

## HOUSE AMENDMENTS TO HOUSE BILL 4092

By COMMITTEE ON COMMERCE AND CONSUMER PROTECTION

February 16

1       On page 1 of the printed bill, line 2, after “systems” delete the rest of the line and insert a pe-  
2       riod.

3       In line 6, delete “who weighs 80 pounds or less”.

4       In line 10, after “the” delete the rest of the line and line 11 and insert “effective date of this  
5       2026 Act.”.

6       Delete lines 17 through 22 and insert:

7       “(f)(A) ‘Retail platform operator’ means a person that operates an online or other marketplace  
8       that enables purchasers to select, pay for and receive a child safety system and:

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

11      “(ii) Fulfills orders for child safety systems through a centralized fulfillment, distribution or  
12      warehouse network and from inventory that the person owns, leases or otherwise controls.

13      “(B) ‘Retail platform operator’ does not include:

14      “(i) A financial institution, as defined in ORS 706.008, a payment processor or payment clearance  
15      system operator; or

16      “(ii) A person that facilitates transactions on behalf of a retailer that is the seller of record and  
17      fulfillment occurs from a physical retail location of the retailer.”.

18      On page 2, line 1, after “not” insert “knowingly”.

19      In line 2, after “not” insert “knowingly”.

20      Delete lines 5 through 10.

21      In line 11, delete “(4)” and insert “(3)”.

22      Delete lines 17 through 45 and delete pages 3 through 5 and insert:

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

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

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