

BUSINESS & CONSUMER PROTECTION



This Legislative Summary Report highlights Business and Consumer Protection policy measures that received a public hearing during the 2021 Regular Legislative Session. The report is organized by sub-topics and includes the measure number; the measure status: enacted [✓] or not enacted [✗]; and a brief description of the measure.

Business and Consumer Protection policy sub-topics:

- Business Assistance
- Consumer Protection
- Economic Development
- Finance, Insurance, and Real Estate Policy and Licensing
- General Business Policy and Licensing
- Taxes and Fees
- Utilities
- Other Legislation

Business Assistance

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| HB 2037 | ✓ | Increases the maximum loan amount from the Oregon Business Development Fund to \$2 million. |
| HB 2038 | ✓ | Extends the sunset on the increased revenue limit and increased maximum loan for an Entrepreneurial Development Loan. |
| HB 2266 | ✓ | Directs the Oregon Business Development Department to make awards to lenders for their loan loss reserve accounts. |
| HB 2301 | ✗ | Would have directed the State Treasurer to establish a small business support loan program during a statewide or regional emergency or disruption. |
| HB 2334 | ✗ | Would have required an agency that adopts, amends, or suspends an administrative rule, without notice or with abbreviated notice, to prepare a statement considering any significant economic effect on businesses. |
| HB 2869 | ✗ | Would have directed the Oregon Business Development Department to study cooperative resource sharing by groups of small businesses. |
| HB 2966 | ✓ | Extends the grace period for a commercial tenant to repay any outstanding balance of rent, late charges, utility charges, or other service charges or fees accrued during the emergency period declared in 2020. |
| HB 3010 | ✓ | Requires a written policy for diversity, equity, and inclusion for reimbursement from the Oregon Production Investment Fund. |

Business Assistance, cont'd

- HB 3376 A ✗ Would have directed the Oregon Business Development Department to develop and implement a grant program for operators of movie theaters closed during the COVID-19 pandemic.

Consumer Protection

- SB 485 ✓ Establishes a state regulatory model for student loan servicers doing business in Oregon.
- HB 2009 ✓ Limits certain residential foreclosures and allows certain borrowers to defer mortgage payments during period ending June 30, 2021. Authorizes Governor to extend period through December 31, 2021.
- HB 2311 ✓ Allows a repair shop to obtain an irrevocable letter of credit in the amount of \$20,000 as an alternative to obtaining a surety bond for purposes of claiming a mechanic's lien.
- HB 2646 ✓ Requires kratom products to be registered with Oregon Department of Agriculture (ODA) and prohibits a retailer from selling or distributing kratom products from a kratom processor not registered with the ODA or to individuals under 21 years of age. (Vetoed by Governor Kate Brown – See [letter](#).)
- HB 2698 ✗ Would have required the original manufacturer of consumer electronic equipment to make parts, tools, embedded software, and documentation available to consumers and independent repair shops on fair and reasonable terms when these same items are available to authorized repair shops.
- HB 3171 ✗ Would have included insurance in the definition of "real estate, goods or services" for purposes of the Unfair Trade Practices Act and would have specified that insurance is not limited for personal, family, or household use.

Economic Development

- HB 2125 ✗ Would have authorized the issuance of lottery bonds for the Future Fund of the Oregon Parks and Recreation Department.
- HB 2173 A ✗ Would have permitted a deduction from a county's allocation of net video lottery receipts to support regional solutions coordinators.
- HB 2218 A ✗ Would have directed the Oregon Business Development Department to study the impact of wetlands laws on economic development.
- HB 3177 ✗ Would have prohibited the Governor from imposing restrictions on eating and drinking establishments and indoor physical recreation and fitness

Economic Development, cont'd

establishments during a declared state of emergency related to the COVID-19 pandemic.

- HB 2267 ✗ Would have directed the Department of Administrative Services to transfer a fixed percentage of forecasted lottery revenues to counties for economic development.
- HB 2282 ✗ Would have established the process by which the City of Bend and the Department of Land Conservation and Development may approve amendments to the city's urban growth boundary and the Stevens Road tract.
- HB 2343 ✔ Permits governing body of an Enterprise Zone sponsor to adopt a resolution to suspend obligations of participating firm due to pandemic impacts. Provides that qualifying business may continue to receive tax exemption if failure to meet qualifications results from pandemic and state of emergency declared on March 8, 2020 if resolution with alternative requirements is adopted.
- HB 2345 ✔ Establishes the Oregon Rural Capacity Fund to assist rural jurisdictions with grants and other funding opportunities to support workforce, infrastructure, economic development, and community development.
- HB 2355 ✗ Would have directed the Oregon Business Development Department to develop a program for matching grants to tribal governments for new positions devoted to economic development activities.
- HB 2518 ✔ Directs the Oregon Business Development Department to establish a forgivable loan program for costs related to the removal or remedial action of a brownfield property.
- HB 2665 ✗ Would have allocated \$1.6 million from the Administrative Services Economic Development Fund for the redevelopment of the Port of Port Orford Cannery.
- HB 2701 ✗ Would have established the Rural System Development Charges Program to increase the supply of rural, affordable, multifamily housing.
- HB 2916 ✗ Would have established three separate Blue-Green Economy Task Forces in the areas of timber, agriculture, and marine resources.
- HB 3040 ✔ Directs the Oregon Housing and Community Services Department to conduct a study of system development charges.

Finance, Insurance, and Real Estate Policy and Licensing

- SB 37 ✔ Updates requirements for the registration of appraisal management companies to align with applicable federal regulations.

