

HB 3865-B6  
(LC 2935)  
6/13/25 (TSB/ps)

Requested by Senator BONHAM

**PROPOSED AMENDMENTS TO  
B-ENGROSSED HOUSE BILL 3865**

1 On page 1 of the printed B-engrossed bill, line 2, after “646.563,” insert  
2 “646.567, 646.569.”.

3 Delete lines 8 and 9 and insert:

4 “(2) ‘Established business relationship’ means:

5 “(a) A previous transaction or series of transactions between a caller and  
6 a party that occurred within the 18 months that preceded a call; or

7 “(b) An express invitation or permission to make a telephone solicitation  
8 that the party gave to the caller previously and has not revoked.”.

9 On page 2, line 12, after the semicolon insert “or”.

10 Delete lines 13 through 17 and insert:

11 “(B) The purpose of the telephone solicitation.”.

12 After line 20, insert:

13 **“SECTION 3. ORS 646.567 is amended to read:**

14 “646.567. As used in ORS 646.567 to 646.578, unless the context otherwise  
15 requires:

16 “(1) ‘Charitable organization’ means an organization organized for chari-  
17 table purposes as defined in ORS 128.801.

18 **“(2) ‘Established business relationship’ means:**

19 **“(a) A previous transaction or series of transactions between a**  
20 **caller and a party that occurred within the 18 months that preceded**  
21 **a call; or**

1       “(b) An express invitation or permission to make a telephone so-  
2       licitation that the party gave to the caller previously and has not re-  
3       voked.

4       “[(2)] (3) ‘Information about a party’ means information specific to a  
5       party, including but not limited to the name and address of the party and the  
6       method by which the party paid the fee required by ORS 646.574.

7       “[(3)] (4) ‘Party’ means a telephone customer of a telecommunications  
8       company.

9       “[(4)] (5) ‘Qualified trade association’ means an organization with at least  
10      the following characteristics:

11      “(a) Written bylaws or governing documents including a code of conduct  
12      for its members; and

13      “(b) Criteria and procedures for expelling or suspending members who  
14      violate the association’s bylaws or governing documents.

15      “[(5)] (6)(a) ‘Telephone solicitation’ means the solicitation by telephone  
16      by any person of a party for the purpose of encouraging the party to pur-  
17      chase real estate, goods or services, or make a donation.

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

19      “[(a) *Calls made in response to a request or inquiry by the called party;*]

20      “[(b)] (A) [Calls] A **call** made by a charitable organization, a public  
21      agency or volunteers on behalf of the organization or agency to members of  
22      the organization or agency or to persons who have donated or expressed an  
23      interest in donating real estate, goods or services to the organization or  
24      agency;

25      “[(c)] (B) [Calls] A **call that is** limited to polling or soliciting the ex-  
26      pression of ideas, opinions or votes; or

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

28      “**SECTION 4.** ORS 646.569 is amended to read:

29      “646.569. (1)(a) A person may not engage in the telephone solicitation of  
30      a party at a telephone number included on the then current list:

1 “(A) Published by the administrator of the telephone solicitation program  
2 established under ORS 646.572 and 646.574; or

3 “(B) Maintained as part of the federal registry designated under ORS  
4 646.572.

5 “(b) If a person knows or consciously avoids knowing that another person  
6 is engaging in an act or practice that violates the provisions of paragraph  
7 (a) of this subsection and the person nonetheless provides substantial as-  
8 sistance or support for the violation, including permitting, carrying or fa-  
9 cilitating calls that violate paragraph (a) of this subsection, the person is  
10 liable for any loss and subject to any penalty for the violation to the same  
11 extent as the person that engaged in the violation of paragraph (a) of this  
12 subsection.

13 “(c) A violation of paragraph (a) of this subsection is an unlawful practice  
14 under ORS 646.608.

15 “(d) **Paragraph (a) of this subsection does not apply to:**

16 “(A) **A person that engages in a telephone solicitation of a party**  
17 **with whom the person has an established business relationship;**

18 “(B) **A business enterprise from whom the party has made a previ-**  
19 **ous purchase and for which the person is calling; or**

20 “(C) **A predecessor of the business enterprise for which the person**  
21 **is calling.**

22 “[*(d)*] (e) Paragraphs (b) and (c) of this subsection do not apply to:

23 “(A) A telecommunications utility or cooperative corporation when en-  
24 gaged in providing a telecommunications service and operating as a common  
25 carrier, as defined in 47 U.S.C. 153(11), as in effect on September 24, 2023,  
26 including a radio common carrier that engages in providing cellular com-  
27 munications services for hire; and

28 “(B) A person that enables another person to complete a voice communi-  
29 cation by means of a network that the person operates and on which the  
30 voice communication terminates.

1 “(2) For purposes of this section:

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

5 “(b) ‘Predecessor of the business enterprise’ means a financial institution  
6 as defined in 15 U.S.C. 6827 that has:

7 “(A) Merged with or been acquired by the business enterprise for which  
8 the person is calling; or

9 “(B) Sold or assigned an account of a party who has previously purchased  
10 from the business enterprise, to the business enterprise for which the person  
11 is calling.

12 “(c) ‘Radio common carrier’ has the meaning given that term in ORS  
13 759.005.

14 “(d) ‘Telecommunications service’ has the meaning given that term in  
15 ORS 759.005.

16 “(e) ‘Telecommunications utility’ has the meaning given that term in ORS  
17 759.005.

18 “[*(f) ‘Telephone solicitation’ does not include a person soliciting business*  
19 *from prospective purchasers who have previously purchased from:*]

20 “[*(A) The person making the solicitation;*]

21 “[*(B) The business enterprise for which the person is calling; or*]

22 “[*(C) A predecessor of the business enterprise for which the person is call-*  
23 *ing.*]”.

24 In line 21, delete “3” and insert “5”.

25 Delete lines 36 and 37 and insert:

26 “(6) ‘Established business relationship’ means:

27 “(a) A previous transaction or series of transactions between a caller and  
28 a party that occurred within the 18 months that preceded a call; or

29 “(b) An express invitation or permission to make a telephone solicitation  
30 that the party gave to the caller previously and has not revoked.”.

- 1 In line 40, delete “4” and insert “6”.
- 2 On page 4, line 3, delete “5” and insert “7”.
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