

HB 3865 A STAFF MEASURE SUMMARY**Carrier:** Rep. Sosa**House Committee On Commerce and Consumer Protection****Action Date:** 04/01/25**Action:** Do pass with amendments. (Printed A-Eng.)**Vote:** 6-2-2-0**Yeas:** 6 - Chaichi, Chotzen, Gomberg, Neron, Sosa, Walters**Nays:** 2 - Osborne, Reschke**Exc:** 2 - Cate, Wallan**Fiscal:** Has minimal fiscal impact**Revenue:** No revenue impact**Prepared By:** Andrew Hendrie, LPRO Analyst**Meeting Dates:** 3/13, 4/1**WHAT THE MEASURE DOES:**

The measure adds text messages to the definition of "call" and defines "telephone solicitation" to include a call on a telephone or telephone line, a text message using specified protocols sent via a standard telephone network, an electronic mail sent as a text message, or a message sent using rich communication services protocol. The measure makes it an unlawful practice if a person initiates a telephone solicitation outside the hours of 9 a.m. to 7 p.m. or more than three times in 24 hours, if the person making a telephone solicitation misrepresents or falsifies their identity, number or location, or purpose, or if the person does not provide certain information for telephone solicitations by message. It also limits the use of automatic dialing and announcing devices to call a subscriber between the hours of 9 a.m. and 7 p.m. The measure takes effect on the 91st day following adjournment sine die.

ISSUES DISCUSSED:

- The Unfair Trade Practices Act and telephone solicitation violations
- Exemptions for polling and surveying
- Political campaign calls

EFFECT OF AMENDMENT:

The amendment changes the definition of telephone solicitation to include a call on a telephone or telephone line, a text message using specified protocols sent via a standard telephone network, an 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 to not misrepresent or falsify their identity, number or location, or purpose and requires certain information for telephone solicitations by message.

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.

HB 3865 A expands the definition of telephone solicitation to include text messages and restricts the time, frequency, and manner that these communications are made.