

Consumer Protection

X SB 188 Creates a single state agency within the Department of Commerce to provide for coordination of consumer protection services.

HB

SECTION 5. (1) It shall be the duty of the Consumer Services Division to:

(a) Coordinate consumer services carried on by state departments and agencies;

(b) Further consumer education;

(c) Conduct studies and research concerned with consumer services; receive, process, investigate and take action on complaints from consumers; and refer such complaints as require further action to appropriate agencies for enforcement;

(d) Inform the Governor and the Attorney General and other law enforcement agencies of violations of laws or regulations affecting consumers as its investigations or studies may reveal;

(e) Advise the executive and legislative branches in matters affecting consumer interests;

(f) Study and report all matters referred to it by the legislature or the Governor; and

(g) Inform the public through appearances at federal and state committee, commission or department hearings of the policies, decisions or legislation beneficial or detrimental to consumers.

(2) Every state agency shall cooperate with the Consumer Services Division in carrying out its functions under this section.

(3) To assist in carrying out the provisions in this Act there is hereby created in the division a Consumer Advisory Council.

(a) The Consumer Council shall consist of seven members appointed by the director, two of whom shall represent business, two of whom shall represent labor, and three of whom shall represent voluntary consumer agencies.

(b) Except as provided in paragraph (a) of this subsection the director shall appoint members of the Consumer Advisory Council as set forth in section 16 of this Act.

(c) The members of the council shall serve without compensation but shall be reimbursed for expenses actually and necessarily incurred by them in performance of their duties. All meetings of the council shall be open and public and all persons shall be permitted to attend any meeting of the council.

X SB 582 Permits persons 18 years of age to enter into legally binding contracts. Exempts nonconsenting parents from liability under such contracts.

HB/SB

HB 1075 Requires that charges for service be listed on employment agency schedule as percentage of compensation for first month of employment. Requires notice in contract that applicant is responsible for service charges only in cases where employer does not pay fee.

HB

HB 1108 Authorizes Board of Health to regulate labeling and sale of hazardous substances intended or packaged in form suitable for use in household or by children and to ban sale of extremely hazardous substances for which adequate precautionary labeling cannot be devised.

HB

Aye
HB 1255 Adds two members to the State Board of Agriculture to represent consumer interests.

Aye
HB 1290 Prohibits discrimination, in coverage of liability insurance, between risks of essentially same degree of hazard in designated liability policies, excluding motor vehicle policies. Prohibits discrimination solely because of geographic location if exposures to peril insured against is comparable in other respects. Permits discrimination between risks of same degree under specified conditions.

Aye
HB 1846 Increases maximum for loans under small loans provisions to \$5000 and raises maximum interest allowable thereon.

Aye
+HB 3037 Revises law relating to deceptive trade practices. Permits buyer to assert defenses against holders in due course on consumer purchases. Allows attorney fees in certain breach of warranty actions. Allows private suits for damages for deceptive trade practices. Declares that consumer paper is nonnegotiable except that regarding governmental units. Authorizes assessment of punitive damages. Denies deficiency judgements after repossession if time balance is less than \$700. Denies right to repossess where deficiency judgment for less than \$700 is obtained. Authorizes Attorney General to sue to enforce laws. Creates Consumer Protection Division in Department of Justice to carry out duties prescribed by Act and appropriates \$200,000 from General Fund for division. Grants right to cancel to home solicitation buyers and requires notice of right in home solicitation sales.

election of any person to public office while on the job during working hours. However, nothing in this section is intended to restrict the right of a public employe to express his personal political views."

It is therefore the policy of the state and of your public employer that you may engage in political activity except to the extent prohibited by state law when on the job during working hours.

(4) For purposes of subsection (3) of this section, "public employer" means the state and any of its agencies and institutions, and includes a city, county or other political subdivision.

[Formerly 260.231; 1973 c.53 §1; 1973 c.744 §27a.]

260.440 [Amended by 1971 c.644 §8; repealed by 1971 c.749 §82]

260.442 Transfer of convention credential for value. No person shall invite, offer or effect the transfer of any convention credential in return for payment of money or other thing of value.

