

HB 3533 -2 STAFF MEASURE SUMMARY

House Committee On Commerce and Consumer Protection

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Meeting Dates: 3/11, 4/3

WHAT THE MEASURE DOES:

The measure requires a person advertising consumer goods or consumer service for sale or in the course of a sale electronically, over the phone, or quoting a price to include every fee that the consumer must pay to complete the sale. It makes a violation or noncompliance an unlawful trade practice under the Oregon Unlawful Trade Practices Act (UTPA). It defines consumer, consumer service, fee, and sale. The measure applies to sales that occur on or after the effective date.

ISSUES DISCUSSED:

- Shipping fees
- Compliance for businesses
- Taxes

EFFECT OF AMENDMENT:

-2 The amendment clarifies the measure doesn't apply to financial institutions. The amendment excludes a person that provides broadband internet access services. The measure takes effect 91st day following adjournment sine die.

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 service; and fails to deliver the goods or services, or refuses to refund money to the consumer for undelivered goods.