**Definitions from other Chapters for SB 95**

**ORS 59.015**

(1) “Broker-dealer” means a person who engages, all or part of the time, in effecting transactions in securities for the account of others or for the person’s own account. “Broker-dealer” does not include:

      (a) An issuer effecting sales in its own securities;

      (b) The following institutions:

      (A) A financial institution or trust company, as defined in ORS 706.008; or

      (B) A financial holding company or a bank holding company, as defined in ORS 706.008,

 **706.008 Additional definitions for Bank Act.** As used in the Bank Act:

(1) “Bank” means a company, other than an extranational institution, that accepts deposits that the Bank Insurance Fund insures to any extent under the provisions of the Federal Deposit Insurance Act, as amended, 12 U.S.C. 1811, et seq.

(2) “Bank holding company” means a company that is a bank holding company under the federal Bank Holding Company Act of 1956, as amended, 12 U.S.C. 1841, et seq.

(3) “Bank service corporation” means a corporation or a limited liability company that is organized to perform services authorized by ORS 708A.145, all of the capital stock or membership interests of which one or more banking institutions or national banks own.

      (4) “Banking institution” means an Oregon commercial bank, an Oregon trust company or an Oregon savings bank.

(5) “Company” means an entity that is a company under the federal Bank Holding Company Act of 1956, as amended, 12 U.S.C. 1841, et seq.

(6) “Extranational institution” means a corporation, unincorporated company, partnership or association of two or more persons organized under the laws of a nation other than the United States, or other than a territory of the United States, Puerto Rico, Guam, American Samoa or the Virgin Islands, that engages directly in banking business.

       (7) “Federal bank” means a national bank or another bank organized under the laws of the United States.

 (8) “Financial holding company” means a company that engages in activities described for a financial holding company in section 103 of the federal Gramm-Leach-Bliley Act (P.L. 106-102).

(9) “Financial institution” means an insured institution, an extranational institution, a credit union as defined in ORS 723.006, an out-of-state credit union under ORS 723.042 or a federal credit union.

      (10) “Institution” means an Oregon commercial bank or an Oregon trust company.

(11) “Insured institution” means a company, the deposits of which are insured under the provisions of the Federal Deposit Insurance Act, as amended, 12 U.S.C. 1811, et seq.

(12) “National bank” means a bank that was organized under the provisions of the National Bank Act, as amended, 12 U.S.C. 21, et seq.

      (13) “Non-Oregon institution” means:

      (a) An out-of-state state bank that engages in banking business in Oregon;

      (b) An out-of-state trust company that transacts trust business in Oregon; or

      (c) An extranational institution that engages in banking business in Oregon.

      (14) “Nonstock bank” means a bank that does not issue capital stock.

      (15) “Oregon bank” means an Oregon stock bank or Oregon nonstock bank.

(16) “Oregon commercial bank” means an Oregon stock bank that was chartered under ORS chapter 707 as a bank other than a stock savings bank.

      (17) “Oregon nonstock bank” means a nonstock bank or savings bank, the home state of which is Oregon.

      (18) “Oregon operating institution” means:

      (a) A bank that engages in banking business in this state;

      (b) An extranational institution that engages in banking business in this state; or

      (c) A trust company that transacts trust business in this state.

      (19) “Oregon savings bank” or “savings bank” means an Oregon stock savings bank or an Oregon nonstock savings bank.

      (20) “Oregon stock bank” means a stock bank, the home state of which is Oregon.

(21) “Oregon stock savings bank” means an Oregon stock bank that was initially chartered as or was converted to a stock savings bank under the Bank Act.

      (22) “Oregon trust company” means a trust company that was organized under the provisions of ORS chapter 707.

      (23) “Out-of-state bank” means an out-of-state state bank or an out-of-state federal bank.

(24) “Out-of-state bank holding company” means a bank holding company, the home state of which is not Oregon, and that is not the bank holding company of an Oregon stock bank or an in-state federal stock bank.

      (25) “Out-of-state federal bank” means a federal bank, the home state of which is not Oregon.

(26) “Out-of-state financial holding company” means a financial holding company, the home state of which is not Oregon, and that is not the financial holding company of an Oregon stock bank or an in-state federal stock bank.

      (27) “Out-of-state state bank” means a state bank, the home state of which is not Oregon.

      (28) “Out-of-state trust company” means a trust company that was organized under the laws of another state.

      (29) “State bank” means a bank that was organized under the laws of a state.

