

A-Engrossed
House Bill 2128

Ordered by the House April 20
Including House Amendments dated April 20

Introduced and printed pursuant to House Rule 12.00. Pre-session filed (at the request of Governor Kate Brown for Department of Revenue)

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure.

Requires tax professional to report breach of security associated with tax return preparation to Department of Revenue.

Applies to breaches of security occurring on or after January 1, 2022.

Takes effect on 91st day following adjournment sine die.

A BILL FOR AN ACT

1
2 Relating to reporting requirements of tax professionals in a breach of security; and prescribing an
3 effective date.

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

5 **SECTION 1. Section 2 of this 2021 Act is added to and made a part of ORS chapter 305.**

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

7 (a) **“Breach of security,” “consumer” and “personal information” have the meanings**
8 **given those terms in ORS 646A.602.**

9 (b) **“Tax professional” means:**

10 (A) **A tax preparer or tax consultant licensed or certified under ORS 673.605 to 673.740;**

11 (B) **An attorney;**

12 (C) **A certified public accountant;**

13 (D) **An enrolled agent; or**

14 (E) **Any other licensed professional.**

15 (2) **Within five days of discovering a breach of security or having reason to believe that**
16 **a breach of security has occurred, or within a time frame established by the Department of**
17 **Revenue by rule in instances in which complete information listed in subsection (3) of this**
18 **section is not immediately available to a tax professional, a tax professional shall notify the**
19 **department of the breach of security, if:**

20 (a) **The tax professional receives notice of or has reason to know that the breach of se-**
21 **curity has occurred;**

22 (b) **The breach of security compromises personal information of a consumer;**

23 (c) **The tax professional, for valuable consideration, has prepared a tax return or advised**
24 **or assisted in the preparation of a tax return for the consumer or an entity with which the**
25 **consumer is associated; and**

26 (d) **The tax professional obtained the personal information that is the subject of the**

NOTE: Matter in **boldfaced** type in an amended section is new; matter [*italic and bracketed*] is existing law to be omitted. New sections are in **boldfaced** type.

1 **breach of security in the course of preparing a tax return or advising or assisting in the tax**
2 **return's preparation.**

3 **(3) The notification required by this section shall include the name, address and tax**
4 **identification number of the consumer whose personal identification is compromised.**

5 **SECTION 3. Section 2 of this 2021 Act applies to breaches of security occurring on or**
6 **after January 1, 2022.**

7 **SECTION 4. This 2021 Act takes effect on the 91st day after the date on which the 2021**
8 **regular session of the Eighty-first Legislative Assembly adjourns sine die.**

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