

A-Engrossed
Senate Bill 274

Ordered by the Senate April 24
Including Senate Amendments dated April 24

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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.

Provides that attorney authorized to practice law [*in this state*] **who renders legal services in course of representing client** is not required to register as collection agency [*in order to serve, file or convey certain legal documents or to communicate with debtor, as directed by client or court or in deposition or settlement conference, regarding pending or possible legal action to collect debt*].

Increases from \$10,000 to \$15,000 amount of bond or irrevocable letter of credit that applicant for registration as collection agency or registrant must provide to and maintain with Department of Consumer and Business Services.

Specifies conditions under which out-of-state collection agency is exempt from registration as collection agency in this state.

Provides that Director of Department of Consumer and Business Services, in addition to issuing cease and desist order for violations of law in connection with collection of claims, may impose civil penalty and seek to compel person to disgorge payments of principal, interest or fees that person obtained in violation of law. Increases amount of civil penalty per violation from \$1,000 to \$5,000.

[*Provides that Department of Consumer and Business Services and Attorney General may exercise concurrent jurisdiction over unlawful debt collection activity.*]

Declares emergency, effective on passage.

A BILL FOR AN ACT

1
2 Relating to debt collection; creating new provisions; amending ORS 697.005, 697.015, 697.031, 697.045,
3 697.093 and 697.095; and declaring an emergency.

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

5 **SECTION 1.** ORS 697.005 is amended to read:

6 697.005. As used in ORS 697.005 to 697.095:

7 (1)(a) "Collection agency" means:

8 (A) A person **that** directly or indirectly [*engaged*] **engages** in soliciting a claim for collection,
9 or collecting or attempting to collect a claim that is owed, due or asserted to be owed or due to
10 another person or to a public body at the time the person solicits, collects or attempts to collect the
11 claim;

12 (B) A person that directly or indirectly furnishes, attempts to furnish, sells or offers to sell forms
13 represented to be a collection system even if the forms direct the debtor to make payment to the
14 creditor and even if the **creditor may or does use the** forms [*may be or are actually used by the*
15 *creditor*] in the creditor's own name;

16 (C) A person that, in attempting to collect or in collecting the person's own claim, uses a ficti-
17 tious name or any name other than the person's own **name** that **conveys an impression**
18 [*indicates*] to the debtor that a third person is collecting or attempting to collect the claim;

19 (D) A person [*in the business of engaging*] **that engages** in the [*solicitation of*] **business of so-**

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 **liciting** the right to repossess or in repossessing collateral security due or asserted to be due to
2 another person; or

3 (E) A person that, in *[the collection of]* **collecting** claims from another person:

4 (i) Uses any name other than the name regularly used in the conduct of the business out of
5 which the claim arose; and

6 (ii) Engages in any action or conduct that tends to convey the impression that a third party has
7 been employed or engaged to collect the claim.

8 (b) "Collection agency" does not include:

9 (A) An individual *[engaged]* **who engages** in soliciting claims for collection, or *[collecting or at-*
10 *tempting]* **who collects or attempts** to collect claims on behalf of a registrant under ORS 697.005
11 to 697.095, if the individual is an employee of the registrant.

12 (B) An individual *[collecting or attempting]* **who collects or attempts** to collect claims for not
13 more than three employers, if the individual carries on all collection efforts in the name of the em-
14 ployer and the individual is an employee of the employer.

15 (C) A person that prepares or mails monthly or periodic statements of accounts due on behalf
16 of another person if all payments are made to the other person and the person that prepares the
17 statements of accounts does not make other collection efforts.

18 *[(D) An attorney-at-law rendering services in the performance of the duties of an attorney-at-law.]*

19 **(D) An attorney who is authorized to practice law and who renders legal services in the**
20 **course of representing a client.**

21 (E) A licensed certified public accountant or public accountant *[rendering services in the per-*
22 *formance of]* **performing** the duties of a licensed certified public accountant or public accountant.

23 (F) A bank, mutual savings bank, consumer finance company, trust company, savings and loan
24 association, credit union or debt *[consolidation agency]* **management service provider, as that**
25 **term is defined in ORS 697.602.**

26 (G) A principal real estate broker **that is** licensed under ORS 696.020, *[as]* **with respect** to any
27 collection or billing activity that involves a real estate closing escrow, as defined in ORS 696.505.

