

**PROPOSED AMENDMENTS TO
A-ENGROSSED HOUSE BILL 3031**

1 On page 1 of the printed A-engrossed bill, line 3, after “ORS” insert
2 “646A.370.”.

3 Delete lines 5 through 23 and delete page 2 and insert:

4 **“SECTION 1 ORS 646A.370 is amended to read:**

5 **“646A.370. As used in ORS 646A.370 to 646A.374:**

6 **“(1) ‘Automatic dialing and announcing device’ means an automated de-**
7 **vice that selects and dials telephone numbers and that, working alone or in**
8 **conjunction with another device, disseminates a prerecorded or synthesized**
9 **voice message to the telephone number [*called*] **that the device calls.****

10 **“(2) ‘Call’ means an attempt made to contact or a contact made with a**
11 **subscriber by means of a telephone or telephone line.**

12 **“(3) ‘Caller’ means a person that attempts to contact or that contacts a**
13 **subscriber by using a telephone or telephone line.**

14 **“(4) ‘Caller identification service’ means a telephone service that permits**
15 **subscribers to see a caller’s telephone number before answering the tele-**
16 **phone.**

17 **“(5) ‘Debt buyer’ means a person that engages in the business of**
18 **purchasing delinquent or charged-off debt for the purpose of collecting**
19 **the debt.**

20 **“[(5)] (6) ‘Established business relationship’ means a previous transaction**
21 **or series of transactions between a caller and a subscriber that occurred**
22 **within the 18 months preceding a call.**

1 “[6] (7) ‘Subscriber’ means an individual who has obtained residential
2 or wireless telephone services from a telecommunications provider, or a
3 person who resides with the individual.

4 **“SECTION 2.** ORS 646A.372 is amended to read:

5 “646A.372. (1)(a) A caller may not use an automatic dialing and an-
6 nouncing device in order to call a subscriber unless:

7 **“(A) The device is designed and operated so as to disconnect within 10
8 seconds after the subscriber terminates the call[.]; and**

9 **“(B) The device provides, and the prerecorded or synthesized voice
10 message that the device plays describes, a method by which a sub-
11 scriber, within the first 10 seconds after a call begins, may enter a
12 single dual-tone multifrequency signal or otherwise enter or speak a
13 one-digit code to notify the caller that the subscriber does not want
14 to receive any future calls from the caller.**

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

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

19 **“(B) Is a representative of a public safety or law enforcement
20 agency; or**

21 **“(C) Has an established business relationship with the subscriber.**

22 “(2) A caller may not use an automatic dialing and announcing device
23 [*that dials telephone numbers randomly or sequentially*] **to make a call** un-
24 less the range of telephone numbers from which the device chooses the
25 number to dial does not include numbers for:

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

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

29 “[*c) Subscribers who appear on a list compiled for the purpose of informing
30 potential callers that the subscriber does not want to receive telephone solici-*”

1 *itations.]*

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

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

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

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

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

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

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

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

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

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

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

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

26 **“[(d)] (D) Is a representative of a school district or school if the sub-**
27 **scriber is an employee of the school district, a student or the student’s par-**
28 **ent, guardian or other family member.**

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

1 a.m. and 9 p.m.

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

3 **“646A.376.** Violation of ORS 646A.372 or 646A.374 is an unlawful trade
4 practice **that is subject to investigation under ORS 646.618 and is** subject
5 to enforcement under ORS 646.632. Notwithstanding the provisions of ORS
6 646.642, a civil penalty imposed for a violation of ORS 646A.372 or 646A.374
7 may not exceed \$5,000.

8 **“SECTION 4.** The amendments to ORS 646A.370, 646A.372 and
9 646A.376 by sections 1 to 3 of this 2015 Act apply to calls that a caller
10 makes using an automatic dialing and announcing device on or after
11 the operative date specified in section 5 of this 2015 Act.

12 **“SECTION 5.** The amendments to ORS 646A.370, 646A.372 and
13 646A.376 by sections 1 to 3 of this 2015 Act become operative on Janu-
14 ary 1, 2016.

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

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