



HB 2620: Bringing Clarity to Home Solicitations

Background:

Oregon's Home Solicitation Sales Act (HSSA) applies to certain door-to-door sales and protects vulnerable consumers from high pressure sales tactics. The HSSA requires sellers provide consumers with written notice of their right to cancel a purchase within three business days and extends those days if written notice is not given. If a consumer cancels, the seller must return all payments, evidence of a debt (if any), or goods received within ten (10) days and the buyer must return the purchased goods upon the seller's demand.

Unfortunately, dishonest merchants often fail to provide the required paperwork, so many consumers are never informed of their rights. If a consumer tries to cancel the contract, these dishonest merchants falsely tell them they are not allowed to cancel. Without the paperwork many consumers take the merchant at their word.

The Oregon Court of Appeals held in *Tri-West Const. v. Hernandez*, 43 Or App 961 (1979) that falsely telling a consumer their rights under the HSSA violates the Unlawful Trade Practices Act (UTPA). However, because the HSSA is not expressly included in the list of actionable violations under the UTPA there is some ambiguity about the scope of the *Tri-West* holding.

Concept:

HB 2620 will amend the UTPA to expressly add violations of the HSSA to the UTPA. This bill would confirm the holding in *Tri-West* and ensure that all consumers are afforded the full protections of the HSSA and that the Attorney General and consumers can fully enforce the law. This proposal will help protect our most vulnerable consumers, especially older adults, who are more often home during the day, and non-English speakers, who are more likely to fall victim to high pressure and deceptive tactics by unscrupulous door-to-door salespeople.

This proposal does not impose any new requirements on businesses. The HSSA is more than 50 years old and honest businesses should already be in full compliance.

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