

HB 3865-1
(LC 2935)
3/24/25 (TSB/ps)

Requested by Representative SOSA

**PROPOSED AMENDMENTS TO
HOUSE BILL 3865**

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 voice 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

1 **text message; or**

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

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

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

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

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

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

13 **“646.563. A person engages in an unlawful practice if[,]:**

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

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

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

22 **“(a) The person’s identity or the identity of another person on be-**
23 **half of which the person makes the telephone solicitation;**

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

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

27 **“(4) The person makes a telephone solicitation by means of a mes-**
28 **sage described in ORS 646.561 (3)(a)(B), (C) or (D) and does not make**
29 **the disclosures and inquiries specified in ORS 646.611 (1)(a), (b), (c) and**
30 **(d).**

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

2 “646A.370. As used in ORS 646A.370 to 646A.374:

3 “(1) ‘Automatic dialing and announcing device’ means an automated de-
4 vice that selects and dials telephone numbers and that, working alone or in
5 conjunction with **a person or** another device, disseminates a prerecorded or
6 synthesized voice **or text** message to the telephone number that the device
7 calls.

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

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

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

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

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

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

21 “(4) ‘Caller identification service’ means a telephone service that permits
22 subscribers to see a caller’s telephone number before answering the tele-
23 phone.

24 “(5) ‘Debt buyer’ means a person that engages in the business of pur-
25 chasing delinquent or charged-off debt for the purpose of collecting the debt.

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

29 “(7) ‘Subscriber’ means an individual who has obtained residential or
30 wireless telephone services from a telecommunications provider, or a person

1 who resides with the individual.

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

3 “646A.372. (1)(a) A caller may not use an automatic dialing and an-
4 nouncing device in order to call a subscriber **by means of a telephone or**
5 **telephone line** unless:

6 “(A) The device is designed and operated so as to disconnect within 10
7 seconds after the subscriber terminates the call; and

8 “(B) The device provides, and the prerecorded or synthesized voice mes-
9 sage that the device plays describes, a method by which a subscriber, within
10 the first 10 seconds after a call begins, may enter a single dual-tone multi-
11 frequency signal or otherwise enter or speak a one-digit code to notify the
12 caller that the subscriber does not want to receive any future calls from the
13 caller.

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

15 “(A) Is a collection agency, as defined in ORS 697.005, a debt buyer or a
16 debt collector, as defined in ORS 646.639;

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

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

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

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

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

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

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

29 “(a) Is a collection agency, as defined in ORS 697.005, a debt buyer or a
30 debt collector, as defined in ORS 646.639;

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

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

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

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

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

11 “(B) Is a debt buyer or is subject to regulation under the Fair Debt Col-
12 lection Practices Act, 15 U.S.C. 1692 et seq.;

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

14 “(D) Is a representative of a school district or school if the subscriber is
15 an employee of the school district, a student or the student’s parent, guard-
16 ian or other family member.

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

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

21 “646A.374. (1) As used in this section:

22 “(a) ‘Cooperative corporation’ means a cooperative corporation or unin-
23 corporated association that has a certificate of authority from the Public
24 Utility Commission under ORS 759.025.

25 “(b) ‘Radio common carrier’ has the meaning given that term in ORS
26 759.005.

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

29 “(d) ‘Telecommunications utility’ has the meaning given that term in ORS
30 759.005.

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

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

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

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

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

10 “(3) A caller may not intentionally alter, misrepresent or falsify the in-
11 formation that a caller identification service would ordinarily provide to a
12 subscriber who uses such a service.

13 “(4) Except as provided in subsection (5) of this section, a person who
14 provides a caller identification service is not subject to civil liability for a
15 caller’s violation of this section.

16 “(5) If a person knows or consciously avoids knowing that another person
17 is engaging in an act or practice that violates the provisions of subsection
18 (2) or (3) of this section and the person nonetheless provides substantial as-
19 sistance or support for the violation, including permitting, carrying or fa-
20 cilitating calls that violate subsection (2) or (3) of this section, the person
21 is liable for any loss and subject to any penalty for the violation to the same
22 extent as the person that engaged in the violation of subsection (2) or (3)
23 of this section.

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

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

27 “(a) A telecommunications utility or cooperative corporation when en-
28 gaged in providing a telecommunications service and operating as a common
29 carrier, as defined in 47 U.S.C. 153(11), as in effect on September 24, 2023,
30 including a radio common carrier that engages in providing cellular com-

