

HB 3605 A STAFF MEASURE SUMMARY

Carrier: Rep. Chotzen

House Committee On Commerce and Consumer Protection

Action Date: 03/25/25

Action: Do pass with amendments. (Printed A-Eng.)

Vote: 8-1-1-0

Yeas: 8 - Chaichi, Chotzen, Gomberg, Neron, Osborne, Reschke, Sosa, Walters

Nays: 1 - Wallan

Exc: 1 - Cate

Fiscal: No fiscal impact

Revenue: No revenue impact

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Meeting Dates: 3/13, 3/25

WHAT THE MEASURE DOES:

The measure establishes that violations of the provisions about home solicitation or telephone solicitation sales are unlawful practices under the Unlawful Trade Practices Act. It takes effect on the 91st day following adjournment sine die.

ISSUES DISCUSSED:

- The legislative concept considered in the 2023 legislative session.
- Reasons why there are barriers to Oregonians finding and using the existing case law

EFFECT OF AMENDMENT:

The amendment removes language that a person may bring an action under ORS 646.638.

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.

A different version of this measure was considered by the Legislative Assembly during the 2023 session as House Bill 2620.