

House Bill 3070

Sponsored by Representative WINGARD

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**.

Prohibits public bodies from using methods to block caller identification service. Imposes penalty for noncompliance.

A BILL FOR AN ACT

1
2 Relating to caller identification; creating new provisions; and amending ORS 759.990.

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

4 **SECTION 1. (1) For purposes of this section, "caller identification service" means a**
5 **telephone service that permits subscribers to see a caller's correct identification information**
6 **before answering the telephone.**

7 **(2) A public body or an employee of a public body as defined in ORS 174.109 may not use**
8 **any method that prevents caller identification information for a telephone number used by**
9 **the public body from being shown by a device that is equipped with a caller identification**
10 **service.**

11 **SECTION 2. ORS 759.990 is amended to read:**

12 759.990. (1) Any telecommunications utility violating ORS 759.260 commits a Class A violation,
13 and upon conviction the court shall impose a fine of not less than \$100. Violation of ORS 759.260
14 by an officer or agent of a telecommunications utility is a Class D violation.

15 (2) Any person violating ORS 759.275 shall, upon conviction, forfeit and pay to the State Treas-
16 urer not less than \$100 and not more than \$10,000 for each offense. Violation of ORS 759.275 by any
17 agent or officer of any telecommunications utility or person is punishable, upon conviction, by a fine
18 of not less than \$100 and not more than \$1,000 for each offense.

19 (3) Violation of ORS 759.280 is a Class A violation.

20 (4) Violation of ORS 759.355 is punishable, upon conviction, by a fine of not less than \$500 nor
21 more than \$20,000 for each offense.

22 (5) Violation of ORS 759.360 is a felony and is punishable, upon conviction, by a fine of not less
23 than \$1,000 nor more than \$20,000, or by imprisonment in the penitentiary for not less than one nor
24 more than five years, or both.

25 (6) A telecommunications carrier, as defined in ORS 759.400, shall forfeit a sum of not less than
26 \$100 nor more than \$50,000 for each time that the carrier:

27 (a) Violates any statute administered by the Public Utility Commission;

28 (b) Commits any prohibited act, or fails to perform any duty enjoined upon the carrier by the
29 commission;

30 (c) Fails to obey any lawful requirement or order made by the commission; or

31 (d) Fails to obey any judgment made by any court upon the application of the commission.

NOTE: Matter in **boldfaced** type in an amended section is new; matter [*italic and bracketed*] is existing law to be omitted. New sections are in **boldfaced** type.

1 (7) In construing and enforcing subsection (6) of this section, the act, omission or failure of any
2 officer, agent or other person acting on behalf of or employed by a telecommunications carrier and
3 acting within the scope of the person's employment shall in every case be deemed to be the act,
4 omission or failure of such telecommunications carrier.

5 (8) Except when provided by law that a penalty, fine, forfeiture or other sum be paid to the
6 aggrieved party, all penalties, fines, forfeitures or other sums collected or paid under subsection (6)
7 of this section shall be paid into the General Fund and credited to the Public Utility Commission
8 Account.

9 **(9)(a) A public body or an employee of a public body, as defined in ORS 174.109, that vio-**
10 **lates section 1 of this 2011 Act shall forfeit a sum of not less than \$100 and not more than**
11 **\$1,000 for each day that the public body or employee of the public body is found by the Public**
12 **Utility Commission to have violated section 1 of this 2011 Act.**

13 **(b) All forfeitures collected or paid under this subsection shall be paid into the General**
14 **Fund and credited to the Public Utility Commission Account.**

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