

STATE OF OKLAHOMA

2nd Session of the 49th Legislature (2004)

HOUSE BILL HB2580:

Newport

AS INTRODUCED

An Act relating to contracts; amending Section 6, Chapter 72, O.S.L. 2002, as amended by Section 3, Chapter 357, O.S.L. 2003 (15 O.S. Supp. 2003, Section 775B.6), which relates to violation and administrative fines; updating language; and providing an effective date.

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

SECTION 1. AMENDATORY Section 6, Chapter 72, O.S.L. 2002, as amended by Section 3, Chapter 357, O.S.L. 2003 (15 O.S. Supp. 2003, Section 775B.6), is amended to read as follows:

Section 775B.6 A. No telemarketer shall make or cause to be made any unsolicited telemarketing sales call to any consumer more than thirty (30) days after the ~~consumer's~~ telephone number or numbers of the consumer first appear on the registry made available by the Attorney General pursuant to the Telemarketer Restriction Act.

B. Willful violation of subsection A of this section shall be an unlawful telemarketing practice and a violation of the Oklahoma Consumer Protection Act; provided, a call to a consumer with whom the caller has an established business relationship or a call to a consumer whose number has been removed from the registry shall not be a violation of the Telemarketer Restriction Act.

C. In lieu of bringing an action under the Oklahoma Consumer Protection Act, the Attorney General may, in cases where the telemarketer is able to demonstrate that the violation occurred

notwithstanding policies of the telemarketer that were an integral part of the training of the individual or individuals responsible for the violation, assess an administrative fine. The Attorney General shall, pursuant to the Administrative Procedures Act, adopt and promulgate rules establishing a schedule of increasing fines to be assessed pursuant to this subsection for multiple and repeated violations.

SECTION 2. This act shall become effective November 1, 2004.

49-2-8103 MD 01/18/04