

HB 3865 -2 STAFF MEASURE SUMMARY

House Committee On Commerce and Consumer Protection

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Meeting Dates: 3/13, 4/1

WHAT THE MEASURE DOES:

The measure adds text messages to the definition of "call" and defines "telephone solicitation." Exempts calls because of a request, calls from business to business, calls about opinions or polls, and calls for a charitable purpose from the definition of "telephone solicitation." The measure requires that when making a telephone solicitation the call must identify themselves, identify the person they are calling on behalf of, and the purpose of the call in the first 10 seconds of the call or in the main body of the first text messages clearly, distinctly, and in a way that is comprehensible. The measure aligns telephone soliciting with the regulations for using an automatic dialing and announcing device. Requires that a caller using an automatic dialing and announcing device must only do so between 9 a.m. and 7 p.m. and may not call more than three times in 24 hours. Takes effect on the 91st day following adjournment sine die.

ISSUES DISCUSSED:

EFFECT OF AMENDMENT:

-2 the amendment changes the definition of telephone solicitation to include a call on a telephone or telephone line, a text message on short message protocol, and electronic mail sent as a text message, or a message sent using rich communication services protocol. the amendment requires the person making a telephone solicitation not misrepresent or falsify their identity, the number they are calling from, or the purpose of the call.

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, or calls by nonprofit organizations.

HB 3865 restricts the time, frequency, and manner that these communications are made.