

ENGROSSED SENATE AMENDMENTS  
TO  
ENGROSSED HOUSE  
BILL NO. 1271

By: Newport, Lindley, Cox and  
Hefner of the House

and

Leftwich of the Senate

An Act relating to telemarketing; amending Sections 4 and 6, Chapter 72, O.S.L. 2002 (15 O.S. Supp. 2002, Sections 775B.4 and 775B.6), which relate to the Telemarketer Restriction Act; deleting requirement to include consumer names on registry; authorizing the Attorney General to forward consumer requests to the appropriate federal agency for inclusion on a nationwide registry; making the registry privileged and confidential in certain circumstances; making the registry exempt from the Oklahoma Open Records Act; and declaring an emergency.

AMENDMENT NO. 1. Page 1, line 16, insert a new Section 1 to read

"SECTION 1. AMENDATORY Section 2, Chapter 72, O.S.L. 2002 (15 O.S. Supp. 2002, Section 775B.2), is amended to read as follows:  
Section 15-775B.2 As used in the Telemarketer Restriction Act:

1. "Commercial purposes" means relating to the sale or offer for sale of goods or services. "Commercial purposes" does not mean solicitation of funds or other support for a charitable or religious activity; political candidate, cause, or organization; or any activity of a not-for-profit entity organized pursuant to Section 501(c)(3) of the Internal Revenue Code;

2. "Consumer" means any natural person who is a resident of this state;

3. "Established business relationship" means a prior relationship formed within the preceding twenty-four (24) months or an existing relationship formed by a voluntary two-way communication between a person or entity and a residential subscriber with or without an exchange of consideration, on the basis of an inquiry,

application, purchase or transaction by the residential subscriber regarding products or services offered by such person or entity, which relationship has not been previously terminated by either party;

4. "Person" means any natural person, association, partnership, firm, corporation and its affiliates or subsidiaries, or other business entity;

5. "Telemarketer" means any person who, for commercial purposes, initiates a telemarketing sales call to a consumer located in this state or any person who directly controls or supervises the conduct of a telemarketer; and

6. "Telemarketing" means any plan, program, or campaign which is conducted for commercial purposes, by use of one or more telephones and which involves a telephone call initiated by a telemarketer to a consumer located within this state at the time of the call; "telemarketing" may include use of random dialing or other devices for such purposes and use of recorded or simulated voices. "Telemarketing" does not include a telephone call which is made for the sole purpose of arranging a subsequent face-to-face meeting between a salesperson and the consumer."

and renumber subsequent sections

AMENDMENT NO. 2. Page 1, strike the title to read

"[ telemarketing - making the registry privileged and  
confidential in certain circumstances -  
emergency ]"

and when the stricken title is restored,  
amend the title to conform

Passed the Senate the 9th day of April, 2003.

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Presiding Officer of the Senate

Passed the House of Representatives the \_\_\_\_ day of \_\_\_\_\_,  
2003.

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Presiding Officer of the House  
of Representatives