

OREGON

Does your state have its own version of the TCPA?

Yes. The Oregon version of the TCPA is found in ORS 646A.372. Oregon has a separate law preventing calls to numbers on the Do Not Call list at ORS 646.569.

If so, please explain the distinction between the state's iteration of the TCPA.

- ORS 646A.372 does not contain an explicit private right of action. However, it may be enforceable under the Oregon Unlawful Trade Practices Act. No reported decision thus far has ruled on the issue.
- The applicable definition of “automatic dialing and announcing device” is different from the TCPA definition of ATDS, and requires that the device “select[] and dial[]” the number.
- ORS 646A.372 requires that an “automatic dialing and announcing device” be able to receive a single digit code to indicate that the called party does not want to receive future calls
- ORS 646A.372 does not apply to certain businesses like collection agencies.

Please address state specific consumer protection statutes that are often paired with TCPA or its state iterations and the additional element and penalties.

The Oregon version of the TCPA is rarely used in lawsuits. It is not clear whether it is enforceable by a private right of action at all. Instead, the following state laws are often paired with TCPA claims:

- Oregon Unlawful Trade Practices Act, which allows recovery of attorney fees and the greater of statutory damages of \$200 or actual damages, but requires a showing of ascertainable loss of a consumer's business or property. ORS 646.569 is enforceable through the UTPA.
- Oregon Unlawful Debt Collection Practices Act, which allows recovery of attorney fees and the greater of statutory damages of \$200 or actual damages.
- Common law intrusion upon seclusion.

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What are the current best practices to comply with the State's iteration of the TCPA?

Compliance with the federal TCPA is generally considered to be compliance with the Oregon TCPA. The Oregon TCPA has more limited application than the federal TCPA.