Oregon AG to enforce National â€˜Do Not Callâ€™ list

by Bend_Weekly_News_Sources

Governor approves legislation authorizing Attorney General's designation and also approves anti-price gouging legislation and legislation outlawing "live checks"

Attorney General Hardy Myers this week designated the National Do Not Call Registry (national registry) as Oregon's No Call List, restoring the ability of the Oregon Department of Justice (DOJ) to enforce Oregon's No Call Law.

Myers acted immediately after Governor Kulongoski signed Senate Bill 117 which gives the Attorney General the designation authority Myers had unsuccessfully sought from the legislature in 2003 and 2005.

"I thank the Governor and Legislature for a law that will make real a choice many Oregonians have made: the choice to live free from telephone solicitations that disrupt our personal lives," stated Myers. He added, "Today marks a new beginning; violators will be held accountable if they solicit telephone numbers registered with the national registry."

Senate Bill 117 allows the state to adopt the national registry as its own No Call List 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 the national registry administered by the Federal Trade Commission (FTC) and effectively preempted the Attorney Generalâ€™s ability to enforce Oregon's law because the Attorney General lacked authority under Oregon law to designate the national registry as Oregon's registry.

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 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 Oregon's No Call law from 1999-2003, it completed over 100 cases and sought penalties generally averaging $1,500 to $5,000.

Oregonians interested in registering their phone numbers can do so by going to the DOJ website at www.doj.state.or.us and choosing the National Do Not Call Registry link. Registration is free. Cell phone numbers may also be registered now; when Oregon enforced the state's list from 1999-2003, cell phone numbers were not included. To file a complaint about an alleged violation of the No Call Law, visit the DOJ website to download a consumer complaint form or call the Attorney General's consumer hotline at

1-877-877-9392 (toll-free). Soon, DOJ will offer online filing of No Call complaints.

Other bills signed by Governor Kulongoski were also included in the Attorney Generalâ€™s consumer protection package: Senate Bill 118, which prohibits price gouging in certain circumstances, and SB 122, which outlaws the use of "live" checks.

Senate Bill 118 is Oregonâ€™s first ever anti-price gouging law. It authorizes the Governor to declare an abnormal disruption of the marketplace in certain circumstances, such as a natural disaster or an emergency situation. Under the declaration, businesses are prohibited from selling or offering to sell certain essential goods and services, such as food, water or lumber supplies, at excessive prices. The bill accounts for natural fluctuations in the market to accommodate for situations in which increased prices in excess of the limitations are attributable to additional costs imposed on business due to the event, are otherwise the result of market factors unrelated to the declaration, or are the result of internal increased costs related to the declaration.

Senate Bill 122 prohibits the use of "live" or activation checks that, when cashed, act as authorization by the person or entity cashing the check to make any payment. The bill exempts extensions of credit and offers to lend money; rather, it bans the inherently deceptive tactic some direct marketers use by mailing a check accompanied by little or no explanation, therefore misleading the recipient into believing it is a legitimate refund. Once the check is cashed, the person or business discovers that by endorsing and depositing the check, they have entered into a contract to receive a product or service they did not need or want. Many have money taken on their phone bills or out of their bank accounts for months before discovering the charges.

"The consumer protections afforded by passage of these bills are basic, yet important, to Oregonians," said Myers. "My office receives thousands of complaints each year about these unfair and deceptive practices and I am proud that, as of the Governor's signature today, they will be laws my office can enforce," he added.

Violations of the provisions in all three bills are enforceable under Oregon's Unlawful Trade Practices Act. Enforcement actions can result in restitution for victims and payment to consumer education programs and carry a potential penalty of $25,000 per violation.

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