

Enrolled Senate Bill 150

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CHAPTER

AN ACT

Relating to compensation for services performed in connection with a claim for a veteran's benefit; creating new provisions; amending ORS 646.608; and prescribing an effective date.

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

SECTION 1. (1) As used in this section:

- (a) "Beneficiary" has the meaning given that term in ORS 408.010.
- (b) "Compensation" means money, a financial benefit or an item of value.
- (c) "Unreasonable fee" means a fee that a court determines to be unreasonable compensation for a service or function described in subsection (2)(a)(A) of this section after considering:
 - (A) The extent and type of the service or function;
 - (B) The complexity of the case that the service or function addresses;
 - (C) The skill and competence required to provide the service or function;
 - (D) The amount of time the person spent in performing the service or function;
 - (E) The results the person achieved in performing the service or function, such as whether the veteran or beneficiary recovered any veteran's benefit;
 - (F) The level of administrative or other review that occurred in the case, and the point at which the person began providing the service or function;
 - (G) Rates or fees that other persons charge for similar services or functions;
 - (H) Whether, and to what extent, the fee or the amount of the fee was contingent upon the results the person achieved; and
 - (I) Whether the veteran or beneficiary discharged the person before the case concluded and, if so, why.
- (d) "Veteran" means an individual who falls within either of the following classes:
 - (A) A veteran as defined in 5 U.S.C. 2108, as in effect on the effective date of this 2025 Act; or
 - (B) A veteran as defined in ORS 407.087.
- (e) "Veteran's benefit" means a program, service, commodity, function, status or other benefit that is available solely to veterans, eligibility for which:
 - (A) The United States Department of Veterans Affairs, the United States Department of Defense or another federal agency determines in accordance with applicable federal laws and regulations; or

(B) The Department of Veterans' Affairs determines under ORS chapters 406, 407 and 408.

(2)(a) A person may not:

(A) Receive compensation, except in strict accordance with this section or applicable federal law, for:

(i) Preparing, presenting or prosecuting an application for a veteran's benefit on behalf of a veteran or beneficiary;

(ii) Advising, consulting with, assisting or representing a veteran or beneficiary in obtaining or making an application for a veteran's benefit or in appealing a notice of initial decision on a claim for a veteran's benefit; or

(iii) Referring a veteran or beneficiary to another person that performs a service or function described in sub-subparagraph (i) or (ii) of this subparagraph.

(B) Guarantee, either directly or by implication, to another person that a veteran or beneficiary is certain to receive a specific veteran's benefit or a specific level, percentage or amount of a veteran's benefit; or

(C) Receive an excessive or unreasonable fee for a service or function described in this paragraph.

(b) The prohibitions described in paragraph (a) of this subsection apply to applications or claims for a veteran's benefit that is available under ORS chapter 407 or 408 to the extent that an applicant or a claimant is eligible to receive a service or function described in paragraph (a)(A)(i) or (ii) of this subsection at no charge from the Department of Veterans' Affairs or from a person that performs the service or function under a delegation of authority from the department. A person may not charge an excessive or unreasonable fee in return for performing a service or function described in paragraph (a)(A)(i) or (ii) of this subsection even if the person may receive compensation for performing the service or function because the service or function is not otherwise available to the applicant or claimant at no charge.

(3) A person that in return for compensation performs a service or function described in subsection (2)(a)(A) of this section shall specify the terms and conditions of the transaction in a written agreement signed by all parties to the agreement. The agreement must adhere to the criteria set forth in 38 C.F.R. 14.636(g).

(4) In order to encourage veterans to seek free advice and assistance concerning a claim for a veteran's benefit, the Department of Veterans' Affairs shall conduct outreach, provide education and disseminate information that, at a minimum:

(a) Identifies tribal veterans' service officers, as described in 38 C.F.R. 14.629, as in effect on the effective date of this 2025 Act, and county veterans' service officers;

(b) Locates the offices or facilities throughout this state in which the tribal veterans' service officers and county veterans' service officers provide services; and

(c) Describes the services the tribal veterans' services officers and county veterans' service officers provide.

(5) A violation of this section is an unlawful practice under ORS 646.608.

SECTION 2. ORS 646.608, as amended by section 6, chapter 410, Oregon Laws 2023, is amended to read:

646.608. (1) A person engages in an unlawful practice if in the course of the person's business, vocation or occupation the person does any of the following:

(a) Passes off real estate, goods or services as the real estate, goods or services of another.

