16 On page 5, line 30, delete “4.” and insert “6.”.

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