      (30) “Stock bank” means a bank that issues capital stock.

(31)(a) “Trust company” means a company that is authorized under the provisions of ORS chapter 709 to transact trust business, including the trust department of a bank.

(b) “Trust company” does not include a corporation that a United States Bankruptcy Court appoints to serve as a bankruptcy trustee under Title 11, United States Code, during a time in which the corporation is acting as a bankruptcy trustee. [1997 c.631 §3; 2001 c.377 §29; 2011 c.263 §1; 2015 c.244 §6]

holding an institution described in subparagraph (A) of this paragraph; a savings and loan holding company as defined in section 408 of the National Housing Act, 12 U.S.C. section 1730a, holding an association described in subparagraph (A) of this paragraph; the subsidiaries and affiliates of the financial holding company, bank holding company or savings and loan holding company; or subsidiaries and affiliates of institutions described in subparagraph (A) of this paragraph, if the appropriate statutory regulatory authority is exercising control over, or is regulating or supervising the person in the sale of securities in accord with the purposes of the Oregon Securities Law;

      (c) A person who has no place of business in this state effecting transactions in this state exclusively with broker-dealers;

      (d) A person effecting sales exempted by ORS 59.035;

**59.035 Transactions exempt from registration.** The following transactions are exempt from ORS 59.049 and 59.055 if they are not part of an attempt to evade fraudulently any provision of the Oregon Securities Law:

      (1) Any transaction by a sheriff, marshal or court appointed fiduciary.

      (2) An isolated nonissuer transaction in this state, whether effected through a broker-dealer or not.

      (3) Any transaction by an issuer in its securities pursuant to a pro rata offering to its existing security holders, if:

      (a) No commission or remuneration, other than a standby fee, is paid or given directly or indirectly in connection with the transaction; and

      (b) The issuer has not had an effective registration under the Oregon Securities Law nor has used this exemption within one year prior to the date of the offering or sale.

      (4) Any offer, sale, transfer or delivery of securities to a bank, savings institution, trust company, insurance company, investment company, pension or profit-sharing trust, or other financial institution or institutional buyer (including but not limited to the Federal National Mortgage Association, the Federal Home Loan Mortgage Corporation, the Federal Housing Administration, the United States Department of Veterans Affairs and the Government National Mortgage Association), or to a broker-dealer, mortgage broker or mortgage banker, whether the purchaser is acting for itself or in a fiduciary capacity when the purchaser has discretionary authority to make investment decisions.

      (5) Any transaction by an offeror with an accredited investor as defined in section 2 (15)(i) or (ii) of the Securities Act of 1933, as amended, or rules of the Director of the Department of Consumer and Business Services, but only if there is no public advertising or general solicitation in connection with the transaction.

      (6) The issue and delivery of any security in exchange for any other security of the same issuer pursuant to a right of conversion entitling the holder of the security surrendered in exchange to make the conversion without the payment of additional consideration, if the security surrendered was, when issued, convertible and registered or exempt from registration.

      (7) Any transaction in a vendor’s interest in a land sale contract, or a bond or note secured by a mortgage or trust deed upon real estate, so long as the entire vendor’s interest or mortgage or trust deed, with all the bonds or notes secured thereby, are sold to a single purchaser, in a single sale.

      (8) Agency or principal sales by licensed broker-dealers, executed upon customers’ orders on any exchange or on the over-the-counter market, but not the solicitation of such orders, where there is no intent to avoid the provisions of the Oregon Securities Law and a public offering is not involved. Such broker-dealers shall keep and maintain, for two years from the date of the order, a record of all the sales executed upon customers’ orders, giving the name and address of each customer, the name and identity of the security involved, the dates of the sales, the price paid or received for the security, and the commission or other expenses charged to the customer.

      (9) The offer or sale by a licensed broker-dealer of any security acquired in the ordinary and usual course of business, when such security is a part of an issue which has been registered in whole or in part, if the offer or sale is made in good faith and not directly or indirectly for the benefit of the issuer or for the promotion of any scheme or enterprise effecting a violation or an evasion of any provisions of the Oregon Securities Law, unless:

      (a) The registration has been revoked or suspended; or

      (b) The continued sale of the security has been enjoined.

