

Enrolled Senate Bill 510

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CHAPTER

AN ACT

Relating to automated data exchanges between the Department of Justice and financial institutions; amending ORS 25.640, 25.643 and 25.646.

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

SECTION 1. ORS 25.640 is amended to read:

25.640. For purposes of ORS 25.643 and 25.646:

(1) "Account" means a demand deposit account, checking or negotiable withdrawal order account, savings account, share draft account, time deposit account, [or] money-market mutual fund account[,] **or a claim for insurance benefits or payments of at least \$500, not including a claim for property damage, under a liability insurance policy or uninsured motorist insurance policy issued by an insurance company authorized to do business in this state.**

(2) "Claimant" means an obligor who is asserting a claim of at least \$500, not including a claim for property damage, under a liability insurance policy or uninsured motorist policy issued by an insurer that is authorized to do business in this state.

[(2)] (3) "Customer" has the meaning given that term in ORS 192.583.

[(3)] (4) "Financial institution" means:

(a) A depository institution, as defined in section 3(c) of the Federal Deposit Insurance Act (12 U.S.C. 1813(c));

(b) Any federal credit union or state credit union, as defined in section 101 of the Federal Credit Union Act (12 U.S.C. 1752), including an institution-affiliated party of such a credit union, as defined in section 206(r) of the Federal Credit Union Act (12 U.S.C. 1786(r)); and

(c) Any benefit association, insurance company, safe deposit company, money-market mutual fund or similar entity authorized to do business in [the] **this** state.

[(4)] (5) "Financial records" [has the meaning given that term in ORS 192.583] **means any original written or electronic document or copy of the document, or any information contained in the document, held by or in the custody of a financial institution, when the document, copy or information is identifiable as pertaining to one or more customers or claimants of the financial institution.**

SECTION 2. ORS 25.643 is amended to read:

25.643. (1) The Department of Justice and financial institutions doing business in this state shall enter into agreements to develop and operate a data match system using automated data exchanges to the maximum extent feasible.

(2) Pursuant to the agreements, financial institutions shall provide, for each calendar quarter, the name, address, Social Security number or other taxpayer identification number and other identifying information for each obligor who:

(a) Maintains an account at, **or has a claim for insurance benefits or payments with**, the institution; and

(b) Owes past due support, as identified by the administrator by name and Social Security number or other taxpayer identification number.

(3) Notwithstanding subsection (2) of this section, a financial institution can satisfy its obligation to conduct a data match and provide information to the administrator under this section as provided in rules adopted by the department.

(4) If a financial institution at which an obligor has a claim for insurance benefits or payments has not previously provided the administrator with the information required by this section, the financial institution must provide the administrator with at least three business days' advance written notice before disbursing any payment to the obligor pursuant to the claim.

[3] (5) The administrator shall pay a reasonable fee to a financial institution for conducting the data match provided for in this section. The fee may not exceed the actual costs incurred by the financial institution.

[4] (6) A financial institution, including an institution-affiliated party as defined in section 3(u) of the Federal Deposit Insurance Act (12 U.S.C. 1813(u)), is not liable under any state law to any person[:] **and, except as provided in this section, shall not be in violation of any other law regulating the handling of an account because the financial institution:**

(a) **Discloses information to the administrator under this section;**

(b) **Encumbers or surrenders any assets held by the financial institution in response to a notice of lien or levy issued by the administrator; or**

(c) **Takes any other action in good faith to comply with the requirements of this section.**

[a] *For any disclosure of information to the administrator under this section;*

[b] *For encumbering or surrendering any assets held by the financial institution in response to a notice of lien or levy issued by the administrator; or]*

[c] *For any other action taken in good faith to comply with the requirements of this section.]*

(7) The department may adopt rules to implement and direct the provision of information pursuant to the agreements entered into for automated data exchanges performed by the data match system developed and operated under this section.

SECTION 3. ORS 25.646 is amended to read:

25.646. (1) Upon request of the administrator and the receipt of the certification required under subsection (2) of this section, a financial institution shall provide financial records of a customer **or claimant.**

(2) In requesting information under subsection (1) of this section, the administrator shall provide the name and Social Security number of the person whose financial records are sought and shall state with reasonable specificity the financial records requested. The administrator shall provide to the financial institution a signed document in a form established by the Department of Justice certifying that:

(a) The person whose financial records are sought is a party to a proceeding to establish, modify or enforce the child support obligation of the person; and

(b) The administrator has authorization from the person for release of the financial records, has given the person written notice of its request for financial records or will give the notice within five days after the financial institution responds to the request.

(3) The administrator shall reimburse a financial institution supplying financial records under this section for actual costs incurred.

(4) A financial institution, including an institution-affiliated party as defined in section 3(u) of the Federal Deposit Insurance Act (12 U.S.C. 1813(u)), that supplies financial records to the admin-

istrator under this section is not liable to any person for any loss, damage or injury arising out of or in any way pertaining to the disclosure of the financial records.

(5) A financial institution that is requested to supply financial records under this section may enter into an agreement with the administrator concerning the method by which requests for financial records and responses from the financial institution shall be made.

(6) The administrator shall provide a reasonable time to the financial institution for responding to a request for financial records.

(7) The administrator shall seek financial records under this section only:

(a) With respect to a person who is a party to a proceeding to establish, modify or enforce the child support obligation of the person; or

(b) According to the provisions of ORS 25.083.

Passed by Senate April 27, 2017

Received by Governor:

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Approved:

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Lori L. Brocker, Secretary of Senate

.....M.,....., 2017

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Peter Courtney, President of Senate

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Kate Brown, Governor

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Filed in Office of Secretary of State:

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Tina Kotek, Speaker of House

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Dennis Richardson, Secretary of State