[Formerly 260.250; 1973 c.744 §28]

260.450 [Repealed by 1957 c.644 §28]

260.452 Payments for becoming or refraining from becoming candidate; becoming candidate to defeat another. No person shall receive or pay money or other thing of value for becoming or refraining from becoming a candidate for nomination or election to public office, or by himself or in combination with any other person become a candidate for the purpose of defeating the nomination or election of any other person and not with a bona fide intent to obtain the office.

[Formerly 260.420; 1973 c.744 §29]

260.460 [Repealed by 1957 c.644 §28]

260.462 Payments for putting names on nomination papers or performance of political committee duties. No payment or contribution for any purpose shall be made a condition precedent to the putting of a name on any caucus or convention ballot, nomination paper or petition, or to the performance of any duty imposed by law on a political committee.

[Formerly 260.270; 1973 c.744 §30]

260.470 [Amended by 1957 c.644 §9; 1971 c.749 §4; renumbered 260.365]

260.472 Payments by or solicitation of certain businesses. (1) As used in this section, "corporation or company" means:

(a) Any corporation carrying on the business of a bank, savings bank, cooperative

bank, trust, trustee, surety, indemnity, safe deposit, insurance, telegraph, telephone, gas, electric light, heat, power, canal, aqueduct, water, cemetery or crematory company.

(b) Any company engaged in business as a common carrier of freight or passengers by railroad, motor truck, motor bus, airplane or watercraft.

(c) Any company having the right to take or condemn land or to exercise franchises in public ways granted by the state or any county or city.

(2) No corporation or company shall pay or contribute in order to aid, promote or prevent the nomination or election of any person, or in order to aid or promote the interests, success or defeat of any political party or political committee supporting or opposing any person as a candidate. No person shall solicit or receive such payment or contribution from such corporation or company.

(3) This section does not prohibit any voluntary activity for or against any candidate undertaken by an officer or employe of a corporation or company on his own behalf that is:

(a) Casual and occasional and occurs during business hours; or

(b) More than casual and occasional but occurs on the officer's or employe's own time.

[Formerly 260.280; 1973 c.744 §31]

260.480 [Amended by 1957 c.644 §11; repealed by 1971 c.749 §82]

260.482 Bets and wagers on election results. (1) No candidate shall, before or during any election campaign, make any bet or wager of anything of pecuniary value, or in any manner become a party to any such bet or wager, on the result of the election in his electoral district or any part thereof, or on any event or contingency relating to any pending election. No candidate shall provide money or other thing of value to be used by any person in betting or wagering upon the results of any pending election.

(2) No person shall, for the purpose of influencing the result of any election, make any bet or wager of anything of pecuniary value on the result of such election in his electoral district or any part thereof, or of any pending election, or on any event or contingency relating thereto.

(3) Violation of subsection (2) of this section shall be a ground of challenge against the violator's right to vote, in addition to any other remedy, civil or criminal, provided by law.

[Formerly 260.310; 1973 c.744 §32]

PUBLIC SERVICE DISTRICTS
261-270

PUBLIC LANDS
271-275

PUBLIC BUILDINGS,
PURCHASING AND PRINTING
276-298

PUBLIC ACCOUNTING
AND GENERAL
300-304

PUBLIC UTILITIES
AND
305-314

HOUSE BILL PASSED INTO LAW

House Bill 2012, Chapter 293, Oregon Law, 1973 -- REVISES WEIGHTS AND MEASURES LAW

Updates the current law, making major revisions in the existing statutes and creating new provisions making it possible for the Department of Agriculture to be responsive to modern day marketing practices and methods of measuring quantity.

The new law gives the Department authority to regulate existing weighing devices currently in use by industry and requires packaged items such as fresh meats, poultry, seafood and cheeses to carry a price per pound as well as total price.

Effective Date: October 5, 1973

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House Bill 2013, Chapter 374, Oregon Law, 1973 -- ENFORCEMENT OF WEIGHTS AND MEASURES LAW

Provides for penalty for those operating unlicensed commercial weighing and measuring devices.

