

Requested by Representative ALONSO LEON

**PROPOSED AMENDMENTS TO
HOUSE BILL 3184**

1 On page 1 of the printed bill, line 3, delete “725.045 and 725A.020” and
2 insert “725A.090”.

3 Delete lines 5 through 27 and delete pages 2 through 5 and insert:

4 **“SECTION 1.** ORS 725A.090 is amended to read:

5 “725A.090. (1)(a) The Director of the Department of Consumer and Busi-
6 ness Services, by contract with a vendor or service provider or otherwise,
7 may develop and implement a system by means of which a licensee may:

8 **“(A)** Determine whether a consumer has an outstanding loan[.];

9 **“(B) Determine** the number of loans the consumer has outstanding[.];

10 **“(C) Determine** the dates on which the consumer entered into or re-
11 newed a loan contract subject to ORS 725A.010 to 725A.092 and 725A.990;

12 **“(D) Provide loan counseling to consumers in accordance with**
13 **standards the director specifies;** and

14 **“(E) Obtain** other information necessary to comply with the provisions
15 of ORS 725A.010 to 725A.092 and 725A.990.

16 **“(b)** The director by rule may specify the form and content of the system,
17 but shall ensure at a minimum that the information entered into or stored
18 by the system is:

19 “[*a*] **(A)** Accessible to and usable by licensees and the director from any
20 location in this state; and

21 “[*b*] **(B)** Secured against public disclosure, tampering, theft or unau-

1 thorized acquisition or use.

2 “(2) The information in the system described in subsection (1) of this
3 section is not subject to public inspection or disclosure and is not subject
4 to discovery, subpoena or other compulsory process except in an action
5 brought under ORS 725A.010 to 725A.092 and 725A.990.

6 “(3) A vendor or service provider that operates or administers the system
7 described in subsection (1) of this section may charge a licensee a fee or fees
8 for access to or use of the system in amounts that the director approves by
9 rule. **The licensee may not charge a consumer, directly or indirectly,
10 any amount to recover or otherwise compensate for the cost of a fee
11 the licensee pays under this subsection.**

12 “(4)(a) If the system described in subsection (1) of this section is devel-
13 oped and implemented, licensees subject to ORS 725A.010 to 725A.092 and
14 725A.990, within one business day after conducting a loan transaction that
15 generates information that the system described in subsection (1) of this
16 section requires, shall enter or update the information.

17 “(b) A licensee, after the date on which the licensee ceases to make loans
18 subject to ORS 725A.010 to 725A.092 and 725A.990, shall continue to enter
19 and update information for loans that are outstanding or that have not yet
20 expired.

21 “(c) Within 10 business days after ceasing to make loans subject to ORS
22 725A.010 to 725A.092 and 725A.990, a licensee shall submit to the director for
23 approval a plan for continuing compliance with this subsection. The director
24 shall promptly approve or disapprove the plan and may require the licensee
25 to submit a new or modified plan that ensures compliance with this sub-
26 section.

27 “(5) The director by rule shall establish requirements for retaining, ar-
28 chiving and deleting information entered into or stored by the system de-
29 scribed in subsection (1) of this section.

30 **SECTION 2. The amendments to ORS 725A.090 by section 1 of this**

1 2017 Act apply to loans that a lender makes on or after the operative
2 date specified in section 3 of this 2017 Act.

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

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

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

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