

# House Bill 3292

Sponsored by Representatives SPRENGER, WILLIAMSON; Representatives BENTZ, WHITSETT

## SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**.

Requires Oregon Health Authority to identify duties that tourist facility landlord may contractually delegate to tenant renting or leasing tourist facility for certain purposes. Authorizes authority to adopt rules specifying form and format of contract in which duty is delegated to tenant.

Prohibits imposition of certain sanctions on tourist facility landlord due to failure of tenant to properly perform delegated duty during term of rental or lease. Creates exception. Conditionally prohibits imposition of certain sanctions on landlord for failure to inform tenant of delegated or nondelegated landlord or tenant statutory duty.

## A BILL FOR AN ACT

1  
2 Relating to tourist facilities.

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

4 **SECTION 1. Section 2 of this 2015 Act is added to and made a part of ORS 446.310 to**  
5 **446.350.**

6 **SECTION 2. (1) As used in this section:**

7 (a) **"Landlord" means a tourist facility owner holding a license issued under ORS 446.320.**

8 (b) **"Tenant" means a person, or a public body as defined in ORS 174.109, that:**

9 (A) **Is not under common ownership, management or control with the landlord;**

10 (B) **Rents or leases a tourist facility from a landlord for the purpose of operating an or-**  
11 **ganizational camp, conference or other private gathering on two or more consecutive days**  
12 **during the term of the rental or lease; and**

13 (C) **For the term of the rental or lease enjoys exclusive occupancy of the tourist facility.**

14 (2) **The Oregon Health Authority shall adopt rules identifying duties under ORS 446.310**  
15 **to 446.350 that a landlord may contractually delegate to a tenant for the term of the rental**  
16 **or lease of a tourist facility. The authority may adopt rules specifying the form and format**  
17 **to be used in a contract under which a landlord delegates a duty to a tenant, including but**  
18 **not limited to the manner of setting forth the delegated duty.**

19 (3) **Notwithstanding ORS 446.320, if a contract delegates a duty identified in authority**  
20 **rules adopted under subsection (2) of this section and the contract form and format con-**  
21 **forms with any specifications of the authority, the authority may not deny, suspend or re-**  
22 **voke the tourist facility license of the landlord or issue the landlord a civil penalty under**  
23 **ORS 446.310 to 446.350, and the landlord may not be charged with a misdemeanor under ORS**  
24 **446.990, due to:**

25 (a) **A failure of the tenant to properly perform the delegated duty during the term of the**  
26 **rental or lease of the tourist facility; or**

27 (b) **A failure of the landlord to inform the tenant of any delegated or nondelegated duty**  
28 **of the landlord or the tenant under ORS 446.310 to 446.350 or authority rules.**

**NOTE:** Matter in **boldfaced** type in an amended section is new; matter *[italic and bracketed]* is existing law to be omitted. New sections are in **boldfaced** type.

1       **(4) Subsection (3) of this section does not apply if the failure of a tenant to properly**  
2 **perform a delegated duty during the term of a rental or lease is due to a tourist facility**  
3 **condition already existing at the beginning of the term and constituting a nonconformance**  
4 **with ORS 446.310 to 446.350 or authority rules.**

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