

SECOND REGULAR SESSION

HOUSE BILL NO. 1485

97TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE FITZPATRICK.

4594H.02I

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To repeal section 407.1095, RSMo, and to enact in lieu thereof one new section relating to telephone solicitation.

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Section A. Section 407.1095, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 407.1095, to read as follows: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

(3) "Telephone solicitation", any voice, facsimile, short messaging service (SMS), or multimedia messaging service (MMS), for the purpose of encouraging the purchase or rental of, or investment in, property, goods or services, **or participation in informational surveys by any state agency or party acting on behalf of a state agency**, but does not include communications:

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

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

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.

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

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

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

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

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

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