

# House Bill 2995

Sponsored by Representative NOBLE (at the request of Troy Prouty)

## 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 caller from using automatic dialing and announcing device to solicit subscriber in this state for purposes of commerce.

## A BILL FOR AN ACT

1  
2 Relating to allowable uses for automatic dialing and announcing devices; amending ORS 646A.370  
3 and 646A.372.

4 Whereas the Legislative Assembly finds that using automatic dialing and announcing devices to  
5 solicit subscribers in this state for the purposes of commerce deprives subscribers of the opportunity  
6 to immediately question a caller about the veracity of the caller's claims, subjects subscribers to  
7 unwarranted invasions of privacy and encourages inefficient and potentially harmful use of the  
8 telephone network; and

9 Whereas the Legislative Assembly finds further that the public interest requires prohibiting the  
10 use of automatic dialing and announcing devices to solicit subscribers in this state for the purposes  
11 of commerce; now, therefore,

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

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

14 646A.370. As used in ORS 646A.370 to 646A.374:

15 (1) "Automatic dialing and announcing device" means an automated device that selects and dials  
16 telephone numbers and that, working alone or in conjunction with another device, disseminates a  
17 prerecorded or synthesized voice message to the telephone number that the device calls.

18 (2) "Call" means an attempt made to contact or a contact made with a subscriber by means of  
19 a telephone or telephone line.

20 (3) "Caller" means a person that attempts to contact or that contacts a subscriber by using a  
21 telephone or telephone line.

22 (4) "Caller identification service" means a telephone service that permits subscribers to see a  
23 caller's telephone number before answering the telephone.

24 (5) "Debt buyer" means a person that engages in the business of purchasing delinquent or  
25 charged-off debt for the purpose of collecting the debt.

26 (6)(a) "Established business relationship" means a previous transaction or series of transactions  
27 between a caller and a subscriber that occurred within the 18 months preceding a call.

28 (b) "Established business relationship" does not include new business or business that is  
29 not directly related to the previous transaction or series of transactions described in para-  
30 graph (a) of this subsection.

31 (7) "Solicit a subscriber in this state for the purposes of commerce" means playing a

**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 **prerecorded or synthesized voice message that a subscriber in this state did not request from**  
 2 **a caller and that encourages the subscriber to purchase property, goods or services.**

3 [(7)] (8) “Subscriber” means an individual who has obtained residential or wireless telephone  
 4 services from a telecommunications provider, or a person who resides with the individual.

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

6 646A.372. (1) **A caller may not use an automatic dialing and announcing device to solicit**  
 7 **a subscriber in this state for the purposes of commerce.**

8 [(1)(a)] (2)(a) A caller may not use an automatic dialing and announcing device in order to call  
 9 a subscriber **for a purpose other than soliciting a subscriber in this state for the purposes of**  
 10 **commerce** unless:

11 (A) The device is designed and operated so as to disconnect within 10 seconds after the sub-  
 12 scriber terminates the call; and

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

17 (b) Paragraph (a)(B) of this subsection does not apply to a caller that:

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

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

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

22 [(2)] (3) A caller may not use an automatic dialing and announcing device to make a call unless  
 23 the range of telephone numbers from which the device chooses the number to dial does not include  
 24 numbers for:

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

26 (b) Hospital and health care facilities, physician’s offices, poison control centers or suicide pre-  
 27 vention or domestic violence counseling services; and

28 (c) Subscribers who used the method described in subsection [(1)(a)(B)] (2)(a)(B) of this section  
 29 to notify the caller that the subscribers do not want to receive any future calls from the caller.

30 [(3)] (4) Subsection [(2)(c)] (3)(c) of this section 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, as defined  
 32 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 [(4)(a)] (5)(a) A caller may not use an automatic dialing and announcing device that dials tele-  
 36 phone numbers randomly or sequentially unless the range of telephone numbers from which the de-  
 37 vice chooses the number to dial does not include numbers for subscribers who appear on an official  
 38 list that a government agency compiled for the purpose of informing potential callers that the sub-  
 39 scribers do not want to receive telephone solicitations.

40 (b) Paragraph (a) of this subsection does not apply to a caller that:

41 (A) Has an established business relationship with the subscriber;

42 (B) Is a debt buyer or is subject to regulation under the Fair Debt Collection Practices Act, 15  
 43 U.S.C. 1692 et seq.;

44 (C) Is a representative of a public safety or law enforcement agency; or

45 (D) Is a representative of a school district or school if the subscriber is an employee of the

1 school district, a student or the student's parent, guardian or other family member.

2 [(5)] (6) A caller that uses an automatic dialing and announcing device may use the device to

3 call a subscriber only between the hours of 9 a.m. and 9 p.m.

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