

HOUSE AMENDMENTS TO HOUSE BILL 2466

By COMMITTEE ON GENERAL GOVERNMENT AND CONSUMER PROTECTION

April 26

1 On page 1 of the printed bill, delete lines 4 through 31 and insert:

2 **“SECTION 1. The Legislative Assembly finds that the sending of unsolicited facsimiles**
3 **without obtaining the recipient’s request or agreement to receive facsimiles constitutes a**
4 **waste and misuse of paper and public and private resources. The Legislative Assembly de-**
5 **clares that it is in the public interest to establish a prohibition on the sending of unsolicited**
6 **facsimiles to persons in this state unless the persons specifically request or agree to receive**
7 **identified facsimiles.**

8 **“SECTION 2. (1) A person may not send an unsolicited facsimile to another person in this**
9 **state unless the other person has specifically requested or agreed to receive the facsimile.**
10 **A person may not consider a prior business relationship with the other person to constitute**
11 **agreement to receive a facsimile under this section.**

12 **“(2) A person that violates subsection (1) of this section commits an unlawful practice**
13 **under ORS 646.608 that is subject to enforcement and penalty as provided in ORS 646.605 to**
14 **646.652.**

15 **“(3) In addition to any other penalty provided by law, the Attorney General may bring**
16 **an action in the name of this state against any person for violation of this section. Upon**
17 **proof by a preponderance of the evidence of a violation of this section, a person shall pay a**
18 **civil penalty of not more than \$500 for each violation.**

19 **“(4) Civil penalties authorized by this section must be imposed in the manner provided**
20 **in ORS 183.745.**

21 **“(5)(a) All sums collected as penalties under this section shall be first applied toward**
22 **reimbursement of costs incurred in determining the violations, conducting hearings and**
23 **collecting penalties.**

24 **“(b) The remainder, if any, of the sums collected as penalties under this section must**
25 **be paid over to the Department of State Lands for the benefit of the Common School Fund**
26 **of this state.**

27 **“(6) As used in this section:**

28 **“(a) ‘Facsimile’ means a communication sent by means of a facsimile machine, as that**
29 **term is defined in ORS 646A.360.**

30 **“(b) ‘Person’ means any individual, private or public corporation, partnership, cooper-**
31 **ative, association, estate, limited liability company, organization or other entity, whether or**
32 **not organized to operate at a profit, or a public body as defined in ORS 174.109.”.**

33 On page 2, delete lines 1 through 3.

34 On page 4, line 38, delete “to public bodies”.

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