

(b) Any nonfull-size crib as that term is defined in 16 C.F.R. 1509.2(b).

(3) "Individual" means a natural person who is not a commercial user of cribs.

(4) "Infant" means an individual who is less than three years of age. [Formerly 646.502]

**646A.506 Prohibited conduct.** (1) A commercial user may not remanufacture, retrofit, sell, contract to sell or resell, lease, sublet or otherwise place in the stream of commerce a crib that is unsafe for an infant using the crib.

(2) A crib is presumed to be unsafe pursuant to ORS 646A.500 to 646A.514 if it does not conform to the following standards:

(a) 16 C.F.R. part 1508;

(b) 16 C.F.R. part 1509;

(c) 16 C.F.R. part 1303; and

(d) American Society for Testing Materials Voluntary Standards F966-90, F1169.88, F1822 and F406.

(3) Cribs that are presumed to be unsafe under subsection (2) of this section include but are not limited to cribs with any of the following features or characteristics:

(a) Corner posts that extend more than one-sixteenth of an inch;

(b) Spaces between side slats more than two and three-eighths inches;

(c) Mattress supports that can be easily dislodged from any point of the crib. A mattress support can be easily dislodged if it cannot withstand a 25-pound upward force from underneath the crib;

(d) Cutout designs on the end panels;

(e) Rail height dimensions that do not conform to the following:

(A) The height of the rail and end panel as measured from the top of the rail or panel in its lowest position to the top of the mattress support in its highest position is at least nine inches; or

(B) The height of the rail and end panel as measured from the top of the rail or panel in its highest position to the top of the mattress support in its lowest position is at least 26 inches;

(f) Any screws, bolts or hardware that is loose or not secured;

(g) Sharp edges, points, rough surfaces or any wood surfaces that are not smooth and free from splinters, splits or cracks; or

(h) Cribs with tears in mesh or fabric sides.

(4) An individual may not remanufacture, retrofit, sell, contract to sell or resell, lease,

sublet or otherwise place in the stream of commerce a crib that is unsafe for an infant using the crib. [Formerly 646.503]

**646A.508 Penalties.** (1) A commercial user who willfully and knowingly sells, leases or otherwise places in the stream of commerce an unsafe baby crib as described in ORS 646A.506 (1) to (3) commits a violation punishable by a fine not exceeding \$1,000.

(2) An individual who willfully and knowingly sells, leases or otherwise places in the stream of commerce an unsafe baby crib as described in ORS 646A.506 (1) to (3) commits a violation punishable by a fine not exceeding \$200. [Formerly 646.504]

**646A.510 Exemptions.** (1) An antique or vintage crib that is clearly not intended for use by an infant is exempt from the provisions of ORS 646A.500 to 646A.514 if the antique or vintage crib is accompanied at the time of remanufacturing, retrofitting, selling, leasing, subletting or otherwise placing in the stream of commerce by a notice furnished by the commercial user that states that the antique or vintage crib is not intended for use by an infant and that the antique or vintage crib is dangerous for use by an infant.

(2) A commercial user is exempt from liability resulting from use of an antique or vintage crib in a manner that is contrary to the notice required by this section.

(3) As used in this section, "antique or vintage crib" means a crib that is:

(a) 50 years or older measured from the current year;

(b) Maintained as a collector's item; and

(c) Not intended for use by an infant. [Formerly 646.505]

**646A.512 Private right of action; attorney fees.** Any person may maintain an action against a commercial user who violates ORS 646A.506 (1) to (3), to enjoin the remanufacture, retrofitting, sale, contract to sell or resell, lease or subletting of a crib that is unsafe for an infant, and for reasonable attorney fees and costs. [Formerly 646.506]

**646A.514 Scope of remedies.** Remedies available under ORS 646A.508 and 646A.512 are in addition to any other remedies available under law to an aggrieved party. [Formerly 646.507]

## IDENTITY THEFT PREVENTION

**646A.600 Short title.** ORS 646A.600 to 646A.628 shall be known as the Oregon Consumer Identity Theft Protection Act. [2007 c.759 §1]

**646A.602 Definitions for ORS 646A.600 to 646A.628.** As used in ORS 646A.600 to 646A.628:

(1)(a) "Breach of security" means unauthorized acquisition of computerized data that materially compromises the security, confidentiality or integrity of personal information maintained by the person.

