

SB 430-3
(LC 2786)
4/1/25 (TSB/ps)

Requested by Senator PROZANSKI

**PROPOSED AMENDMENTS TO
SENATE BILL 430**

1 On page 1 of the printed bill, line 2, after the semicolon insert “creating
2 new provisions; amending ORS 646.608;”.

3 Delete lines 5 through 28 and delete page 2 and insert:

4 **“SECTION 1. (1) A person that offers or sells goods or services on-**
5 **line to a resident of this state may not advertise, display or offer a**
6 **price for the goods or services that does not include all fees or charges**
7 **that a purchaser must pay to complete a transaction for the goods or**
8 **services other than:**

9 **“(a) Taxes or fees that a governmental body imposes on the trans-**
10 **action; or**

11 **“(b) Reasonable charges that the person actually incurs to ship the**
12 **goods or provide the services to the purchaser.**

13 **“(2) A violation of this section is an unlawful practice under ORS**
14 **646.608.**

15 **“(3) This section does not apply to:**

16 **“(a) A financial institution, as defined in ORS 706.008, a mortgage**
17 **banker or mortgage broker, both as defined in ORS 86A.100, or a**
18 **licensee, as defined in ORS 725.010, to the extent that the financial**
19 **institution, mortgage banker or mortgage broker or licensee must**
20 **provide disclosures for a transaction under any of the following federal**
21 **laws, or under regulations adopted under the following federal laws,**

1 all as in effect on the effective date of this 2025 Act:

2 “(A) The Truth in Savings Act, 12 U.S.C. 4301 et seq.;

3 “(B) The Electronic Fund Transfer Act, 15 U.S.C. 1693 et seq.;

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

5 “(D) The Truth in Lending Act, 15 U.S.C. 1601 et seq.;

6 “(E) The Real Estate Settlement Procedures Act, 12 U.S.C. 2601 et
7 seq.; or

8 “(F) The Home Ownership and Equity Protection Act, 15 U.S.C.
9 1639; or

10 “(b) A person, or an affiliate of the person, that provides broadband
11 internet access service, as defined in 47 C.F.R. 8.1(b), as a standalone
12 product or as part of a bundle and complies with the broadband con-
13 sumer label requirements set forth in 47 C.F.R. 8.2(a) and the disclo-
14 sure requirements set forth in 47 C.F.R. 64.2401 or 76.310, all as in
15 effect on the effective date of this 2025 Act.

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

18 “646.608. (1) A person engages in an unlawful practice if in the course of
19 the person’s business, vocation or occupation the person does any of the
20 following:

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

23 “(b) Causes likelihood of confusion or of misunderstanding as to the
24 source, sponsorship, approval, or certification of real estate, goods or ser-
25 vices.

26 “(c) Causes likelihood of confusion or of misunderstanding as to affil-
27 iation, connection, or association with, or certification by, another.

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

30 “(e) Represents that real estate, goods or services have sponsorship, ap-

1 proval, characteristics, ingredients, uses, benefits, quantities or qualities that
2 the real estate, goods or services do not have or that a person has a spon-
3 sorship, approval, status, qualification, affiliation, or connection that the
4 person does not have.

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

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

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

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

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

19 “(k) Makes false or misleading representations concerning credit avail-
20 ability or the nature of the transaction or obligation incurred.

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

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

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

30 “(o) In a sale, rental or other disposition of real estate, goods or services,

1 gives or offers to give a rebate or discount or otherwise pays or offers to pay
2 value to the customer in consideration of the customer giving to the person
3 the names of prospective purchasers, lessees, or borrowers, or otherwise
4 aiding the person in making a sale, lease, or loan to another person, if
5 earning the rebate, discount or other value is contingent upon an event oc-
6 ccurring after the time the customer enters into the transaction.

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

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

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

14 “(s) Makes false or misleading representations of fact concerning the of-
15 fering price of, or the person’s cost for real estate, goods or services.

16 “(t) Concurrent with tender or delivery of any real estate, goods or ser-
17 vices, fails to disclose any known material defect or material nonconformity.

18 “(u) Engages in any other unfair or deceptive conduct in trade or com-
19 merce.

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

23 “(w) Manufactures mercury fever thermometers.

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

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

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

30 “(y) Sells a thermostat that contains mercury, unless the thermostat is

1 labeled in a manner to inform the purchaser that mercury is present in the
2 thermostat and that the thermostat may not be disposed of until the mercury
3 is removed, reused, recycled or otherwise managed to ensure that the mer-
4 cury does not become part of the solid waste stream or wastewater. For
5 purposes of this paragraph, ‘thermostat’ means a device commonly used to
6 sense and, through electrical communication with heating, cooling or venti-
7 lation equipment, control room temperature.

