

House Bill 2377

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

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 **as introduced**.

Prohibits person from soliciting, requesting or otherwise inducing another person to provide personal information by representing or implying that person is third person, without third person's knowledge, authorization and consent. Creates certain exemptions.

Punishes violation as unlawful trade practice.

Declares emergency, effective on passage.

A BILL FOR AN ACT

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

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

3 **SECTION 1. (1) As used in this section, "personal information" has the meaning given**
4 **that term in ORS 646A.602.**

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

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

10 **(A) A law enforcement officer or law enforcement agency that is engaged in performing**
11 **the officer's or agency's official duties; or**

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

14 **(3) Violation of subsection (2) of this section is an unlawful trade practice under ORS**
15 **646.607 that is subject to enforcement under ORS 646.632.**

16 **SECTION 2. ORS 646.607 is amended to read:**

17 646.607. A person engages in an unlawful **trade** practice if in the course of the person's busi-
18 ness, vocation or occupation the person:

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

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

27 (3) Violates ORS 401.965 (2);

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

29 **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 (5) Violates ORS 646A.530;
- 2 (6) Employs a collection practice that is unlawful under ORS 646.639;
- 3 (7) Is a beneficiary that violates ORS 86.726 (1)(a) or (2), 86.729 (4) or 86.732 (1) or (2); [or]
- 4 (8) Violates ORS 646A.093[.]; **or**
- 5 **(9) Violates section 1 (2) of this 2015 Act.**

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

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

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