(b) "Breach of security" does not include good-faith acquisition of personal information by a person or that person's employee or agent for a legitimate purpose of that person if the personal information is not used in violation of applicable law or in a manner that harms or poses an actual threat to the security, confidentiality or integrity of the personal information.

(2) "Consumer" means an individual who is also a resident of this state.

(3) "Consumer report" means a consumer report as described in section 603(d) of the federal Fair Credit Reporting Act (15 U.S.C. 1681a(d)), as that Act existed on October 1, 2007, that is compiled and maintained by a consumer reporting agency.

(4) "Consumer reporting agency" means a consumer reporting agency as described in section 603(p) of the federal Fair Credit Reporting Act (15 U.S.C. 1681a(p)) as that Act existed on October 1, 2007.

(5) "Debt" means any obligation or alleged obligation arising out of a consumer transaction, as defined in ORS 646.639.

(6) "Encryption" means the use of an algorithmic process to transform data into a form in which the data is rendered unreadable or unusable without the use of a confidential process or key.

(7) "Extension of credit" means the right to defer payment of debt or to incur debt and defer its payment offered or granted primarily for personal, family or household purposes.

(8) "Identity theft" has the meaning set forth in ORS 165.800.

(9) "Identity theft declaration" means a completed and signed statement documenting alleged identity theft, using the form available from the Federal Trade Commission, or another substantially similar form.

(10) "Person" means any individual, private or public corporation, partnership, cooperative, association, estate, limited liability company, organization or other entity, whether or not organized to operate at a profit, or a public body as defined in ORS 174.109.

(11) "Personal information":

(a) Means a consumer's first name or first initial and last name in combination

with any one or more of the following data elements, when the data elements are not rendered unusable through encryption, redaction or other methods, or when the data elements are encrypted and the encryption key has also been acquired:

(A) Social Security number;

(B) Driver license number or state identification card number issued by the Department of Transportation;

(C) Passport number or other United States issued identification number; or

(D) Financial account number, credit or debit card number, in combination with any required security code, access code or password that would permit access to a consumer's financial account.

(b) Means any of the data elements or any combination of the data elements described in paragraph (a) of this subsection when not combined with the consumer's first name or first initial and last name and when the data elements are not rendered unusable through encryption, redaction or other methods, if the information obtained would be sufficient to permit a person to commit identity theft against the consumer whose information was compromised.

(c) Does not include information, other than a Social Security number, in a federal, state or local government record that is lawfully made available to the public.

(12) "Redacted" means altered or truncated so that no more than the last four digits of a Social Security number, driver license number, state identification card number, account number or credit or debit card number is accessible as part of the data.

(13) "Security freeze" means a notice placed in a consumer report, at the request of a consumer and subject to certain exemptions, that prohibits the consumer reporting agency from releasing the consumer report for the extension of credit unless the consumer has temporarily lifted or removed the freeze. [2007 c.759 §2]

**646A.604 Notice of breach of security; delay; methods of notification; contents of notice; application of notice requirement.** (1) Any person that owns, maintains or otherwise possesses data that includes a consumer's personal information that is used in the course of the person's business, vocation, occupation or volunteer activities and was subject to a breach of security shall give notice of the breach of security following discovery of such breach of security, or receipt of notification under subsection (2) of this section, to any consumer whose personal information was included in the information that was breached. The disclosure notification shall be made in the most expeditious

time possible and without unreasonable delay, consistent with the legitimate needs of law enforcement as provided in subsection (3) of this section, and consistent with any measures necessary to determine sufficient contact information for the consumers, determine the scope of the breach and restore the reasonable integrity, security and confidentiality of the data.

