

Senate Bill 583

Sponsored by Senator PROZANSKI (at the request of Governor Theodore R. Kulongoski)

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**.

Requires person that owns, maintains or possesses data that includes individual personal information and is used in person's business, vocation, occupation or volunteer activities to notify individual following discovery of breach of security if personal information is included in data for which security was breached. Specifies notification methods and lists exemptions from notification requirements.

Permits consumer to place security freeze on consumer report if consumer provides certain information and pays any required fee. Specifies time in which consumer reporting agency must place freeze and send confirmation of freeze to consumer. Permits consumer to temporarily lift or permanently remove security freeze by complying with certain procedures. Specifies conditions in which consumer reporting agency may lift or remove freeze. Specifies exemptions from requirement to place freeze. Requires consumer reporting agency to notify consumer of any change in consumer report that has freeze in place.

Prohibits person from printing consumer's Social Security number on materials not requested by consumer or part of transaction unless Social Security number is redacted, except in specified circumstances.

Requires person that owns, maintains or possesses data that includes individual personal information to implement security program for data. Specifies requirements for security program.

Permits Department of Consumer and Business Services to investigate violations of Act, require filing of statements, administer oaths and affirmations, issue subpoenas and otherwise take evidence for investigation. Permits department to issue cease and desist orders, require payment of restitution or compensation and assess penalty of not more than \$1,000 for each violation.

Permits Department of Consumer and Business Services to adopt rules to implement and enforce Act.

Declares emergency, effective October 1, 2007.

A BILL FOR AN ACT

1
2 Relating to the Oregon Consumer Theft Protection Act; and declaring an emergency.

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

4 **SECTION 1. This 2007 Act shall be known as the Oregon Consumer Identity Theft Pro-**
5 **tection Act.**

6 **SECTION 2. As used in this 2007 Act:**

7 (1)(a) **"Breach of security" means unauthorized access and acquisition of computerized**
8 **data that materially compromises the security, confidentiality or integrity of personal in-**
9 **formation maintained by the person.**

10 (b) **"Breach of security" does not include good-faith acquisition of personal information**
11 **by a person or that person's employee or agent for a legitimate purpose of that person if the**
12 **personal information is not used in violation of applicable law or in a manner that harms or**
13 **poses an actual threat to the security, confidentiality or integrity of the personal informa-**
14 **tion.**

15 (2) **"Consumer" means an individual who is also a resident of this state.**

16 (3) **"Consumer report" means a consumer report as described in section 603(d) of the**
17 **federal Fair Credit Reporting Act (15 U.S.C. 1681a(d)) as it existed on January 1, 2007, that**
18 **is compiled and maintained by a consumer reporting agency.**

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 (4) “Consumer reporting agency” means a consumer reporting agency as described in
2 section 603(p) of the federal Fair Credit Reporting Act (15 U.S.C. 1681a(p)) as it existed on
3 January 1, 2007.

4 (5) “Encryption” means the use of an algorithmic process to transform data into a form
5 in which the data is rendered unreadable or unusable without the use of a confidential pro-
6 cess or key.

7 (6) “Identity theft” has the meaning set forth in ORS 165.800.

8 (7) “Identity theft declaration” means a completed and signed statement documenting
9 alleged identity theft, using the form available from the Federal Trade Commission, or an-
10 other substantially similar form.

11 (8) “Person” means any individual, private or public corporation, partnership, cooper-
12 ative, association, estate, limited liability company, organization or other entity, whether or
13 not organized to operate at a profit, or a public body as defined in ORS 174.109.

14 (9) “Personal information”:

15 (a) Means a consumer’s first name or first initial and last name in combination with any
16 one or more of the following data elements, when either the name or the data elements are
17 not rendered unusable through encryption, redaction or other methods, or when the data
18 elements are encrypted and the encryption key has also been acquired:

19 (A) Social Security number;

20 (B) Driver license number or state identification card number issued by the Department
21 of Transportation;

22 (C) Identification number issued by foreign nation;

23 (D) Passport number or other United States issued identification number; or

24 (E) Financial account number, credit or debit card number, in combination with any re-
25 quired security code, access code or password that would permit access to a consumer’s fi-
26 nancial account.

