

House Bill 3533

Sponsored by Representatives WALTERS, SOSA

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**. The statement includes a measure digest written in compliance with applicable readability standards.

Digest: Stops a person who puts out an ad for consumer goods or consumer services from showing or quoting a price that doesn't include all of the fees a buyer would need to pay. (Flesch Readability Score: 63.1).

Prohibits a person that advertises consumer goods or consumer services for sale in this state from displaying in an advertisement or quoting during a transaction a price for the consumer goods or consumer services that does not include or disclose every fee that the consumer must pay to complete the sale of the consumer goods or consumer services.

Punishes a violation of the Act as an unlawful trade practice under the Unlawful Trade Practices Act.

A BILL FOR AN ACT

1
2 Relating to required disclosures of fees during certain transactions; creating new provisions; and
3 amending ORS 646.607, 646A.093 and 699.008.

4 **Be It Enacted by the People of the State of Oregon:**

5 **SECTION 1.** ORS 646.607 is amended to read:

6 646.607. A person engages in an unlawful trade practice if in the course of the person's business,
7 vocation or occupation the person:

8 (1) Employs any unconscionable tactic in connection with selling, renting or disposing of real
9 estate, goods or services, or collecting or enforcing an obligation.

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

21 (8) Violates ORS 646A.093 **(2)(a) or does not comply with ORS 646A.093 (2)(b)**.

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

23 (10) Violates ORS 646A.808 (2).

24 (11) Violates ORS 336.184.

25 (12) Publishes on a website related to the person's business, or in a consumer agreement related
26 to a consumer transaction, a statement or representation of fact in which the person asserts that
27 the person, in a particular manner or for particular purposes, will use, disclose, collect, maintain,

NOTE: Matter in **boldfaced** type in an amended section is new; matter *[italic and bracketed]* is existing law to be omitted. New sections are in **boldfaced** type.

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

4 (13) Violates ORS 646A.813 (2).

5 (14) Violates ORS 137.930 (1).

6 **SECTION 2.** ORS 646A.093 is amended to read:

7 646A.093. (1) As used in this section:

8 (a) “Advertise” means to communicate about [*a consumer good*] **consumer goods or services**
 9 by newspaper, radio, television, handbill, placard or other print, broadcast or electronic medium
 10 within this state for the purpose of [*selling*] **conducting a sale of** the consumer [*good*] **goods or**
 11 **consumer services.**

12 (b) “Consumer” means a natural person who resides in this state.

13 [*b*] (c) “Consumer goods” means goods that an individual uses or buys for use primarily for
 14 personal, family or household purposes.

15 (d) “Consumer services” means services that an individual uses or buys for use primarily
 16 for personal, family or household purposes.

17 (e)(A) “Fee” means a surcharge, convenience fee, service fee, facility fee, handling fee
 18 or other charge or amount, however denominated, that is not part of the direct cost to the
 19 seller of designing, manufacturing, crafting, assembling, coordinating, transporting, storing,
 20 distributing, marketing, advertising or retailing consumer goods or consumer services.

21 (B) “Fee” does not include:

22 (i) A tax or other amount that a governmental body requires a seller to charge in a
 23 transaction for consumer goods or consumer services and remit to the governmental body;
 24 or

25 (ii) A seller’s reasonable markup on the costs described in subparagraph (A) of this par-
 26 agraph.

27 (f) “Sale” means a purchase, lease, rental or other transaction that, in return for com-
 28 pensation, transfers ownership or the right to exclusive use of consumer goods or consumer
 29 services.

30 (2)(a) A person that advertises consumer goods or consumer services for sale in this
 31 state may not in the advertisement and during the course of any sale that is conducted
 32 electronically or by telephone display or quote a price for the consumer goods or consumer
 33 services that does not include or disclose every fee that the consumer must pay to complete
 34 the sale of the consumer goods or consumer services.

35 (b) A person that offers for sale, [*sells*] **completes a sale of**, or advertises consumer goods that
 36 the person will ship directly to a consumer in this state shall clearly disclose during the [*sales*]
 37 transaction the charges, if any, that the consumer must pay for handling and shipping the consumer
 38 goods.

39 (3) A person that [*fails to disclose the handling and shipping charges for consumer goods in a*
 40 *transaction described in subsection (2) of this section commits*] **violates subsection (2)(a) of this**
 41 **section or does not comply with subsection (2)(b) of this section engages in** an unlawful trade
 42 practice under ORS 646.607 that is subject to enforcement under ORS 646.632.

43 **SECTION 3.** ORS 699.008 is amended to read:

44 699.008. (1) A hotelkeeper or innkeeper may not charge a facility fee in addition to the price
 45 of rental of a guest room in the hotel or inn unless the hotelkeeper or innkeeper discloses the fa-

1 cility fee **as provided in ORS 646A.093** at the time that a guest reserves or rents a guest room,
2 whichever is sooner.

3 (2) A travel arrangement company that facilitates the reservation or rental of a guest room in
4 a hotel or inn shall disclose **as provided in ORS 646A.093** at the time of reservation or rental,
5 whichever is sooner, any facility fee that the hotel or inn charges in addition to the price of rental
6 of a guest room.

7 (3) This section does not prohibit the hotelkeeper or innkeeper from assessing any state or local
8 transient lodging taxes.

9 **SECTION 4. The amendments to ORS 646.607, 646A.093 and 699.008 by sections 1 to 3 of**
10 **this 2025 Act apply to sales that occur on or after the effective date of this 2025 Act.**

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