(2) Any person that maintains or otherwise possesses personal information on behalf of another person shall notify the owner or licensor of the information of any breach of security immediately following discovery of such breach of security if a consumer's personal information was included in the information that was breached.

(3) The notification to the consumer required by this section may be delayed if a law enforcement agency determines that the notification will impede a criminal investigation and that agency has made a written request that the notification be delayed. The notification required by this section shall be made after that law enforcement agency determines that its disclosure will not compromise the investigation and notifies the person in writing.

(4) For purposes of this section, notification to the consumer may be provided by one of the following methods:

(a) Written notice.

(b) Electronic notice if the person's customary method of communication with the consumer is by electronic means or is consistent with the provisions regarding electronic records and signatures set forth in the Electronic Signatures in Global and National Commerce Act (15 U.S.C. 7001) as that Act existed on October 1, 2007.

(c) Telephone notice, provided that contact is made directly with the affected consumer.

(d) Substitute notice, if the person demonstrates that the cost of providing notice would exceed \$250,000, that the affected class of consumers to be notified exceeds 350,000, or if the person does not have sufficient contact information to provide notice. Substitute notice consists of the following:

(A) Conspicuous posting of the notice or a link to the notice on the Internet home page of the person if the person maintains one; and

(B) Notification to major statewide television and newspaper media.

(5) Notice under this section shall include at a minimum:

(a) A description of the incident in general terms;

(b) The approximate date of the breach of security;

(c) The type of personal information obtained as a result of the breach of security;

(d) Contact information of the person subject to this section;

(e) Contact information for national consumer reporting agencies; and

(f) Advice to the consumer to report suspected identity theft to law enforcement, including the Federal Trade Commission.

(6) If a person discovers a breach of security affecting more than 1,000 consumers that requires disclosure under this section, the person shall notify, without unreasonable delay, all consumer reporting agencies that compile and maintain reports on consumers on a nationwide basis of the timing, distribution and content of the notification given by the person to the consumers. In no case shall a person that is required to make a notification required by this section delay any notification in order to make the notification to the consumer reporting agencies. The person shall include the police report number, if available, in its notification to the consumer reporting agencies.

(7) Notwithstanding subsection (1) of this section, notification is not required if, after an appropriate investigation or after consultation with relevant federal, state or local agencies responsible for law enforcement, the person determines that no reasonable likelihood of harm to the consumers whose personal information has been acquired has resulted or will result from the breach. Such a determination must be documented in writing and the documentation must be maintained for five years.

(8) This section does not apply to:

(a) A person that complies with the notification requirements or breach of security procedures that provide greater protection to personal information and at least as thorough disclosure requirements pursuant to the rules, regulations, procedures, guidance or guidelines established by the person's primary or functional federal regulator.

(b) A person that complies with a state or federal law that provides greater protection to personal information and at least as thorough disclosure requirements for breach of security of personal information than that provided by this section.

(c) A person that is subject to and complies with regulations promulgated pursuant to Title V of the Gramm-Leach-Bliley Act of 1999 (15 U.S.C. 6801 to 6809) as that Act existed on October 1, 2007. [2007 c.759 §3]

**646A.606 Security freeze; requirements; effect.** (1) A consumer may elect to place a security freeze on the consumer's consumer report by sending a written request to a consumer reporting agency at an address designated by the agency to receive such requests, or a secure electronic request at a website designated by the agency to receive such requests if such method is made available by the consumer reporting agency at the agency's discretion.

(2) If the consumer is the victim of identity theft or has reported to a law enforcement agency the theft of personal information, the consumer may include a copy of the police report, incident report or identity theft declaration.

(3) The consumer must provide proper identification and any fee authorized by ORS 646A.610.

