

Enrolled
House Bill 3184

Sponsored by Representative ALONSO LEON; Representatives MCLAIN, MEEK, SOLLMAN, Senator RILEY

CHAPTER

AN ACT

Relating to consumer loan counseling for residents of this state; creating new provisions; amending ORS 725A.090; and declaring an emergency.

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

SECTION 1. ORS 725A.090 is amended to read:

725A.090. (1)(a) The Director of the Department of Consumer and Business Services, by contract with a vendor or service provider or otherwise, may develop and implement a system by means of which a licensee may:

(A) Determine whether a consumer has an outstanding loan[,];

(B) **Determine** the number of loans the consumer has outstanding[,];

(C) **Determine** the dates on which the consumer entered into or renewed a loan contract subject to ORS 725A.010 to 725A.092 and 725A.990;

(D) **Provide loan counseling to consumers in accordance with standards the director specifies;** and

(E) **Obtain** other information necessary to comply with the provisions of ORS 725A.010 to 725A.092 and 725A.990.

(b) The director by rule may specify the form and content of the system, but shall ensure at a minimum that the information entered into or stored by the system is:

[(a)] (A) Accessible to and usable by licensees and the director from any location in this state; and

[(b)] (B) Secured against public disclosure, tampering, theft or unauthorized acquisition or use.

(2) The information in the system described in subsection (1) of this section is not subject to public inspection or disclosure and is not subject to discovery, subpoena or other compulsory process except in an action brought under ORS 725A.010 to 725A.092 and 725A.990.

(3) A vendor or service provider that operates or administers the system described in subsection (1) of this section may charge a licensee a fee or fees for access to or use of the system in amounts that the director approves by rule. **The licensee may not charge a consumer, directly or indirectly, any amount to recover or otherwise compensate for the cost of a fee the licensee pays under this subsection.**

(4)(a) If the system described in subsection (1) of this section is developed and implemented, licensees subject to ORS 725A.010 to 725A.092 and 725A.990, within one business day after conducting a loan transaction that generates information that the system described in subsection (1) of this section requires, shall enter or update the information.

(b) A licensee, after the date on which the licensee ceases to make loans subject to ORS 725A.010 to 725A.092 and 725A.990, shall continue to enter and update information for loans that are outstanding or that have not yet expired.

(c) Within 10 business days after ceasing to make loans subject to ORS 725A.010 to 725A.092 and 725A.990, a licensee shall submit to the director for approval a plan for continuing compliance with this subsection. The director shall promptly approve or disapprove the plan and may require the licensee to submit a new or modified plan that ensures compliance with this subsection.

(5) The director by rule shall establish requirements for retaining, archiving and deleting information entered into or stored by the system described in subsection (1) of this section.

SECTION 2. The amendments to ORS 725A.090 by section 1 of this 2017 Act apply to loans that a lender makes on or after the operative date specified in section 3 of this 2017 Act.

SECTION 3. (1) The amendments to ORS 725A.090 by section 1 of this 2017 Act become operative on July 1, 2018.

(2) The Director of the Department of Consumer and Business Services may adopt rules and take any other action before the operative date specified in subsection (1) of this section that is necessary to enable the director, on and after the operative date specified in subsection (1) of this section, to exercise all of the duties, functions and powers conferred on the director by the amendments to ORS 725A.090 by section 1 of this 2017 Act.

SECTION 4. This 2017 Act being necessary for the immediate preservation of the public peace, health and safety, an emergency is declared to exist, and this 2017 Act takes effect on its passage.

Passed by House April 13, 2017

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Timothy G. Sekerak, Chief Clerk of House

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Tina Kotek, Speaker of House

Passed by Senate May 24, 2017

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Peter Courtney, President of Senate

Received by Governor:

.....M.,....., 2017

Approved:

.....M.,....., 2017

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Kate Brown, Governor

Filed in Office of Secretary of State:

.....M.,....., 2017

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Dennis Richardson, Secretary of State