

HB 3152-2
(LC 4215)
4/2/19 (TSB/ps)

Requested by HOUSE COMMITTEE ON BUSINESS AND LABOR (at the request of the Oregon
Automobile Dealers Association)

**PROPOSED AMENDMENTS TO
HOUSE BILL 3152**

1 On page 1 of the printed bill, delete lines 6 through 25 and delete page
2 2 and insert:

3 **“SECTION 2. (1) As used in this section:**

4 **“(a)(A) ‘Authorized integrator’ means a person to which a dealer**
5 **gives prior express written consent to obtain, share, sell, copy, trans-**
6 **mit, use, produce, generate or provide protected dealer data for the**
7 **purpose of performing a specific function for the dealer.**

8 **“(B) ‘Authorized integrator’ does not include a manufacturer, dis-**
9 **tributor or importer or any entity that is a subsidiary or affiliate of,**
10 **or acts on behalf of, a manufacturer, distributor or importer.**

11 **“(b) ‘Dealer data system’ means software, hardware or firmware**
12 **that a dealer owns, leases, rents or controls and uses in the dealer’s**
13 **daily business operations.**

14 **“(c) ‘Prior express written consent’ means a written document,**
15 **separate and distinct from any other correspondence, contract, agree-**
16 **ment or other writing a dealer has provided to or exchanged with an-**
17 **other person, in which a dealer:**

18 **“(A) Provides explicit consent for and identifies all parties to, from**
19 **or with which a person may obtain, share, sell, copy, transmit, use,**
20 **produce, generate or provide protected dealer data;**

21 **“(B) Details the nature of, and the scope within which, the person**

1 may obtain, share, sell, copy, transmit, use, produce, generate or
2 provide protected dealer data;

3 “(C) Identifies all applicable provisions of state or federal law that
4 govern the person’s obtaining, sharing, selling, copying, transmission,
5 use, production, generation or provision of protected dealer data; and

6 “(D) Specifies the duration of the consent.

7 “(d) ‘Protected dealer data’ means:

8 “(A) Any personal data or financial data about a consumer that a
9 dealer generated or that the consumer provided to the dealer and that
10 is not otherwise publicly available; and

11 “(B) Any other data that a dealer uses in connection with the
12 dealer’s daily business operations and stores or maintains in a dealer
13 data system.

14 “(2) Unless an authorized integrator is acting in accordance with a
15 federal, state or local government law or under a valid court order, the
16 authorized integrator may not:

17 “(a) Obtain, share, sell, copy, transmit, use, produce, generate or
18 provide protected dealer data without a dealer’s prior express written
19 consent or in any manner that is not consistent with the dealer’s prior
20 express written consent;

21 “(b) Prohibit a dealer, by means of a contract or other agreement
22 or by taking action by technical methods or otherwise, from obtaining,
23 sharing, selling, copying, transmitting, using, producing, generating
24 or providing protected dealer data for the dealer’s own purposes;

25 “(c) Charge a fee or place a restriction on a dealer that has the ef-
26 fect of limiting or prohibiting the dealer’s or authorized integrator’s
27 ability to obtain, share, sell, copy, transmit, use, produce, generate
28 or provide protected dealer data;

29 “(d) Lock out, deactivate or deny a dealer access to a dealer data
30 system on which the dealer stores or maintains protected dealer data;

1 “(e) Permit another person to obtain, share, sell, copy, transmit,
2 use, produce, generate or provide protected dealer data without a
3 dealer’s prior express written consent; or

4 “(f) Otherwise prohibit, prevent, restrict or limit a dealer’s owner-
5 ship, possession or use of protected dealer data.

6 “(3) A dealer may withdraw, revoke or amend a prior express writ-
7 ten consent:

8 “(a) At the dealer’s sole discretion if the dealer gives 30 days’ prior
9 notice to the person to which the dealer provided the prior express
10 written consent; or

11 “(b) Immediately, for good cause.

12 “SECTION 3. Section 2 of this 2019 Act applies to a contract or
13 other agreement with an authorized integrator that a dealer enters
14 into or renews on or after the effective date of this 2019 Act.”.

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