

STATE OF OKLAHOMA

1st Session of the 50th Legislature (2005)

SENATE BILL 30

By: Corn

AS INTRODUCED

An Act relating to contracts; amending 15 O.S. 2001, Section 755.1, which relates to automatic dial announcing devices; prohibiting the use of automatic dialing announcing device for certain calls; updating outline; and providing an effective date.

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

SECTION 1. AMENDATORY 15 O.S. 2001, Section 755.1, is amended to read as follows:

Section 755.1 A. The connection of an automatic dial announcing device to a telephone line is subject to the provisions of the Oklahoma Consumer Protection Act.

B. No person shall operate an automatic dial announcing device except in accordance with the provisions of the Oklahoma Consumer Protection Act. The use of such device by any person, either individually or acting as an officer, agent, or employee of a person or corporation operating automatic dial announcing devices, is subject to the provisions of the Oklahoma Consumer Protection Act.

C. A person shall not use an automatic dial announcing device except as provided by this section. An automatic dial announcing device shall be used only when:

1. The device disconnects from the called person's line not later than twenty (20) seconds after the called person hangs up; and

2. For calls terminating in this state, the device is not used to make a call:

a. before 9 a.m. or after 9 p.m., or

b. at any hour that collection calls would be prohibited under the federal Fair Debt Collection Practices Act, 15 U.S.C., Section 1692(c), when the device is used for collection purposes; and

3. One of the following ~~occur~~ occurs:

- a. the calls are made or messages given solely in response to calls initiated by the person to whom the automatic calls or recorded messages are directed or who has made a written request to be called,
- b. the calls made concern goods or services that have been previously ordered or purchased,
- c. the calls are made by creditors or their assignees, or
- d. the calls are initiated by a live operator who gives the caller the option to disconnect prior to the playing of a prerecorded or synthesized voice message.

D. An automatic dial announcing device shall not be used for random number dialing or to dial numbers determined by successively increasing or decreasing integers.

E. An automatic dial announcing device shall not be used for the sole purpose of calls made on behalf of political candidates.

F. 1. A telephone company in this state may, but shall not be required to, disconnect or refuse to connect service to a person using or intending to use an automatic dial announcing device if the telephone company determines that the device is not capable of disconnecting from a called party's line as required by this section or that the device would cause or is causing network harm.

~~F.~~ 2. The telephone company shall give notice to the person using the device of its intent to disconnect service not less than three (3) days prior to the date of the disconnection, except that if the device is causing network congestion or blockage, the notice may be given the day before the date of disconnection.

~~6.~~ 3. The telephone company shall disconnect service to the person on a determination by a court or the Oklahoma Corporation Commission that the person is violating the provisions of this section, and may reconnect service to the person only on a determination by the court or the Oklahoma Corporation Commission that the person will comply with this section. Any notice of such an order shall be served on a telephone company in the same manner as is required for service of process, unless the company is already a party to the proceeding in which the order is created.

SECTION 2. This act shall become effective November 1, 2005.

50-1-180

LKS

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