

FIRST REGULAR SESSION

# HOUSE BILL NO. 97

## 94TH GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVES YATES (Sponsor), KRAUS, DUSENBERG, GRISAMORE, PRATT, WILSON (130), MOORE, AVERY, PORTWOOD, NOLTE, NANCE, BRUNS, DAY, FISHER, SCHAAF, SCHARNHORST, FAITH, GUEST, SATER, DAVIS, STEVENSON, McGHEE, MUNZLINGER AND WASSON (Co-sponsors).

Pre-filed December 8, 2006 and copies ordered printed.

D. ADAM CRUMBLISS, Chief Clerk

0696L.011

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### AN ACT

To repeal section 407.1095, RSMo, and to enact in lieu thereof one new section 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Section A. Section 407.1095, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 407.1095, to read as follows: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 automated, artificial, or prerecorded voice communication over a telephone line through the use of any ADAD equipment, an automatic telephone dialing system, or by other means 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**

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.

14 **whether the data obtained from the polling is to be analyzed or discarded**, but does not  
15 include communications:

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

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

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

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

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

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

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

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