

## HOUSE AMENDMENTS TO HOUSE BILL 2371

By COMMITTEE ON CONSUMER PROTECTION

April 8

1 On page 1 of the printed bill, delete lines 14 through 31 and delete page 2 and insert:

2 **“SECTION 2. (1) As used in this section:**

3 **“(a) ‘Driver license’ means a license or permit issued by this state or any other juris-**  
4 **dition as evidence of a grant of driving privileges.**

5 **“(b) ‘Identification card’ means the card issued under ORS 807.400 or a comparable pro-**  
6 **vision in another state.**

7 **“(c) ‘Personal information’ means an individual’s name, address, date of birth, photo-**  
8 **graph, fingerprint, biometric data, driver license or identification card number or any other**  
9 **unique personal identifier or number.**

10 **“(d) ‘Private entity’ means any nongovernmental entity, such as a corporation, partner-**  
11 **ship, company or nonprofit organization, any other legal entity or any natural person.**

12 **“(e) ‘Swipe’ means the act of passing a driver license or identification card through a**  
13 **device that is capable of deciphering, in an electronically readable format, the information**  
14 **electronically encoded in a magnetic strip or bar code on the driver license or identification**  
15 **card.**

16 **“(2) A private entity may not swipe an individual’s driver license or identification card,**  
17 **except for the following purposes:**

18 **“(a) To verify the authenticity of a driver license or identification card or to verify the**  
19 **identity of the individual if the individual pays for a good or service with a method other than**  
20 **cash, returns an item or requests a refund.**

21 **“(b) To verify the individual’s age when providing an age-restricted good or service to any**  
22 **person about whom there is any reasonable doubt of the person’s having reached 21 years**  
23 **of age.**

24 **“(c) To prevent fraud or other criminal activity if an individual returns an item or re-**  
25 **quests a refund and the private entity uses a fraud prevention service company or system.**

26 **“(d) To transmit information to a check services company for the purpose of approving**  
27 **negotiable instruments, electronic funds transfers or similar methods of payment.**

28 **“(3) A private entity that swipes an individual’s driver license or identification card under**  
29 **subsection (2)(a) or (b) of this section may not store, sell or share personal information col-**  
30 **lected from swiping the driver license or identification card.**

31 **“(4) A private entity that swipes an individual’s driver license or identification card under**  
32 **subsection (2)(c) or (d) of this section may store or share the name, address, date of birth,**  
33 **driver license number or identification card number collected from swiping the driver license**  
34 **or identification card for the purpose of preventing fraud or other criminal activity against**  
35 **the private entity.**

1       “(5) A person who receives personal information from a private entity under subsection  
2 (4) of this section may use the personal information received only to prevent fraud or other  
3 criminal activity against the private entity that provided the personal information.

4       “(6) A governmental entity may swipe an individual’s driver license or identification card  
5 only if:

6       “(a) The individual knowingly makes the driver license or identification card available to  
7 the governmental entity;

8       “(b) The governmental entity lawfully confiscates the driver license or identification card;  
9 or

10       “(c) The governmental entity is providing emergency assistance to the individual who is  
11 unconscious or otherwise unable to make the driver license or identification card available.

12       “(7) In addition to any other remedy provided by law, an individual may bring an action  
13 to recover actual damages or \$1,000, whichever is greater, and to obtain equitable relief, if  
14 equitable relief is available, against an entity that swipes, stores, shares, sells or otherwise  
15 uses the individual’s personal information in violation of this section. A court shall award a  
16 prevailing plaintiff reasonable costs and attorney fees. If a court finds that a violation of this  
17 section was willful or knowing, the court may increase the amount of the award to no more  
18 than three times the amount otherwise available.

19       “(8) Any waiver of a provision of this section is contrary to public policy and is void and  
20 unenforceable.”.

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