Effective Date: October 5, 1973

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House Bill 2014, Chapter 294, Oregon Law, 1973 -- ENFORCEMENT OF SECURITY SEAL RULE

The security seal is a metal tag or seal placed on weighing and measuring devices when they are calibrated and adjusted for accuracy by the Department of Agriculture's Weights and Measures inspectors. This assures that the consumer gets the true weight for the product he purchases.

The new law would subject persons tampering with the security seal on weighing and measuring devices licensed by the Department to a civil penalty.

Effective Date: July 1, 1973

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House Bill 2016, Chapter 227, Oregon Law, 1973 -- REVISION OF OREGON FOOD LAWS

The Oregon Food Law provides for a safe, wholesome food supply. This will update the Law to bring it more in line with the Federal Food, Drug, and Cosmetic Act. Significant changes are the inclusion of authority to regulate the use of color additives in foods and of the requirements of the Federal Fair Packaging and Labeling Act.

Effective Date: October 5, 1973

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House Bill 2116, Chapter 714, Oregon Law, 1973 -- ANTI-DISCRIMINATION FOR SEX OR MARITAL STATUS X

Recently the problem of women being refused credit has received public attention. This new law will give the Bureau of Labor authority to act in cases of discrimination because of sex or marital status in any place where the public is accommodated for reasons of goods, services, lodging or amusements. It also prohibits such discrimination by vocational, professional or trade schools and in the rental, lease or purchase of real property.

Effective Date: October 5, 1973

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House Bill 2124, Chapter 138, Oregon Law, 1973 -- EMPLOYMENT AGENCY FEE FOR SHORT TERM JOB

It has previously been the law that if an employee worked 14 days at a job secured for him by an employment agency, that he owed the entire fee.

This new law extends the period for full payment to 90 days and provides that the employee pay 1/90th of the total fee for each calendar day employed and compensated.

The Labor Commissioner is permitted to adopt rules and regulations for employment agencies.

Effective Date: October 5, 1973

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House Bill 2243, Chapter 533, Oregon Law, 1973 -- LABELING OF PRESCRIPTIONS X

All prescriptions must be clearly labeled showing the name of the medical practitioner, name of patient; name and address of pharmacy, name of drug and its quantity per unit and directions

for use. If the Board of Pharmacy sets an expiration date, that shall be noted. The doctor, dentist or podiatrist can specify that the label not name the drug or quantity per unit of the drug. X

Effective Date: October 5, 1973

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House Bill 2251, Chapter 534, Oregon law, 1973 -- UNDERESTIMATES FOR HOUSEHOLD GOODS MOVING

When a moving company has repeatedly and apparently intentionally underestimated the cost of moving household goods, the Public Utility Commissioner can suspend or cancel the permit of the company after appropriate notice and hearing.

Effective Date: October 5, 1973

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House Bill 2254, Chapter 797, Oregon Law, 1973 -- BANKING CODE REVISION X

The new Banking Code will provide additional protections for the consumer in several areas:

1. Banks must retain higher reserves.
2. Greater control over stock transfers.
3. Banks audited annually by outside firms, as well as examined by State Bank Examiner.
4. Second mortgages can be granted for home improvements.
5. Banks can lend 95% on homes with mortgage guaranty insurance.
6. Loans can be made against passbooks.
7. Banks can lease personal property to consumers.
8. Accounts under \$5000 will not have to be probated.
9. Automated tellers -- U Banks: each bank can have as many as they wish within 100 yards. Each bank can have 4 beyond 100 yards excepting that no bank can have automated teller in a separate building unless there is over 50,000 population.
10. Terms of deposit contract revealed in writing.
11. Superintendent of Banks can adopt rules if it serves the public.
12. Dormant accounts of consumers do not automatically escheat to the state if there is an active account in the bank.

Effective Date: January 1, 1974

House Bill 2281, Chapter 143, Oregon Law, 1973 -- BENEFITS WHERE TWO POLICIES PROVIDE COVERAGE

The Insurance Commissioner shall establish guidelines so no group health insurance policy which provides for reduction of benefits if another company is also liable, can reduce the total benefits of both companies under 100% of total allowable expenses.