(4) Except as provided in ORS 646A.614, if a security freeze is in place, information from a consumer report may not be released without prior express authorization from the consumer.

(5) This section does not prevent a consumer reporting agency from advising a third party that a security freeze is in effect with respect to the consumer report. [2007 c.759 §4]

**646A.608 Deadline for placement of security freeze; confirmation; personal identification number; lifting and removal; fees.** (1) A consumer reporting agency shall place a security freeze on a consumer report no later than five business days after receiving from the consumer:

(a) The request described in ORS 646A.606 (1);

(b) Proper identification; and

(c) A fee, if applicable.

(2) The consumer reporting agency shall send a written confirmation of the security freeze to the consumer, to the last known address for the consumer as contained in the consumer report maintained by the consumer reporting agency, within 10 business days after placing the freeze and, with the confirmation, shall provide the consumer with a unique personal identification number or password or similar device to be used by the consumer when providing authorization for release of the consumer's consumer report for a specific period of time or for permanently removing the security freeze. The consumer reporting agency shall also include with such written confirmation information regarding the process of lifting a freeze, and the process of temporarily lifting a freeze for allowing access to information from the consumer's credit report for a period of time while the freeze is in place.

(3) If a consumer wishes to allow the consumer's consumer report to be accessed for a specific period of time while a freeze is in effect, the consumer shall contact the consumer reporting agency using a point of contact designated by the consumer reporting agency, request that the freeze be temporarily lifted and provide the following:

(a) Proper identification;

(b) The unique personal identification number or password or similar device provided by the consumer reporting agency pursuant to subsection (2) of this section;

(c) The information regarding the time period for which the consumer report shall be available to users of the credit report; and

(d) A fee, if applicable.

(4) A consumer reporting agency that receives a request from the consumer to temporarily lift a freeze on a credit report pursuant to subsection (3) of this section shall comply with the request no later than three business days after receiving from the consumer:

(a) Proper identification;

(b) The unique personal identification number or password or similar device provided by the consumer reporting agency pursuant to subsection (2) of this section;

(c) The information regarding the time period for which the consumer report shall be available; and

(d) A fee, if applicable.

(5) A security freeze shall remain in place until the consumer requests, using a point of contact designated by the consumer reporting agency, that the security freeze be removed. A consumer reporting agency shall remove a security freeze within three business days of receiving a request for removal from the consumer, who provides:

(a) Proper identification;

(b) The unique personal identification number or password or similar device provided by the consumer reporting agency pursuant to subsection (2) of this section; and

(c) A fee, if applicable.

(6) No later than December 31, 2008, the Director of the Department of Consumer and Business Services shall report to the chairs of the legislative committees that considered ORS 646A.600 to 646A.628 concerning the minimum amount of time necessary, using current technology, to place, temporarily lift or remove a freeze on a consumer report, and to verify a consumer's identity. If the chair of any legislative committee is vacant at the time of making the report, the report shall also be made to the President of the Senate

and the Speaker of the House of Representatives. [2007 c.759 §5]

**646A.610 Permissible fees.** (1) A consumer reporting agency may not charge a fee to a consumer who is the victim of identity theft or who has reported to a law enforcement agency the theft of personal information, provided the consumer has submitted to the consumer reporting agency a copy of a valid police report, incident report or identity theft declaration.

(2) A consumer reporting agency may charge a reasonable fee of no more than \$10 to a consumer, other than a consumer described in subsection (1) of this section, for each freeze, temporary lift of the freeze, removal of the freeze or replacing a lost personal identification number or password previously provided to the consumer, regarding access to a consumer credit report. [2007 c.759 §6]

**646A.612 Conditions for lifting or removing security freeze.** A consumer reporting agency shall temporarily lift or remove a freeze placed on a consumer's credit report only in the following cases:

(1) Upon the consumer's request, pursuant to ORS 646A.608 (3) or (5).

