

HB 3865 A STAFF MEASURE SUMMARY

Senate Committee On Judiciary

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Meeting Dates: 4/24, 5/19

WHAT THE MEASURE DOES:

This measure expands the definition of telephone solicitation to include text messages and restricts the time, frequency, and manner of telephone solicitations.

Detailed Summary:

- Expands the definition of "telephone solicitation" in ORS 646.651 to include a call on a telephone or telephone line, a text message sent via a standard telephone network, an electronic mail sent as a text message, or a message sent using rich communication services protocol.
- Renders it an unlawful practice under Oregon's Unlawful Trade Practices Act for a person to initiate a telephone solicitation outside the hours of 9 a.m. to 7 p.m. or more than three times in 24 hours; for a person making a telephone solicitation to misrepresent or falsify their identity, number or location, or purpose; or for a person to omit specified disclosures for telephone solicitations by message.
- Limits the use of automatic dialing and announcing devices to call a subscriber between the hours of 9 a.m. and 7 p.m.
- Takes effect on the 91st day following adjournment sine die.

HOUSE VOTE: Ayes, 35; Nays, 16

REVENUE: No revenue impact

FISCAL: Has minimal fiscal impact

ISSUES DISCUSSED:

- Application of Unlawful Trade Practices Act to business interests only
- Prevalence of solicitations
- Federal and other states' law
- Unintended consequences of extending law from phone calls to texting, especially rich communications services protocol (RCS)
- Difficulties of compliance with quiet hours in light of different time zones and unknown location of recipients
- Potential conflicts with federal law

EFFECT OF AMENDMENT:

No amendment.

BACKGROUND:

Telephone solicitation refers to the initiation of a telephone call or message for the purpose of encouraging the purchase or rental of, or investment in, property, goods, or services. However, certain exceptions apply, such as calls made with prior express invitation or permission, calls to individuals with whom the caller has an established business relationship, calls by nonprofit organizations, or calls limited to polling or soliciting the expression of ideas, opinions, or votes. ORS 646.561.