Chapter 698

1993 EDITION

Auctions

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698.210 [Amended by 1975 c.452 §1; repealed by 1975 c.453 §1]

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698.290 [Amended by 1975 c.452 §2; repealed by 1975 c.453 §1]

698.300 [Repealed by 1975 c.453 §1]

698.310 [Amended by 1975 c.452 §3; repealed by 1975 c.453 §1]

698.320 [Amended by 1975 c.452 §4; repealed by 1975 c.453 §1]

698.330 [Repealed by 1975 c.453 §1]

698.410 [1955 c.659 §1; repealed by 1967 c.344 §10]

698.420 [1955 c.659 §2; 1965 c.340 §1; repealed by 1967 c.344 §10]

698.430 [1955 c.659 §3; repealed by 1967 c.344 §10]

698.440 [1955 c.659 §§4, 5; repealed by 1967 c.344 §10]

698.450 [1955 c.659 §6; repealed by 1967 c.344 §10]

698.460 [1955 c.659 §7; repealed by 1967 c.344 §10]

698.510 [1957 c.722 §1; 1959 c.308 §1; repealed by 1977 c.842 §5]

698.520 [1957 c.722 §3; 1959 c.308 §2; 1965 c.313 §5; repealed by 1977 c.842 §5]

698.525 [1969 c.510 §2; repealed by 1977 c.842 §5]

698.530 [1957 c.722 §2; 1969 c.510 §4; 1971 c.578 §19; 1975 c.453 §2; repealed by 1977 c.842 §5]

698.535 [1969 c.510 §3; repealed by 1977 c.842 §5]

698.540 [1957 c.722 §4; 1959 c.308 §3; 1965 c.313 §6; 1969 c.510 §5; repealed by 1977 c.842 §5]

698.550 [1957 c.722 §5; 1959 c.308 §4; 1965 c.313 §7; 1975 c.429 §17; 1977 c.873 §23; repealed by 1977 c.842 §5]

698.560 [1957 c.722 §6; repealed by 1977 c.842 §5]

698.570 [1957 c.722 §7; 1969 c.510 §6; 1971 c.734 §164; repealed by 1977 c.842 §5]

698.580 [1957 c.722 §8; repealed by 1971 c.734 §21]

698.585 [1971 c.734 §166; repealed by 1977 c.842 §5]

698.590 [1957 c.722 §9; 1959 c.308 §9; 1963 c.439 §1; 1965 c.313 §8; repealed by 1977 c.842 §5]

698.600 [1957 c.722 §10; repealed by 1977 c.842 §5]

698.610 [1957 c.722 §11; repealed by 1977 c.842 §5]

698.620 [1957 c.722 §12; 1959 c.308 §5; 1959 c.406 §33; 1963 c.461 §28; repealed by 1977 c.842 §5 and by 1979 c.828 §14]

698.630 [1965 c.313 §§2, 3; repealed by 1977 c.842 §5]

698.635 Definitions. As used in ORS 698.640 and 698.650:

(1) "Auction" or "auction sale" means the sale of or offer to sell real or personal property by public outcry or to the highest bidders.

(2) "Auctioneer" means any person who sells or offers to sell property at auction, either on the person's own behalf or for another person.

(3) "Auction mart" means any fixed or established place designed, intended or used for the conduct of auction sales where more than one sale has been held in any one calendar year. [1983 c.404 §1]

698.640 Requirements for auction sales, auctioneers and auction marts; violation as unlawful trade practice; penalty. Except as provided in ORS 698.650, this section establishes requirements for auction sales, auctioneers and auction marts. The requirements under this section are in addition to any provisions relating to auctions under ORS 72.3280. A person who violates any requirement under this section commits an unlawful practice as described in ORS 646.608 (1)(v). The requirements under this section are subject to enforcement and penalty as provided under ORS 646.605 to 646.652. The following requirements are established for auction sales, auctioneers and auction marts as described:

(1) Any advertisement of an auction sale shall include the name of the auctioneer who will conduct the auction sale or the person responsible for the conduct of the auction sale.

(2) An auctioneer and the operator of an auction mart shall not use any method of bidding at an auction that will allow property to be purchased in an undisclosed manner on behalf of the auctioneer or auction mart operator.

(3) An auctioneer or auction mart operator shall not use any method of bidding at an auction that allows the auctioneer or auction mart operator to avoid selling any property offered for sale at auction.

(4) An auctioneer or auction mart operator shall not employ or use another person to act as a bidder or buyer at the auction on behalf of the auctioneer or operator of the auction mart.

(5) Any time an auctioneer or auction mart operator receives money that is owed to clients of the auctioneer or auction mart operator from the sale of the client's goods, the auctioneer or auction mart operator must comply with all of the following if the money is not immediately paid to the client at the time of auction:

(a) Any such money maintained in an account must be kept in a trust account

where the money is held in trust for the client and identified and accounted for separately in a manner that will allow the money to be distinguished from the moneys of the auctioneer or operator that are subject to the debts of the auctioneer or operator. The account required by this paragraph must be separate from any account used by the auctioneer or operator for personal reasons or other business reasons.

(b) The client has a right to an accounting from the auctioneer or auction mart operator for any money that the auctioneer or auction mart operator received in payment for the client's goods that is not paid to the client.

(c) The auctioneer or auction mart operator must pay the client the money owed to the client before the end of 21 calendar days after the auction at which the client's goods were sold unless the parties have mutually agreed to another time of payment in writing. [1965 c.313 §4; 1983 c.404 §2; 1985 c.822 §1]

698.650 Exemptions. This section establishes exemptions from the requirements for auctions, auction marts and auctioneers established under ORS 698.640. The exemptions are as described in the following:

(1) Nothing in ORS 698.640 applies to any auction, auctioneer or auction mart regulated under ORS chapter 599.

(2) Nothing in ORS 698.640 applies to the sale of timber at any auction or auction mart or by any auctioneer. In addition, the sale of timber at auction is with reserve unless the timber is in explicit terms put up without reserve. [1983 c.404 §3]

698.710 [1957 c.722 §13; 1963 c.580 §65; 1967 c.401 §7; 1969 c.314 §99; 1969 c.510 §7; 1971 c.753 §40; repealed by 1977 c.842 §5]

698.720 [1957 c.722 §14; repealed by 1971 c.753 §74]

698.730 [1957 c.722 §18; 1959 c.308 §6; repealed by 1977 c.842 §5]

698.740 [1957 c.722 §15; repealed by 1971 c.753 §74]

698.750 [1957 c.722 §16; 1967 c.637 §36; repealed by 1971 c.753 §74]

698.755 [1959 c.308 §8; repealed by 1977 c.842 §5]

698.760 [1957 c.722 §17; repealed by 1971 c.753 §74]

698.770 [1957 c.722 §19; repealed by 1977 c.842 §5]

698.990 [Subsection (3) of 1965 Replacement Part enacted as 1955 c.659 §8; subsection (2) enacted as part of 1957 c.722 §19; 1967 c.344 §9; 1975 c.453 §3; repealed by 1977 c.842 §5]