(2) If the consumer's credit report was frozen due to a material misrepresentation of fact by the consumer, the consumer reporting agency may remove the security freeze. If a consumer reporting agency intends to remove a freeze upon a consumer's credit report pursuant to this subsection, the consumer reporting agency shall notify the consumer in writing at least five business days prior to removing the freeze placed on the consumer report. [2007 c.759 §7]

**646A.614 Effect of security freeze on use of consumer reports.** The provisions of ORS 646A.606 to 646A.610 do not apply to the use of a consumer report by or for any of the following:

(1) A person, or the person's subsidiary, affiliate, agent or assignee with which the consumer has or, prior to assignment, had an account, contract or debtor-creditor relationship for the purposes of reviewing the account or collecting the financial obligation owing for the account, contract or debtor-creditor relationship. For purposes of this subsection, "reviewing the account" includes activities related to account maintenance, monitoring, credit line increases and account upgrades and enhancements;

(2) Any person acting pursuant to a judgment, court order, warrant or subpoena;

(3) A federal, state or local governmental entity, including a law enforcement agency or court, or their agents or assignees, acting to investigate fraud or acting to investigate

or collect delinquent taxes or unpaid judgments or court orders or to fulfill their statutory or regulatory duties provided such responsibilities are consistent with a permissible purpose under section 604 of the federal Fair Credit Reporting Act (15 U.S.C. 1681b) as that Act existed on October 1, 2007;

(4) The use of credit information for the purposes of prescreening as provided by the federal Fair Credit Reporting Act (15 U.S.C. 1681 et seq.) as that Act existed on October 1, 2007;

(5) Any person for the sole purpose of providing a credit file monitoring subscription service, or similar service to which the consumer has subscribed;

(6) A consumer reporting agency for the sole purpose of providing a consumer with a copy of the consumer's consumer report upon the consumer's request;

(7) Any person or entity for the use of setting or adjusting rates, for claims handling or underwriting for insurance purposes, to the extent permitted by law;

(8) A subsidiary, affiliate, agent, assignee or prospective assignee of a person to whom access has been granted under ORS 646A.608 (3) for purposes of facilitating the extension of credit or other permissible use;

(9) A child support agency acting pursuant to Title IV-D of the Social Security Act (42 U.S.C. 651 et seq.) as that Act existed on October 1, 2007; and

(10) A person for the sole purpose of screening an applicant for a residential dwelling unit as described in ORS 90.295 (1). [2007 c.759 §8]

**646A.616 Effect of request for consumer report subject to security freeze.** If a third party requests access to a consumer report on which a security freeze is in effect, the request is in connection with an application for credit or any other use, the consumer does not allow the consumer's consumer report to be accessed for that period of time, and the third party cannot obtain the consumer report through ORS 646A.614, the third party may treat the application as incomplete. [2007 c.759 §9]

**646A.618 Prohibition on changes to consumer report subject to security freeze; entities subject to requirement to place security freeze.** (1) If a security freeze is in place, a consumer reporting agency shall not change any of the following official information in a consumer credit report without sending a written confirmation of the change to the consumer within 30 days of the change being posted to the consumer's report: name, date of birth, Social Security number and address. Written confirmation is not required for technical modifications of a

consumer's official information, including name and street abbreviations, complete spellings or transposition of numbers or letters. In the case of an address change, the written confirmation shall be sent to both the new address and to the former address.

(2) The following entities are not required to place a security freeze on a credit report:

(a) A consumer reporting agency that acts only as a reseller of credit information by assembling and merging information contained in the database of another consumer reporting agency or multiple consumer reporting agencies, and does not maintain a database of credit information from which new consumer credit reports are produced. However, a consumer reporting agency acting as a reseller shall honor any security freeze placed on a consumer report by another consumer reporting agency.

(b) A check services or fraud prevention services company that issues reports on incidents of fraud or authorizations for the purpose of approving or processing negotiable instruments, electronic funds transfers or similar methods of payments.