27 (b) Means any personal information data element or any combination of the personal in-
28 formation data elements if the information would be sufficient to permit an individual to
29 fraudulently assume the identity of the consumer whose information was compromised.

30 (c) Does not include publicly available information, other than a Social Security number,
31 that is lawfully made available to the general public from federal, state or local government
32 records.

33 (10) “Redacted” means altered or truncated so that no more than the last four digits of
34 a Social Security number, driver license number, state identification card number, account
35 number or credit or debit card number is accessible as part of the data.

36 (11) “Security freeze” means a notice placed in a consumer report, at the request of a
37 consumer and subject to certain exemptions, that prohibits the consumer reporting agency
38 from releasing the consumer report for the extension of credit unless the consumer has
39 temporarily lifted or removed the freeze.

40 **SECTION 3.** (1) Any person that owns, maintains or otherwise possesses data that in-
41 cludes an individual’s personal information that is used in the course of the person’s busi-
42 ness, vocation, occupation or volunteer activities and was subject to the breach of security
43 shall give notice of the breach of security following discovery of such breach of security, or
44 receipt of notification under subsection (2) of this section, to any individual whose personal
45 information was included in the information that was breached. The disclosure notification

1 shall be made in the most expedient time possible and without unreasonable delay, consistent
2 with the legitimate needs of law enforcement as provided in subsection (3) of this section,
3 and consistent with any measures necessary to determine sufficient contact information for
4 the individuals, determine the scope of the breach and restore the reasonable integrity, se-
5 curity and confidentiality of the data.

6 (2) Any person that maintains or otherwise possesses personal information through a li-
7 censing agreement with another person shall notify the owner or licensee of the information
8 of any breach of security immediately following discovery of such breach of security if an
9 individual's personal information was included in the information that was breached.

10 (3) The notification to the individual required by this section may be delayed if a law
11 enforcement agency determines that the notification will impede a criminal investigation and
12 that agency has made a written request that the notification be delayed. The notification
13 required by this section shall be made after that law enforcement agency determines that its
14 disclosure will not compromise the investigation and notifies the person in writing.

15 (4) For purposes of this section, notification to the individual may be provided by one of
16 the following methods:

17 (a) Written notice.

18 (b) Electronic notice if the person's primary method of communication with the individ-
19 ual is by electronic means or is consistent with the provisions regarding electronic records
20 and signatures set forth in the Electronic Signatures in Global and National Commerce Act
21 (15 U.S.C. 7001).

22 (c) Telephone notice, provided that contact is made directly with the affected individual.

23 (d) Substitute notice, if the person demonstrates that the cost of providing notice would
24 exceed \$250,000, that the affected class of individuals to be notified exceeds 350,000, or if the
25 person does not have sufficient contact information to provide notice. Substitute notice
26 consists of the following:

27 (A) Conspicuous posting of the notice or a link to the notice on the Internet home page
28 of the person if the person maintains one; and

29 (B) Notification to major statewide television and newspaper media.

30 (5) Notice under this section shall include at a minimum:

31 (a) A description of the incident in general terms;

32 (b) The approximate date of the breach of security;

33 (c) The type of personal information obtained as a result of the breach of security;

34 (d) Contact information of the person subject to this section;

35 (e) Contact information for national consumer reporting agencies; and

36 (f) Advice to the individual to report suspected identity theft to law enforcement.

37 (6) If a person discovers a breach of security affecting more than 1,000 individuals that
38 requires disclosure under this section, the person shall notify, without unreasonable delay,
39 all consumer reporting agencies that compile and maintain reports on individuals on a na-
40 tionwide basis of the timing, distribution and content of the notification given by the person
41 to the individuals. In no case shall a person that is required to make a notification required
42 by this section delay any notification in order to make the notification to the consumer re-
43 porting agencies. The person shall include the police report number, if available, in its no-
44 tification to the consumer reporting agencies.

45 (7) Notwithstanding subsection (1) of this section, notification is not required if, after an

1 appropriate investigation or after consultation with relevant federal, state or local agencies
2 responsible for law enforcement, the person reasonably determines that the breach has not
3 and will not likely result in harm to the individuals whose personal information has been
4 acquired and accessed. Such a determination must be documented in writing and the doc-
5 umentation must be maintained for five years.

