Legislature restores AG's authority to enforce Oregon â€˜do not callâ€™ registry

by Bend_Weekly_News_Sources

Attorney General Hardy Myers recently thanked the Oregon Legislature for approving Senate Bill 117, which authorizes the Department of Justice (DOJ) to enforce against violators of the National Do Not Call Registry in state court.

â€œThe federal government receives thousands of complaints each year from Oregonians who have registered their phone numbers on the National Do Not Call Registry with the expectation that solicitors will not call them, only to be repeatedly bothered by unwanted calls.â€• stated Myers. He added, â€œWithout this bill, my office cannot effectively enforce against violators calling Oregonians. Passage of Senate Bill 117 provides DOJ with the necessary tools to hold violators of the Do Not Call Registry responsible.â€•

Senate Bill 117 allows the state to adopt the national registry as its own and authorizes DOJ to enforce against No Call violators in state court. From 1999 to 2003, Oregon administered its own No Call list. In 2003 Congress adopted a nationwide registry through the Federal Trade Commission (FTC) and effectively preempted the Attorney Generalâ€™s ability to enforce Oregonâ€™s law because the Attorney General lacked authority under Oregon law to designate the national registry as Oregonâ€™s registry. Myers unsuccessfully sought that authority from the Legislature in 2003 and 2005.

As a result, since the adoption of the national registry DOJ has not been able to effectively enforce state law against violators. The FTC reports that Oregonians have registered over 1.6 million phone numbers with the federal list and in 2006 over 15,000 complaints were filed by Oregonians. The FTC also reports that since its inception of the national registry through September 2006, it has filed only 28 cases nationwide.

Senate Bill 117 authorizes DOJ to pursue violators under the stateâ€™s Unlawful Trade Practices Act, which carries a maximum penalty of $25,000 per violation. When DOJ enforced Oregonâ€™s No Call law from 1999-2003, it completed over 100 cases and sought penalties generally averaging $1,500 to $5,000.

Senate Bill 117 is one of a package of consumer protection bills sponsored by Myers this session. Earlier today, the House of Representatives passed Senate Bill 116B, which establishes statewide price disclosures and other business requirements for the towing industry. Senate Bill 118, Oregonâ€™s first ever anti-price gouging law, and Senate Bill 122, which, in most circumstances, prohibits the use of activation checks for marketing products or services, were approved by the Legislative Assembly earlier in the session.

Senate Bill 117 will take effect immediately after it is signed into law by the Governor. To read the text of Senate Bill 117 or any of the Attorney Generalâ€™s consumer protection bills, visit: www.leg.state.or.us/bills_laws/.

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