      (10) The offer or sale by licensed broker-dealer, acting either as principal or agent, of securities theretofore sold and distributed to the public, if the sale meets the requirements of paragraphs (a), (b) and (c) or (a), (b) and (d) of this subsection:

      (a) Such securities are sold at prices reasonably related to the current market price thereof at the time of sale, and, if such licensed broker-dealer is acting as agent, the commission collected by such licensed broker-dealer on account of the sale thereof is not in excess of usual and customary commissions collected with respect to securities and transactions having comparable characteristics;

      (b) Such securities do not constitute an unsold allotment to or subscription by such broker-dealer as a participant in the distribution of such securities by the issuer or by or through an underwriter;

      (c) The issuer is listed in any recognized securities manual approved by rule by the director, and the listing contains the names of the issuer’s officers and directors, a balance sheet of the issuer as of a date not more than 18 months prior to the date of such sale, and a profit and loss statement for either the fiscal year preceding the date of the balance sheet or the most recent year of operations; and

      (d) The securities are authorized for quotation on a nationwide automated quotations system approved by rule or order of the director.

      (11) An offer, but not the sale, of a security meeting either of the following descriptions:

      (a) A security for which registration statements have been filed under both the Oregon Securities Law and the Securities Act of 1933, as amended, if no stop or refusal order or order under ORS 59.105 is in effect and no public proceeding or examination looking toward such an order is pending. However, an offer for such a security may not be accepted until the securities have been registered as provided in the Oregon Securities Law.

      (b) A security for which a registration statement has been filed under the Oregon Securities Law and the offer is allowed by the director. However, an offer for such a security may not be accepted until the securities have been registered as provided in the Oregon Securities Law.

      (12)(a) Any transactions in securities by an offeror within or without this state that meet all of the requirements of subparagraph (A) or (B) of this paragraph and all of the requirements of subparagraphs (C), (D) and (E) of this paragraph:

      (A) When the offeror is an issuer, the transactions result in not more than 10 purchasers within this state of securities of the issuer during any 12 consecutive months.

      (B) When the offeror is a nonissuer the securities must have been bought and held for at least 12 consecutive months and the transactions result in not more than 10 purchasers within this state of securities from the nonissuer during any 12 consecutive months.

      (C) No commission or other remuneration is paid or given directly or indirectly in connection with the offer or sale of the securities.

      (D) No public advertising or general solicitation is used in connection with any transaction under this exemption.

      (E) At the time of any transaction under this exemption the offeror does not have under the Oregon Securities Law an application for registration or an effective registration of securities which are part of the same offering.

      (b) In connection with transactions under paragraph (a) of this subsection:

      (A) Purchasers of securities of the offeror registered under ORS 59.065, exempt under ORS 59.025, exempt under any other subsection of this section, or for which a notice has been filed under ORS 59.049, are not counted as purchasers under this exemption.

      (B) Repeat transactions with persons who are counted as purchasers within Oregon under paragraph (a) of this subsection do not increase the number of purchasers. However, a purchaser remains a purchaser for 12 months following the month of the last sale to that purchaser.

      (C) No limitations are placed on the number of transactions or purchasers without this state. No limitations are placed on the number of offers under this exemption.

      (13) A transaction with security holders, pursuant to a statutory vote by such security holders on a merger, consolidation, partial or complete liquidation, reclassification of securities, plan of exchange or sale of assets, in consideration of the issuance of securities of another issuer.

      (14) Capital stock issued by a professional corporation organized under ORS chapter 58.

      (15) Any other transaction exempted by rule of the director. [1967 c.537 §5; 1971 c.624 §2; 1973 c.823 §§91,156; 1985 c.349 §3; 1987 c.603 §2; 1989 c.197 §3; 1991 c.67 §11; 1997 c.772 §3; 2001 c.32 §1]

      (e) A salesperson;

      (f) A person effecting sales of securities owned by the person registered for sale pursuant to ORS 59.065;

**59.065 Registration procedures; application; fees; rules.** (1) The Director of the Department of Consumer and Business Services by rule shall establish procedures for registering securities. The director may coordinate registration in this state with any federal securities Act or national registration system.

      (2) Every registration application submitted shall be accompanied by a fee. The director shall set the fee by rule in an amount per $1,000 of the aggregate price of the securities that are to be offered in this state. The fee is not refundable.

      (3)(a) The director shall set the fee described in subsection (2) of this section in an amount that the director determines is equal as nearly as possible to the national midpoint for similar fees charged by all other state regulatory agencies within the United States responsible for regulating securities.

      (b) The director may adjust the amount of the fee described in subsection (2) of this section every two years to reflect changes in the national midpoint for a similar fee.

