

HB 1705 -- Telephone Calls

Sponsor: Kirkton

This bill changes the laws regarding the state's No-call List. A residential subscriber is allowed to have his or her wireless telephone number added to the list. Currently, the definition of "residential subscriber" is a person who has subscribed to residential telephone service from a local exchange company or the other persons living or residing with the person. The bill changes it to a person who, for primarily personal and familial use, has subscribed to residential telephone service, wireless service or similar service, or the other persons living or residing with the person.

Currently, the definition of "telephone solicitation" is 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 specified communications. The bill changes it to any voice, facsimile, or SMS text messaging communications for that purpose.

The bill expands the No-call List to prohibit sending unsolicited faxes or text messages to anyone who is on the list.

Using an automatic dialing-announcing device (ADAD) when calling a residential subscriber who is on the list is also prohibited except that the bill specifies that the use of an ADAD is allowed when:

- (1) The subscriber has knowingly or voluntarily authorized receipt of the message;
- (2) The message is from a person or business entity that the subscriber has had contact with within the last 180 days or has a current business or personal relationship with;
- (3) The message is immediately preceded by a live operator who obtains the subscriber's consent before the message is delivered. Automated calls may also be used to leave messages if a live operator announces the message;
- (4) The message is from a public safety agency or contains notification of an emergency such as an Amber alert;
- (5) The message is from a school district to students, parents, or employees;
- (6) The message is from an employer to employees advising them

of work-related matters; or

(7) The message is from a telecommunications company verifying the delivery of products and services.

ADAD equipment cannot be used unless it disconnects within 10 seconds after the subscriber ends the call.

Certain provisions regarding educational information requirements of the Attorney General about the No-call List are repealed.