

Enrolled
House Bill 2377

Introduced and printed pursuant to House Rule 12.00. Pre-session filed (at the request of Attorney General Ellen F. Rosenblum)

CHAPTER

AN ACT

Relating to phishing; creating new provisions; amending ORS 646.607; and declaring an emergency.

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

SECTION 1. (1) As used in this section, “personal information” has the meaning given that term in ORS 646A.602.

(2)(a) A person may not use a website, electronic mail message, text message or other electronic means to solicit, request or otherwise induce another person to provide personal information by representing to the other person directly, indirectly or by implication that the person is a third person, without the third person’s knowledge, authorization and consent.

(b) Paragraph (a) of this subsection does not apply to:

(A) A law enforcement officer or law enforcement agency that is engaged in performing the officer’s or agency’s official duties; or

(B) An individual who is authorized by law to conduct a lawful investigation, while the individual is conducting the lawful investigation.

(3) Violation of subsection (2) of this section is an unlawful trade practice under ORS 646.607 that is subject to enforcement under ORS 646.632.

SECTION 2. ORS 646.607 is amended to read:

646.607. A person engages in an unlawful trade practice if in the course of the person’s business, vocation or occupation the person:

(1) Employs any unconscionable tactic in connection with selling, renting or disposing of real estate, goods or services, or collecting or enforcing an obligation;

(2) Fails to deliver all or any portion of real estate, goods or services as promised, and at a customer’s request, fails to refund money that the customer gave to the person to purchase the undelivered real estate, goods or services and that the person does not retain pursuant to any right, claim or defense the person may assert in good faith. This subsection does not create a warranty obligation and does not apply to a dispute over the quality of real estate, goods or services delivered to a customer;

(3) Violates ORS 401.965 (2);

(4) Violates a provision of ORS 646A.725 to 646A.750;

(5) Violates ORS 646A.530;

(6) Employs a collection practice that is unlawful under ORS 646.639;

(7) Is a beneficiary that violates ORS 86.726 (1)(a) or (2), 86.729 (4) or 86.732 (1) or (2); [or]

(8) Violates ORS 646A.093[.]; or

(9) Violates section 1 (2) of this 2015 Act.

SECTION 3. Section 1 of this 2015 Act and the amendments to ORS 646.607 by section 2 of this 2015 Act apply to solicitations or requests for, or inducements to provide, personal information that occur on or after the effective date of this 2015 Act.

SECTION 4. This 2015 Act being necessary for the immediate preservation of the public peace, health and safety, an emergency is declared to exist, and this 2015 Act takes effect on its passage.

Passed by House March 5, 2015

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Timothy G. Sekerak, Chief Clerk of House

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Tina Kotek, Speaker of House

Passed by Senate May 12, 2015

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Peter Courtney, President of Senate

Received by Governor:

.....M.,....., 2015

Approved:

.....M.,....., 2015

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Kate Brown, Governor

Filed in Office of Secretary of State:

.....M.,....., 2015

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Jeanne P. Atkins, Secretary of State