

A-Engrossed
House Bill 3031

Ordered by the House April 6
Including House Amendments dated April 6

Sponsored by Representative FAGAN

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.

Requires caller that uses automatic dialing and announcing device in prerecorded or synthesized voice message that device plays to subscriber to [*accurately and truthfully identify caller and to provide telephone number or other contact information that subscriber may use*] **provide method by which subscriber may enter single dual-tone multifrequency signal or enter or speak one-digit code** to notify caller that subscriber does not want to receive **future** calls from caller.

Prohibits caller from including telephone number of subscriber that has notified caller that subscriber does not want to receive calls in list of telephone numbers from which automatic dialing and announcing device chooses telephone number to dial.

Becomes operative January 1, 2016.

Declares emergency, effective on passage.

A BILL FOR AN ACT

1
2 Relating to requirements for calls from automatic dialing and announcing devices; creating new
3 provisions; amending ORS 646A.372 and 646A.376; and declaring an emergency.

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

5 **SECTION 1.** ORS 646A.372 is amended to read:

6 646A.372. (1) A caller may not use an automatic dialing and announcing device in order to call
7 a subscriber unless:

8 (a) The device is designed and operated so as to disconnect within 10 seconds after the sub-
9 scriber terminates the call[.]; **and**

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

15 [(2)] **(2)(a)** A caller may not use an automatic dialing and announcing device [*that dials telephone*
16 *numbers randomly or sequentially*] **to make a call** unless the range of telephone numbers from which
17 the device chooses the number to dial does not include numbers for:

18 [(a)] **(A)** Fire protection, law enforcement or other emergency agencies;

19 [(b)] **(B)** Hospital and health care facilities, physician's offices, poison control centers or suicide
20 prevention or domestic violence counseling services; and

21 [(c) *Subscribers who appear on a list compiled for the purpose of informing potential callers that*
22 *the subscriber does not want to receive telephone solicitations.*]

23 [(3) *Subsection (2)(c) of this section does not apply to a caller who:*]

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) *Has an established business relationship with the subscriber;*]

2 (C) **Subscribers who used the method described in subsection (1)(b) of this section to**
3 **notify the caller that the subscribers do not want to receive any future calls from the caller.**

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

5 (A) **Is a collection agency, as defined in ORS 697.005, or a debt collector, as defined in**
6 **ORS 646.639; or**

7 (B) **Is a representative of a public safety or law enforcement agency.**

8 (3)(a) **A caller may not use an automatic dialing and announcing device that dials tele-**
9 **phone numbers randomly or sequentially unless the range of telephone numbers from which**
10 **the device chooses the number to dial does not include numbers for subscribers who appear**
11 **on an official list that a government agency compiled for the purpose of informing potential**
12 **callers that the subscribers do not want to receive telephone solicitations.**

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

14 (A) **Has, with the subscriber, an established business relationship, as defined in 47 C.F.R.**
15 **64.1200(f)(5), as in effect on the operative date specified in section 4 of this 2015 Act;**

16 [(b)] (B) **Is subject to regulation under the Fair Debt Collection Practices Act, 15 U.S.C. 1692**
17 **et seq.;**

18 [(c)] (C) **Is a representative of a public safety or law enforcement agency; or**

19 [(d)] (D) **Is a representative of a school district or school if the subscriber is an employee of the**
20 **school district, a student or the student's parent, guardian or other family member.**

21 (4) **A caller [who] that uses an automatic dialing and announcing device may use the device to**
22 **call a subscriber only between the hours of 9 a.m. and 9 p.m.**

23 **SECTION 2. ORS 646A.376 is amended to read:**

24 646A.376. **Violation of ORS 646A.372 or 646A.374 is an unlawful trade practice that is subject**
25 **to investigation under ORS 646.618 and is subject to enforcement under ORS 646.632.**
26 **Notwithstanding the provisions of ORS 646.642, a civil penalty imposed for a violation of ORS**
27 **646A.372 or 646A.374 may not exceed \$5,000.**

28 **SECTION 3. The amendments to ORS 646A.372 and 646A.376 by sections 1 and 2 of this**
29 **2015 Act apply to calls that a caller makes using an automatic dialing and announcing device**
30 **on or after the operative date specified in section 4 of this 2015 Act.**

31 **SECTION 4. The amendments to ORS 646A.372 and 646A.376 by sections 1 and 2 of this**
32 **2015 Act become operative January 1, 2016.**

33 **SECTION 5. This 2015 Act being necessary for the immediate preservation of the public**
34 **peace, health and safety, an emergency is declared to exist, and this 2015 Act takes effect**
35 **on its passage.**

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