

House Bill 3865

Sponsored by Representative SOSA; Representative GOMBERG, Senators JAMA, PATTERSON, PHAM K

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 **as introduced**. 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.

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

A BILL FOR AN ACT

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

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

5 **SECTION 1.** 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 device that selects and dials
8 telephone numbers and that, working alone or in conjunction with **a person or** another device,
9 disseminates a prerecorded or synthesized voice **or text** message to the telephone number that the
10 device calls.

11 (2) "Call" means an attempt made to contact or a contact made with a subscriber by means of
12 a telephone or telephone line **or a text message by means of short message service protocol,**
13 **short message peer-to-peer protocol or other texting protocols that transmit messages by**
14 **means of a standard telephone network.**

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

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

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

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

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

25 **(8)(a) "Telephone solicitation" means a call to a subscriber, with or without the use of**
26 **an automatic dialing and announcing device, and a transmission of a communication to the**
27 **subscriber for the purpose of encouraging the subscriber to make a donation or engage in a**

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 **transaction for real estate, goods or services.**

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

3 **(A) A call that a person makes to a subscriber in response to request or inquiry from the**
 4 **subscriber;**

5 **(B) A call that a person organized for a charitable purpose, as defined in ORS 128.801,**
 6 **or a person that volunteers or is employed by the organization, makes to a subscriber who**
 7 **is a member of the organization or who has expressed an interest in donating real estate,**
 8 **goods or services to the organization;**

9 **(C) A call that a person makes to a subscriber for the purpose of conducting a poll or to**
 10 **solicit an expression of ideas, opinions or votes; or**

11 **(D) A call from a business to another business.**

12 **SECTION 2.** ORS 646A.372 is amended to read:

13 646A.372. (1)(a) A caller may not **make a telephone solicitation or** use an automatic dialing
 14 and announcing device in order to call a subscriber unless:

15 (A) The device is designed and operated so as to disconnect within 10 seconds after the sub-
 16 scriber terminates the call; *[and]*

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

21 **(C) The caller, within the first 10 seconds of the call or within the body of an initial text**
 22 **message, clearly and distinctly and in a volume and cadence that a reasonable person would**
 23 **find easily comprehensible, identifies the caller, the person on behalf of which the caller is**
 24 **making the call and the purpose of the call.**

25 (b) Paragraph (a)(B) of this subsection 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 (2) A caller may not **make a telephone solicitation or** use an automatic dialing and announc-
 31 ing device to make a call unless the range of telephone numbers from which the device chooses the
 32 number to dial does not include numbers for:

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

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

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

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

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

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

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

43 (4)(a) A caller may not **make a telephone solicitation or** use an automatic dialing and an-
 44 nouncing device that dials telephone numbers randomly or sequentially unless the range of tele-
 45 phone numbers from which the device chooses the number to dial does not include numbers for

1 subscribers who appear on an official list that a government agency compiled for the purpose of
 2 informing potential callers that the subscribers do not want to receive telephone solicitations.

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

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

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

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

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

10 (5) A caller that uses an automatic dialing and announcing device may use the device to call a
 11 subscriber only between the hours of 9 a.m. and [9 p.m.] **7 p.m. and may not make a telephone**
 12 **solicitation of a subscriber more than three times within a 24-hour period.**

13 **SECTION 3.** ORS 646A.374 is amended to read:

14 646A.374. (1) As used in this section:

15 (a) “Cooperative corporation” means a cooperative corporation or unincorporated association
 16 that has a certificate of authority from the Public Utility Commission under ORS 759.025.

17 (b) “Radio common carrier” has the meaning given that term in ORS 759.005.

18 (c) “Telecommunications service” has the meaning given that term in ORS 759.005.

19 (d) “Telecommunications utility” has the meaning given that term in ORS 759.005.

20 (2) A caller who **makes a telephone solicitation or** uses an automatic dialing and announcing
 21 device in order to call a subscriber may not misrepresent or falsify, either in speaking with the
 22 subscriber, [or] in the prerecorded or synthesized voice message disseminated during the call **or in**
 23 **any text message to the subscriber:**

24 (a) The caller’s identity and the identity of any person on behalf of whom the caller is making
 25 the call;

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

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

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

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

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

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

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

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

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

45 (b) A person that enables another person to complete a voice communication by means of a

1 network that the person operates and on which the voice communication terminates.

2 **SECTION 4. This 2025 Act takes effect on the 91st day after the date on which the 2025**
3 **regular session of the Eighty-third Legislative Assembly adjourns sine die.**

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