

HB 3533-2
(LC 3727)
3/21/25 (TSB/ps)

Requested by Representative WALTERS

**PROPOSED AMENDMENTS TO
HOUSE BILL 3533**

1 On page 1 of the printed bill, line 2, delete “and”.

2 In line 3, after “699.008” insert “; and prescribing an effective date”.

3 Delete lines 5 through 27 and delete pages 2 and 3 and insert:

4 **“SECTION 1. ORS 646.607 is amended to read:**

5 “646.607. A person engages in an unlawful trade practice if in the course
6 of the person’s business, vocation or occupation the person:

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

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

17 “(3) Violates ORS 401.965 (2).

18 “(4) Violates a provision of ORS 646A.725 to 646A.750.

19 “(5) Violates ORS 646A.530.

20 “(6) Employs a collection practice that is unlawful under ORS 646.639.

21 “(7) Is a beneficiary that violates ORS 86.726 (1)(a) or (2), 86.729 (4) or

1 86.732 (1) or (2).

2 “(8) Violates ORS 646A.093 **(2)(a) or (b)**.

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

4 “(10) Violates ORS 646A.808 (2).

5 “(11) Violates ORS 336.184.

6 “(12) Publishes on a website related to the person’s business, or in a
7 consumer agreement related to a consumer transaction, a statement or rep-
8 resentation of fact in which the person asserts that the person, in a partic-
9 ular manner or for particular purposes, will use, disclose, collect, maintain,
10 delete or dispose of information that the person requests, requires or receives
11 from a consumer and the person uses, discloses, collects, maintains, deletes
12 or disposes of the information in a manner that is materially inconsistent
13 with the person’s statement or representation.

14 “(13) Violates ORS 646A.813 (2).

15 “(14) Violates ORS 137.930 (1).

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

17 “646A.093. (1) As used in this section:

18 “(a) ‘Advertise’ means to communicate about [*a consumer good*] **consumer**
19 **goods or services** by newspaper, radio, television, handbill, placard or other
20 print, broadcast or electronic medium within this state [*for the purpose of*
21 *selling the consumer good*].

22 “(b) ‘Consumer goods **or services**’ means goods **or services** that an in-
23 dividual [*uses or buys*] **obtains or may obtain** for use primarily for per-
24 sonal, family or household purposes.

25 “(2)(a) **A person that offers or sells consumer goods or services to**
26 **a resident of this state may not advertise, display or offer a price for**
27 **the consumer goods or services that does not include all fees and**
28 **charges that the resident must pay to complete a transaction for the**
29 **goods or services, other than:**

30 “(A) **Taxes or fees that a governmental body imposes on the trans-**

1 **action; or**

2 **“(B) Reasonable charges that the person actually incurs to ship the**
3 **goods or provide the services to the resident.**

4 **“(b) A person that offers for sale, sells or advertises consumer goods that**
5 **the person will ship directly to a [consumer in] resident of this state shall**
6 **clearly disclose [during the sales] before completing the transaction the**
7 **charges, if any, that the [consumer] resident must pay for handling and**
8 **shipping the consumer goods.**

9 **“(c) A person that provides broadband Internet access service, as**
10 **defined in 47 C.F.R. 8.1(b), as in effect on the effective date of this 2025**
11 **Act, complies with paragraph (a) of this subsection if the person**
12 **complies with the requirements of 47 C.F.R. 8.2, as in effect on the**
13 **effective date of this 2025 Act.**

14 **“(3) A person that [fails to disclose the handling and shipping charges for**
15 **consumer goods in a transaction described in subsection (2) of this section**
16 **commits] violates subsection (2)(a) or (b) of this section engages in an**
17 **unlawful trade practice under ORS 646.607 that is subject to enforcement**
18 **under ORS 646.632.**

19 **“(4) This section does not apply to a financial institution, as defined**
20 **in ORS 706.008, a mortgage banker or mortgage broker, both as defined**
21 **in ORS 86A.100, or a licensee, as defined in ORS 725.010, to the extent**
22 **that the financial institution, mortgage broker or mortgage banker**
23 **or licensee must provide disclosures for a transaction under any of the**
24 **following federal laws, or under regulations adopted under the follow-**
25 **ing federal laws, all as in effect on the effective date of this 2025 Act:**

26 **“(a) The Truth in Savings Act, 12 U.S.C. 4301 et seq.;**

27 **“(b) The Electronic Fund Transfer Act, 15 U.S.C. 1693 et seq.;**

28 **“(c) The Federal Reserve Act, 12 U.S.C. 461 to 467;**

29 **“(d) The Truth in Lending Act, 15 U.S.C. 1601 et seq.;**

30 **“(e) The Real Estate Settlement Procedures Act, 12 U.S.C. 2601 et**

1 **seq.; or**

2 **“(f) The Home Ownership and Equity Protection Act, 15 U.S.C.**
3 **1639.**

4 **“SECTION 3.** ORS 699.008 is amended to read:

5 “699.008. (1) A hotelkeeper or innkeeper may not charge a facility fee in
6 addition to the price of rental of a guest room in the hotel or inn unless the
7 hotelkeeper or innkeeper discloses the facility fee **as provided in ORS**
8 **646A.093** *[at the time that a guest reserves or rents a guest room, whichever*
9 *is sooner]*.

10 “(2) A travel arrangement company that facilitates the reservation or
11 rental of a guest room in a hotel or inn shall disclose **as provided in ORS**
12 **646A.093** *[at the time of reservation or rental, whichever is sooner,]* any facil-
13 ity fee that the hotel or inn charges in addition to the price of rental of a
14 guest room.

15 “(3) This section does not prohibit the hotelkeeper or innkeeper from as-
16 sessing any state or local transient lodging taxes.

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

20 **“SECTION 5. This 2025 Act takes effect on the 91st day after the**
21 **date on which the 2025 regular session of the Eighty-third Legislative**
22 **Assembly adjourns sine die.”.**

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