(b) Causes likelihood of confusion or of misunderstanding as to the source, sponsorship, approval, or certification of real estate, goods or services.

(c) Causes likelihood of confusion or of misunderstanding as to affiliation, connection, or association with, or certification by, another.

(d) Uses deceptive representations or designations of geographic origin in connection with real estate, goods or services.

(e) Represents that real estate, goods or services have sponsorship, approval, characteristics, ingredients, uses, benefits, quantities or qualities that the real estate, goods or services do not have or that a person has a sponsorship, approval, status, qualification, affiliation, or connection that the person does not have.

(f) Represents that real estate or goods are original or new if the real estate or goods are deteriorated, altered, reconditioned, reclaimed, used or secondhand.

(g) Represents that real estate, goods or services are of a particular standard, quality, or grade, or that real estate or goods are of a particular style or model, if the real estate, goods or services are of another.

(h) Disparages the real estate, goods, services, property or business of a customer or another by false or misleading representations of fact.

(i) Advertises real estate, goods or services with intent not to provide the real estate, goods or services as advertised, or with intent not to supply reasonably expectable public demand, unless the advertisement discloses a limitation of quantity.

(j) Makes false or misleading representations of fact concerning the reasons for, existence of, or amounts of price reductions.

(k) Makes false or misleading representations concerning credit availability or the nature of the transaction or obligation incurred.

(L) Makes false or misleading representations relating to commissions or other compensation to be paid in exchange for permitting real estate, goods or services to be used for model or demonstration purposes or in exchange for submitting names of potential customers.

(m) Performs service on or dismantles any goods or real estate if the owner or apparent owner of the goods or real estate does not authorize the service or dismantling.

(n) Solicits potential customers by telephone or door to door as a seller unless the person provides the information required under ORS 646.611.

(o) In a sale, rental or other disposition of real estate, goods or services, gives or offers to give a rebate or discount or otherwise pays or offers to pay value to the customer in consideration of the customer giving to the person the names of prospective purchasers, lessees, or borrowers, or otherwise aiding the person in making a sale, lease, or loan to another person, if earning the rebate, discount or other value is contingent upon an event occurring after the time the customer enters into the transaction.

(p) Makes any false or misleading statement about a prize, contest or promotion used to publicize a product, business or service.

(q) Promises to deliver real estate, goods or services within a certain period of time with intent not to deliver the real estate, goods or services as promised.

(r) Organizes or induces or attempts to induce membership in a pyramid club.

(s) Makes false or misleading representations of fact concerning the offering price of, or the person's cost for real estate, goods or services.

(t) Concurrent with tender or delivery of any real estate, goods or services, fails to disclose any known material defect or material nonconformity.

(u) Engages in any other unfair or deceptive conduct in trade or commerce.

(v) Violates any of the provisions relating to auction sales, consignment sales, auctioneers, consignees or auction marts under ORS 698.640, whether in a commercial or noncommercial situation.

(w) Manufactures mercury fever thermometers.

(x) Sells or supplies mercury fever thermometers unless the thermometer is required by federal law, or is:

(A) Prescribed by a person licensed under ORS chapter 677; and

(B) Supplied with instructions on the careful handling of the thermometer to avoid breakage and on the proper cleanup of mercury should breakage occur.

(y) Sells a thermostat that contains mercury, unless the thermostat is labeled in a manner to inform the purchaser that mercury is present in the thermostat and that the thermostat may not be

disposed of until the mercury is removed, reused, recycled or otherwise managed to ensure that the mercury does not become part of the solid waste stream or wastewater. For purposes of this paragraph, "thermostat" means a device commonly used to sense and, through electrical communication with heating, cooling or ventilation equipment, control room temperature.

(z) Sells or offers for sale a motor vehicle manufactured after January 1, 2006, that contains mercury light switches.

(aa) Violates the provisions of ORS 803.375, 803.385 or 815.410 to 815.430.

(bb) Violates ORS 646A.070 (1).

(cc) Violates any requirement of ORS 646A.030 to 646A.040.

(dd) Violates the provisions of ORS 128.801 to 128.898.

(ee) Violates ORS 646.883 or 646.885.

(ff) Violates ORS 646.569 or 646A.374.

(gg) Violates the provisions of ORS 646A.142.

(hh) Violates ORS 646A.360.

(ii) Violates ORS 646.553 or 646.557 or any rule adopted pursuant thereto.

(jj) Violates ORS 646.563.

(kk) Violates ORS 759.680 or any rule adopted pursuant thereto.