8 “(z) Sells or offers for sale a motor vehicle manufactured after January
9 1, 2006, that contains mercury light switches.

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

11 “(bb) Violates ORS 646A.070 (1).

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

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

14 “(ee) Violates ORS 646.883 or 646.885.

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

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

17 “(hh) Violates ORS 646A.360.

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

19 “(jj) Violates ORS 646.563.

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

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

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

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

25 “(oo) Violates ORS 646A.095.

26 “(pp) Violates ORS 822.046.

27 “(qq) Violates ORS 128.001.

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

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

30 “(tt) Violates ORS 87.686.

1 “(uu) Violates ORS 646A.803.
2 “(vv) Violates ORS 646A.362.
3 “(ww) Violates ORS 646A.052 or any rule adopted under ORS 646A.052 or
4 646A.054.
5 “(xx) Violates ORS 180.440 (1) or 180.486 (1).
6 “(yy) Commits the offense of acting as a vehicle dealer without a certif-
7 icate under ORS 822.005.
8 “(zz) Violates ORS 87.007 (2) or (3).
9 “(aaa) Violates ORS 92.405 (1), (2) or (3).
10 “(bbb) Engages in an unlawful practice under ORS 646.648.
11 “(ccc) Violates ORS 646A.365.
12 “(ddd) Violates ORS 98.853, 98.854, 98.856 or 98.858.
13 “(eee) Sells a gift card in violation of ORS 646A.276.
14 “(fff) Violates ORS 646A.102, 646A.106 or 646A.108.
15 “(ggg) Violates ORS 646A.430 to 646A.450.
16 “(hhh) Violates a provision of ORS 744.318 to 744.384.
17 “(iii) Violates a provision of ORS 646A.702 to 646A.720.
18 “(jjj) Violates ORS 646A.530 30 or more days after a recall notice, warning
19 or declaration described in ORS 646A.530 is issued for the children’s product,
20 as defined in ORS 646A.525, that is the subject of the violation.
21 “(kkk) Violates a provision of ORS 697.612, 697.642, 697.652, 697.662,
22 697.682, 697.692 or 697.707.
23 “(LLL) Violates the consumer protection provisions of the
24 Servicemembers Civil Relief Act, 50 U.S.C. 3901 et seq., as in effect on Jan-
25 uary 1, 2010.
26 “(mmm) Violates a provision of ORS 646A.480 to 646A.495.
27 “(nnn) Violates ORS 646A.082.
28 “(ooo) Violates ORS 646.647.
29 “(ppp) Violates ORS 646A.115.
30 “(qqq) Violates a provision of ORS 646A.405.

1 “(rrr) Violates ORS 646A.092.

2 “(sss) Violates a provision of ORS 646.644.

3 “(ttt) Violates a provision of ORS 646A.295.

4 “(uuu) Engages in the business of, or acts in the capacity of, an immi-
5 gration consultant, as defined in ORS 9.280, in this state and for compen-
6 sation, unless federal law authorizes the person to do so or unless the person
7 is an active member of the Oregon State Bar.

8 “(vvv) Violates ORS 702.012, 702.029 or 702.054.

9 “(www) Violates ORS 646A.806.

10 “(xxx) Violates ORS 646A.810 (2).

11 “(yyy) Violates ORS 443.376.

12 “(zzz) Violates a provision of ORS 646A.770 to 646A.787.

13 “(aaaa) Violates ORS 815.077.

14 **“(bbbb) Violates section 1 of this 2025 Act.**

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

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

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

25 “(5) Notwithstanding any other provision of ORS 336.184 and 646.605 to
26 646.652, if an action or suit is brought under subsection (1)(xx) of this section
27 by a person other than a prosecuting attorney, relief is limited to an in-
28 junction, and the prevailing party may be awarded reasonable attorney fees.

29 **“SECTION 3. Section 1 of this 2025 Act and the amendments to ORS**
30 **646.608 by section 2 of this 2025 Act apply to transactions that conclude**

1 on or after the effective date of this 2025 Act.

2 **“SECTION 4. This 2025 Act takes effect on the 91st day after the**
3 **date on which the 2025 regular session of the Eighty-third Legislative**
4 **Assembly adjourns sine die.”.**

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