(c) A deposit account information service company that issues reports regarding account closures due to fraud, substantial overdrafts, ATM abuse or similar negative information regarding a consumer, to inquiring banks or other financial institutions for use only in reviewing a consumer request for a deposit account at the inquiring bank or financial institution. [2007 c.759 §10]

**646A.620 Prohibition on printing, displaying or posting Social Security numbers; exemptions.** (1) Except as otherwise specifically provided by law a person shall not:

(a) Print a consumer's Social Security number on any materials not requested by the consumer or part of the documentation of a transaction or service requested by the consumer that are mailed to the consumer unless redacted;

(b) Print a consumer's Social Security number on any card required for the consumer to access products or services provided by the person; or

(c) Publicly post or publicly display a consumer's Social Security number unless redacted. As used in this paragraph, "publicly post or publicly display" means to communicate or otherwise make available to the public.

(2) This section does not prevent the collection, use, or release of a Social Security number as required by state or federal law, including statute, Oregon Rules of Civil Procedure or rule adopted by the Chief Justice

of the Supreme Court, the Chief Judge of the Court of Appeals or the judge of the Oregon Tax Court, or the use or printing of a Social Security number for internal verification or administrative purposes or for enforcement of a judgment or court order.

(3) This section does not apply to records that are required by state or federal law, including statute, Oregon Rules of Civil Procedure or rule adopted by the Chief Justice of the Supreme Court, the Chief Judge of the Court of Appeals or the judge of the Oregon Tax Court, to be made available to the public.

(4) This section does not apply to a Social Security number in any of the following records or copies of records in any form or storage medium maintained or otherwise possessed by a court, the State Court Administrator or the Secretary of State:

(a) A record received on or before October 1, 2007;

(b) A record received after October 1, 2007, if, by state or federal statute or rule, the person that submitted the record could have caused the record to be filed or maintained in a manner that protected the Social Security number from public disclosure; or

(c) A record, regardless of the date created or received, that is:

(A) An accusatory instrument charging a violation or crime;

(B) A record of oral proceedings in a court;

(C) An exhibit offered as evidence in a proceeding; or

(D) A judgment or court order. [2007 c.759 §11]

**646A.622 Requirement to develop safeguards for personal information; conduct deemed to comply with requirement.** (1) Any person that owns, maintains or otherwise possesses data that includes a consumer's personal information that is used in the course of the person's business, vocation, occupation or volunteer activities must develop, implement and maintain reasonable safeguards to protect the security, confidentiality and integrity of the personal information, including disposal of the data.

(2) The following shall be deemed in compliance with subsection (1) of this section:

(a) A person that complies with a state or federal law providing greater protection to personal information than that provided by this section.

(b) A person that is subject to and complies with regulations promulgated pursuant to Title V of the Gramm-Leach-Bliley Act of



1999 (15 U.S.C. 6801 to 6809) as that Act existed on October 1, 2007.

(c) A person that is subject to and complies with regulations implementing the Health Insurance Portability and Accountability Act of 1996 (45 C.F.R. parts 160 and 164) as that Act existed on October 1, 2007.

(d) A person that implements an information security program that includes the following:

(A) Administrative safeguards such as the following, in which the person:

(i) Designates one or more employees to coordinate the security program;

(ii) Identifies reasonably foreseeable internal and external risks;

(iii) Assesses the sufficiency of safeguards in place to control the identified risks;

(iv) Trains and manages employees in the security program practices and procedures;

(v) Selects service providers capable of maintaining appropriate safeguards, and requires those safeguards by contract; and

(vi) Adjusts the security program in light of business changes or new circumstances;

(B) Technical safeguards such as the following, in which the person:

(i) Assesses risks in network and software design;

(ii) Assesses risks in information processing, transmission and storage;

(iii) Detects, prevents and responds to attacks or system failures; and

(iv) Regularly tests and monitors the effectiveness of key controls, systems and procedures; and

(C) Physical safeguards such as the following, in which the person:

(i) Assesses risks of information storage and disposal;

(ii) Detects, prevents and responds to intrusions;

(iii) Protects against unauthorized access to or use of personal information during or after the collection, transportation and destruction or disposal of the information; and

(iv) Disposes of personal information after it is no longer needed for business purposes or as required by local, state or federal law by burning, pulverizing, shredding or modifying a physical record and by destroying or erasing electronic media so that the information cannot be read or reconstructed.

