

HB 157 -- TELEMARKETING NO-CALL LIST

CO-SPONSORS: Johnson (90), Harris (23), Willoughby, Sager, Dougherty, Jolly, Schoemehl, Skaggs, Walker, Harris (110), Carnahan, Whorton, Bishop

COMMITTEE ACTION: Taken from the Committee on Communications, Energy, and Technology pursuant to House Rule 34.

This bill removes several exemptions and clarifies definitions in the Telemarketing No-Call Law. The current law exempts telephone solicitations from companies with which a consumer has had a business contact within 180 days. The bill requires the company and the consumer to have an established business relationship. The bill also repeals exemptions for federally licensed businesses that are required to maintain no-call lists, for persons responding to a referral or working from home, and for state-licensed professionals attempting to set an appointment. Further, the bill removes the requirement that exempt calls on the behalf of charities must be made by a member of the charity.

The bill contains an emergency clause.

FISCAL NOTE: No impact on state funds.

PROPOSERS: Supporters say that the current Telemarketing No-call Law is popular and effective, but contains too many exemptions. By removing most exemptions, the bill protects consumers, insures privacy, and benefits businesses that want to direct their calls to appropriate recipients.

Testifying for the bill were Representative Johnson (90); AARP; and Office of the Attorney General.

OPPOSERS: Those who oppose the bill say that the bill imposes conditions that are too restrictive. The definition of "established business relationship" is particularly problematic in that the telemarketer may have no way of knowing whether the consumer considers the relationship terminated.

Testifying against the bill were Missouri Telecommunications Industry Association; Missouri Financial Services Association; Mortgage Bankers Association of Missouri; Missouri Press Association; National Association of Independent Insurers; Missouri Association of Realtors; Missouri Funeral Directors Association; Missouri Association of Accountants; Missouri Association of Insurance and Financial Advisors; and Prudential Insurance Company.

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