

1 STATE OF OKLAHOMA

2 1st Session of the 52nd Legislature (2009)

3 SENATE BILL 413

By: Brown

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5
6 AS INTRODUCED

7 An Act relating to the Telemarketer Restriction Act;
8 amending Section 2, Chapter 72, O.S.L. 2002, as
9 amended by Section 1, Chapter 357, O.S.L 2003 (15
10 O.S. Supp. 2008, Section 775B.2), which relates to
11 definitions; modifying definition; and providing an
12 effective date.

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

14 SECTION 1. AMENDATORY Section 2, Chapter 72, O.S.L.
15 2002, as amended by Section 1, Chapter 357, O.S.L. 2003 (15 O.S.
16 Supp. 2008, Section 775B.2), is amended to read as follows:

17 Section 775B.2 As used in the Telemarketer Restriction Act:

18 1. "Commercial purposes" means relating to the sale or offer
19 for sale of goods or services. "Commercial purposes" does not mean
20 solicitation of funds or other support for a charitable or religious
21 activity; political candidate, cause, or organization; or any
22 activity of a not-for-profit entity organized pursuant to Section
23 501(c) (3) of the Internal Revenue Code;

1 2. "Consumer" means any natural person who is a resident of
2 this state and shall ~~not~~ include any business association,
3 partnership, firm, corporation, and its affiliates or subsidiaries,
4 or other business entity;

5 3. "Established business relationship" means a prior
6 relationship formed within the preceding twenty-four (24) months or
7 an existing relationship formed by a voluntary two-way communication
8 between a person or entity and a residential subscriber with or
9 without an exchange of consideration, on the basis of an inquiry,
10 application, purchase or transaction by the residential subscriber
11 regarding products or services offered by such person or entity,
12 which relationship has not been previously terminated by either
13 party;

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

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

21 6. "Telemarketing" means any plan, program, or campaign which
22 is conducted for commercial purposes, by use of one or more
23 telephones and which involves a telephone call initiated by a
24 telemarketer to a consumer located within this state at the time of

1 the call; "telemarketing" may include use of random dialing or other
2 devices for such purposes and use of recorded or simulated voices.
3 "Telemarketing" does not include a telephone call which is made for
4 the sole purpose of arranging a subsequent face-to-face meeting
5 between a salesperson and the consumer.

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

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