

Senate Bill 138

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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**.

Prohibits creation of paper receipt or record in credit card or debit card transaction that shows more information about customer than customer's name and five digits of customer's credit card or debit card number.

A BILL FOR AN ACT

1
2 Relating to consumer transactions; creating new provisions; amending ORS 646.887 and 646.899; and
3 repealing ORS 646.886, 646.888 and 646.889.

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

5 **SECTION 1.** ORS 646.887 is amended to read:

6 646.887. (1) **In a transaction in which a customer uses a credit card or debit card**, a person
7 may not [*sell, lease or rent a payment processing system that provides a customer*] **create a paper**
8 **receipt or record** that shows more information about a customer than the customer's name and five
9 digits of the customer's credit **card** or debit card number.

10 (2) **The Attorney General may adopt any rules necessary for the implementation of this**
11 **section.**

12 **SECTION 2.** (1) **If before the effective date of this 2007 Act, in a transaction in which a**
13 **customer uses a credit card or debit card, a person creates or retains a paper receipt or**
14 **record that contains more information about a customer than the customer's name and five**
15 **digits of the customer's credit card or debit card number, the person must shred, incinerate**
16 **or otherwise destroy the paper receipt or record on or before the sooner of:**

17 (a) **The date the image of the paper receipt or record is transferred onto microfilm or**
18 **microfiche; or**

19 (b) **Thirty-six months after the date of the transaction that created the paper receipt or**
20 **record.**

21 (2) **The Attorney General may adopt rules for the implementation of this section. Vio-**
22 **lations of this section may be enforced in the manner provided by ORS 646.899.**

23 **SECTION 3.** ORS 646.899 is amended to read:

24 646.899. (1)(a) The Attorney General or a district attorney may bring an action in the name of
25 the state against a person to restrain and prevent a violation of ORS 646.887, [*646.888,*] 646.895 or
26 646.897.

27 (b) The Attorney General or a district attorney may in the name of the state seek and obtain
28 a civil penalty from a person who violates an order or injunction issued pursuant to this subsection.

29 (2)(a) A person who violates an order or injunction issued pursuant to subsection (1) of this
30 section shall forfeit and pay a civil penalty of not more than \$1,000 per violation. The circuit court

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 issuing the order or injunction retains jurisdiction of the action to consider a request for a civil
2 penalty.

3 (b) In an action brought by a prosecuting attorney under this section, the court may award the
4 prevailing party, in addition to any other relief provided by law, reasonable attorney fees at trial
5 and on appeal.

6 **SECTION 4. ORS 646.886, 646.888 and 646.889 are repealed.**

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