28 (H) An escrow agent licensed under ORS 696.511, with respect to the escrow agent's:

29 (i) Collection or billing activities *[involved in]* **that are related to** closing an escrow, as defined
30 in ORS 696.505, or related to a collection escrow, as defined in ORS 696.505; or

31 (ii) Service as a trustee of a trust deed in accordance with ORS 86.713.

32 (I) An individual **who is** regularly employed as a credit person or in a similar capacity by one
33 person, firm or corporation that is not a collection agency *[as defined in this section]*.

34 (J) A public officer or a person *[acting]* **that acts** under order of a court.

35 (K) A person *[acting]* **that acts** as a property manager in collecting or billing for rent, fees,
36 deposits or other sums due landlords of managed units.

37 (L) A person that *[is providing]* **provides** billing services. A person *[is providing]* **provides** bill-
38 ing services for the purposes of this subparagraph if the person engages, directly or indirectly, in
39 the business or pursuit of *[collection of]* **collecting** claims for another person, whether in the other
40 person's name or any other name, by any means that:

41 (i) *[Is]* **Uses** an accounting procedure, preparation of mail billing or any other means intended
42 to accelerate cash flow to the other person's bank account or to any separate trust account; and

43 (ii) Does not include any personal contact or contact by telephone with the person from whom
44 the claim is sought to be collected.

45 (M) A person that *[is providing]* **provides** factoring services. A person *[is providing]* **provides**

1 factoring services for the purposes of this subparagraph if the person engages, directly or indirectly,
2 in the business or pursuit of:

3 (i) Lending or advancing money to commercial clients on the security of merchandise or ac-
4 counts receivable and then enforcing collection actions or procedures *[on such accounts]* **for the**
5 **loans or advances;** or

6 (ii) Soliciting or collecting on accounts that have been purchased from commercial clients under
7 an agreement, whether or not the agreement:

8 (I) Allows recourse against the commercial client;

9 (II) Requires the commercial client to provide any form of guarantee of payment of the pur-
10 chased account; or

11 (III) Requires the commercial client to establish or maintain a reserve account in any form.

12 (N) An individual employed by another person that operates as a collection agency *[if the person*
13 *does not operate as a collection agency independent of that employment]*, **unless the individual op-**
14 **erates an independent collection agency while being employed by a collection agency.**

15 (O) A mortgage banker as defined in ORS 86A.100.

16 (P) A public utility, as defined in ORS 757.005, a telecommunications utility, as defined in ORS
17 759.005, a people's utility district, as defined in ORS 261.010, *[and]* **or** a cooperative corporation
18 engaged in furnishing electric or communication service to consumers.

19 (Q) A public body or an individual *[collecting or attempting]* **that collects or attempts** to collect
20 claims owed, due or asserted to be owed or due to a public body, if the individual is an employee
21 of the public body.

22 (R) A person that receives an assignment of debt in any form without an obligation to pay the
23 assignor any of the proceeds resulting from a collection of all or a portion of the debt.

24 (S) A person for whom the Director of the Department of Consumer and Business Services de-
25 termines by order or by rule that the protection of the public health, safety and welfare does not
26 require registration with the Department **of Consumer and Business Services** as a collection
27 agency.

28 (2) "Collection system" means a scheme intended or calculated to be used to collect claims sent,
29 prepared or delivered by:

30 (a) A person *[who]* **that** in collecting or attempting to collect the person's own claim uses a
31 fictitious name or any name other than the person's own that indicates to the debtor that a third
32 person is collecting or attempting to collect the claim; or

33 (b) A person **that is** directly or indirectly engaged in soliciting claims for collection, or col-
34 lecting or attempting to collect claims owed or due or asserted to be owed or due another person.

35 (3) "Claim" means an obligation *[for the payment of]* **to pay** money or *[thing of]* value *[arising]*
36 **if the obligation arises** out of an agreement or contract, express or implied.

37 (4) "Client" or "customer" means a person *[authorizing or employing]* **that authorizes or em-**
38 **plloys** a collection agency to collect a claim.

39 (5) "Debtor" means a person *[owing]* **that owes, or is** alleged to owe, a claim.

