

## HOUSE AMENDMENTS TO HOUSE BILL 3184

By COMMITTEE ON BUSINESS AND LABOR

April 6

- 1 On page 1 of the printed bill, line 3, delete “725.045 and 725A.020” and insert “725A.090”.
- 2 Delete lines 5 through 27 and delete pages 2 through 5 and insert:
- 3 “**SECTION 1.** ORS 725A.090 is amended to read:
- 4 “725A.090. (1)(a) The Director of the Department of Consumer and Business Services, by con-
- 5 tract with a vendor or service provider or otherwise, may develop and implement a system by means
- 6 of which a licensee may:
- 7 “(A) Determine whether a consumer has an outstanding loan[.];
- 8 “(B) **Determine** the number of loans the consumer has outstanding[.];
- 9 “(C) **Determine** the dates on which the consumer entered into or renewed a loan contract
- 10 subject to ORS 725A.010 to 725A.092 and 725A.990;
- 11 “(D) **Provide loan counseling to consumers in accordance with standards the director**
- 12 **specifies; and**
- 13 “(E) **Obtain** other information necessary to comply with the provisions of ORS 725A.010 to
- 14 725A.092 and 725A.990.
- 15 “(b) The director by rule may specify the form and content of the system, but shall ensure at
- 16 a minimum that the information entered into or stored by the system is:
- 17 “[a] (A) Accessible to and usable by licensees and the director from any location in this state;
- 18 and
- 19 “[b] (B) Secured against public disclosure, tampering, theft or unauthorized acquisition or use.
- 20 “(2) The information in the system described in subsection (1) of this section is not subject to
- 21 public inspection or disclosure and is not subject to discovery, subpoena or other compulsory pro-
- 22 cess except in an action brought under ORS 725A.010 to 725A.092 and 725A.990.
- 23 “(3) A vendor or service provider that operates or administers the system described in sub-
- 24 section (1) of this section may charge a licensee a fee or fees for access to or use of the system in
- 25 amounts that the director approves by rule. **The licensee may not charge a consumer, directly**
- 26 **or indirectly, any amount to recover or otherwise compensate for the cost of a fee the**
- 27 **licensee pays under this subsection.**
- 28 “(4)(a) If the system described in subsection (1) of this section is developed and implemented,
- 29 licensees subject to ORS 725A.010 to 725A.092 and 725A.990, within one business day after con-
- 30 ducting a loan transaction that generates information that the system described in subsection (1)
- 31 of this section requires, shall enter or update the information.
- 32 “(b) A licensee, after the date on which the licensee ceases to make loans subject to ORS
- 33 725A.010 to 725A.092 and 725A.990, shall continue to enter and update information for loans that
- 34 are outstanding or that have not yet expired.
- 35 “(c) Within 10 business days after ceasing to make loans subject to ORS 725A.010 to 725A.092

1 and 725A.990, a licensee shall submit to the director for approval a plan for continuing compliance  
2 with this subsection. The director shall promptly approve or disapprove the plan and may require  
3 the licensee to submit a new or modified plan that ensures compliance with this subsection.

4 “(5) The director by rule shall establish requirements for retaining, archiving and deleting in-  
5 formation entered into or stored by the system described in subsection (1) of this section.

6 **“SECTION 2. The amendments to ORS 725A.090 by section 1 of this 2017 Act apply to**  
7 **loans that a lender makes on or after the operative date specified in section 3 of this 2017**  
8 **Act.**

9 **“SECTION 3. (1) The amendments to ORS 725A.090 by section 1 of this 2017 Act become**  
10 **operative on July 1, 2018.**

11 **“(2) The Director of the Department of Consumer and Business Services may adopt rules**  
12 **and take any other action before the operative date specified in subsection (1) of this section**  
13 **that is necessary to enable the director, on and after the operative date specified in sub-**  
14 **section (1) of this section, to exercise all of the duties, functions and powers conferred on**  
15 **the director by the amendments to ORS 725A.090 by section 1 of this 2017 Act.**

16 **“SECTION 4. This 2017 Act being necessary for the immediate preservation of the public**  
17 **peace, health and safety, an emergency is declared to exist, and this 2017 Act takes effect**  
18 **on its passage.”.**

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