

2023 Legislative Summary Brief

Business and Consumer Protection



Business Assistance

The Oregon Legislative Assembly often considers measures to aid businesses and create incentive programs. In the 2023 session, the Legislative Assembly enacted [Senate Bill 1048](#), which directs the Oregon Department of Transportation (ODOT) to establish a small business development program to aid qualified small businesses in competing for ODOT public improvement contracts. [House Bill 5040](#), establishes the budget for ODOT and includes expenditure and office support for this program within ODOT.

Consumer Protection

Legislators considered several measures aimed at creating or strengthening consumer protections during the 2023 session.

The Unlawful Debt Collection Practices Act (UDCPA) controls how a creditor, including a collection agency, may attempt to collect a debt. Unlawful debt collection practices include the use of obscene, threatening, or abusive language; communications without permission or threats of communication with employer; communications without clear identification of debtor and debt collector; or pursuit of debtor for an incorrect amount or a debt not owed. A creditor who willfully violates the UDCPA may be liable for minimum damages of \$200, legal fees, and in some cases punitive damages.

[House Bill 2008](#) (*not enacted*) would have increased the minimum protected wage amount protected from garnishment; increased the maximum value of vehicles, work tools, and

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See the 2023 **Legislative Summary Report** for [Business and Consumer Protection](#) which highlights policy measures that received a public hearing during Oregon’s 2023 Regular Legislative Session.

work equipment exempted from seizure during debt collection; and required a financial institution to leave a minimum of \$12,000 in a person’s account during garnishment. It would also have expanded the ability of a debtor to pursue unlawful debt collection practices violations by: allowing a debtor to bring a good faith case under the UDCPA, requiring a debtor to pay attorney fees only if the claim was objectively unreasonable, and extending the statute of limitations to six years for a person to pursue an unlawful debt collection practices claim, including a class action.

Oregon’s anti-robocall statutes, [ORS 646.569](#) (2021) and [ORS 646A.374](#) (2021), prohibit calling someone on a do-not-call list and making scam robocalls. It is common for robocalls to originate outside the United States, using

gateway providers and intermediate telemarketing providers to reach consumers. As a result, it can be difficult to enforce current law when violations occur. [House Bill 2759](#) amends the anti-robocall statutes to make people who know or consciously avoid knowing that another person is engaging in a practice that violates the anti-robocall statutes liable for any loss and subject to penalty for the violation as the person who engaged in the violation.

[House Bill 2915](#) prohibits retail pet stores from offering to sell or actually selling dogs or cats. The measure permits retail pet stores that sold dogs or cats prior to the measure being effective, to continue to sell the animals, if the ownership of the pet store is not transferred to a new owner until 2028. [House Bill 3213](#) prohibits the sale of cosmetics developed or manufactured using cosmetic animal tests on or after January 1, 2024, with some exceptions.

Oregon's Unlawful Trade Practices Act (UTPA) provides individuals with the right to sue for deceptive practices regarding the sale of real estate, goods, and services. Additional recovery powers are given to the Attorney General and district attorneys. The UTPA applies only to consumer purchases that are for the primary purpose of personal, family, or household use. In addition, the UTPA does not apply to insurance-related matters. [House Bill 3242 B](#) (*not enacted*) would have permitted an insured individual to bring a civil action against an insurer for unfair claim settlement practices, including practices not described in current law but that are deemed unfair by the Director of the Department of Consumer and Business Services (DCBS) or by a court. [House Bill 3243](#) (*not enacted*) would have brought unfair insurance claims settlement practices under the UTPA. The measure would have allowed a prosecuting attorney to take action for violations of the UTPA only if the Director of DCBS first requested such action be taken.

General Business

The Oregon Department of Justice maintains a Division of Child Support (Division), which offers several child support services for parents who pay or receive child support. The Division provides enforcement of child support, including wage withholding and garnishment. Oregon law requires employers in Oregon to notify the Division when hiring or rehiring individuals in Oregon. [Senate Bill 184](#) adds independent contractors to this employer reporting requirement.

Data brokers are entities that purchase and sell personal information, such as information gathered from internet-enabled devices, also known as “smart devices.” Information sold to data brokers may contain personally identifiable and sensitive details, and individuals may be unaware that their information has been sold to a data broker. [House Bill 2052](#) requires data brokers who handle the personal information of Oregonians to register annually with the Department of Consumer and Business Services (DCBS). In turn, DCBS must make the information of the data broker registrants publicly available on the agency’s website.

A “corporation sole” is an uncommon type of tax-exempt, nonprofit entity allowed in Oregon. A corporation sole is a form of a religious corporation that allows a religious organization to appoint one person as its sole financial officer. [Senate Bill 77](#), enacted in 2015, prohibits the formation or incorporation of a corporation sole in Oregon as of June 8, 2015, but allows existing corporation soles to continue, subject to regulations. However, [Senate Bill 77](#) (2015) did not address reinstatement of a corporation sole that was administratively dissolved. [House Bill 2109](#) prohibits reinstatement of a corporation sole on or after June 8, 2015.

Third party food delivery platforms provide an app that allows customers to order food from a restaurant. The app sends the order to the



restaurant and connects with local delivery drivers for delivery of the orders. The platforms profit by charging businesses a commission on each order. [House Bill 2536](#) (*not enacted*) would have established requirements for how and when third party delivery platforms may take orders and make deliveries on behalf of a restaurant.

Insurance

Automobile insurance underwriters consider the applicant's age, vehicle, driving record, prior insurance coverage, credit history, and area of residence when preparing an insurance score used to decide whether to underwrite a policy and what premium to charge. Using an applicant's or insured person's credit history is limited to specific circumstances. [House Bill 2920](#) (*not enacted*) would have limited the information auto insurers could use for setting rates to include only: safe driving history, miles driven, driving experience, and other information specified by Department of Consumer and Business Services (DCBS). The measure would have prohibited the use of specific information when setting insurance rates such as credit history, sex or gender, marital status, education, occupation, employment status, residential status, criminal history among other types of information that was not requested in the initial application.

For the purposes of fire insurance, a person has 90 days after receipt of proof of loss forms to furnish proof of loss. [House Bill 2982](#) allows a person with personal insurance who experiences a total loss to receive a 70 percent payout of the personal property coverage without an inventory documentation, if the person provides documentation to DCBS that the home was furnished and the loss occurred as a direct result of a major disaster in a location that was subject to a declaration of a state of emergency under [ORS 401.165](#) (2021).

Professional Licensure

In Oregon, several professional and occupational licensing boards govern the licensing of a variety of occupations, from social workers to optometrists. During the 2023 session, the Legislative Assembly considered several measures that addressed various aspects of professional licensure and professional and occupational licensing boards.

The State Board of Architect Examiners (Board) oversees the registration and regulation of the practice of architecture in Oregon. The Board operates as a semi-independent state agency, and state law governs the registration and practice of architects within Oregon. [Senate Bill 224](#) modifies and updates the statutes regulating the practice of architecture in Oregon. The measure specifies procedures for investigation of violations and modifies procedures for disciplinary action against persons who violate regulations. It also updates terminology and the process for architects outside of Oregon to practice architecture within Oregon.

Two measures not enacted during the 2023 session attempted to address barriers to licensure and employment within Oregon. [Senate Bill 849 A](#) (*not enacted*) would have created the Internationally Educated Workforce Reentry Grant Program within the Higher Education Coordinating Commission, among other things. [Senate Bill 857](#) (*not enacted*) would have enacted the Recognition of Emergency Medical Services Personnel Licensure Interstate Company.



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