Effective Date: June 26, 1973

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House Bill 2289, Chapter 97, Oregon Law, 1973 -- INSURANCE FOR LEGAL SERVICES

This bill authorizes establishment of non-profit corporations to provide insurance to cover the cost of legal services.

Effective Date: October 5, 1973

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House Bill 2295, Chapter 235, Oregon Law, 1973 -- ADDITIONS TO DECEPTIVE TRADE PRACTICES ACT X

The Deceptive Trade Practices Act was passed by the 1971 legislature and covers all cases of misleading, fraudulent or misrepresented transactions of consumer goods and services that are for personal or household use. Exempt specifically was insurance.

The new additions will add real estate matters, especially where no agent may be involved; franchises; distributorships and other similar business opportunities.

Also added in Senate Bill 428-is pyramid clubs.

Effective Date: July 1, 1973

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House Bill 2408, Chapter 91, Oregon Law, 1973 -- CERTIFICATE OF ORIGIN FOR MOBILE HOMES X *Howey*

Manufacturers of mobile homes must issue a certificate of origin for all units sold in the state, which shall show year model, year of manufacture, make and identification number. The Division of Motor Vehicle shall not issue a certificate of title without this statement of origin.

Movements of mobile homes on highways in Oregon shall be with the Division of Motor

obtain a refund of the purchase price less the reasonable value of the use to him while he owned it.

The CWA requires a manufacturer, who makes a written warranty, to either maintain sufficient repair and service facilities within the state to fulfill the warranties or he becomes liable to the seller who incurs obligation in giving effect to the express warranty. This is extremely important in that now the dealer has no guarantee of recouping his costs from the manufacturer for performing and correcting the manufacturer's obligation unless the seller has a written franchise agreement with the manufacturer. This means that now the seller can take positive action in correcting defects and obtain compensation from the manufacturer.

If the manufacturer or seller make a written warranty and maintain service and repair facilities within the state, then they must at the time of sale:

- (a) Provide the buyer with the name and address of the service and repair facility.
- (b) Provide the buyer with the name, address and telephone number of a repair and service facility central directory within the state, or the toll-free telephone number of a service and repair facility central directory outside the state. The central directory must provide the name and address of the authorized service and repair facility nearest the buyer; or
- (c) maintain at the premises of the seller a current listing of the authorized service and repair facilities within the state to whom the consumer goods may be returned for services and repair.

Service and repair must be commenced within a reasonable period of time. If the size, weight, method of attachment, method of installation and nature of nonconformity do not permit the buyer to return the nonconforming good, then the buyer need only send written notice of the nonconformity to the retail seller or the manufacturer as the case may be.

The CWA does not apply to a defect in a product caused by the unauthorized or unreasonable use of the product after its sale. The buyer cannot waive or surrender his rights guaranteed by the CWA except where the implied warranties are disclaimed in the manner prescribed by the CWA.

Effective Date: Goods sold after January 1, 1974 and some manufactured after that date.

House Bill 2537, Chapter 551, Oregon Law, 1973 -- NO-FAULT MEDICAL ON AUTOMOBILE INSURANCE X

Oregon law has set certain required benefits for no-fault auto insurance in the medical area.

	<u>CURRENT</u>	<u>NEW LAW</u>
Medical Disability income	\$3000 \$500 per month, after 14 days off work, for 52 weeks.	\$5000 \$750 per month retroactive to start of disability, after 14 days off work, for 52 weeks.
Essential services unemployed person would perform-if disabled at least 14 days	\$12 per day, after 14 days	\$18 per day, retroactive to date of disability
Reasonable and necessary funeral expenses within one year.	None	\$1000

Payments shall be made without regard to fault to cover the named insured, members of his family residing in the same household and his guest passengers.

Guest passenger benefits henceforth will be paid from the policy of the host insured rather than from the guest's own automobile liability policy.

Effective Date: January 1, 1974

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House Bill 2550, Chapter 389, Oregon Law, 1973 -- NON-DRIVER IDENTIFICATION CARD

The Motor Vehicle Division is authorized to issue an identification card to all persons applying who pay a fee of \$1.50 to \$3.50 depending upon how near your birthdate is when you apply, show evidence of age and identity. ID cards will be renewed every two years for a \$2.00 fee. The cardholder must notify the division within 30 days of a residence or name change.

