

## HOUSE AMENDMENTS TO HOUSE BILL 3865

By COMMITTEE ON COMMERCE AND CONSUMER PROTECTION

April 4

On page 1 of the printed bill, line 2, after “ORS” delete the rest of the line and line 3 and insert “646.561, 646.563, 646A.370, 646A.372 and 646A.374; and prescribing an effective date.”.

Delete lines 5 through 27 and delete pages 2 through 4 and insert:

“**SECTION 1.** ORS 646.561 is amended to read:

“646.561. As used in ORS 646.561 to 646.565[, *unless the context otherwise requires*]:

“(1) ‘Charitable organization’ means an organization organized for charitable purposes as defined in ORS 128.801.

“(2) ‘Party’ means a telephone customer of a telecommunications company.

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

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

“(B) **A text message sent using short message service protocol, short message peer-to-peer protocol or other texting protocols that transmit messages via a standard telephone network;**

“(C) **Electronic mail sent as a text message using simple mail transfer protocol or another protocol for sending electronic mail as a text message; or**

“(D) **A message sent using rich communications service protocol.**

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

“*[(a)]* (A) *[Calls made by]* **A call that** a charitable organization, a public agency or volunteers on behalf of the organization or agency **makes** to members of the organization or agency or to persons who have made a donation or expressed an interest in making a donation to the organization or agency;

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

“*[(c)]* (C) **A business to business** *[contacts]* **contact.**

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

“646.563. A person engages in an unlawful practice if[.]:

“(1) During a telephone solicitation, the called party states a desire not to be called again and the person making the telephone solicitation makes a subsequent telephone solicitation of the called party at that number.

“(2) **The person initiates a telephone solicitation outside the hours of 9 a.m. to 7 p.m. or makes a solicitation more than three separate times to a party within a 24-hour period.**

“(3) **The person during a telephone solicitation misrepresents or falsifies:**

“(a) **The person’s identity or the identity of another person on behalf of which the person**

1 **makes the telephone solicitation;**

2 **“(b) The telephone number or location from which the person is calling to make the**  
3 **telephone solicitation; or**

4 **“(c) The purpose of the telephone solicitation.**

5 **“(4) The person makes a telephone solicitation by means of a message described in ORS**  
6 **646.561 (3)(a)(B), (C) or (D) and does not make the disclosures and inquiries specified in ORS**  
7 **646.611 (1)(a), (b), (c) and (d).**

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

9 **“646A.370.** As used in ORS 646A.370 to 646A.374:

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

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

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

16 **“(b) A text message sent using short message service protocol, short message peer-to-**  
17 **peer protocol or other texting protocols that transmit messages via a standard telephone**  
18 **network;**

19 **“(c) Electronic mail sent as a text message using simple mail transfer protocol or an-**  
20 **other protocol for sending electronic mail as a text message; or**

21 **“(d) A message sent using rich communications service protocol.**

22 **“(3) ‘Caller’** means a person **or an automatic dialing and announcing device** that attempts to  
23 contact or that contacts a subscriber by using a telephone or telephone line.

24 **“(4) ‘Caller identification service’** means a telephone service that permits subscribers to see a  
25 caller’s telephone number before answering the telephone.

26 **“(5) ‘Debt buyer’** means a person that engages in the business of purchasing delinquent or  
27 charged-off debt for the purpose of collecting the debt.

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

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

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

33 **“646A.372. (1)(a)** A caller may not use an automatic dialing and announcing device in order to  
34 call a subscriber **by means of a telephone or telephone line** unless:

35 **“(A)** The device is designed and operated so as to disconnect within 10 seconds after the sub-  
36 scriber terminates the call; and

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

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

42 **“(A)** Is a collection agency, as defined in ORS 697.005, a debt buyer or a debt collector, as de-  
43 fined in ORS 646.639;

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

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

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

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

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

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

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

10 “(a) Is a collection agency, as defined in ORS 697.005, a debt buyer or a debt collector, as de-  
11 fined in ORS 646.639;

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

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

14 “(4)(a) A caller may not use an automatic dialing and announcing device that dials telephone  
15 numbers randomly or sequentially unless the range of telephone numbers from which the device  
16 chooses the number to dial does not include numbers for subscribers who appear on an official list  
17 that a government agency compiled for the purpose of informing potential callers that the sub-  
18 scribers do not want to receive telephone solicitations.

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

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

21 “(B) Is a debt buyer or is subject to regulation under the Fair Debt Collection Practices Act,  
22 15 U.S.C. 1692 et seq.;

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

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

26 “(5) A caller that uses an automatic dialing and announcing device may use the device to call  
27 a subscriber only between the hours of 9 a.m. and [9 p.m.] **7 p.m.**

28 “**SECTION 5.** ORS 646A.374 is amended to read:

29 “646A.374. (1) As used in this section:

30 “(a) ‘Cooperative corporation’ means a cooperative corporation or unincorporated association  
31 that has a certificate of authority from the Public Utility Commission under ORS 759.025.

32 “(b) ‘Radio common carrier’ has the meaning given that term in ORS 759.005.

33 “(c) ‘Telecommunications service’ has the meaning given that term in ORS 759.005.

34 “(d) ‘Telecommunications utility’ has the meaning given that term in ORS 759.005.

35 “(2) A caller who uses an automatic dialing and announcing device in order to call a subscriber  
36 may not misrepresent or falsify, [either] in speaking with the subscriber, [or] in the prerecorded or  
37 synthesized voice message disseminated during the call **or in any text message to the**  
38 **subscriber:**

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

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

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

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

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

1 “(4) Except as provided in subsection (5) of this section, a person who provides a caller iden-  
2 tification service is not subject to civil liability for a caller’s violation of this section.

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

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

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

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

15 “(b) A person that enables another person to complete a voice communication by means of a  
16 network that the person operates and on which the voice communication terminates.

17 “**SECTION 6. This 2025 Act takes effect on the 91st day after the date on which the 2025**  
18 **regular session of the Eighty-third Legislative Assembly adjourns sine die.**”.