

HB 2090 -1 STAFF MEASURE SUMMARY

House Committee On Business and Labor

Prepared By: Jan Nordlund, LPRO Analyst

Meeting Dates: 3/27

WHAT THE MEASURE DOES:

Establishes as an unlawful trade practice the use, disclosure or disposal of information requested, required or received from consumer if not done in manner or for purpose stated to consumer on website or in consumer agreement.

ISSUES DISCUSSED:

EFFECT OF AMENDMENT:

-1 Adds that is an unlawful trade practice to collect, maintain or delete information requested, required or received from consumer if not done in manner or for purpose stated to consumer on website or in consumer agreement.

BACKGROUND:

The unlawful trade practices listed in ORS 646.607 are enforced by the Attorney General (AG) and District Attorneys (DA) and not by private action. When it appears to the AG or DA that someone has engaged in, is engaging in, or is about to engage an unlawful trade practice, they may serve the person with an investigative demand, which requires the person to appear and testify, to answer written interrogatories, or to produce relevant documents or physical evidence for examination. The goal is to receive an assurance of voluntary compliance from the person. The AG and DA have the option of going to court to restrain someone from engaging in the alleged unlawful trade practice; with exceptions, notice must first be served and the person must be given ten days to deliver an assurance of voluntary compliance.

House Bill 2090 adds to the unlawful trade practices enforced by the AG and DA the use, disclosure or disposal of a consumer's information if not done in the manner or for the purpose as described to the consumer on the business's website or in a consumer agreement.