

REVENUE: No revenue impact

FISCAL: Minimal fiscal impact, no statement issued

Action: Do Pass
Vote: 3 - 2 - 0
Yeas: Deckert, Monnes Anderson, Metsger
Nays: George L., Starr
Exc.: 0
Prepared By: Janet Adkins, Administrator
Meeting Dates: 4/5, 4/25

WHAT THE MEASURE DOES: Reinstates Oregon's no-call program regulating unlawful telephone solicitations and expands it to include wireless telephone numbers. Allows for the designation of the National Do Not Call Registry instead of operating a separate state registry. Maintains investigation, enforcement, and civil penalty authority under the Oregon Unlawful Trade Practices Act that were in place prior to federal pre-emption of Oregon's law.

ISSUES DISCUSSED:

- Enforcement with and without state authority
- Number and nature of complaints
- Complaint, investigation, and enforcement process under the Unlawful Trade Practices Act
- What level of Attorney General discretion is advisable
- Whether fines and attorney fees should be used by the consumer protection program – perception problem
- Lack of general fund for consumer protection program

EFFECT OF COMMITTEE AMENDMENT: No amendment.

BACKGROUND: Oregon's no-call telephone solicitation program was enacted by the 1999 Legislature and was subsequently preempted by a similar federal law in 2003. Oregon's no-call registry language remains in statute but is not currently enforceable. Legislation was introduced in 2003 and 2005 to amend state law to allow for the state to designate the federal registry as the state registry and to provide state enforcement authority, but was not enacted. Callers seeking to be on the state no-call registry are currently referred to the federal process. The Attorney General's staff testified that there were 15,000 no-call complaints received in 2006 from Oregon residents. The Attorney General can currently bring actions under federal law in federal court, but the additional costs are prohibitive and there is no provision for recovery of enforcement costs. The Federal Trade Commission and the Federal Communications Commission only have staff to bring action against operators that are national in scope or are otherwise federal priorities and little enforcement affecting Oregon has occurred.

While it was in effect, Oregon's no-call law was enforced under the state Unlawful Trade Practices Act, which provides investigative authority, initial warnings, injunctive relief, civil penalties, and recovery of attorney fees. If Senate Bill 117 is enacted, the state Department of Justice will rely on those state provisions, including assurance of voluntary compliance, before penalty action is taken. The addition of wireless phone numbers updates the previous Oregon law; the federal law already includes wireless numbers. Under Senate Bill 117, businesses will still only need to consult one database.

4/27/2007 4:23:00 PM

This summary has not been adopted or officially endorsed by action of the committee.