

SENATE AMENDMENTS TO A-ENGROSSED HOUSE BILL 3031

By COMMITTEE ON BUSINESS AND TRANSPORTATION

June 5

- 1 On page 1 of the printed A-engrossed bill, line 3, after “ORS” insert “646A.370.”
- 2 Delete lines 5 through 23 and delete page 2 and insert:
- 3 “**SECTION 1.** ORS 646A.370 is amended to read:
- 4 “646A.370. As used in ORS 646A.370 to 646A.374:
- 5 “(1) ‘Automatic dialing and announcing device’ means an automated device that selects and dials
- 6 telephone numbers and that, working alone or in conjunction with another device, disseminates a
- 7 prerecorded or synthesized voice message to the telephone number [*called*] **that the device calls.**
- 8 “(2) ‘Call’ means an attempt made to contact or a contact made with a subscriber by means of
- 9 a telephone or telephone line.
- 10 “(3) ‘Caller’ means a person that attempts to contact or that contacts a subscriber by using a
- 11 telephone or telephone line.
- 12 “(4) ‘Caller identification service’ means a telephone service that permits subscribers to see a
- 13 caller’s telephone number before answering the telephone.
- 14 “(5) ‘**Debt buyer**’ means a person that engages in the business of purchasing delinquent
- 15 **or charged-off debt for the purpose of collecting the debt.**
- 16 “[5] (6) ‘Established business relationship’ means a previous transaction or series of trans-
- 17 actions between a caller and a subscriber that occurred within the 18 months preceding a call.
- 18 “[6] (7) ‘Subscriber’ means an individual who has obtained residential or wireless telephone
- 19 services from a telecommunications provider, or a person who resides with the individual.
- 20 “**SECTION 2.** ORS 646A.372 is amended to read:
- 21 “646A.372. (1)(a) A caller may not use an automatic dialing and announcing device in order to
- 22 call a subscriber unless:
- 23 “(A) The device is designed and operated so as to disconnect within 10 seconds after the sub-
- 24 scriber terminates the call[.]; **and**
- 25 “(B) **The device provides, and the prerecorded or synthesized voice message that the de-**
- 26 **vice plays describes, a method by which a subscriber, within the first 10 seconds after a call**
- 27 **begins, may enter a single dual-tone multifrequency signal or otherwise enter or speak a**
- 28 **one-digit code to notify the caller that the subscriber does not want to receive any future**
- 29 **calls from the caller.**
- 30 “(b) Paragraph (a)(B) of this subsection does not apply to a caller that:
- 31 “(A) **Is a collection agency, as defined in ORS 697.005, a debt buyer or a debt collector,**
- 32 **as defined in ORS 646.639;**
- 33 “(B) **Is a representative of a public safety or law enforcement agency; or**
- 34 “(C) **Has an established business relationship with the subscriber.**
- 35 “(2) A caller may not use an automatic dialing and announcing device [*that dials telephone*

1 *numbers randomly or sequentially]* **to make a call** unless the range of telephone numbers from which
2 the device chooses the number to dial does not include numbers for:

3 “(a) Fire protection, law enforcement or other emergency agencies;

4 “(b) Hospital and health care facilities, physician’s offices, poison control centers or suicide
5 prevention or domestic violence counseling services; and

6 “[*(c) Subscribers who appear on a list compiled for the purpose of informing potential callers that*
7 *the subscriber does not want to receive telephone solicitations.*]

8 “[*(3) Subsection (2)(c) of this section does not apply to a caller who:*]

9 “[*(a) Has an established business relationship with the subscriber;*]

10 “(c) **Subscribers who used the method described in subsection (1)(a)(B) of this section to**
11 **notify the caller that the subscribers do not want to receive any future calls from the caller.**

12 “(3) **Subsection (2)(c) of this section does not apply to a caller that:**

13 “(a) **Is a collection agency, as defined in ORS 697.005, a debt buyer or a debt collector,**
14 **as defined in ORS 646.639;**

15 “(b) **Is a representative of a public safety or law enforcement agency; or**

16 “(c) **Has an established business relationship with the subscriber.**

17 “(4)(a) **A caller may not use an automatic dialing and announcing device that dials tele-**
18 **phone numbers randomly or sequentially unless the range of telephone numbers from which**
19 **the device chooses the number to dial does not include numbers for subscribers who appear**
20 **on an official list that a government agency compiled for the purpose of informing potential**
21 **callers that the subscribers do not want to receive telephone solicitations.**

22 “(b) **Paragraph (a) of this subsection does not apply to a caller that:**

23 “(A) **Has an established business relationship with the subscriber;**

24 “[*(b) (B) Is a debt buyer or is subject to regulation under the Fair Debt Collection Practices*
25 *Act, 15 U.S.C. 1692 et seq.;*

26 “[*(c) (C) Is a representative of a public safety or law enforcement agency; or*

27 “[*(d) (D) Is a representative of a school district or school if the subscriber is an employee of*
28 *the school district, a student or the student’s parent, guardian or other family member.*

29 “[*(4) (5) A caller [who] that uses an automatic dialing and announcing device may use the de-*
30 *vice to call a subscriber only between the hours of 9 a.m. and 9 p.m.*

31 “**SECTION 3.** ORS 646A.376 is amended to read:

32 “646A.376. Violation of ORS 646A.372 or 646A.374 is an unlawful trade practice **that is subject**
33 **to investigation under ORS 646.618 and is** subject to enforcement under ORS 646.632.
34 Notwithstanding the provisions of ORS 646.642, a civil penalty imposed for a violation of ORS
35 646A.372 or 646A.374 may not exceed \$5,000.

36 “**SECTION 4.** **The amendments to ORS 646A.370, 646A.372 and 646A.376 by sections 1 to**
37 **3 of this 2015 Act apply to calls that a caller makes using an automatic dialing and an-**
38 **nouncing device on or after the operative date specified in section 5 of this 2015 Act.**

39 “**SECTION 5.** **The amendments to ORS 646A.370, 646A.372 and 646A.376 by sections 1 to**
40 **3 of this 2015 Act become operative on January 1, 2016.**

41 “**SECTION 6.** **This 2015 Act being necessary for the immediate preservation of the public**
42 **peace, health and safety, an emergency is declared to exist, and this 2015 Act takes effect**
43 **on its passage.”.**