



**April 25, 2025**

Senator Anthony Broadman  
Member, Oregon Senate Committee on the Judiciary  
900 Court St. NE, S423  
Salem, Oregon 97301  
Email: Sen.AnthonyBroadman@oregonlegislature.gov

**Subject: Concerns Regarding HB 3865A**

**Dear Senator Broadman,**

Twilio is writing to the Senate Committee on Judiciary ("Committee") to express its serious concerns regarding proposed House Bill 3865 and the significant risks it poses to the continuity of voice and messaging services. Twilio is a leading Communication Platform as a Service ("CPaaS") provider and its global communications platform provides safe, secure and private communications between Twilio's customers and their customers. Twilio's platform powers programmable voice, messaging, email and other engagement solutions that enable developers and enterprises to engage with their customer base.

HB 3865 seeks to impose additional regulations around telephone solicitations and applies text messaging to a law that was originally written for residential phones. While Twilio appreciates and understands the Committee's goal of protecting consumers from unwanted communications, Twilio has concerns regarding the feasibility of implementing the requirements outlined in this bill. Twilio is concerned that House Bill 3865, if enacted, would require service providers, CPaaS providers, carriers and others to enable geographic-specific compliance policies that are not technically feasible without violating the Federal Telephone Consumer Protection Act ("TCPA"), fail to recognize important technical distinctions between voice and text communications, and impose legacy regulations on Rich Communications Services ("RCS"), which is a new mobile communications standard, without justification.

HB 3865 proposes to modify Oregon's current quiet hours to 9am to 7pm Pacific and to apply this change to voice calls as well as text messages under Oregon's Do Not Send rules. These changes will have unintended consequences for mobile users and will increase compliance complexity for telemarketing, messaging, and CPaaS providers. With the widespread use of mobile phones, the consumer's Numbering Plan Area ("NPA") is no longer reliable to determine their physical location or time zone in order to comply with quiet hours. Today's mobile-first environment makes it difficult, if not impossible for businesses to accurately determine whether they are contacting someone during restricted hours, and there is no way to know with confidence where a recipient is located, as underlying carriers cannot provide geolocation of data to third parties. As a result, HB 3865 could inadvertently prevent consumers living outside of Oregon with Oregon based NPAs or Oregon residents with non-Oregon NPAs, from receiving legitimate consumer-requested communications without providing the additional privacy protections the bill intended. Additionally, because NPAs do not indicate a recipient's location, organizations may elect to limit all of their sending in the U.S. to the Oregon Quiet Hours to ensure they are not found in violation of this bill.

Today consumers have more control over what, when, and how they receive information. Therefore, applying these rules to messaging could conflict with when consumers actually want to receive text messages. Modern mobile devices offer built-in features that allow users to set personalized "quiet hours" giving consumers direct control over when they receive text messages. Consumers who do not want to receive messages, even during permitted times and even from



entities to whom they have provided consent, can easily prevent delivery. Additional safeguards in the form of HB 3685 are not necessary to protect consumers.

Oregon's original law limited the definition of "call," for the purposes of telephone solicitation as a contact through a telephone or telephone line. Expanding its applicability to text messages is inappropriate given the differences between a telephone call and a text message. Texting and voice services are wholly separate technologies that operate on different pathways to the carriers before reaching the consumer, with many unique service providers and aggregators in the call path. The Committee should recognize these important technological differences and regulate them differently.

Moreover, HB 3685's proposal to regulate RCS is premature. RCS is a nascent technology that does not yet have broad adoption; to apply legacy regulations on this new technology would stifle innovation and delay further development. As such, the Committee should refrain from applying HB 3685 to RCS messages at this time.

Finally, regarding caller ID information in Section 5, Twilio agrees with CTIA's written testimony that the Committee should limit the bill to prohibiting messages with intentional false, misleading, or absent caller ID information, or spoofing.<sup>1</sup> Many legitimate businesses use spoofing to ease customer confusion and protect both the caller and consumer's identity. This change, like the others addressed herein, further negates customer consent.

HB 3685, as currently written, lacks the necessary clarity to distinguish between harmful spam and lawful, consent-based outreach, creating unintended consequences for a wide range of industries. For the reasons stated above, the Committee should not advance HB 3685 in its current form and should instead consider targeted revisions that preserve consumer protections without undermining legitimate marketing practices.

Respectfully submitted,

By: /s/ Curtis Swager

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<sup>1</sup> *Written Testimony of Sarah Leggin*, CTIA, Oregon House Bill 3865 (Apr. 24, 2025).