

House Bill 3204

Sponsored by Representative CLEM

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**.

Allows person to return pet that has disease, injury or defect existing at time of acquisition. Requires transferor of pet to pay person purchase price and costs of veterinary examination and care of pet.

A BILL FOR AN ACT

1
2 Relating to the return of a pet to a transferor.

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

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

5 (a) **“Acquisition” means taking physical possession of a pet from the transferor.**

6 (b) **“Pet” means a domesticated animal, other than livestock as defined in ORS 72.1030,**
7 **of a type commonly used for companionship, security, hunting or herding or for providing**
8 **assistance to a person in relation to a physical disability.**

9 (c) **“Transferor” means an entity having apparent authority to transfer lawful ownership**
10 **rights in a pet.**

11 (2) **A person may return a pet to the transferor within six months after acquisition of**
12 **the pet if an examining veterinarian licensed in this state states in writing that there is a**
13 **reasonable medical probability that, on the date of acquisition, the pet had a disease, injury**
14 **or defect of a type reasonably expected to require veterinary treatment.**

15 (3) **A person returning a pet under this section may require the transferor to pay the**
16 **following:**

17 (a) **The cost of the examination and statement described in subsection (2) of this section.**

18 (b) **If the person purchased the pet, the purchase price of the pet.**

19 (c) **The cost of veterinary treatment provided due to a disease, injury or defect that the**
20 **pet had on the date of acquisition. For purposes of this paragraph, there is a rebuttable**
21 **presumption that a treated disease, injury or defect existed on the date of acquisition.**

22 (4) **If the person prevails in an action against the transferor for refusal to accept return**
23 **of the pet or to pay moneys due under this section, a court may award the person costs and**
24 **reasonable attorney fees.**

25 (5) **The remedies provided under this section are in addition to any remedies available to**
26 **a pet dealer customer under ORS 646A.077.**

27 **SECTION 2. Section 1 of this 2017 Act applies to a pet that a person acquires from a**
28 **transferor on or after the effective date of this 2017 Act.**

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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.