40 *[(6) "Debts incurred outside this state" means an action or proceeding that:]*

41 *[(a) Arises out of a promise, made anywhere to the plaintiff or a third party for the plaintiff's*
42 *benefit, by the defendant to perform services outside of this state or to pay for services to be performed*
43 *outside of this state by the plaintiff;]*

44 *[(b) Arises out of services actually performed for the plaintiff by the defendant outside of this state*
45 *or services actually performed for the defendant by the plaintiff outside of this state, if the performance*

1 *outside of this state was authorized or ratified by the defendant;]*

2 [(c) *Arises out of a promise, made anywhere to the plaintiff or a third party for the plaintiff's*
3 *benefit, by the defendant to deliver or receive outside of this state or to send from outside of this state*
4 *goods, documents of title or other things of value;]*

5 [(d) *Relates to goods, documents of title or other things of value sent from outside of this state by*
6 *the defendant to the plaintiff or a third person on the plaintiff's order or direction;]*

7 [(e) *Relates to goods, documents of title or other things of value actually received outside of this*
8 *state by the plaintiff from the defendant or by the defendant from the plaintiff, without regard to where*
9 *delivery to carrier occurred; or]*

10 [(f) *Where jurisdiction at the time the debt was incurred was outside of this state.*]

11 [(7) **(6)(a)** “Out-of-state collection agency” means a collection agency located outside of this
12 state [*whose*] **the activities of which**, within this state, are limited to collecting [*debts incurred*
13 *outside of this state from debtors*] **a debt that a debtor** located in this state **incurs outside this**
14 **state.**

15 **(b)** As used in this subsection, “collecting [*debts*] **a debt**” means collecting **a debt on behalf**
16 **of clients located outside this state** by means of interstate communications, including telephone,
17 mail or facsimile transmission, from the collection [*agency*] **agency’s** location in another state [*on*
18 *behalf of clients located outside of this state*].

19 [(8) **(7)** “Person” means an individual, firm, partnership, trust, joint venture, association, limited
20 liability company or corporation.

21 [(9) **(8)** “Public body” **has the meaning given that term in ORS 174.109.** [*means:*]

22 [(a) *The state and any branch, department, agency, board or commission of the state;*]

23 [(b) *A city, county, district or other political subdivision or municipal or public corporation or an*
24 *instrumentality thereof; and]*

25 [(c) *An intergovernmental agency, department, council, joint board of control created under ORS*
26 *190.125 or other like entity that is created under ORS 190.003 to 190.130 and that does not act under*
27 *the direction and control of any single member government.*]

28 [(10) **(9)** [*“Registered” or*] “Registrant” means a person **that is** registered under ORS 697.005 to
29 697.095 or **that is** registered or licensed as a collection agency under the laws of another state.

30 [(11) **(10)** “Statement of account” means a report [*setting*] **that sets** forth amounts billed, in-
31 voices, credits allowed or aged balance due.

32 **SECTION 2.** ORS 697.015 is amended to read:

33 697.015. A person [*shall*] **may** not operate as a collection agency in this state unless the person
34 registers **and maintains a registration** with the Department of Consumer and Business Services
35 under ORS 697.031 [*and maintains the registration in accordance with that section*].

36 **SECTION 3.** ORS 697.031 is amended to read:

37 697.031. (1) The Director of the Department of Consumer and Business Services shall establish
38 by rule a program for [*registration of*] **registering** persons [*operating*] **that operate** as collection
39 agencies **and** that [*are required to*] **must** register with the Department of Consumer and Business
40 Services under ORS 697.015. The [*program shall include a requirement*] **department shall require**
41 [*that persons registering with the department file and*] **applicants for registration to file and reg-**
42 **istrants to** maintain with the department current information the department requires by rule. The
43 department may require any information necessary to carry out the program, including but not
44 limited to the following:

45 (a) The name and address of the [*person operating as a collection agency*] **applicant or regis-**

1 **trant.**

2 [(b) *The name and address of the collection agency.*]

3 [(c) (b) Any assumed names or business names [*used by the collection agency*] **the applicant or**
4 **registrant uses.**

5 [(d) (c) Names of [*persons who perform the solicitation or collection of*] **individuals who solicit**
6 **or collect** claims or who [*perform the solicitation of*] **solicit** the right to repossess or the repos-
7 session of collateral security for the [*collection agency*] **applicant or registrant.**

8 [(e) (d) Names of persons [*who*] **that** are agents of the [*collection agency*] **applicant or regis-**
9 **trant** for purposes of service of legal process.

