SENATE FLOOR VERSION
April 9, 2015
AS AMENDED

ENGROSSED HOUSE
BILL NO. 1430

By: Leewright and Lockhart of the House

and

Griffin of the Senate

[consumer protection - Telemarketer Restriction Act - effective date]

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

SECTION 1. AMENDATORY 15 O.S. 2011, Section 775B.2, is amended to read as follows:

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

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

2. "Consumer" means any natural person who is a resident of this state and ~~shall not include~~ any business association,

partnership, firm, corporation, and its affiliates or subsidiaries, or other business entity located in this state;

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

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

5. "Telemarketer" means any person who, for commercial purposes, initiates a telemarketing sales call or message, including, but not limited to, a cellular telephone text message, to a consumer located in this state or any person who directly controls or supervises the conduct of a telemarketer; and

6. "Telemarketing" means any plan, program, or campaign which is conducted for commercial purposes, by use of one or more telephones or electronic messaging devices and which involves a telephone call or message, including, but not limited to, a cellular telephone text message, initiated by a telemarketer to a consumer

located within this state at the time of the call or message; "telemarketing" may include use of random dialing or other devices for such purposes and use of recorded or simulated voices or automated electronic text messages delivery devices. "Telemarketing" does not include a telephone call which is made for the sole purpose of arranging a subsequent face-to-face meeting between a salesperson and the consumer.

SECTION 2. This act shall become effective November 1, 2015.

COMMITTEE REPORT BY: COMMITTEE ON BUSINESS AND COMMERCE
April 9, 2015 - DO PASS AS AMENDED