6 (8) This section does not apply to:

7 (a) A person that complies with the notification requirements or breach of security pro-
8 cedures that provide greater protection to personal information and at least as thorough
9 disclosure requirements pursuant to the rules, regulations, procedures, guidance or guide-
10 lines established by the person's primary or functional federal regulator.

11 (b) A person that complies with a state or federal law that provides greater protection
12 to personal information and at least as thorough disclosure requirements for breach of se-
13 curity of personal information than that provided by this section.

14 (c) A person that complies with regulations regarding notification requirements or
15 breach of security procedures that provide greater protection to personal information and
16 at least as thorough disclosure requirements promulgated pursuant to title V of the
17 Gramm-Leach-Bliley Act of 1999 (15 U.S.C. 6801 to 6809).

18 **SECTION 4.** (1) A consumer may elect to place a security freeze on the consumer's
19 consumer report by sending a written request to a consumer reporting agency at an address
20 designated by the agency to receive such requests, or a secure electronic request at a
21 website designated by the agency to receive such requests if such method is made available
22 by the consumer reporting agency at the agency's discretion.

23 (2) If the consumer is the victim of identity theft or has reported to a law enforcement
24 agency the theft of personal information, the consumer may include a copy of the police re-
25 port, incident report or identity theft declaration.

26 (3) The consumer must provide proper identification and any fee authorized by section 6
27 of this 2007 Act.

28 (4) Except as provided in section 8 of this 2007 Act, if a security freeze is in place, in-
29 formation from a consumer report may not be released without prior express authorization
30 from the consumer.

31 (5) This section does not prevent a consumer reporting agency from advising a third
32 party that a security freeze is in effect with respect to the consumer report.

33 **SECTION 5.** (1) A consumer reporting agency shall place a security freeze on a consumer
34 report no later than five business days after receiving from the consumer:

35 (a) The request described in section 4 (1) of this 2007 Act;

36 (b) Proper identification; and

37 (c) A fee, if applicable.

38 (2) The consumer reporting agency shall send a written confirmation of the security
39 freeze to the consumer, to the last known address for the consumer as contained in the
40 consumer report maintained by the consumer reporting agency, within ten business days
41 after placing the freeze and, with the confirmation, shall provide the consumer with a unique
42 personal identification number or password or similar device to be used by the consumer
43 when providing authorization for release of the consumer's consumer report for a specific
44 period of time or for permanently removing the security freeze. The consumer reporting
45 agency shall also include with such written confirmation information regarding the process

1 of lifting a freeze, and the process of temporarily lifting a freeze for allowing access to in-
2 formation from the consumer's credit report for a period of time while the freeze is in place.

3 (3) If a consumer wishes to allow the consumer's consumer report to be accessed for a
4 specific period of time while a freeze is in effect, the consumer shall contact the consumer
5 reporting agency using a point of contact designated by the consumer reporting agency, re-
6 quest that the freeze be temporarily lifted and provide the following:

7 (a) Proper identification;

8 (b) The unique personal identification number or password or similar device provided by
9 the consumer reporting agency pursuant to subsection (2) of this section;

10 (c) The information regarding the time period for which the consumer report shall be
11 available to users of the credit report; and

12 (d) A fee, if applicable.

13 (4) A consumer reporting agency that receives a request from the consumer to tempo-
14 rarily lift a freeze on a credit report pursuant to subsection (3) of this section shall comply
15 with the request no later than three business days after receiving from the consumer:

16 (a) Proper identification;

17 (b) The unique personal identification number or password or similar device provided by
18 the consumer reporting agency pursuant to subsection (2) of this section;

19 (c) The information regarding the time period for which the consumer report shall be
20 available; and

21 (d) A fee, if applicable.

22 (5) A security freeze shall remain in place until the consumer requests, using a point of
23 contact designated by the consumer reporting agency, that the security freeze be removed.
24 A consumer reporting agency shall remove a security freeze within three business days of
25 receiving a request for removal from the consumer, who provides:

26 (a) Proper identification;

27 (b) The unique personal identification number or password or similar device provided by
28 the consumer reporting agency pursuant to subsection (2) of this section; and

29 (c) A fee, if applicable.

