

## SENATE AMENDMENTS TO A-ENGROSSED HOUSE BILL 2759

By COMMITTEE ON LABOR AND BUSINESS

June 20

1 On page 1 of the printed A-engrossed bill, delete lines 21 through 23 and insert:

2 “(A) A telecommunications utility or cooperative corporation when engaged in providing a  
3 telecommunications service and operating as a common carrier, as defined in 47 U.S.C. 153(11), as  
4 in effect on the effective date of this 2023 Act, including a radio common carrier that engages in  
5 providing cellular communications services for hire; and”.

6 On page 2, after line 1, insert:

7 “(a) ‘Cooperative corporation’ means a cooperative corporation or unincorporated association  
8 that has a certificate of authority from the Public Utility Commission under ORS 759.025.”.

9 In line 2, delete “(a)” and insert “(b)”.

10 After line 7, insert:

11 “(c) ‘Radio common carrier’ has the meaning given that term in ORS 759.005.”.

12 In line 8, delete “(b)” and insert “(d)”.

13 In line 9, delete “(c)” and insert “(e)”.

14 In line 10, delete “(d)” and insert “(f)”.

15 Delete lines 15 through 41 and insert:

16 “**SECTION 2.** ORS 646A.374 is amended to read:

17 “646A.374. (1) **As used in this section:**

18 “(a) **‘Cooperative corporation’ means a cooperative corporation or unincorporated asso-**  
19 **ciation that has a certificate of authority from the Public Utility Commission under ORS**  
20 **759.025.**

21 “(b) **‘Radio common carrier’ has the meaning given that term in ORS 759.005.**

22 “(c) **‘Telecommunications service’ has the meaning given that term in ORS 759.005.**

23 “(d) **‘Telecommunications utility’ has the meaning given that term in ORS 759.005.**

24 “[*1*] (2) A caller who uses an automatic dialing and announcing device in order to call a sub-  
25 scriber may not misrepresent or falsify, either in speaking with the subscriber or in the prerecorded  
26 or synthesized voice message disseminated during the call:

27 “(a) The caller’s identity and the identity of any person on behalf of whom the caller is making  
28 the call;

29 “(b) The telephone number from which the caller is making the call;

30 “(c) The location from which the caller is making the call; or

31 “(d) The purpose for which the caller is making the call.

32 “[*2*] (3) A caller may not intentionally alter, misrepresent or falsify the information that a  
33 caller identification service would ordinarily provide to a subscriber who uses such a service.

34 “[*3*] (4) **Except as provided in subsection (5) of this section,** a person who provides a caller  
35 identification service is not subject to civil liability for a caller’s violation of this section.

1       **“(5) If a person knows or consciously avoids knowing that another person is engaging in**  
2 **an act or practice that violates the provisions of subsection (2) or (3) of this section and the**  
3 **person nonetheless provides substantial assistance or support for the violation, including**  
4 **permitting, carrying or facilitating calls that violate subsection (2) or (3) of this section, the**  
5 **person is liable for any loss and subject to any penalty for the violation to the same extent**  
6 **as the person that engaged in the violation of subsection (2) or (3) of this section.**

7       **“(6) A violation of subsection (2) or (3) of this section is an unlawful practice under ORS**  
8 **646.608.**

9       **“(7) Subsections (5) and (6) of this section do not apply to:**

10       **“(a) A telecommunications utility or cooperative corporation when engaged in providing**  
11 **a telecommunications service and operating as a common carrier, as defined in 47 U.S.C.**  
12 **153(11), as in effect on the effective date of this 2023 Act, including a radio common carrier**  
13 **that engages in providing cellular communications services for hire; and**

14       **“(b) A person that enables another person to complete a voice communication by means**  
15 **of a network that the person operates and on which the voice communication terminates.”.**

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