10 (2)(a) The director shall require any person [*who*] **that** applies for registration as a collection
11 agency, other than an out-of-state collection agency, to file with the director a bond or an irrev-
12 ocable letter of credit in the sum of [*">\$10,000*] **\$15,000** [*executed by*] **that** the applicant **executes** as
13 obligor, together with one or more corporate sureties or financial institutions authorized to do
14 business in this state. The bond or [*an*] irrevocable letter of credit [*shall*] **must** be executed to the
15 State of Oregon and for the use of the state and of any person who [*may*] **might** have a cause of
16 action against the obligor of the bond or [*an*] irrevocable letter of credit under ORS 697.005 to
17 697.095. The bond or [*an*] irrevocable letter of credit [*shall*] **must** be conditioned [*that*] **to require**
18 the [*obligor will*] **registrant to** faithfully conform to and abide by the provisions of ORS 697.005 to
19 697.095 and all rules [*lawfully made by*] the director **adopts** under ORS 697.005 to 697.095., *and*
20 *will*] **The bond must also be conditioned to** pay to the state and to [*any such*] **a person that has**
21 **a cause of action against the obligor** [*any and all*] moneys that [*may*] become due or owing to the
22 state or to [*such*] **the person** [*from the obligor under and by virtue of*] **as a result of a registrant's**
23 **violation of** the provisions of ORS 697.005 to 697.095.

24 (b) [*If any person is aggrieved by the misconduct of a registrant required to file a bond or an*
25 *irrevocable letter of credit under paragraph (a) of this subsection or by the registrant's violation of any*
26 *law or rule lawfully made by the director under ORS 697.005 to 697.095 and recovers judgment there-*
27 *for, the person may, after the return unsatisfied either in whole or in part of any execution issued upon*
28 *the judgment, maintain an action for the person's own use upon the bond or irrevocable letter of credit*
29 *of the registrant in any court having jurisdiction of the amount claimed.*] **The State of Oregon or a**
30 **person that obtains a judgment against a registrant for violating ORS 697.005 to 697.095, a**
31 **rule the director adopts under ORS 697.005 to 697.095 or for other misconduct may bring in**
32 **a circuit court of this state an action against the bond or irrevocable letter of credit de-**
33 **scribed in this subsection for any amount the State of Oregon or the person does not obtain**
34 **by executing the judgment against the registrant.**

35 (c) The **registrant must continuously maintain the** bond or [*an*] irrevocable letter of credit
36 required by this subsection [*shall be continuously maintained*] in the amount required by this sub-
37 section. The aggregate liability of the surety under the bond for claims against the bond [*shall*] **may**
38 not exceed the penal sum of the bond no matter how many years the bond is in force. [*No*] **An** ex-
39 tension by continuation certificate, reinstatement, reissue or renewal of the bond [*shall*] **does not**
40 increase the liability of the surety.

41 (3) The director may include any of the following in the program for registration established
42 under this section:

43 (a) The director may require [*any filings with the department that the director determines to be*
44 *necessary to maintain current the information required for registration*] **a registrant to keep current**
45 **the information the registrant files with the department.** Filings required under this subsection

1 may include renewal of registration at reasonable intervals, filings within a reasonable time after
2 changes in a collection agency or other filings **that** the director determines *[to be]* **are** necessary.
3 In requiring filings under this subsection, the director shall attempt to minimize burdens the filings
4 might place on *[persons required to file]* **applicants for registration or registrants.**

5 (b) Except as provided in subsection (4) of this section, the director may *[establish and require*
6 *persons filing with the department under this section]* **require an applicant or registrant** to pay fees
7 for any registration or filing *[made with the department]* **under this section.** The director *[shall]*
8 **may** not establish fees for more than an amount necessary to cover the administrative costs of the
9 filing or registration.