The identification card can be canceled for fraud, failing to give accurate information, altering the card or permitting its misuse. It is illegal to lend or permit another person to use the card, use it when altered or revoked, use another person's card, give any false statements or fail to surrender the card when canceled or revoked.

Effective Date: January 1, 1974

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House Bill 2607, Chapter 421, Oregon Law, 1973 -- LAND DEVELOPMENT CONSUMER PROTECTION ACT
(SUB-DIVISION REVISIONS)

This new law is to give further protection to consumers faced with deciding on purchase of land for home building or recreation. It will give the Real Estate Commissioner authority to establish standards, require complete and accurate information, and to grant to purchasers the right to adequate remedies against fraudulent and negligent land sales practices.

All land developments comprised of more than 5 interests must be registered in Oregon if they do not qualify for exemption if the land is located here or if the property is offered for sale in Oregon and located in another state and the parcel is under 320 acres.

A copy of the disclosure statement shall be given every prospective purchaser upon oral or written request. Such statement shall contain name and address of developer; statement of proposed use, water; sewage; utilities including garbage and postal service; any health hazards; zoning, access and easements; emergency services; schools; title; unusual conditions affecting building; and the right to rescind in 3 days.

Provisions are outlined in the new law for not issuing certificates to developers or for taking action in cases of improper or illegal actions on his part.

Effective Date: January 1, 1974

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House Bill 2629, Chapter 678, Oregon Law, 1973 -- EMPLOYMENT AGENCY REGULATION

The Bureau of Labor has had licensing responsibilities for employment agencies but this new law will grant greater authority and control over this industry. Covered will be all agencies that assist a person in getting a job, excluding only nursing, business or vocational schools that do not charge a fee, certain specified non-profit organizations or farm labor contractors.

Each agency shall be licensed by the Bureau, and the applicant must be 18 years of age, of financial responsibility and good character with at least one year's experience with an employment agency or its equivalent, applicants must pass an examination and the Bureau will make

House Bill 2257, Chapter 407, Oregon Law, 1973 -- CERTIFICATION OF AMBULANCES EMERGENCY MEDICAL
TECHNICIANS

A 14-member advisory council on ambulances and emergency medical technicians will be appointed by the Health Division. It shall be composed of 2 commercial and 2 volunteer ambulance operators, 2 hospital administrators, 2 physicians, 2 persons from government who provide ambulance services, one nurse with one year's emergency experience, one community college representative and 2 others from categories not already listed.

The Health Division will certify ambulances and emergency medical technicians. Ambulance owners must file proof of financial responsibility and all private or public vehicles used for emergency transportation of injured or ill persons must be certified.

Emergency medical technicians must have completed an approved training course and be in good physical and mental health. Included are policemen, firemen and any other person attending a person in an ambulance.

The Health Division will promulgate rules on warning devices, sanitation, emergency medical supplies and other matters related to ambulances and technicians.

Effective Date: July 1, 1973

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House Bill 2271, Chapter 387, Oregon Law, 1973 -- BOARD OF TAX SERVICE EXAMINERS

Beginning on January 1, 1974, all persons preparing personal income tax returns must be licensed by the Department of Commerce. Exempt are attorneys, employees of a company for whom they prepare returns incidental to their regular work, registered accountants and government employees.

Tax preparers must be over 18, with a high school diploma or its equivalent and successfully complete 60 hours in an approved course. An examination will be required.

It is unlawful for a person to use any fraud or misrepresentation and his license can be suspended or revoked for negligence, incompetence, failure to keep required records, conviction involving moral turpitude, failing to pay his own taxes and failing to comply with educational requirements.

The members of the Board of Tax examiners shall be licensed under the new law with at least 5 years experience.

Effective Date: January 1, 1974

Vehicle trip permit, with one copy in rear of mobile home, one to the Division and copies to the assessors in the two counties involved. No permits will be issued if taxes or a lien are due.

