

Requested by Representative HOLVEY

**PROPOSED AMENDMENTS TO  
A-ENGROSSED HOUSE BILL 2759**

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

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

8 On page 2, after line 1, insert:

9 “(a) ‘Cooperative corporation’ means a cooperative corporation or unin-  
10 corporated association that has a certificate of authority from the Public  
11 Utility Commission under ORS 759.025.”.

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

13 After line 7, insert:

14 “(c) ‘Radio common carrier’ has the meaning given that term in ORS  
15 759.005.”.

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

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

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

19 Delete lines 15 through 41 and insert:

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

21 **“646A.374. (1) As used in this section:**

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

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

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

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

10       “[(1)] (2) A caller who uses an automatic dialing and announcing device  
11 in order to call a subscriber may not misrepresent or falsify, either in  
12 speaking with the subscriber or in the prerecorded or synthesized voice  
13 message disseminated during the call:

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

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

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

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

19       “[(2)] (3) A caller may not intentionally alter, misrepresent or falsify the  
20 information that a caller identification service would ordinarily provide to  
21 a subscriber who uses such a service.

22       “[(3)] (4) **Except as provided in subsection (5) of this section**, a person  
23 who provides a caller identification service is not subject to civil liability  
24 for a caller’s violation of this section.

25       “(5) **If a person knows or consciously avoids knowing that another**  
26 **person is engaging in an act or practice that violates the provisions**  
27 **of subsection (2) or (3) of this section and the person nonetheless**  
28 **provides substantial assistance or support for the violation, including**  
29 **permitting, carrying or facilitating calls that violate subsection (2) or**  
30 **(3) of this section, the person is liable for any loss and subject to any**

1 **penalty for the violation to the same extent as the person that engaged**  
2 **in the violation of subsection (2) or (3) of this section.**

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

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

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

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

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