

STATE OF OKLAHOMA

1st Session of the 47th Legislature (1999)

COMMITTEE SUBSTITUTE  
FOR  
HOUSE BILL NO. 1269

By: Ostrander

COMMITTEE SUBSTITUTE

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

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

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

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

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

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

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

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.

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