

Oregon

Are mandatory arbitration provisions recognized in your state? If so, are there any limitations to its enforcement?

Yes, Oregon generally recognizes mandatory arbitration provisions. Mandatory arbitration provisions are enforceable, except upon a ground that exists at law or in equity for the revocation of a contract. An arbitrator shall decide whether a condition precedent to arbitrability has been fulfilled.ⁱ

What is your state's law, if any, regarding gift cards, subscription services and loyalty programs?

I. Gift Cards

Unless sold at a discount, gift cards cannot have an expiration date. If the gift card was sold at a discount, the card may state an expiration date, but it must be at least 30 days after it was sold.ⁱⁱ If a merchant declares bankruptcy or closes a local store before a gift card is used, it may render the card useless regardless of the expiration date. Maintenance, service, or other fees may not be used to reduce the value of a gift card.

II. Subscription Services

Regarding subscription services, it is unlawful to (1) fail to present the continuous service offer terms in a clear and conspicuous manner before a subscription or purchasing agreement is fulfilled and in visual proximity; (2) charge the consumer's credit or debit card or payment account with a third party for an automatic renewal or continuous service without first obtaining the consumer's affirmative consent to the agreement containing the automatic renewal offer terms or continuous service offer terms; (3) fail to provide an acknowledgement that includes the automatic renewal offer/continuous service offer terms and information regarding how to cancel in a manner that is capable of being retained by the consumer. If the offer includes a free trial, the person shall also disclose in the acknowledgement how to cancel and allow the consumer to cancel before paying for the goods or services.ⁱⁱⁱ

III. Loyalty Programs

There are no state laws regarding loyalty programs.

ⁱ ORS § 36.620.

ⁱⁱ ORS §§ 646A.276 and 646.278.

ⁱⁱⁱ ORS § 646A.295(1).