

1 STATE OF OKLAHOMA

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

3 SENATE BILL 883

By: Laster

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5
6 AS INTRODUCED

7 An Act relating to contracts; amending Section 6,
8 Chapter 72, O.S.L. 2002, as amended by Section 3,
9 Chapter 357, O.S.L. 2003 (15 O.S. Supp. 2008, Section
10 775B.6), which relates to the Telemarketer
11 Restriction Act; adding certain violations; and
12 providing an effective date.

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

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

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

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

1 C. No telemarketer shall use any equipment or techniques the
2 purpose of which is to intentionally block or avoid detection of the
3 telemarketer's identity or telephone number by caller identification
4 devices.

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

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

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

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