

SECOND REGULAR SESSION

HOUSE BILL NO. 1253

95TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVES SWINGER (Sponsor), WITTE AND BRINGER (Co-sponsors).

3687L.011

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

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

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

Section A. Section 407.1095, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 407.1095, to read as follows:

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

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

(2) "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) "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 encouraging the purchase or rental of, or investment in, property, goods or services, **or any voice communication over a telephone line through the use of ADAD equipment for the purpose of endorsing a political candidate, requesting financial support or a vote for a political candidate, or conducting polling regarding a political candidate notwithstanding whether the data obtained from the polling is to be analyzed or discarded**, but does not include communications:

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

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

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

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

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

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

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

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