

Requested by Representative SOSA

**PROPOSED AMENDMENTS TO
A-ENGROSSED HOUSE BILL 3865**

1 On page 1 of the printed A-engrossed bill, line 2, after “646A.374” delete
2 the rest of the line and line 3 and insert a period.

3 Delete lines 5 through 20 and delete page 2.

4 On page 3, delete lines 1 through 43 and insert:

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*
7 *requires*]:

8 “(1) ‘Charitable organization’ means an organization organized for chari-
9 table purposes as defined in ORS 128.801.

10 **“(2) ‘Established business relationship’ means a previous trans-**
11 **action or series of transactions between a caller and a party that oc-**
12 **curred within the 18 months that preceded a call.**

13 “[2)] (3) ‘Party’ means a telephone customer of a telecommunications
14 company.

15 “[3)](4)(a) ‘Telephone solicitation’ means [*the*] a solicitation [*by telephone*
16 *by any person of a party*] for the purpose of encouraging [*the*] a party to
17 purchase real estate, goods or services, or **to** make a donation[.], **made to**
18 **the party by means of:**

19 **“(A) A call on a telephone or telephone line; or**

20 **“(B) A text message.**

21 **“(b) ‘Telephone solicitation’ does not include:**

1 “[(a)] (A) [*Calls made by*] **A call or text message that** a charitable or-
2 ganization, a public agency or volunteers on behalf of the organization or
3 agency **makes or sends** to members of the organization or agency or to
4 persons who have made a donation or expressed an interest in making a do-
5 nation to the organization or agency;

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

8 “[(c)] (C) **A business to business [*contacts.*] call or text message; or**

9 **“(D) A call or text message that responds directly to a message re-**
10 **ceived from a party.**

11 **“SECTION 2.** ORS 646.563 is amended to read:

12 “646.563. (1) A person engages in an unlawful practice if[,]:

13 **“(a) During a telephone solicitation, the called or texted party states a**
14 **desire not to be called or texted again and the person making the telephone**
15 **solicitation makes a subsequent telephone solicitation of the called or**
16 **texted party at that number.**

17 **“(b) The person initiates a telephone solicitation outside the hours**
18 **of 8 a.m. to 8 p.m. or initiates a solicitation more than three separate**
19 **times to a party within a 24-hour period, unless the person has an es-**
20 **ablished business relationship with the party.**

21 **“(c) The person during a telephone solicitation misrepresents or**
22 **falsifies:**

23 **“(A) The person’s identity or the identity of another person on be-**
24 **half of which the person makes the telephone solicitation;**

25 **“(B) The telephone number or location from which the person is**
26 **calling to make the telephone solicitation; or**

27 **“(C) The purpose of the telephone solicitation.**

28 **“(d) The person makes a telephone solicitation by means of a text**
29 **message and does not make the disclosures and inquiries specified in**
30 **ORS 646.611 (1)(a), (b), (c) and (d).**

1 **“(2) For the purpose of complying with the requirements of this**
2 **section, a person may rely on the area code of a telephone number for**
3 **a mobile telephone to determine whether the telephone number is for**
4 **a party located in this state.**

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

6 “646A.370. As used in ORS 646A.370 to 646A.374:

7 “(1) ‘Automatic dialing and announcing device’ means an automated de-
8 vice that selects and dials telephone numbers and that, working alone or in
9 conjunction with **a person or** another device, disseminates a prerecorded or
10 synthesized voice **or text** message to the telephone number that the device
11 calls.

12 “(2) ‘Call’ means an attempt made to contact or a contact made with a
13 subscriber by means of:

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

15 **“(b) A text message.**

16 “(3) ‘Caller’ means a person that attempts to contact or that contacts a
17 subscriber by using a telephone or telephone line.

18 “(4) ‘Caller identification service’ means a telephone service that permits
19 subscribers to see a caller’s telephone number before answering the tele-
20 phone.

21 “(5) ‘Debt buyer’ means a person that engages in the business of pur-
22 chasing delinquent or charged-off debt for the purpose of collecting the debt.

23 “(6) ‘Established business relationship’ means a previous transaction or
24 series of transactions between a caller and a subscriber that occurred within
25 the 18 months preceding a call.

26 “(7) ‘Subscriber’ means an individual who has obtained residential or
27 wireless telephone services from a telecommunications provider, or a person
28 who resides with the individual.

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

30 “646A.372. (1)(a) A caller may not use an automatic dialing and an-

1 nouncing device in order to call a subscriber **by means of a telephone or**
2 **telephone line** unless:

3 “(A) The device is designed and operated so as to disconnect within 10
4 seconds after the subscriber terminates the call; and

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

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

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

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

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

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

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

20 “(b) Hospital and health care facilities, physician’s offices, poison control
21 centers or suicide prevention or domestic violence counseling services; and

22 “(c) Subscribers who used the method described in subsection (1)(a)(B) of
23 this section to notify the caller that the subscribers do not want to receive
24 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
27 debt collector, as defined 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

1 that dials telephone numbers randomly or sequentially unless the range of
2 telephone numbers from which the device chooses the number to dial does
3 not include numbers for subscribers who appear on an official list that a
4 government agency compiled for the purpose of informing potential callers
5 that the subscribers do not want to receive telephone solicitations.

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

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

8 “(B) Is a debt buyer or is subject to regulation under the Fair Debt Col-
9 lection Practices Act, 15 U.S.C. 1692 et seq.;

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

11 “(D) Is a representative of a school district or school if the subscriber is
12 an employee of the school district, a student or the student’s parent, guard-
13 ian or other family member.

14 “(5)(a) A caller that uses an automatic dialing and announcing device
15 may use the device to call a subscriber only between the hours of [9] 8 a.m.
16 and [9 p.m.] 8 p.m. and may not call the subscriber more than three
17 times in 24 hours.

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

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

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

22 “(C) Is a representative of a public safety or law enforcement
23 agency;

24 “(D) Is a representative of a school district or school if the sub-
25 scriber is an employee of the school district, a student or the student’s
26 parent, guardian or other family member; or

27 “(E) Is responding directly to a message received from a subscriber.

28 “(c) For the purpose of complying with the requirements of this
29 subsection, a caller may rely on the area code of a telephone number
30 for a mobile telephone to determine whether the telephone number is

1 **for a subscriber located in this state.”.**

2 On page 4, delete lines 33 and 34.

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