

FIRST REGULAR SESSION

HOUSE BILL NO. 443

91ST GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE GRATZ.

Read 1st time January 18, 2001, and 1000 copies ordered printed.

TED WEDEL, Chief Clerk

1125L.011

AN ACT

To repeal section 407.1101, RSMo 2000, relating to the distribution of the no-call database list, and to enact in lieu thereof one new section relating to the same subject.

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

Section A. Section 407.1101, RSMo 2000, is repealed and one new section enacted in lieu thereof, to be known as section 407.1101, to read as follows:

407.1101. 1. The attorney general shall establish and provide for the operation of a database to compile a list of telephone numbers of residential subscribers who object to receiving telephone solicitations. The attorney general shall have such database in operation no later than July 1, 2001.

2. No later than January 1, 2001, the attorney general shall promulgate rules and regulations governing the establishment of a state no-call database as he or she deems necessary and appropriate to fully implement the provisions of sections 407.1095 to 407.1110. The rules and regulations shall include those which:

(1) Specify the methods by which each residential subscriber may give notice to the attorney general or its contractor of his or her objection to receiving such solicitations or revocation of such notice. There shall be no cost to the subscriber for joining the database;

(2) Specify the length of time for which a notice of objection shall be effective and the effect of a change of telephone number on such notice;

(3) Specify the methods by which such objections and revocations shall be collected and added to the database;

(4) Specify the methods by which any person or entity desiring to make telephone

EXPLANATION — Matter enclosed in bold faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

17 solicitations will obtain access to the database as required to avoid calling the telephone numbers
18 of residential subscribers included in the database, including the cost assessed to that person or
19 entity for access to the database;

20 (5) Specify such other matters relating to the database that the attorney general deems
21 desirable.

22 3. Any entity that obtains the database from the attorney general pursuant to
23 subdivision (4) of subsection 2 of this section may distribute the database to its employees
24 or any independent contractor for use in the independent contractor's business, provided
25 that the independent contractor is regularly associated with the entity and is engaged in
26 the same or similar business as the entity.

27 4. If the Federal Communications Commission establishes a single national database of
28 telephone numbers of subscribers who object to receiving telephone solicitations pursuant to 47
29 U.S.C., Section 227(c)(3), the attorney general shall include that part of such single national
30 database that relates to Missouri in the database established pursuant to this section.

31 [4.] 5. Information contained in the database established pursuant to this section shall
32 be used only for the purpose of compliance with section 407.1098 and this section or in a
33 proceeding or action pursuant to section 407.1107. Such information shall not be considered a
34 public record pursuant to chapter 610, RSMo.

35 [5.] 6. In April, July, October and January of each year, the attorney general shall be
36 encouraged to obtain subscription listings of consumers in this state who have arranged to be
37 included on any national do-not-call list and add those names to the state do-not-call list.

38 [6.] 7. The attorney general may utilize moneys appropriated from general revenue and
39 moneys appropriated from the merchandising practices revolving fund established in section
40 407.140 for the purposes of establishing and operating the state no-call database.

41 [7.] 8. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo,
42 that is created under the authority delegated in sections 407.1095 to 407.1110 shall become
43 effective only if it complies with and is subject to all of the provisions of chapter 536, RSMo,
44 and, if applicable, section 536.028, RSMo. This section and chapter 536, RSMo, are
45 nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536,
46 RSMo, to review, to delay the effective date or to disapprove and annul a rule are subsequently
47 held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted
48 after August 28, 2000, shall be invalid and void.