

Enrolled
Senate Bill 1565

Sponsored by Senators PROZANSKI, LAWRENCE SPENCE, MANNING JR, Representatives CAMPOS, HAYDEN, LIVELY; Senators DEMBROW, FREDERICK, GOLDEN, SOLLMAN, TAYLOR, Representatives ALONSO LEON, DEXTER, GRAYBER, HELM, MCLAIN, NERON, PHAM, POWER, SANCHEZ, SCHOUTEN, WILLIAMS (Pre-session filed.)

CHAPTER

AN ACT

Relating to discrimination based on the use of certain types of currency as payment; and prescribing an effective date.

Be It Enacted by the People of the State of Oregon:

SECTION 1. (1) Except as provided in subsections (2) and (4) of this section, it is an unlawful practice under ORS chapter 659A for a place of public accommodation offering goods or services, or any person acting on behalf of such place, to:

(a) Refuse to accept from a customer or patron, as payment for goods and services, any of the following:

(A) United States coins.

(B) United States currency, including federal reserve bank notes and circulating notes of federal reserve banks and national banks.

(b) Make any distinction, discrimination or restriction because a customer or patron offers any of the following as payment for goods and services:

(A) United States coins.

(B) United States currency, including federal reserve bank notes and circulating notes of federal reserve banks and national banks.

(2) Notwithstanding subsection (1) of this section, a place of public accommodation, or any person acting on behalf of such place, may refuse to accept as payment for goods and services:

(a) United States coins, in any combination, in an amount equal to or greater than \$100; or

(b) United States currency in denominations of \$50 or \$100.

(3) This section does not apply to:

(a) Farmers' markets or roadside stands;

(b) Transactions occurring on aircraft;

(c) Transactions for goods or services involving a place or service offering goods, services, transient lodging or transportation, when the transaction or a portion of the transaction requires a customer or patron to deposit moneys or sign an agreement to rent or lease consumer goods;

(d) Any establishment that is owned by or operated under the control of the United States Government or an agency of the United States;

- (e) Retail transactions that occur entirely over the telephone or by mail;
 - (f) Internet-based transactions;
 - (g) The purchase of diesel fuel or Class 1 flammable liquids at a filling station, service station, garage or other dispensary where diesel fuel or Class 1 flammable liquids are dispensed and sold at retail, during the hours in which the filling station, service station, garage or dispensary is unattended by an owner, operator or other employee to dispense the fuel or liquids or is attended by only one owner, operator or other employee to dispense the fuel or liquids;
 - (h) Electric vehicle charging stations;
 - (i) Transactions that occur in a micro market, including purchases from a vending machine;
 - (j) Purchases from a vending machine, unless the vending machine is located within a concentration or cluster of more than eight vending machines that do not accept coins or currency as payment for purchases;
 - (k) Activities for which a license or certificate is required to transact insurance;
 - (L) A place of public accommodation that provides hospital or medical services and that bills or invoices a person after such services are rendered, provided that the place of public accommodation accepts coins and currency as payment for the bill or invoice by mail or at a designated location other than the location where the services are rendered;
 - (m) Any regional office of the Department of Revenue;
 - (n) A place of public accommodation that is a branch or office of a bank holding company, financial holding company, financial institution or trust company or an affiliate of a bank holding company, financial holding company, financial institution or trust company;
 - (o) Transactions for which a license is required under ORS 59.165;
 - (p) Transactions for which a license is required under ORS 86A.095 to 86A.198, 86A.200 to 86A.239 or 86A.303 to 86A.339;
 - (q) Escrow transactions for which a license is required under ORS 696.511;
 - (r) A licensee under ORS chapter 725;
 - (s) A membership-only retail establishment where goods and services are sold to members who pay a recurring membership fee; or
 - (t) On-street and off-street parking pay stations that do not accept currency, provided that the pay station accepts coins as one method of payment.
- (4) It is not a violation of subsection (1) of this section for a place of public accommodation, including a venue or facility used for live entertainment or sporting events, to require patrons or event attendees to make purchases at different points of sale within the place of public accommodation using a payment system that transfers or converts cash into a cashless payment instrument, including, but not limited to, tokens, cards, wristbands or other instruments that are preloaded with funds, provided that the place of public accommodation does not charge a transaction fee for the conversion or transfer of cash to the cashless payment instrument or to refund any balance that remains on the cashless payment instrument back to the patron or event attendee.
- (5) Nothing in this section may be construed to prohibit, restrict or otherwise interfere with the ability of a place of public accommodation to:
- (a) Accept, in addition to the forms of payment described under subsection (1) of this section, as payment for goods or services any other form of payment, provided that such payment is not prohibited under federal or state law;
 - (b) After services are rendered, invoice or bill a customer or patron, or submit a claim to a third party to receive payment for the services; or
 - (c) Offer a customer or patron an incentive for paying for goods or services in coin or currency.

(6) A person who alleges a violation of subsection (1) of this section may file a complaint with the Commissioner of the Bureau of Labor and Industries in the manner provided by ORS 659A.820.

(7) As used in this section:

(a) "Affiliate" means any company that controls, is controlled by or is under common control of another company.

(b) "Bank holding company," "financial holding company," "financial institution" and "trust company" have the meanings given those terms in ORS 706.008.

(c) "Class 1 flammable liquids" has the meaning given that term in ORS 480.310.

(d) "Consumer goods" has the meaning given that term in ORS 79.0102.

(e) "Escrow" has the meaning given that term in ORS 696.505.

(f)(A) "Internet-based transaction" means a transaction that occurs over the Internet and that involves a sale, purchase or reservation of or deposit for goods or services to be picked up by, delivered to, shipped to or consumed by a customer or patron.

(B) "Internet-based transaction" does not mean an in-person transaction.

(g) "Micro market" means an unattended retail establishment to which access by the general public is restricted that offers whole or fresh-cut fruit and vegetables, packaged foods or beverages for purchase through an automated payment processing system.

(h) "Place of public accommodation" has the meaning given that term in ORS 659A.400.

(i) "Regional office" means an office of the Department of Revenue other than a central office or headquarters building located in Salem.

(j) "Transact insurance" has the meaning given that term in ORS 731.146.

(k) "Transient lodging" has the meaning given that term in ORS 699.005.

(L) "Vending machine" has the meaning given that term in ORS 624.310.

SECTION 2. This 2022 Act takes effect on the 91st day after the date on which the 2022 regular session of the Eighty-first Legislative Assembly adjourns sine die.

Passed by Senate February 16, 2022

Received by Governor:

Repassed by Senate March 2, 2022

.....M.,....., 2022

Approved:

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Lori L. Brocker, Secretary of Senate

.....M.,....., 2022

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Peter Courtney, President of Senate

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Kate Brown, Governor

Passed by House March 1, 2022

Filed in Office of Secretary of State:

.....M.,....., 2022

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Dan Rayfield, Speaker of House

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Shemia Fagan, Secretary of State