(3) A person complies with subsection (2)(d)(C)(iv) of this section if the person contracts with another person engaged in the business of record destruction to dispose of

personal information in a manner consistent with subsection (2)(d)(C)(iv) of this section.

(4) Notwithstanding subsection (2) of this section, a person that is an owner of a small business as defined in ORS 285B.123 (2) complies with subsection (1) of this section if the person's information security and disposal program contains administrative, technical and physical safeguards and disposal measures appropriate to the size and complexity of the small business, the nature and scope of its activities, and the sensitivity of the personal information collected from or about consumers. [2007 c.759 §12]

#### **646A.624 Powers of director; penalties.**

(1) The Director of the Department of Consumer and Business Services may:

(a) Make such public or private investigations within or outside this state as the director deems necessary to determine whether a person has violated any provision of ORS 646A.600 to 646A.628, or to aid in the enforcement of ORS 646A.600 to 646A.628.

(b) Require or permit a person to file a statement in writing, under oath or otherwise as the director determines, as to all the facts and circumstances concerning the matter to be investigated.

(c) Administer oaths and affirmations, subpoena witnesses, compel attendance, take evidence and require the production of books, papers, correspondence, memoranda, agreements or other documents or records that the director deems relevant or material to the inquiry. Each witness who appears before the director under a subpoena shall receive the fees and mileage provided for witnesses in ORS 44.415 (2).

(2) If a person fails to comply with a subpoena so issued or a party or witness refuses to testify on any matters, the judge of the circuit court or of any county, on the application of the director, shall compel obedience by proceedings for contempt as in the case of disobedience of the requirements of a subpoena issued from such court or a refusal to testify therein.

(3) If the director has reason to believe that any person has engaged or is engaging in any violation of ORS 646A.600 to 646A.628, the director may issue an order, subject to ORS chapter 183, directed to the person to cease and desist from the violation, or require the person to pay compensation to consumers injured by the violation. The director may order compensation to consumers only upon a finding that enforcement of the rights of the consumers by private civil action would be so burdensome or expensive as to be impractical.

(4)(a) In addition to all other penalties and enforcement provisions provided by law,

any person who violates or who procures, aids or abets in the violation of ORS 646A.600 to 646A.628 shall be subject to a penalty of not more than \$1,000 for every violation, which shall be paid to the General Fund of the State Treasury.

(b) Every violation is a separate offense and, in the case of a continuing violation, each day's continuance is a separate violation, but the maximum penalty for any occurrence shall not exceed \$500,000.

(c) Civil penalties under this section shall be imposed as provided in ORS 183.745. [2007 c.759 §13]

**646A.626 Rules.** In accordance with ORS chapter 183, the Director of the Department

of Consumer and Business Services may adopt rules for the purpose of carrying out the provisions of ORS 646A.600 to 646A.628. [2007 c.759 §14]

**646A.628 Allocation of moneys.** Notwithstanding ORS 705.145 (2), (3) and (5), the Director of the Department of Consumer and Business Services can allocate as deemed appropriate the moneys derived pursuant to ORS 646A.252 to 646A.270, 650.005 to 650.100, 697.005 to 697.095, 697.602 to 697.842, 705.350 and 717.200 to 717.320 and 731.804 and ORS chapters 59, 645, 706 to 716, 722, 723, 725 and 726 to implement ORS 646A.600 to 646A.628. [2007 c.759 §15]