Finance, Insurance, and Real Estate Policy and Licensing, cont'd

- SB 45 ✓ Prohibits a life insurance policy from excluding coverage for loss of life that results from another person's act of terrorism.
- SB 46 ✓ Aligns state regulation of disability insurance policies with the Employee Retirement Income Security Act of 1974.
- SB 180 ✓ Requires notice to certain claimants when insurance settlement payment is made.
- SB 209 ✓ Allows electronic communication from a property owner to a financial institution as a means to show the property has not been abandoned.
- SB 210 ✓ Allows payment of dividends that exceed statutory limits by a resolution of the board and with the prior approval of the Department of Consumer and Business Services.
- HB 2043 ✗ Would have specified what information insurers can and cannot consider when determining eligibility, premiums, or rates for a motor vehicle liability insurance policy.
- HB 2045 ✓ Codifies National Association of Insurance Commissioners' model law regarding credit for reinsurance.
- HB 2356 ✗ Would have prohibited state-regulated banks and credit unions from charging a fee to cash a check that is drawn on an account at the bank or credit union if the check is presented in Oregon.
- HB 2377 ✓ Provides a process to seek insurance assets held by or on behalf of a dissolved corporation or limited liability company.
- HB 2393 ✓ Requires taxi companies and transportation network companies to provide motor vehicle liability policy with personal injury protection (PIP) benefits to each driver who operates a taxi or personal motor vehicle in affiliation with the company and specifies that the coverage apply to the driver, any passengers, and any pedestrians struck by the vehicle or taxi.
- HB 2550 ✓ Requires agents for sellers in real property transactions to reject non-customary communications to avoid the potential for unlawful selection of a buyer based on race, color, religion, sex, sexual orientation, national origin, marital status, or familial status.
- HB 2703 ✓ Requires real estate licensees seeking to renew an active license or reactivate an inactive license to complete at least three hours of real estate education on state and federal fair housing laws.

Finance, Insurance, and Real Estate Policy and Licensing, cont'd

- HB 2743 ✗ Would have added definition of “municipal bank” to the Bank Act and clarified allowed and prohibited activities of municipal banks.

- HB 3080 ✓ Allows financial institutions, including FDIC-insured institutions, credit unions, and international banking businesses, to swipe a driver license or identification card for the purpose of collecting information to process an application.

- HB 3272 ✓ Establishes minimum requirements in homeowner insurance policies, including time to repair or rebuild, duration of additional living expenses, and ability to combine coverage limits. Prohibits insurer from denying or limiting payment if the policyholder rebuilds in a new location or purchases an existing structure when the insured structure was a total loss.

General Business Policy and Licensing

- SB 17 ✗ Would have allowed professional licensing boards to issue provisional licenses to applicants who are licensed in another state and intend to work in the Eastern Oregon Border Economic Development Region.

- SB 94 ✓ Allows practical skills test administered by the Landscape Contractors Board to be hands-on, written, or electronic.

- SB 338 ✓ Changes scope of work for Limited Renewable Energy Technician to account for contemporary equipment and practices.

- SB 468 ✗ Would have prohibited the director of an agricultural cooperative from acting to deceive members and would have established a duty for corporate officers to act in good faith in the administration of the cooperative.




- SB 469 ✗ Would have required agricultural cooperative to keep and allow for the examination of certain books and records of the proceedings of the cooperative's members, board, and executive committee.

- SB 569 ✓ Establishes that employer may only require employee or applicant to provide a valid driver license if the ability to drive is an essential job function or related to a legitimate business purpose.



- SB 746 ✗ Would have prohibited schools and employers from discriminating based on hair type, texture, or style. Would have required place of public accommodation to accept cash for payment.

- HB 2946 ✗ Would have established franchisee rights and prohibited certain practices of franchisor.







General Business Policy and Licensing, cont'd

- HB 3110 A  Would have required board of directors of publicly traded corporation to have specified proportion of female directors and directors who are members of underrepresented communities.
- HB 3181  Would have required the Oregon Utility Notification Center to adopt rules requiring paint used for marking underground facilities to be temporary marking paint or other industry-accepted low-impact marking and required operators to remove markings that continue to be visible on private property after a reasonable period has passed since excavation is complete.
- HB 3361  Requires a third-party food platform to have the written consent of the restaurant in order to take orders and deliver the restaurant's food and beverages.


Taxes and Fees

- HB 2120  Increases the death report filing fee from \$20 to \$30 and requires fee increase to be used to reimburse funeral establishments for the dispositions of unclaimed deceased indigent persons.
- HB 2450  Would have sunset the tax credit for employee training programs in rural counties.



Utilities

- SB 615  Would have established a Low Income Broadband Bill Payment Assistance Fund to provide bill payment assistance to low income households.
- HB 2411  Provides a process for the installation of broadband within specified Statewide Transportation Improvement projects.
- HB 2507  Allows the Oregon Telephone Assistance Program to be offered as a separate program apart from the program funded by the federal government.
- HB 2613  Would have provided a process for the installation of broadband within an excavation project on a public right of way.
- HB 2654  Permits an electric cooperative to use, or allow for use, an electric easement for broadband services.
- HB 2790  Would have appropriated \$100,000 from the General Fund to Curry County for the installation of a fiber optic telecommunications line to the Cape Blanco Airport.

Utilities, cont'd

- HB 3256 A  Would have directed the Public Utility Commission to investigate and make recommendations related to the Oregon Telephone Assistance Program.

Other Legislation

- HB 2123  Expands definition of a historic cemetery to include any burial place with the remains of person who died at least 75 years before the current date.
- HB 2574  Clarifies that it is permissible that disposition of human remains occur through alternative authorized processes such as hydrolysis, and natural organic reduction. Requires practitioners to obtain a certificate of authority from the Mortuary and Cemetery Board in order to operate an alternative disposition facility.