Effective Date: October 5, 1973

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House Bill 2425, Chapter 413, Oregon Law, 1973 -- WARRANTIES ON NEW CONSUMER GOODS (CWA) X

Also CWA applies to all new consumer goods (modular homes, mobile homes, automobiles, etc.) except soft goods or consumables (clothes and food) that are sold and/or manufactured after January 1, 1974.

An express warranty is a written statement in which the manufacturer or retailer agrees to maintain the goods if there is a failure in utility or performance of the goods.

Implied warranties (merchantability and fitness for the purpose) are created not by any statement or writing, but exist because the retailer is in the business of selling a certain type of goods and the manufacturer is in the business of manufacturing a certain type of goods.

CWA provides that the manufacturer's implied warranties run directly to the consumer. The current Oregon law is that the manufacturer's implied warranties do not run to the consumer because there is no privity between the consumer and the manufacturer. This means that if there is something wrong with the product, the consumer only has recourse against the retailer for breach of the implied warranties. The CWA makes the manufacturer liable to the consumer for breach of the implied warranties; therefore, one would assume that the manufacturer now has a reason to be more selective in determining who sells his product.

The CWA sets out in detail how the manufacturer and dealer can exclude or disclaim the implied warranties in a sale of a new consumer product. Except for sale by mail order catalogue, the manufacturer and dealer must inform the consumer before the sale the following:

1. That the product is being sold on an "as is" basis.
2. The entire risk as to the quality and performance of the goods is with the buyer.
3. The buyer must assume the risk of all cost if the product is defective.

The duration of the implied warranties is the same as the duration of the express (written) warranty. If the manufacturer or retailer make no express warranty, the implied warranties endure for one year after the sale. If the product is a motor vehicle (automobile) then the implied warranties endure for 12,000 miles after the sale or one year whichever occurs first. If an express warranty is made, the implied warranties endure for not less than 60 days.

This "minimum implied warranty" is significant in the case of a "lemon". The consumer encounters numerous problems in purchasing a "lemon" in that the manufacturer and seller have usually tried to limit their liability by attempting to disclaim any implied warranties and limiting their liability to the replacement of parts and any necessary labor. Under the CWA, the minimum implied warranties mean that the consumer will be able to revoke his purchase of the product and

an investigation of the application. Licenses will not be granted to locations that are used for living or sleeping quarters, where food or liquor is sold or consumed or where a pool room is located.

Each applicant shall file a \$2000 bond (lower bond can be allowed for history of nonviolations) and shall keep accurate records of all transactions, involving placements, and copies must be furnished the Bureau on request.

The Bureau may revoke or suspend a license or assess a civil penalty for violation of employment agency statutes or rules of the Commissioner.

A schedule of fees shall be filed with the Bureau and posted in the agency office, and no fee can be collected without a bona fide order from the employer seeking help.

The job referral document must provide details concerning the job and persons involved in the referral and screening process, such as hours, wages, any labor trouble and name and address of interviewer. The law spells out the details at length.

Contract between agency and applicant must be in writing and specifically state numerous items, including terms of contract and a statement that inquiries can be sent to the Bureau.

Any person working less than 90 days shall pay 1/90th of the fee for each day of employment, and no fee can be greater than the total gross earnings of the employee. If an employee has interest or other charges to pay to get money to pay the fee, this shall be allowed as a credit against the placement fee. Any overcharges must be refunded within 10 days of notice given the agency. Penalties are assessed for failure to refund or give written explanation why refund isn't due.

No employment agency can:

- (a) Allow persons of bad character to frequent or be employed.
- (b) Send an applicant to an illegally operated business.
- (c) Permit persons in their employ to use other than their legal names.
- (d) Deal with a minor for any employment that violates any law regulating such employment.
- (e) Refer an individual to a company where there is a labor dispute without notifying him or her in writing.
- (f) Divide charges with another.
- (g) Refer applicants without notifying them whether a labor contract is in force and whether union membership is required.
- (h) Accept assignment of wages.
- (i) Charge a fee for placement with the agency or a subsidiary.
- (j) Charge a fee when the placement is with an employer who has a financial interest in the agency.