30 (6) No later than December 31, 2008, the Director of the Department of Consumer and
31 Business Services shall report to the chairs of the legislative committees that considered
32 this 2007 Act concerning the minimum amount of time necessary, using current technology,
33 to place, temporarily lift or remove a freeze on a consumer report, and to verify a consum-
34 er's identity. If the chair of any legislative committee is vacant at the time of making the
35 report, the report shall also be made to the President of the Senate and the Speaker of the
36 House of Representatives.

37 **SECTION 6.** (1) A consumer reporting agency may not charge a fee to a consumer who
38 is the victim of identity theft or who has reported to a law enforcement agency the theft of
39 personal information, provided the consumer has submitted to the consumer reporting
40 agency a copy of a valid police report, incident report or identity theft declaration.

41 (2) A consumer reporting agency may charge a reasonable fee of no more than \$10 to a
42 consumer, other than a consumer described in subsection (1) of this section, for each freeze,
43 temporary lift of the freeze removal of the freeze or replacing a lost personal identification
44 number or password previously provided to the consumer, regarding access to a consumer
45 credit report.

1 **SECTION 7.** A consumer reporting agency shall temporarily lift or remove a freeze
2 placed on a consumer's credit report only in the following cases:

3 (1) Upon the consumer's request, pursuant to section 5 (3) or (5) of this 2007 Act.

4 (2) If the consumer's credit report was frozen due to a material misrepresentation of fact
5 by the consumer, the consumer reporting agency may remove the security freeze. If a con-
6 sumer reporting agency intends to remove a freeze upon a consumer's credit report pursuant
7 to this subsection, the consumer reporting agency shall notify the consumer in writing at
8 least five business days prior to removing the freeze placed on the consumer report.

9 **SECTION 8.** The provisions of sections 4 to 6 of this 2007 Act do not apply to the use of
10 a consumer report by or for any of the following:

11 (1) A person, or the person's subsidiary, affiliate, agent or assignee with which the con-
12 sumer has or, prior to assignment, had an account, contract or debtor-creditor relationship
13 for the purposes of reviewing the account or collecting the financial obligation owing for the
14 account, contract or debtor-creditor relationship. For purposes of this subsection, "reviewing
15 the account" includes activities related to account maintenance, monitoring, credit line in-
16 creases and account upgrades and enhancements;

17 (2) Any person acting pursuant to a court order, warrant, or subpoena;

18 (3) A federal, state or local governmental entity, including a law enforcement agency or
19 court, or their agents or assignees, acting to investigate fraud or acting to investigate or
20 collect delinquent taxes or unpaid court orders or to fulfill their statutory or regulatory du-
21 ties provided such responsibilities are consistent with a permissible purpose under section
22 604 of the federal Fair Credit Reporting Act (15 U.S.C. 1681b) as it existed on January 1, 2007;

23 (4) The use of credit information for the purposes of prescreening as provided by the
24 federal Fair Credit Reporting Act (15 U.S.C. 1681 et seq.);

25 (5) Any person for the sole purpose of providing a credit file monitoring subscription
26 service, or similar service to which the consumer has subscribed;

27 (6) A consumer reporting agency for the sole purpose of providing a consumer with a
28 copy of the consumer's consumer report upon the consumer's request;

29 (7) Any person or entity for the use of setting or adjusting rates, for claims handling or
30 underwriting for insurance purposes, to the extent permitted by law;

31 (8) A subsidiary, affiliate, agent, assignee or prospective assignee of a person to whom
32 access has been granted under section 5 (3) of this 2007 Act for purposes of facilitating the
33 extension of credit or other permissible use;

34 (9) A child support agency acting pursuant to Title IV-D of the Social Security Act (42
35 U.S.C. 651 et seq.); and

36 (10) A person for the sole purpose of screening an applicant for a residential dwelling unit
37 as described in ORS 90.295 (1).

38 **SECTION 9.** If a third party requests access to a consumer report on which a security
39 freeze is in effect, this request is in connection with an application for credit or any other
40 use, the consumer does not allow the consumer's consumer report to be accessed for that
41 period of time, and the third party cannot obtain the consumer report through section 8 of
42 this 2007 Act, the third party may treat the application as incomplete.

