

ENGROSSED HOUSE  
BILL NO. 1146

BY: BASTIN, ADAIR, CAMPBELL,  
COTNER, COZORT, DUNEGAN,  
MASS, MATLOCK,  
McCORKELL, MONKS, REESE,  
SULLIVAN, THOMAS, TYLER,  
WEBB, WEESE AND WIDENER  
of the HOUSE

and

HERBERT and BROWN of the  
SENATE

AN ACT RELATING TO CRIMES AND PUNISHMENT; PROHIBITING  
USE OF AUTOMATED SYSTEMS FOR THE SELECTION OR  
DIALING OF TELEPHONE NUMBERS AND PLAYING OF A  
RECORDED MESSAGE; PROVIDING EXCEPTIONS; PROVIDING  
PENALTY; PROVIDING FOR INJUNCTIVE RELIEF; MAKING  
CERTAIN CONTRACTS VOIDABLE; PROHIBITING THE  
CONVEYING OF INFORMATION ABOUT CANDIDATES BY USE OF  
AN AUTOMATED DIALING TELEPHONE SYSTEM; PROVIDING  
FOR CODIFICATION; PROVIDING AN EFFECTIVE DATE; AND  
DECLARING AN EMERGENCY.

BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

SECTION 1. NEW LAW A new section of law to be codified  
in the Oklahoma Statutes as Section 1847.a of Title 22, unless there  
is created a duplication in numbering, reads as follows:

A. No person shall use a telephone or knowingly allow a  
telephone to be used for the purpose of offering any goods or  
services for sale or conveying information regarding any goods or

services if such use involves an automated system for the selection or dialing of telephone numbers and the playing of a recorded message without the use of a live operator when a connection is completed to a number called.

B. Nothing herein prohibits the use of an automated telephone system with recorded messages if the calls are made or messages given solely in response to calls initiated by the persons to whom the automatic calls or recorded messages are directed or if the calls made concern goods or services that have been previously ordered or purchased.

C. A person who violates any provision of this section is guilty of a misdemeanor.

The Attorney General may seek injunctive relief to enforce this section. In the event that a civil action is filed pursuant to this subsection, the prevailing party shall be entitled to a reasonable attorney's fee.

D. A contract or agreement to purchase any goods or services for sale executed in violation of the provisions of this section shall be voidable at the option of the person who has subscribed to telephone services from a telephone company.

E. No person shall use a telephone or knowingly allow a telephone to be used for the purpose of offering or conveying information regarding any candidate who has filed for a local or statewide office if such use involves an automated system for the selection or dialing of telephone numbers and the playing of a recorded message when a connection is completed to a number called.

SECTION 2. This act shall become effective July 1, 1991.

SECTION 3. It being immediately necessary for the preservation of the public peace, health and safety, an emergency is hereby declared to exist, by reason whereof this act shall take effect and be in full force from and after its passage and approval.

Passed the House of Representatives the 28th day of February,  
1991.

Speaker of the House of  
Representatives

Passed the Senate the \_\_\_\_ day of \_\_\_\_\_, 1991.

President of the Senate