10 (c) The **director may establish the program for registration** *[may be established]* in any divi-
11 sion of the department *[the director determines to be best able to administer the program].*

12 (d) The director may issue¹, *[but may not require,]* certificates of registration or other indicia of
13 registration that the director determines will *[be of assistance to persons operating as a collection*
14 *agency in establishing that the persons are]* **assist a registrant to establish that the registrant**
15 **is** registered with the department, **but the director may not require the registrant to use the**
16 **certificate for any other purpose.**

17 (4) An out-of-state collection agency is exempt from *[the]* registration *[fee]* under this section if:

18 (a) The out-of-state collection agency is **licensed or registered as a collection agency** in an-
19 other state *[and that state does not require payment of an initial fee by a person who collects debts in*
20 *that state only by means of interstate communications from the person's location in another state];*

21 (b) **The other state exempts a collection agency located and registered in this state from**
22 **the registration requirements of the other state; and**

23 (c) **The out-of-state collection agency agrees to accept service of process from the di-**
24 **rector and consents to investigations in response to alleged violations of ORS 697.005 to**
25 **697.095.**

26 *[(5) If an out-of-state collection agency is not exempt from payment of a registration fee under this*
27 *section, the registration fee for the out-of-state collection agency shall be not less than the fee charged*
28 *by the state in which the out-of-state collection agency is located to a person who collects debts in that*
29 *state only by means of interstate communications from the person's location in another state.]*

30 *[(6) If the director determines that the state where an out-of-state collection agency is located and*
31 *registered, if required to be registered, exempts a collection agency located and registered in this state*
32 *from registration requirements in that state, the director shall exempt out-of-state collection agencies*
33 *located in that state from the registration requirements of ORS 697.005 to 697.095.]*

34 *[(7)]* (5) The department shall maintain current records of the information required for regis-
35 tration under this section.

36 **SECTION 4.** ORS 697.045 is amended to read:

37 697.045. (1) A *[registered collection agency]* **registrant** has a property right in any claim or ac-
38 count assigned to the *[agency]* **registrant** in writing for collection. Except as *[may be otherwise*
39 *provided in writing between]* the assignor of the claim or account and the *[registered collection*
40 *agency]* **registrant may otherwise provide in writing,** the *[registered collection agency]* **registrant**
41 as assignee of the claim or account, in *[its]* **the registrant's** own name, may:

42 (a) Collect the claim or account;

43 (b) Compromise or accept settlement of the claim or account;

44 (c) Bring and maintain an action to recover the amount owing from the claim or account;

45 **[and] or**

1 (d) With prior written approval of the assignor, transfer or forward the claim or account to
2 another collection agency for collection.

3 (2) Except as [*may be otherwise provided in writing between*] the assignor of the claim or account
4 and the [*registered collection agency*] **registrant may otherwise provide in writing**, the assignor
5 may withdraw the claim or account from the [*agency*] **registrant** at any time without condition or
6 charge.

7 (3) Notwithstanding ORS 9.160 and 9.320, in any action in the small claims department of a
8 circuit court or justice court a [*registered collection agency*] **registrant** may appear as a party
9 without appearance by attorney for the purpose of recovering the amount owing on a claim or ac-
10 count assigned to the [*agency*] **registrant** in writing for collection. The provisions of this subsection
11 apply to any supplementary proceeding in aid of execution after entry of a judgment in the small
12 claims department.

13 (4) [*No*] **A** collection agency [*is entitled to*] **may not** bring or maintain an action [*involving the*
14 *collection of*] **to collect** a claim or account on behalf of [*its*] **the collection agency's** customers in
15 any courts of this state without alleging and proving that [*it is duly registered under ORS 697.015*
16 *and 697.031.*] **the collection agency is a registrant. The court shall receive as prima facie evi-**
17 **dence that the collection agency is a registrant** [*a registration certificate or*] a certification of
18 registration [*by*] **that** the Director of the Department of Consumer and Business Services [*for any*
19 *designated time period shall be received by the court as prima facie evidence of the collection agency's*
20 *registration*] **issues and in which the director states that the collection agency is a registrant**
21 for [*the*] **a designated** time period [*designated*].

