

**A-Engrossed**  
**House Bill 3865**

Ordered by the House April 4  
Including House Amendments dated April 4

Sponsored by Representative SOSA; Representatives CHAICHI, GOMBERG, Senators JAMA, PATTERSON, PHAM  
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**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. The statement includes a measure digest written in compliance with applicable readability standards.

Digest: Says that a person may not make a sales call by voice or text unless the person follows certain rules. (Flesch Readability Score: 80.7).

*[Requires a person that makes a solicitation by telephone or text message to self identify, identify the purpose of the solicitation and identify the person on behalf of which the person is making the solicitation within the first 10 seconds of the call or within the body of the initial text message. Restricts the hours during which a person may make a solicitation to 9 a.m. to 7 p.m. and the number of solicitations a person may make during a 24-hour period to three.]*

**Prohibits as an unlawful practice under the Unlawful Trade Practices Act a person's initiating a telephone solicitation outside specified hours or more than three separate times within a 24-hour period, misrepresenting or falsifying the person's identity, the purpose of the call or the location from which the person is calling or failing to make required disclosures or inquiries during the call. Includes text messaging and other data messaging within the definition of "telephone solicitation."**

Takes effect on the 91st day following adjournment sine die.

**A BILL FOR AN ACT**

1  
2 Relating to telephone solicitations; amending ORS 646.561, 646.563, 646A.370, 646A.372 and 646A.374;  
3 and prescribing an effective date.

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

5 **SECTION 1.** ORS 646.561 is amended to read:

6 646.561. As used in ORS 646.561 to 646.565, *unless the context otherwise requires*:

7 (1) "Charitable organization" means an organization organized for charitable purposes as defined  
8 in ORS 128.801.

9 (2) "Party" means a telephone customer of a telecommunications company.

10 (3)(a) "Telephone solicitation" means *[the]* a solicitation *[by telephone by any person of a party]*  
11 for the purpose of encouraging *[the]* a party to purchase real estate, goods or services, or to make  
12 a donation[.], **made to the party by means of:**

13 **(A) A call on a telephone or telephone line;**

14 **(B) A text message sent using short message service protocol, short message peer-to-**  
15 **peer protocol or other texting protocols that transmit messages via a standard telephone**  
16 **network;**

17 **(C) Electronic mail sent as a text message using simple mail transfer protocol or another**  
18 **protocol for sending electronic mail as a text message; or**

19 **(D) A message sent using rich communications service protocol.**

20 **(b)** "Telephone solicitation" does not include:

**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        *[(a)]* **(A)** *[Calls made by]* **A call that** a charitable organization, a public agency or volunteers  
2 on behalf of the organization or agency **makes** to members of the organization or agency or to  
3 persons who have made a donation or expressed an interest in making a donation to the organiza-  
4 tion or agency;

5        *[(b)]* **(B)** *[Calls]* **A call that is** limited to polling or soliciting the expression of ideas, opinions  
6 or votes; or

7        *[(c)]* **(C)** A business to business *[contacts]* **contact**.

8        **SECTION 2.** ORS 646.563 is amended to read:

9        646.563. A person engages in an unlawful practice if[,];

10        (1) During a telephone solicitation, the called party states a desire not to be called again and  
11 the person making the telephone solicitation makes a subsequent telephone solicitation of the called  
12 party at that number.

13        **(2) The person initiates a telephone solicitation outside the hours of 9 a.m. to 7 p.m. or**  
14 **makes a solicitation more than three separate times to a party within a 24-hour period.**

15        **(3) The person during a telephone solicitation misrepresents or falsifies:**

16        **(a) The person's identity or the identity of another person on behalf of which the person**  
17 **makes the telephone solicitation;**

18        **(b) The telephone number or location from which the person is calling to make the tele-**  
19 **phone solicitation; or**

20        **(c) The purpose of the telephone solicitation.**

21        **(4) The person makes a telephone solicitation by means of a message described in ORS**  
22 **646.561 (3)(a)(B), (C) or (D) and does not make the disclosures and inquiries specified in ORS**  
23 **646.611 (1)(a), (b), (c) and (d).**

24        **SECTION 3.** ORS 646A.370 is amended to read:

25        646A.370. As used in ORS 646A.370 to 646A.374:

26        (1) "Automatic dialing and announcing device" means an automated device that selects and dials  
27 telephone numbers and that, working alone or in conjunction with **a person or** another device,  
28 disseminates a prerecorded or synthesized voice **or text** message to the telephone number that the  
29 device calls.

