

A-Engrossed House Bill 4092

Ordered by the House February 16
Including House Amendments dated February 16

Sponsored by Representatives PHAM H, WATANABE, Senators REYNOLDS, GELSER BLOUIN; Representatives ANDERSEN, BOWMAN, CHOTZEN, HUDSON, ISADORE, RIEKE SMITH, SOSA, WALTERS, WISE, Senators CAMPOS, FREDERICK, MANNING JR, NERON MISSLIN, PATTERSON (Presession filed.)

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. The statement includes a measure digest written in compliance with applicable readability standards.

Digest: Says that a person may not sell or offer for sale a child safety system unless the system meets certain standards. Says that the person must disclose whether the system meets the standards. (Flesch Readability Score: 69.5).

Prohibits a retailer from **knowingly** selling or offering for sale, and a retail platform operator from **knowingly** permitting a retailer to advertise or offer for sale, a child safety system that does not comply with federal standards or standards the Department of Transportation adopts by rule.

[Requires a retailer to disclose clearly and conspicuously in any advertisement or offer for a child safety system whether the child safety system complies with federal standards or standards the Department of Transportation adopts by rule.]

Prohibits a retail platform operator from permitting a retailer to advertise or offer for sale a child safety system unless the retailer affirmatively discloses to the retail platform operator whether the child safety system complies with federal standards or standards the Department of Transportation adopts by rule.

[Punishes] **Provides for a private right of action to enforce** a violation of, or failure to comply with, the requirements and prohibitions **set forth in the Act, allowing a recovery of the greater of the plaintiff's actual damages or statutory damages of \$500 after allowing for a period of 30 days to cure the violation or failure to comply.** *[as an unlawful practice under the Unlawful Trade Practices Act.]*

A BILL FOR AN ACT

Relating to child safety systems.

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

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

(a) **"Child safety system"** means a device or system for restraining, seating or positioning a child within a motor vehicle, including a device or system that is portable or detachable from a motor vehicle or a device or system that a purchaser can integrate with or use to replace a child safety system built into the motor vehicle.

(b) **"Federal standard"** means a specification for child restraint systems that the National Highway Traffic Safety Administration has adopted under 49 C.F.R. 571.213 as of the effective date of this 2026 Act.

(c) **"Motor vehicle"** means a motor vehicle that is designed primarily to transport individuals with seating for one or more passengers side-by-side with the operator of the motor vehicle.

(d) **"Purchaser"** means an individual resident of this state.

(e) **"Retailer"** means a person that sells or offers for sale a child safety system.

(f)(A) **"Retail platform operator"** means a person that operates an online or other mar-

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 **ketplace that enables purchasers to select, pay for and receive a child safety system and:**

2 **(i) Offers child safety systems for sale by the person or by other, third party sellers that**
3 **offer goods through the marketplace for which the marketplace is the seller of record; or**

4 **(ii) Fulfills orders for child safety systems through a centralized fulfillment, distribution**
5 **or warehouse network and from inventory that the person owns, leases or otherwise con-**
6 **trols.**

7 **(B) "Retail platform operator" does not include:**

8 **(i) A financial institution, as defined in ORS 706.008, a payment processor or payment**
9 **clearance system operator; or**

10 **(ii) A person that facilitates transactions on behalf of a retailer that is the seller of re-**
11 **cord and fulfillment occurs from a physical retail location of the retailer.**

12 **(2) A retailer may not knowingly sell or offer for sale to a purchaser, and a retail plat-**
13 **form operator may not knowingly permit a retailer to sell or offer for sale to a purchaser,**
14 **a child safety system intended for use in a motor vehicle that does not meet the federal**
15 **standard or standards the Department of Transportation adopts under ORS 815.055.**

16 **(3) A retail platform operator may not permit a retailer to advertise or offer for sale on**
17 **the operator's retail platform a child safety system that is intended for use in a motor ve-**
18 **hicle and is available for purchase and delivery to a purchaser unless the retailer**
19 **affirmatively discloses in writing to the retail platform operator whether the child safety**
20 **system complies with the federal standard or standards the Department of Transportation**
21 **adopts under ORS 815.055.**

22 **(4) A person that violates subsection (2) or (3) of this section shall, upon a written de-**
23 **mand from a purchaser, cure the violation within 30 days after receiving the purchaser's**
24 **demand.**

25 **(5)(a) A purchaser who delivers a written demand under subsection (4) of this section**
26 **may, within 30 days after the date of the purchaser's demand, bring an action in a court of**
27 **this state against a person that fails to cure a violation of subsection (2) or (3) of this sec-**
28 **tion. The purchaser may obtain in the action:**

29 **(A) The greater of the purchaser's actual damages or statutory damages of \$500; and**

30 **(B) Such other equitable relief as the court may specify.**

31 **(b) The court may award attorney fees and costs at trial and on appeal to a prevailing**
32 **plaintiff.**