CHAPTER 17

AN ACT HB 4092

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

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

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

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

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

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

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

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

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

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

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

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

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

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