      (c) In determining the national midpoint for similar fees under this section, the director may consider national midpoints determined by the North American Securities Administrators Association, the National Association of Securities Dealers or the United States Securities and Exchange Commission.

      (4) If a registrant sells securities in Oregon in excess of the quantity registered or for a price in excess of the aggregate price for which fees were initially paid, the registrant may obtain registration of the excess securities by paying three times the difference between the initial fee paid and the fee required under subsection (2) of this section for the securities sold in Oregon. The additional fee may not be less than $100. Registration of the excess securities shall be effective retroactively to the date of sale. [1967 c.537 §8; 1973 c.366 §4; 1985 c.349 §8; 1987 c.603 §3; 1997 c.772 §7; 2003 c.270 §3; 2003 c.785 §2]

      (g) A person effecting sales of securities exempted by ORS 59.025 (7);

**59.025 Securities exempt from registration.** (7) Commercial paper issued, given or acquired in a bona fide way in the ordinary course of legitimate business, trade or commerce, if the commercial paper is not made the subject of a public offering.

      (h) A person licensed as a mortgage banker or a mortgage broker under ORS 86A.095 to 86A.198 when effecting sales of securities involving real estate paper registered for sale pursuant to ORS 59.065; or

      (i) A person designated by rule or order by the director.

      …

      (8)(a) “Investment adviser representative” means any partner, officer, director or person occupying a similar status or performing a similar function, or other individual, except clerical or ministerial personnel, who is employed by or associated with:

      (A) A state investment adviser that is licensed or required to be licensed in this state and who does any of the following:

      (i) Makes any recommendations or otherwise renders advice regarding securities;

      (ii) Manages accounts or portfolios of clients;

      (iii) Determines which recommendation or advice regarding securities should be given;

      (iv) Solicits, offers or negotiates for the sale of or sells investment advisory services; or

      (v) Supervises employees acting under this subparagraph; or

      (B) A federal covered investment adviser, subject to the limitations of section 203A of the Investment Advisers Act of 1940, as amended, as the director may designate by rule or order.

      (b) “Investment adviser representative” does not include a person designated by rule or order of the director.

      …

      (18)(a) “Salesperson” means a person, other than a broker-dealer, who represents or purports to represent a broker-dealer, issuer or owner of securities in effecting or attempting to effect in any manner transactions in securities.

      (b) “Salesperson” does not include:

1. A person who represents an issuer in effecting sales in a security exempted by ORS 59.025;

**59.025 Securities exempt from registration.** The following securities are exempt from ORS 59.049 and 59.055:

      (1)(a) A security issued or guaranteed by the United States or a state, or by a political subdivision, agency or other instrumentality of the United States or a state.

      (b) Any other security offered in connection with or as part of a security described in paragraph (a) of this subsection, if the security cannot be severed and sold separately from the security in paragraph (a) of this subsection.

      (2) A security issued or guaranteed by a foreign government with which the United States is at the time of the sale maintaining diplomatic relations, or by a state, province or political subdivision of the foreign government that has the power of taxation or assessment, if the foreign government, state, province or political subdivision recognizes the security as a valid obligation.

      (3) A security that represents an interest in or a direct obligation of, or is guaranteed by, a national bank, a federal savings and loan association, a federal credit union, a federal land bank or joint stock land bank or a national farm loan association.

      (4) Any of the following securities:

      (a) A security that, at the time the security is issued, is listed or approved for listing on the New York Stock Exchange, the American Stock Exchange, the Midwest Stock Exchange, the Pacific Stock Exchange or any other exchange that the Director of the Department of Consumer and Business Services recognizes by rule;

      (b) A security that the NASDAQ Stock Market, NASDAQ Options Market or NASDAQ OMX Futures Exchange has designated or approved for designation at the time the security was issued;

      (c) Any other security issued by a person or entity that issues a security listed or designated under paragraph (a) or (b) of this subsection, if the other security is of senior or substantially equal rank to the listed or designated security;

      (d) A security issuable under rights or warrants listed or approved under paragraph (a), (b) or (c) of this subsection; or

      (e) A warrant or right to purchase or subscribe to any security described in paragraph (a), (b), (c) or (d) of this subsection.

      (5) A security that maintains a rating that the director approves in a recognized securities manual.

      (6) A security that represents an interest in or a direct obligation of, and that has been or will be issued by, a bank, trust company, savings and loan association or credit union and that is subject to the examination, supervision and control of a regulatory agency of this state.