30        (2) "Call" means an attempt made to contact or a contact made with a subscriber by means of:

31        **(a) A call on** a telephone or telephone line[.];

32        **(b) A text message sent using short message service protocol, short message peer-to-peer**  
33 **protocol or other texting protocols that transmit messages via a standard telephone net-**  
34 **work;**

35        **(c) Electronic mail sent as a text message using simple mail transfer protocol or another**  
36 **protocol for sending electronic mail as a text message; or**

37        **(d) A message sent using rich communications service protocol.**

38        (3) "Caller" means a person **or an automatic dialing and announcing device** that attempts to  
39 contact or that contacts a subscriber by using a telephone or telephone line.

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

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

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

1 (7) "Subscriber" means an individual who has obtained residential or wireless telephone services  
2 from a telecommunications provider, or a person who resides with the individual.

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

4 646A.372. (1)(a) A caller may not use an automatic dialing and announcing device in order to  
5 call a subscriber **by means of a telephone or telephone line** unless:

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

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

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

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

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

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

17 (2) A caller may not use an automatic dialing and announcing device to make a call unless the  
18 range of telephone numbers from which the device chooses the number to dial does not include  
19 numbers for:

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

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

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

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

26 (a) Is a collection agency, as defined in ORS 697.005, a debt buyer or a debt collector, as defined  
27 in ORS 646.639;

28 (b) Is a representative of a public safety or law enforcement agency; or

29 (c) Has an established business relationship with the subscriber.

30 (4)(a) A caller may not use an automatic dialing and announcing device that dials telephone  
31 numbers randomly or sequentially unless the range of telephone numbers from which the device  
32 chooses the number to dial does not include numbers for subscribers who appear on an official list  
33 that a government agency compiled for the purpose of informing potential callers that the sub-  
34 scribers do not want to receive telephone solicitations.

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

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

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

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

40 (D) Is a representative of a school district or school if the subscriber is an employee of the  
41 school district, a student or the student's parent, guardian or other family member.

42 (5) A caller that uses an automatic dialing and announcing device may use the device to call a  
43 subscriber only between the hours of 9 a.m. and [9 p.m.] **7 p.m.**

44 **SECTION 5.** ORS 646A.374 is amended to read:

45 646A.374. (1) As used in this section:

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

3 (b) "Radio common carrier" has the meaning given that term in ORS 759.005.

4 (c) "Telecommunications service" has the meaning given that term in ORS 759.005.

5 (d) "Telecommunications utility" has the meaning given that term in ORS 759.005.

6 (2) A caller who uses an automatic dialing and announcing device in order to call a subscriber  
7 may not misrepresent or falsify, [either] in speaking with the subscriber, [or] in the prerecorded or  
8 synthesized voice message disseminated during the call **or in any text message to the**  
9 **subscriber:**

10 (a) The caller's identity and the identity of any person on behalf of whom the caller is making  
11 the call;

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

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

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

15 (3) A caller may not intentionally alter, misrepresent or falsify the information that a caller  
16 identification service would ordinarily provide to a subscriber who uses such a service.

17 (4) Except as provided in subsection (5) of this section, a person who provides a caller identifi-  
18 cation service is not subject to civil liability for a caller's violation of this section.

19 (5) If a person knows or consciously avoids knowing that another person is engaging in an act  
20 or practice that violates the provisions of subsection (2) or (3) of this section and the person none-  
21 theless provides substantial assistance or support for the violation, including permitting, carrying  
22 or facilitating calls that violate subsection (2) or (3) of this section, the person is liable for any loss  
23 and subject to any penalty for the violation to the same extent as the person that engaged in the  
24 violation of subsection (2) or (3) of this section.

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

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

27 (a) A telecommunications utility or cooperative corporation when engaged in providing a tele-  
28 communications service and operating as a common carrier, as defined in 47 U.S.C. 153(11), as in  
29 effect on September 24, 2023, including a radio common carrier that engages in providing cellular  
30 communications services for hire; and

31 (b) A person that enables another person to complete a voice communication by means of a  
32 network that the person operates and on which the voice communication terminates.

33 **SECTION 6. This 2025 Act takes effect on the 91st day after the date on which the 2025**  
34 **regular session of the Eighty-third Legislative Assembly adjourns sine die.**

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