

HCS HB 112, 26, 37, 78, 79 & 154 -- TELEMARKETING NO-CALL LIST

SPONSOR: Emery (Pearce)

COMMITTEE ACTION: Voted "do pass" by the Special Committee on Utilities by a vote of 12 to 0.

This substitute expands the No-call List to include cell phone numbers, prohibits sending unsolicited faxes and text messages to anyone who is on the No-call List, and prohibits using an automatic dialing announcing device (ADAD) when calling a residential subscriber who is on the No-call List unless:

- (1) The subscriber has knowingly or voluntarily authorized receipt of the message; or
- (2) The message is immediately preceded by a live operator who obtains the subscriber's consent before the message is delivered. The operator must disclose the name of the business for which the message is being made, the purpose of the message, whether or not the message will solicit money, and the kinds of goods or services the message is promoting.

ADAD equipment cannot be used unless it disconnects no more than 10 seconds after the subscriber ends the phone call.

These provisions do not apply to telephone calls:

- (1) From school districts to students, parents, or employees;
- (2) To subscribers with whom the caller has a current business or personal relationship;
- (3) To employees advising them of work schedules;
- (4) From agencies or entities making phone calls for emergency purposes;
- (5) From an individual conducting an opinion poll for bona fide informational purposes; or
- (6) From telecommunications companies calling about the receipt of free products and services.

Currently, the Attorney General is required to establish an advisory group to compile and promote a list of educational literature to help consumers understand their options with regard to telephone solicitations. The Attorney General is also required to include information on his or her web site informing residential subscribers of their right to be included on the

No-call List and how to place their names and phone numbers on this list. The substitute repeals these provisions.

FISCAL NOTE: No impact on state funds in FY 2008, FY 2009, and FY 2010.

PROPOSERS: Supporters of House Bill 112 say that the bill will expand the No-call List to include restrictions on faxes and automatic dialing devices. Individuals with cell phones may place their numbers on the list. The bill will mirror the federal No-call List in many respects and prevent annoying calls to the elderly.

Supporters of House Bill 26 say that an exception for emergency phone calls is needed.

Supporters of House Bill 37 say that the business phone call exception should be narrowed and apply to political campaign calls.

Supporters of House Bill 78 want to prohibit auto-dialing calls regarding political campaigns.

Supporters of House Bill 79 and House Bill 154 say that the No-call List protections should be expanded.

Testifying for HB 112 was Representative Pearce; Office of the Attorney General; and AARP Missouri State Office. Testifying for HB 26 was Representative Cunningham (86). Testifying for HB 37 was Representative Whorton. Testifying for HB 78 was Representative Davis. Testifying for HB 79 was Representative Loehner. Testifying for HB 154 was Representative Swinger.

OPPOSERS: There was no opposition voiced to the committee.