      (7) Commercial paper issued, given or acquired in a bona fide way in the ordinary course of legitimate business, trade or commerce, if the commercial paper is not made the subject of a public offering.

      (8) A security, the issuance of which the Public Utility Commission supervises, regulates or controls, if the Public Utility Commission supervises, regulates or controls the person or entity that issues the security.

      (9) Stock or membership certificates that an agricultural cooperative corporation or irrigation association issues, if the agricultural cooperative corporation or irrigation association issues the stock or membership certificate as evidence of membership in the cooperative or association, as a patronage dividend or as evidence of a member’s or a patron’s respective interests in reserves or patronage dividends. This exemption does not apply to a cooperative or association that expects to engage in or is engaged in producing, processing or marketing forest products.

      (10) Stock or membership certificates that a fishing cooperative corporation issues to members of the fishing cooperative corporation either for the purpose of showing membership or for the purpose of showing the members’ respective interests in reserves or patronage dividends. For purposes of this subsection, a fishing cooperative corporation is an association of persons engaged commercially in harvesting, marketing or processing products of aquatic life from fresh and salt water, that is formed or operated under ORS chapter 62 with the purpose of commercially harvesting, marketing or processing such products or engaging in group bargaining with respect to the sale of such products.

      (11) Stock or membership certificates issued by an association of consumers that is formed or operated under ORS chapter 62 with the purpose of providing groceries to the association’s members, if the association issues the stock or certificates to members either for the purpose of showing membership in the association or for the purpose of showing the members’ respective interests in patronage dividends or reserves. For purposes of the exemption under this subsection:

      (a) The price of stock or a membership certificate may not exceed $300.

      (b) The benefits must be limited to discounts on purchases or patronage dividends, or any combination of discounts and dividends.

      (c) The association may issue only one stock or membership certificate to an individual.

      (12) Subject to conditions that the director adopts by rule, stock or membership certificates that a renewable energy cooperative corporation issues to members of the cooperative corporation, if the cooperative corporation issues the stock or certificates to members either to show membership in the cooperative corporation or to show the members’ respective interests in or entitlement to assets, reserves or dividends. For the purpose of this subsection, a renewable energy cooperative corporation is an association of persons that is organized as a cooperative corporation under ORS chapter 62 with the purpose of developing and operating facilities to generate electricity from renewable energy resources, as defined in ORS 757.600 (27)(a), (c) and (d), or from a type of energy listed in ORS 469A.025 (1)(c).

      (13) Any security issued in connection with an employee stock purchase, savings, pension, profit sharing or similar employee benefit plan, provided that:

      (a) The plan meets the requirements for qualification under section 401 of the Internal Revenue Code of 1986; and

      (b) The terms of the plan are fair, just and equitable to employees under rules of the director.

      (14) Any security issued by a person that is:

      (a) Organized and operated exclusively for a religious, educational, benevolent, fraternal, charitable or reformatory purpose and not for pecuniary profit;

 (b) Organized or constituted so that the person’s net earnings do not inure to the benefit of any person, private stockholder, or individual; and

       (c) Designated by rule of the director.

 (15) Any other security the director exempts by rule. [1967 c.537 §4; 1969 c.688 §1; 1973 c.428 §9; 1975 c.491 §2; 1985 c.193 §1; 1985 c.349 §2a; 1987 c.603 §1a; 1987 c.677 §9; 1989 c.171 §6; 1989 c.197 §2; 1991 c.67 §10; 1993 c.18 §14; 1997 c.772 §2; 2014 c.69 §1]

      (B) A person who represents an issuer in effecting sales exempted by ORS 59.035;

 Above

      (C) A person who represents an issuer in effecting sales with existing partners or directors of the issuer, if no commission or other remuneration is paid or given directly or indirectly for soliciting any person in this state;

      (D) An employee of an institution or organization described in subsection (1)(b) of this section to the extent the employee is not a dual employee of the institution and a broker-dealer;

      (E) A person effecting transactions in this state limited to those transactions described in section 15(h)(2) and (3) of the Securities Exchange Act of 1934, as amended; or

      (F) A person designated by rule or order by the director.

      (c) A person who is a partner, director or officer of a broker-dealer, issuer or owner of securities, or a person who occupies a similar status or performing similar functions, is a “salesperson” only if the person otherwise comes within this definition.

