

HB 3152 A -A4, -A6 STAFF MEASURE SUMMARY

Joint Committee On Transportation

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Meeting Dates: 5/1, 5/22

WHAT THE MEASURE DOES:

Establishes prohibited actions regarding dealer data held by motor vehicle dealers. Authorizes a dealer to withdraw, revoke, or amend written consent regarding dealer data. Describes actions allowed and prohibited of authorized integrators regarding dealer data. Clarifies application of agreements with authorized integrators that a dealer enters or renews on or after the effective date of measure.

ISSUES DISCUSSED:

- Similar legislation passed in Arizona and Montana
- Dealer and integrator access to data
- Purpose and function of dealer management systems
- Other entities besides automobile dealers that utilize dealer management systems
- Importance of protecting data integrity
- Cost assessed to dealers and integrators for access to information

EFFECT OF AMENDMENT:

-A4 Replaces original measure. Clarifies definitions of "authorized integrator" and "dealer data system." Adds definition for "dealer management system provider." Authorizes dealer management system provider to condition a dealer's or authorized integrator's access to protected dealer data based on compliance with security standards, require express written authorization from a dealer for an integrator to gain access, and deny access to a dealer for failure to pay amount due under a lease, contract or other agreement. Prohibits certain actions by dealer management system providers to limit or prohibit dealers or integrators from receiving, protecting, storing, copying, sharing, or using protected dealer data and declares any term or condition that conflicts with this provision null and void. Outlines conditions authorized integrator must meet to access data. States that dealer management system providers, dealers, and authorized integrators are not liable for the actions of the other parties. Applies to contracts or other agreements entered into or renewed on or after the effective date.

-A6 Replaces original measure. Defines "access fee", "authorized service supplier", "dealer management system", and "protected dealer data." Allows dealer management system to condition authorized service supplier's access to protected dealer data on compliance with security standards and protocols provided by dealer management system. Prohibits certain actions by dealer management system providers to limit or prohibit dealers or authorized service supplier from receiving, protecting, storing, copying, sharing, or using protected dealer data and declares any term or condition that conflicts with this provision null and void. Outlines duties of authorized service suppliers. States that dealer management system providers, dealers, and authorized integrators are not liable for the actions of the other parties. Applies to contracts or other agreements entered into or renewed on or after the effective date.

BACKGROUND:

Vehicle dealers generate, gather, and store data regarding vehicles they buy and sell. Dealers also collect data on the purchasers of those vehicles. In Oregon, a business or state agency that holds Oregon consumer data is required to notify any consumer whose personal information was subject to the breach of security. If more than 250 consumers were affected by a data breach, the business or agency must also notify the Oregon Attorney General. In 2018, there were at least 72 data breaches that were reported to the Oregon Attorney General.

This summary has not been adopted or officially endorsed by action of the committee.

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House Bill 3152-A limits handling of protected dealer data by authorized integrators.

PRELIMINARY