The Employment Agency Advisory Board of 8 members appointed by the Labor Commissioner, of which 4 members shall be from the industry and 4 public.

Effective Date: July 22, 1973

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The change to the garnishment law is very simple:

"No employer shall discharge any person for the reason that the person has had earnings garnished."

This is more inclusive than the Federal law which says you can't be discharged for any one indebtedness.

Effective Date: October 5, 1973

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House Bill 2761, Chapter 654, Oregon Law, 1973 -- SMALL CLAIMS SETTLEMENT

Currently a defendant losing a Small Claims Court case can pay the amount or deliver the property to the clerk and avoid costs.

The new law would allow the defendant to pay the clerk or deliver the property to the plaintiff, thereby avoiding further costs.

Effective Date: October 5, 1973

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House Bill 2999, Chapter 281, Oregon Law, 1973 -- INSURANCE DECEPTIVE CLAIM AND TRADE PRACTICES ACT

Although the Insurance Commissioner has had authority to take action in cases of certain defined deceptive or unfair practices by an insurance agent or company, the new provisions are more specific in the case of claims and the Commissioner has broader authority to prohibit practices he finds to be unfair.

The following are considered unfair claim settlement practices:

1. Misrepresenting facts or policy provisions.
2. Failing to act promptly.
3. Refusing to pay without investigation.
4. Failing to decide after facts are in.
5. Compelling claimants to go to court by making low settlement offers.
6. Attempting to settle for less than advertising material implies.
7. Delaying action by requiring multiple filings by claimants.
8. In general, delaying or trying to get out of paying a legitimate claim.

Effective Date: October 5, 1973

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House Bill 3031, Chapter 428, Oregon Law, 1973 -- OREGON CONSUMER FINANCE ACT AND INDUSTRIAL LOAN COMPANIES ACT

Excused

With the changes in the investment picture--and the availability of credit--revisions have been made to the above acts in 1971 and 1973.

The result of these changes is to repeal the Industrial Loan Act. This removes a \$5000 loan ceiling established in 1971 and shifts loan activity to the Consumer Finance Act, thereby lowering interest rates above \$5000 from 26.50% to 18%. This can be by means of add-on rate, simple interest or a monthly charge, as long as it is within the authorized rate.

Consumers not making their payments on time can be charged 5% of the installment or \$5, whichever is less, and wage assignments are eliminated.

Consumers must be given a statement clearly stating all facts about the loan, including interest, maturity, date, security and the amount and date of the loan. If requested, a receipt must be given showing the payments made and amount applied to interest and principal.

Effective Date: October 5, 1973

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House Bill 3160, Chapter 447, Oregon Law, 1973 -- REPRODUCTION OF SOUND RECORDINGS

Piracy of sound recordings has become a major problem. Nearly one of every three stereo tapes purchased by Americans this year will be a pirate copy of the original--a cheap reproduction of inferior quality. Several states have passed laws against piracy of records and tape recordings.

The new law makes it illegal for anyone to reproduce, sell or advertise for sale any sound recording without the written consent of the owner of the master recording.

Effective Date: October 5, 1973

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House Bill 3218, Chapter 749, Oregon Law, 1973 -- OUTDOOR CLUB MEMBERSHIP

Hunting and fishing clubs, organized for profit, where memberships are sold, will be required to have a license issued by the Oregon State Game Commission.

The Commission may refuse to issue or renew a license if the membership recruitment has been false or misleading, if the land is considered unsuitable, if the activities would have an adverse effect on the wildlife, or if the Commission finds that any obligation or warranty to club members is not being fulfilled or that adequate financial arrangements have not been made.

Effective Date: October 5, 1973

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House Bill 3236, Chapter 812, Oregon Law, 1973 - SMALL CLAIMS COURT CHANGE
House Joint Resolution 71

Under the United States Constitution and our Oregon Constitution, if a claim is filed in Small Claims Court for over \$20, the defendant can request a jury trial, thereby forcing the plaintiff to hire an attorney.

This bill would raise that amount to \$200 on the date of adoption of an amendment to the Oregon Constitution proposed in House Joint Resolution 71 which will go to the voters in 1974.

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