

1 STATE OF OKLAHOMA

2 1st Session of the 47th Legislature (1999)

3 COMMITTEE SUBSTITUTE
4 FOR
5 HOUSE BILL NO. 1269

By: Ostrander

6
7 COMMITTEE SUBSTITUTE

8 An Act relating to telephone solicitations; amending
9 21 O.S. 1991, Section 1861, as amended by Section
10 424, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1998,
11 Section 1861), which relates to telephone
12 solicitation; requiring the telephone number and
13 street address to be provided by persons engaged in
14 telephone solicitation; eliminating certain fee
15 requirement; modifying penalty; providing an
16 effective date; and declaring an emergency.

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

18 SECTION 1. AMENDATORY 21 O.S. 1991, Section 1861, as
19 amended by Section 424, Chapter 133, O.S.L. 1997 (21 O.S. Supp.
20 1998, Section 1861), is amended to read as follows:

21 Section 1861. A. The name ~~and~~, organizational or business
22 affiliation, telephone number and street address of every person who
23 by telephone engages in the solicitation or sale of any item,
24 tangible or intangible, shall, by such person, be given to the
25 person answering such telephone call. Such information shall be
26 given immediately and prior to any solicitation or sales
27 presentation. ~~The telephone number of the person placing the call~~
28 ~~must be given upon request of the party being called.~~ The person in
29 whose name the telephone is registered is responsible for his agents
30 and employees conforming with the provisions of this section. This
31 section does not apply to calls between persons known to each other
32 and to religious groups, or nonprofit organizations within their own
membership, and political activities.

1 B. No person may solicit contributions by telephone for a
2 charitable nonprofit organization unless that organization has
3 complied with the provisions of the Oklahoma Solicitation of
4 Charitable Contributions Act, Sections 552.1 et seq. of Title 18 of
5 the Oklahoma Statutes. ~~Such person may charge a reasonable fee for~~
6 ~~his services, which shall not exceed ten percent (10%) of the net~~
7 ~~receipts of the solicitation; provided, however, that in the event~~
8 ~~the fee charged is based upon a predetermined flat fee, then this~~
9 ~~provision shall not apply.~~ Provided, further, that all sums shall
10 be paid directly to the nonprofit organization.

11 C. Violation of this section by a person, business or
12 organization shall constitute a ~~misdemeanor~~ felony. ~~A third and~~
13 ~~subsequent conviction under this section shall constitute a felony.~~

14 SECTION 2. This act shall become effective July 1, 1999.

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

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