22 **SECTION 5.** ORS 697.093 is amended to read:

23 697.093. (1) The Director of the Department of Consumer and Business Services may:

24 (a) Undertake [*the*] investigations, including investigations outside this state, that the director
25 considers necessary to determine whether a person has:

26 (A) Violated, is violating or is about to violate:

27 (i) ORS 697.015, 697.031, 697.045, 697.058, 697.091, 697.105 or 697.115;

28 (ii) A rule adopted under ORS 697.031, 697.085 or 697.086; or

29 (iii) An order issued under this section;

30 (B) Filed information under ORS 697.031 that is false or untruthful; or

31 (C) Failed to maintain in effect the bond or [*an*] irrevocable letter of credit required under ORS
32 697.031.

33 (b) Require a person to file a statement in writing, under oath or otherwise, concerning the
34 matter [*being investigated*] **the director is investigating.**

35 (c) Take evidence from, [*witnesses*] and compel the attendance of, witnesses and the production
36 of books, papers, correspondence, memoranda, agreements or other documents or records that the
37 director considers relevant or material to an investigation or proceeding.

38 (d) [*If the director has reason to believe that a person has:*] **Issue an order:**

39 (A) **To cease and desist, if the director believes that the person** violated, is violating or is
40 about to violate ORS 697.015, 697.031, 697.045, 697.058, 697.091, 697.105 or 697.115 or a rule **the di-**
41 **rector** adopted under ORS 697.031, 697.085 or 697.086[, *issue an order to cease and desist from the*
42 *violation*]. **In connection with an order under this subparagraph, the director may impose a**
43 **civil penalty as provided in ORS 697.095 and may seek to compel a person to disgorge all**
44 **payments of principal, interest or fees the person obtained in violation of ORS 697.015,**
45 **697.031, 697.045, 697.058, 697.091, 697.105 or 697.115 or a rule the director adopted under ORS**

1 **697.031, 697.085 or 697.086.**

2 (B) [*Filed*] **To correct** information **filed** under ORS 697.031 that **the director believes** is false
3 or untruthful[, *issue an order to correct the filing*].

4 (C) [*Failed*] **To compel a registrant to** maintain in effect the bond or [*an*] irrevocable letter
5 of credit required under ORS 697.031[, *issue an order to remedy the failure*].

6 (2) The authority conferred by this section is in addition to and not in lieu of any other au-
7 thority conferred on the director.

8 **SECTION 6.** ORS 697.095 is amended to read:

9 697.095. (1) In addition to any other penalty provided by law, a person who violates any pro-
10 vision of ORS 697.015 or 697.058 or any rule adopted under ORS 697.031, 697.085 or 697.086 is sub-
11 ject to forfeiture and payment of a civil penalty to the Department of Consumer and Business
12 Services in an amount of not more than [*\$1,000*] **\$5,000** for each offense.

13 (2) Civil penalties under this section [*shall*] **must** be imposed as provided in ORS 183.745.

14 (3) All penalties recovered [*shall*] **must** be deposited in the Consumer and Business Services
15 Fund created by ORS 705.145.

16 **SECTION 7.** (1) **The amendments to ORS 697.005, 697.015, 697.031 and 697.045 by sections**
17 **1 to 4 of this 2015 Act apply on and after the operative date specified in section 8 of this 2015**
18 **Act to persons required to register as collection agencies under ORS 697.015, to procedures**
19 **for registering applicants and to bonding requirements for registrants.**

20 (2) **The amendments to ORS 697.093 and 697.095 by sections 5 and 6 of this 2015 Act apply**
21 **to debt collection activities and unlawful collection practices that occur on or after the op-**
22 **erative date specified in section 8 of this 2015 Act.**

23 **SECTION 8.** (1) **The amendments to ORS 697.005, 697.015, 697.031, 697.045, 697.093 and**
24 **697.095 by sections 1 to 6 of this 2015 Act become operative 91 days after the effective date**
25 **of this 2015 Act.**

26 (2) **The Director of the Department of Consumer and Business Services may take any**
27 **action before the operative date specified in subsection (1) of this section that is necessary**
28 **to enable the director to exercise, on and after the operative date specified in subsection (1)**
29 **of this section, all of the duties, functions and powers conferred on the director by the**
30 **amendments to ORS 697.005, 697.015, 697.031, 697.045, 697.093 and 697.095 by sections 1 to 6**
31 **of this 2015 Act.**

32 **SECTION 9.** **This 2015 Act being necessary for the immediate preservation of the public**
33 **peace, health and safety, an emergency is declared to exist, and this 2015 Act takes effect**
34 **on its passage.**

35