(LL) Violates the provisions of ORS 759.705, 759.710 and 759.720 or any rule adopted pursuant thereto.

(mm) Violates ORS 646A.210 or 646A.214.

(nn) Violates any provision of ORS 646A.124 to 646A.134.

(oo) Violates ORS 646A.095.

(pp) Violates ORS 822.046.

(qq) Violates ORS 128.001.

(rr) Violates ORS 646A.800 (2) to (4).

(ss) Violates ORS 646A.090 (2) to (5).

(tt) Violates ORS 87.686.

(uu) Violates ORS 646A.803.

(vv) Violates ORS 646A.362.

(ww) Violates ORS 646A.052 or any rule adopted under ORS 646A.052 or 646A.054.

(xx) Violates ORS 180.440 (1) or 180.486 (1).

(yy) Commits the offense of acting as a vehicle dealer without a certificate under ORS 822.005.

(zz) Violates ORS 87.007 (2) or (3).

(aaa) Violates ORS 92.405 (1), (2) or (3).

(bbb) Engages in an unlawful practice under ORS 646.648.

(ccc) Violates ORS 646A.365.

(ddd) Violates ORS 98.853, 98.854, 98.856 or 98.858.

(eee) Sells a gift card in violation of ORS 646A.276.

(fff) Violates ORS 646A.102, 646A.106 or 646A.108.

(ggg) Violates ORS 646A.430 to 646A.450.

(hhh) Violates a provision of ORS 744.318 to 744.384.

(iii) Violates a provision of ORS 646A.702 to 646A.720.

(jjj) Violates ORS 646A.530 30 or more days after a recall notice, warning or declaration described in ORS 646A.530 is issued for the children's product, as defined in ORS 646A.525, that is the subject of the violation.

(kkk) Violates a provision of ORS 697.612, 697.642, 697.652, 697.662, 697.682, 697.692 or 697.707.

(LLL) Violates the consumer protection provisions of the Servicemembers Civil Relief Act, 50 U.S.C. 3901 et seq., as in effect on January 1, 2010.

(mmm) Violates a provision of ORS 646A.480 to 646A.495.

(nnn) Violates ORS 646A.082.

(ooo) Violates ORS 646.647.

(ppp) Violates ORS 646A.115.

(qqq) Violates a provision of ORS 646A.405.
 (rrr) Violates ORS 646A.092.
 (sss) Violates a provision of ORS 646.644.
 (ttt) Violates a provision of ORS 646A.295.
 (uuu) Engages in the business of, or acts in the capacity of, an immigration consultant, as defined in ORS 9.280, in this state and for compensation, unless federal law authorizes the person to do so or unless the person is an active member of the Oregon State Bar.
 (vvv) Violates ORS 702.012, 702.029 or 702.054.
 (www) Violates ORS 646A.806.
 (xxx) Violates ORS 646A.810 (2).
 (yyy) Violates ORS 443.376.
 (zzz) Violates a provision of ORS 646A.770 to 646A.787.
 (aaaa) Violates ORS 815.077.

(bbbb) Violates section 1 of this 2025 Act.

(2) A representation under subsection (1) of this section or ORS 646.607 may be any manifestation of any assertion by words or conduct, including, but not limited to, a failure to disclose a fact.

(3) In order to prevail in an action or suit under ORS 336.184 and 646.605 to 646.652, a prosecuting attorney need not prove competition between the parties or actual confusion or misunderstanding.

(4) An action or suit may not be brought under subsection (1)(u) of this section unless the Attorney General has first established a rule in accordance with the provisions of ORS chapter 183 declaring the conduct to be unfair or deceptive in trade or commerce.

(5) Notwithstanding any other provision of ORS 336.184 and 646.605 to 646.652, if an action or suit is brought under subsection (1)(xx) of this section by a person other than a prosecuting attorney, relief is limited to an injunction, and the prevailing party may be awarded reasonable attorney fees.

SECTION 3. This 2025 Act takes effect on the 91st day after the date on which the 2025 regular session of the Eighty-third Legislative Assembly adjourns sine die.

Passed by Senate April 1, 2025

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 Obadiah Rutledge, Secretary of Senate

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 Rob Wagner, President of Senate

Passed by House June 3, 2025

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 Julie Fahey, Speaker of House

Received by Governor:

.....M.,....., 2025

Approved:

.....M.,....., 2025

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 Tina Kotek, Governor

Filed in Office of Secretary of State:

.....M.,....., 2025

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 Tobias Read, Secretary of State