

HB 3605 A STAFF MEASURE SUMMARY

Carrier: Sen. Broadman

Senate Committee On Judiciary

Action Date: 05/06/25

Action: Do pass the A-Eng bill.

Vote: 5-1-0-0

Yeas: 5 - Broadman, Gelser Blouin, Manning Jr, McLane, Prozanski

Nays: 1 - Thatcher

Fiscal: No fiscal impact

Revenue: No revenue impact

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Meeting Dates: 4/24, 5/6

WHAT THE MEASURE DOES:

The measure establishes that violations of the Oregon Home Solicitation Act are unlawful practices under the Unlawful Trade Practices Act. This measure takes effect on the 91st day following adjournment sine die.

ISSUES DISCUSSED:

- High-pressure home sales tactics
- Change in penalty and not substance to existing law
- Codification and clarification of existing case law, along with private right of action
- Protecting the elderly from being targeted
- The \$25 threshold under the Oregon Home Solicitation Act

EFFECT OF AMENDMENT:

No amendment.

BACKGROUND:

The Unlawful Trade Practices Act (UTPA) is a tool consumers can use to recover damages that occur because of deceptive sales or business practices. The UTPA provides individuals with the right to sue for deceptive practices in the sale of real estate, goods, or services. It prohibits both general and specific conduct.

Generally, the UTPA establishes that a person engages in unlawful practices if 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 specified 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. The HSSA requires sellers to provide buyers with a written agreement with specified details, including a notice informing the buyer of their right to cancel. The HSSA also sets baseline requirements for telephone solicitation sales.

The Legislative Assembly previously considered a different version of this measure, House Bill 2620 (2023), which remained in committee upon adjournment.