43 **SECTION 10.** (1) If a security freeze is in place, a consumer reporting agency shall not
44 change any of the following official information in a consumer credit report without sending
45 a written confirmation of the change to the consumer within 30 days of the change being

1 posted to the consumer's report: name, date of birth, Social Security number and address.
2 Written confirmation is not required for technical modifications of a consumer's official in-
3 formation, including name and street abbreviations, complete spellings or transposition of
4 numbers or letters. In the case of an address change, the written confirmation shall be sent
5 to both the new address and to the former address.

6 (2) The following entities are not required to place a security freeze on a credit report:

7 (a) A consumer reporting agency that acts only as a reseller of credit information by
8 assembling and merging information contained in the database of another consumer report-
9 ing agency or multiple consumer reporting agencies, and does not maintain a database of
10 credit information from which new consumer credit reports are produced. However, a con-
11 sumer reporting agency acting as a reseller shall honor any security freeze placed on a
12 consumer report by another consumer reporting agency.

13 (b) A check services or fraud prevention services company that issues reports on inci-
14 dents of fraud or authorizations for the purpose of approving or processing negotiable in-
15 struments, electronic funds transfers or similar methods of payments.

16 (c) A deposit account information service company that issues reports regarding account
17 closures due to fraud, substantial overdrafts, ATM abuse or similar negative information
18 regarding a consumer, to inquiring banks or other financial institutions for use only in re-
19 viewing a consumer request for a deposit account at the inquiring bank or financial institu-
20 tion.

21 **SECTION 11.** (1) Except as otherwise specifically provided by law a person shall not:

22 (a) Print a consumer's Social Security number on any materials not requested by the
23 consumer or part of the documentation of a transaction or service requested by the con-
24 sumer that are mailed to the consumer unless redacted;

25 (b) Print a consumer's Social Security number on any card required for the consumer
26 to access products or services provided by the person; or

27 (c) Publicly post or publicly display a consumer's Social Security number unless redacted.
28 As used in this paragraph, "publicly post or publicly display" means to communicate or oth-
29 erwise make available to the general public.

30 (2) This section does not prevent the collection, use, or release of a Social Security
31 number as required by state or federal law or the use of a Social Security number for
32 internal verification or administrative purposes.

33 (3) This section does not apply to records that are required by law to be made available
34 to the public.

35 (4) This section does not apply to Social Security numbers in records maintained or oth-
36 erwise possessed by a court or the State Court Administrator on or before the effective date
37 of this 2007 Act.

38 **SECTION 12.** (1) Any person that owns, maintains or otherwise possesses data that in-
39 cludes a consumer's personal information that is used in the course of the person's business,
40 vocation, occupation or volunteer activities must develop, implement and maintain reason-
41 able safeguards to protect the security, confidentiality and integrity of the personal infor-
42 mation, including disposal of the data.

43 (2) The following shall be deemed in compliance with subsection (1) of this section:

44 (a) A person that complies with a state or federal law providing greater protection to
45 personal information than that provided by this section.

1 (b) A person that is subject to and complies with regulations promulgated pursuant to
2 Title V of the Gramm-Leach-Bliley Act of 1999 (15 U.S.C. 6801 to 6809).

3 (c) A person that is subject to and complies with regulations implementing the Health
4 Insurance Portability and Accountability Act of 1996 (45 C.F.R. parts 160 and 164).

5 (d) A person that implements an information security program that includes the follow-
6 ing:

7 (A) Administrative safeguards such as the following, in which the person:

8 (i) Designates one or more employees to coordinate the security program;

9 (ii) Identifies reasonably foreseeable internal and external risks;

10 (iii) Assesses the sufficiency of safeguards in place to control the identified risks;

11 (iv) Trains and manages employees in the security program practices and procedures;

12 (v) Selects service providers capable of maintaining appropriate safeguards, and requires
13 those safeguards by contract; and

14 (vi) Adjusts the security program in light of business changes or new circumstances;

15 (B) Technical safeguards such as the following, in which the person:

16 (i) Assesses risks in network and software design;

17 (ii) Assesses risks in information processing, transmission and storage;

18 (iii) Detects, prevents and responds to attacks or system failures; and

19 (iv) Regularly tests and monitors the effectiveness of key controls, systems and proce-
20 dures; and

21 (C) Physical safeguards such as the following, in which the person:

22 (i) Assesses risks of information storage and disposal;

23 (ii) Detects, prevents and responds to intrusions;

24 (iii) Protects against unauthorized access to or use of personal information during or
25 after the collection, transportation and destruction of the information; and

26 (iv) Disposes of personal information after it is no longer needed for business purposes
27 or as required by local, state or federal law by burning, pulverizing, shredding or modifying
28 a physical record and by destroying or erasing electronic media so that the information
29 cannot be read or reconstructed.

