

FIRST REGULAR SESSION
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 511
91ST GENERAL ASSEMBLY

Reported from the Committee on Critical Issues, Consumer Protection & Housing, April 26, 2001, with recommendation that the House Committee Substitute for House Bill No. 511 Do Pass.

TED WEDEL, Chief Clerk

1298L.03C

AN ACT

To repeal section 407.1095, RSMo 2000, relating to the amendment of definitions regarding telemarketing practices to further protect consumers, and to enact in lieu thereof one new section relating to the same subject, with an emergency clause.

Be it enacted by the General Assembly of the state of Missouri, as follows:

Section A. Section 407.1095, RSMo 2000, is repealed and one new section enacted in lieu thereof, to be known as section 407.1095, to read as follows:

407.1095. As used in sections 407.1095 to 407.1110, the following words and phrases mean:

(1) "Caller identification service", a type of telephone service which permits telephone subscribers to see the telephone number of incoming telephone calls;

(2) "Current business relationship", a relationship characterized by a reciprocal communication or transaction between the person or entity interested in calling the residential subscriber within the last one hundred eighty days;

~~[(2)]~~ **(3)** "Residential subscriber", a person who has subscribed to residential telephone service from a local exchange company or the other persons living or residing with such person;

~~[(3)]~~ **(4)** "Telephone solicitation", any voice communication over a telephone line from a live operator, through the use of ADAD equipment or by other means for the purpose of encouraging the purchase or rental of, or investment in, property, goods or services, but does not include communications:

(a) To any residential subscriber with that subscriber's prior express invitation or

EXPLANATION — Matter enclosed in bold faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

15 permission;

16 (b) By or on behalf of any person or entity with whom a residential subscriber has [had
17 a business contact within the past one hundred eighty days or] a current business or personal
18 relationship; **or**

19 (c) By or on behalf of an entity organized pursuant to Chapter 501(c)(3) of the United
20 States Internal Revenue Code, while such entity is engaged in fund-raising to support the
21 charitable purpose for which the entity was established [provided that a bona fide member of
22 such exempt organization makes the voice communication;

23 (d) By or on behalf of any entity over which a federal agency has regulatory authority
24 to the extent that:

25 a. Subject to such authority, the entity is required to maintain a license, permit or
26 certificate to sell or provide the merchandise being offered through telemarketing; and

27 b. The entity is required by law or rule to develop and maintain a no-call list;

28 (e) By a natural person responding to a referral, or working from his or her primary
29 residence, or a person licensed by the state of Missouri to carry out a trade, occupation or
30 profession who is setting or attempting to set an appointment for actions relating to that licensed
31 trade, occupation or profession within the state or counties contiguous to the state].

Section B. Because immediate action is necessary to strengthen, protect and clarify the
2 protections available to the telemarketing consumers of this state, section A of this act is deemed
3 necessary for the immediate preservation of the public health, welfare, peace and safety, and is
4 hereby declared to be an emergency act within the meaning of the constitution, and section A of
5 this act shall be in full force and effect upon its passage and approval.