      …

(20)(a) “State investment adviser” means a person who, for compensation:

      (A) Engages all or part of the time of the person, in this state, in the business of advising others, either directly or by mail or through publication or writing, as to the value of securities or as to the advisability of investing in, purchasing or selling securities;

      (B) Engages all or part of the time of the person, in this state, in the business of managing an investment or trading account in securities for other persons; or

      (C) Issues or promulgates, as part of a regular business in this state, analyses or reports concerning securities.

      (b) “State investment adviser” does not include:

      (A) An investment adviser representative;

      (B) An institution or organization described in subsection (1)(b) of this section;

      (C) A licensed broker-dealer whose performance of investment advisory services is solely incidental to the conduct of business as a broker-dealer and who receives no special compensation for such services;

      (D) A salesperson licensed to a broker-dealer whose performance of investment advisory services is solely incidental to that person’s activities as a salesperson and who receives no special compensation for such services;

      (E) A publisher of or contributor to a bona fide newspaper, newsmagazine, investment manual or service, or business or financial publication of general, regular and paid circulation;

      (F) A person whose only clients are federal covered investment advisers, state investment advisers, broker-dealers, mortgage bankers, mortgage brokers, banks, savings institutions or trust companies, insurance companies, investment companies as defined in the Investment Company Act of 1940, as amended, pension or profit-sharing trusts, or other financial institutions or institutional buyers, whether acting for themselves or as trustees;

      (G) A duly licensed or registered lawyer, engineer or accountant whose performance of investment advisory services is solely incidental to the practice of the profession;

      (H) A person whose advice, analyses or reports relate only to securities exempted by ORS 59.025 (1);

**59.025 Securities exempt from registration.** The following securities are exempt from ORS 59.049 and 59.055:

(1)(a) A security issued or guaranteed by the United States or a state, or by a political subdivision, agency or other instrumentality of the United States or a state.

(b) Any other security offered in connection with or as part of a security described in paragraph (a) of this subsection, if the security cannot be severed and sold separately from the security in paragraph (a) of this subsection.

1. A federal covered investment adviser in compliance with ORS 59.165 (7);

**59.165 Licensing of broker-dealers, investment advisers and salespersons required; rules.** (7) Except for federal covered investment advisers whose activities are described by ORS 59.015 (20)(b) and licensed broker-dealers transacting business as federal covered investment advisers in this state, it is unlawful for any federal covered investment adviser to conduct an advisory business in this state unless such person makes notice filings with the director of such documents filed with the Securities and Exchange Commission as the director may by rule or otherwise require and pays the fee, including the notice filing fee, described in ORS 59.175. The director may issue an order suspending the conduct of an investment advisory business in this state if the director finds that there is a failure to comply with any requirement under this section.

      (J) A person, advising others, that has no place of business in this state and during the preceding 12-month period has had fewer than six clients, other than those persons included in subparagraph (F) of this paragraph, who are residents of this state; or

      (K) Such other persons as the director may by rule or order designate. [1967 c.537 §3; 1971 c.624 §1; 1971 c.641 §1; 1973 c.366 §1; 1975 c.491 §1; 1985 c.349 §1; 1987 c.414 §§69, 69a; 1987 c.603 §1; 1989 c.197 §1; 1991 c.5 §18; 1993 c.158 §1; 1993 c.508 §27; 1993 c.744 §13; 1995 c.93 §26; 1995 c.622 §11; 1997 c.631 §375; 1997 c.772 §1; 1999 c.53 §1; 1999 c.315 §1; 2001 c.104 §14; 2001 c.377 §39a; 2003 c.270 §1; 2007 c.393 §1; 2009 c.259 §20]

**ORS 124.005…**

      (9) “Person with a disability” means a person described in:

1. ORS 410.040 (7); or

**ORS 410.040…**(7) “Person with a disability” means a person with a physical or mental impairment that substantially limits one or more major life activities.

      (b) ORS 410.715.

**ORS 410.715 Person suffering brain injury to be considered person with disability.** It is the policy of the state that any person experiencing an injury defined as an injury to the brain caused by extrinsic forces where the injury results in the loss of cognitive, psychological, social, behavioral or physiological function for a sufficient time to affect that person’s ability to perform activities of daily living shall be considered a person with a disability. [1991 c.402 §1; 2007 c.70 §182]

**ORS 124.100**

(1)… (g) “Vulnerable person” means:

      (A) An elderly person;

      (B) A financially incapable person;

      (C) An incapacitated person; or

      (D) A person with a disability who is susceptible to force, threat, duress, coercion, persuasion or physical or emotional injury because of the person’s physical or mental impairment.