

1 ENGROSSED SENATE
2 BILL NO. 883

By: Laster of the Senate

3 and

4 Jett of the House

5
6
7 [contracts - Telemarketer Restriction Act -
8 effective date]
9

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

11 SECTION 1. AMENDATORY Section 6, Chapter 72, O.S.L.
12 2002, as amended by Section 3, Chapter 357, O.S.L. 2003 (15 O.S.
13 Supp. 2008, Section 775B.6), is amended to read as follows:

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

19 B. No telemarketer shall make or cause to be made any
20 telemarketing sales call to any consumer on the registry on Sunday,
21 including any call to such a consumer with whom the caller has an
22 established business relationship.

23 C. No telemarketer shall use any equipment or techniques the
24 purpose of which is to intentionally block or avoid detection of the

1 telemarketer's identity or telephone number by caller identification
2 devices.

3 D. Willful violation of ~~subsection~~ subsections A, B and C of
4 this section shall be ~~an~~ unlawful telemarketing ~~practice~~ practices
5 and a violation of the Oklahoma Consumer Protection Act; except as
6 provided in subsection C of this section, a call to a consumer with
7 whom the caller has an established business relationship or a call
8 to a consumer whose number has been removed from the registry shall
9 not be a violation of the Telemarketer Restriction Act.

10 ~~E.~~ E. In lieu of bringing an action under the Oklahoma Consumer
11 Protection Act, the Attorney General may, in cases where the
12 telemarketer is able to demonstrate that the violation occurred
13 notwithstanding policies of the telemarketer that were an integral
14 part of the training of the individual or individuals responsible
15 for the violation, assess an administrative fine. The Attorney
16 General shall, pursuant to the Administrative Procedures Act, adopt
17 and promulgate rules establishing a schedule of increasing fines to
18 be assessed pursuant to this subsection for multiple and repeated
19 violations.

20 SECTION 2. This act shall become effective November 1, 2009.
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