

SECOND REGULAR SESSION

HOUSE BILL NO. 1497

92ND GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVES PEARCE (Sponsor), SEIGFREID, BEAN, DAVIS (122),
DEEKEN, LUETKEMEYER, WALKER, JOLLY, MYERS AND WALSH (Co-sponsors).

Read 1st time February 17, 2004, and copies ordered printed.

STEPHEN S. DAVIS, Chief Clerk

4085L.011

AN ACT

To amend chapter 37, RSMo, by adding thereto two new sections relating to customer call centers, with penalty provisions.

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

Section A. Chapter 37, RSMo, is amended by adding thereto two new sections, to be
2 known as sections 37.248 and 1, to read as follows:

**37.248. 1. The commissioner of administration is prohibited from contracting for
2 telemarketing services or telephone center services, including services provided by
3 customer sales call centers and customer services call centers as those terms are defined in
4 section 1 of this act, with any vendor that employs any person not authorized to work in
5 the United States under federal law or with any vendor that subcontracts with any other
6 vender that employs any person not authorized to work in the United States under federal
7 law in the performance of telemarketing or telephone center services on behalf of the state.
8 In addition, such services shall be performed exclusively in the United States.**

**9 2. The commissioner of administration shall require each vendor submitting a bid
10 or contract to provide services for the state as set forth in subsection 1 of this section to
11 certify that only its employees or the employees of any subcontractor who are authorized
12 to work in the United States under federal law will be performing services under the
13 contract. Any person who submits a certification required by this subsection known to be
14 false is guilty of a class A misdemeanor.**

**15 3. A contract entered into or performed in violation of this section is void. A
16 contract that is void under this section may continue in effect until an alternative contract**

17 can be arranged when:

18 (1) Immediate termination would result in harm to the public health or welfare;

19 and

20 (2) The continuation is approved by the commissioner of administration.

21

22 Approval of continuation of a contract under this subsection shall be given for the
23 minimum period necessary to protect the public health or welfare.

Section 1. 1. As used in this section the following terms mean:

2 (1) "Customer sales call center", an entity whose primary purpose includes the
3 initiating or receiving of telephonic communications on behalf of any person for the
4 purpose of initiating sales, including telephone solicitations;

5 (2) "Customer service call center", an entity whose primary purpose includes the
6 initiating or receiving of telephonic communications on behalf of any person for the
7 purposes of providing or receiving services or information necessary in connection with the
8 providing of services or other benefits;

9 (3) "Customer services employee", a person employed by or working on behalf of
10 a customer sales call center or a customer service call center;

11 (4) "Identifying information", includes the following:

12 (a) Social Security numbers;

13 (b) Drivers license numbers;

14 (c) Checking account numbers;

15 (d) Savings account numbers;

16 (e) Credit card numbers;

17 (f) Debit card numbers;

18 (g) Personal identification codes;

19 (h) Electronic identification numbers;

20 (i) Digital signatures;

21 (j) Any other information that can be used to access a person's financial resources;

22 (k) Biometric data;

23 (l) Fingerprints;

24 (5) "Telephone solicitations", any telephonic communication designed to persuade
25 any person to purchase goods or services, to enter a contest, or to contribute to a charity
26 or a person represented to be a charity regardless of whether the telephone call initiating
27 the solicitation is placed by the:

28 (a) Telephonic seller; or

29 (b) A person responding to any unsolicited notice or notice sent or provided by or

30 on behalf of the seller which notice or notices represent to the recipient that he or she has
31 won a gift or prize, that the recipient may obtain or qualify for credit by contacting the
32 seller, or that the seller has buyers interested in purchasing the recipient's property.

33 2. Any person who receives a telephone call from or places a telephone call to a
34 customer sales call center or a customer service call center upon request has the right to:

35 (1) Know the identification of the city, state, and country where the customer
36 services employee is located;

37 (2) Know the name or registered alias of the customer services employee;

38 (3) Know the name of the employer of the customer services employee or other
39 individual with whom the person is speaking;

40 (4) Speak to a qualified employee of the company or government agency the person
41 is doing business with.

42 3. A customer sales call center or a customer service call center shall not send to
43 any foreign country the financial, credit, or identifying information of a person who
44 receives a telephone call from or places a telephone call to a customer sales or service call
45 center without that person's express written permission.

46 4. Any telephone call to a customer sales call center or customer service call center
47 in a foreign country shall be rerouted to a customer sales call center or customer services
48 call center located in the United States, if such request is made by the person calling the
49 customer sales or service call center.

50 5. A willful violation of this section is an unfair practice pursuant to sections
51 407.010 to 407.130, RSMo.