

SENATE AMENDMENTS TO SENATE BILL 863

By COMMITTEE ON BUSINESS, TRANSPORTATION AND WORKFORCE DEVELOPMENT

May 11

1 On page 1 of the printed bill, line 3, delete “prescribing an effective date” and insert “declaring
2 an emergency”.

3 In line 12, after the period insert “‘Caller’ does not include a person that, in collecting a debt,
4 is subject to regulation under the Fair Debt Collection Practices Act, 15 U.S.C. 1692 et seq.”.

5 In line 16, delete “in the course of which, during” and insert “that occurred within”.

6 In line 17, after “call” insert a period and delete the rest of the line.

7 After line 19, insert:

8 “(7) ‘Unwanted expense’ means an expense a subscriber did not incur voluntarily or an expense
9 other than an expense the subscriber would incur for the use of the subscriber’s personal property
10 for the subscriber’s own purposes.”.

11 In line 21, after the first “subscriber” insert “if by doing so the caller causes the subscriber
12 unwanted expense,”.

13 On page 2, delete line 2 and insert:

14 “(b) The subscriber owes a debt to the caller;”.

15 In line 3, after “agency” insert “; or” and delete the rest of the line and line 4.

16 In line 5, after the first “district” insert “or school”.

17 Delete line 16.

18 In line 17, delete “(d)” and insert “(c)” and before the semicolon insert “, if by calling a sub-
19 scriber’s paging or answering service the caller causes the subscriber unwanted expense”.

20 In line 18, delete “(e)” and insert “(d)” and delete “any” and insert “other services, if by calling
21 the telephone or service the caller causes the subscriber unwanted expense; and”.

22 Delete line 19.

23 In line 20, delete “(f)” and insert “(e)”.

24 Delete lines 22 through 33 and insert:

25 “**SECTION 4.** (1) A caller who uses an automatic dialing and announcing device in order to call
26 a subscriber may not misrepresent or falsify, either in speaking with the subscriber or in the pre-
27 recorded or synthesized voice message disseminated during the call:

28 “(a) The caller’s identity and the identity of any person on behalf of whom the caller is making
29 the call;

30 “(b) The telephone number from which the caller is making the call;

31 “(c) The location from which the caller is making the call; or

32 “(d) The purpose for which the caller is making the call.”.

33 In line 34, delete “(3)” and insert “(2)”.

34 In line 36, delete “(4)” and insert “(3)”.

35 Delete lines 38 through 45 and insert:

1 **“SECTION 5. Violation of section 2, 3 or 4 of this 2007 Act is an unlawful trade practice**
2 **subject to enforcement under ORS 646.632. Notwithstanding the provisions of ORS 646.642, a**
3 **civil penalty imposed for a violation of section 2, 3 or 4 of this 2007 Act may not exceed**
4 **\$5,000.”.**

5 On page 3, delete lines 1 through 28.

6 On page 6, delete lines 6 through 9 and insert:

7 **“SECTION 9. This 2007 Act being necessary for the immediate preservation of the public**
8 **peace, health and safety, an emergency is declared to exist, and this 2007 Act takes effect**
9 **on its passage.”.**

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