

SECOND REGULAR SESSION

# HOUSE BILL NO. 1325

## 95TH GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVE BRINGER.

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D. ADAM CRUMBLISS, Chief Clerk

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### AN ACT

To repeal section 407.1095, RSMo, and to enact in lieu thereof two new sections relating to the telemarketing no-call list.

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

Section A. Section 407.1095, RSMo, is repealed and two new sections enacted in lieu thereof, to be known as sections 407.1095 and 407.1100, to read as follows:

407.1095. As used in sections 407.1095 to [407.1110] **407.1107**, the following words and phrases mean:

(1) **"Automatic dialing announcing device" or "ADAD", a device or system of devices which is used, whether alone or in conjunction with other equipment, for the purposes of automatically selecting or dialing telephone numbers and disseminating prerecorded or synthesized voice messages to the numbers selected or dialed;**

(2) **"Caller", a person, corporation, firm, partnership, association, or legal or commercial entity who contacts or attempts to contact a subscriber in this state by using a telephone or telephone line;**

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

(4) **"Message", any call regardless of its content;**

[(2)] (5) **"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)] (6) **"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**

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

17 encouraging the purchase or rental of, or investment in, property, goods or services, but does not  
18 include communications:

19 (a) To any residential subscriber with that subscriber's prior express invitation or  
20 permission;

21 (b) By or on behalf of any person or entity with whom a residential subscriber has had  
22 a business contact within the past one hundred eighty days or a current business or personal  
23 relationship;

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

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

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

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

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

**407.1100. 1. A caller shall not use an automatic dialing announcing device in  
2 making any telephone call to a residential subscriber who has provided notice to the  
3 attorney general of such subscriber's objection to receiving telephone solicitations unless  
4 the subscriber has knowingly or voluntarily requested, consented to, permitted, or  
5 authorized receipt of the message.**

**6 2. A caller shall not use an automatic dialing announcing device unless the device  
7 is designed and operated to disconnect within ten seconds after the subscriber terminates  
8 the telephone call.**

**9 3. The provisions of this section shall not apply to:**

**10 (1) Telephone calls from school districts to students, parents, or employees;**

**11 (2) Telephone calls to subscribers with whom the caller has had a business contact  
12 within the past one hundred eighty days or a current business or personal relationship; or**

**13 (3) Telephone calls advising employees of work schedules.**

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