30 (3) A person complies with subsection (2)(d)(C)(iv) of this section if the person contracts
31 with another person engaged in the business of record destruction to dispose of personal
32 information in a manner consistent with subsection (2)(d)(C)(iv) of this section.

33 (4) Notwithstanding subsection (2) of this section, a person that is an owner of a small
34 business as defined in ORS 285B.123 (3) complies with subsection (1) of this section if the
35 person's information security and disposal program, fully documented in writing, contains
36 administrative, technical and physical safeguards and disposal measures appropriate to the
37 size and complexity of the small business, the nature and scope of its activities, and the
38 sensitivity of the personal information collected from or about consumers.

39 **SECTION 13.** (1) The Director of the Department of Consumer and Business Services
40 may:

41 (a) Make such public or private investigations within or outside this state as the director
42 deems necessary to determine whether a person has violated any provision of this 2007 Act,
43 or to aid in the enforcement of this 2007 Act.

44 (b) Require or permit a person to file a statement in writing, under oath or otherwise
45 as the director determines, as to all the facts and circumstances concerning the matter to

1 be investigated.

2 (c) Administer oaths and affirmations, subpoena witnesses, compel attendance, take evi-
3 dence and require the production of books, papers, correspondence, memoranda, agreements
4 or other documents or records that the director deems relevant or material to the inquiry.
5 Each witness who appears before the director under a subpoena shall receive the fees and
6 mileage provided for witnesses in ORS 44.415 (2).

7 (2) If a person fails to comply with a subpoena so issued or a party or witness refuses
8 to testify on any matters, the judge of the circuit court or of any county, on the application
9 of the director, shall compel obedience by proceedings for contempt as in the case of diso-
10 bedience of the requirements of a subpoena issued from such court or a refusal to testify
11 therein.

12 (3) If the director has reason to believe that any person has engaged or is engaging in
13 any violation of this 2007 Act, the director may issue an order, subject to ORS chapter 183,
14 directed to the person to cease and desist from the violation, or require the person to pay
15 to individuals injured by the violation amounts that compensate the individual. The director
16 may order compensation to individuals only upon a finding that enforcement of the rights
17 of the individuals by private civil action would be so burdensome or expensive as to be im-
18 practical.

19 (4)(a) In addition to all other penalties and enforcement provisions provided by law, any
20 person who violates or who procures, aids or abets in the violation of this 2007 Act shall be
21 subject to a penalty of not more than \$1,000 for every violation, which shall be paid to the
22 General Fund of the State Treasury.

23 (b) Every violation is a separate offense and, in the case of a continuing violation, each
24 day's continuance is a separate violation, but the maximum penalty for any continuing vio-
25 lation shall not exceed \$500,000.

26 (c) Civil penalties under this section shall be imposed as provided in ORS 183.745.

27 SECTION 14. In accordance with ORS chapter 183, the Director of the Department of
28 Consumer and Business Services may adopt rules for the purpose of carrying out the pro-
29 visions of this 2007 Act.

30 SECTION 15. Notwithstanding ORS 705.145 (2), (3) and (5), the Director of the Depart-
31 ment of Consumer and Business Services can allocate as deemed appropriate the moneys
32 derived pursuant to ORS 646.382 to 646.398, 650.005 to 650.100, 697.005 to 697.095, 697.602 to
33 697.842, 705.350 and 717.200 to 717.320 and 731.804 and ORS chapters 59, 645, 706 to 716, 722,
34 723, 725 and 726 to implement section 13 of this 2007 Act.

35 SECTION 16. Section 12 of this 2007 Act becomes operative on January 1, 2008.

36 SECTION 17. This 2007 Act being necessary for the immediate preservation of the public
37 peace, health and safety, an emergency is declared to exist, and this 2007 Act takes effect
38 October 1, 2007.

39