

**13-26-11 Prohibited practices.**

- (1) It is unlawful for any solicitor:
  - (a) to solicit a prospective purchaser on behalf of a telephone soliciting business that is not registered with the division or exempt from registration under this chapter;
  - (b) to use a fictitious personal name in connection with a telephone solicitation;
  - (c) to make or cause to be made any untrue material statement, or fail to disclose a material fact necessary to make any statement made not misleading, whether in connection with a telephone solicitation or a filing with the division;
  - (d) to make or authorize the making of any misrepresentation about its compliance with this chapter to any prospective or actual purchaser;
  - (e) to fail to refund within 30 days any amount due a purchaser who exercises the right to cancel under Section 13-26-5; or
  - (f) to fail to orally advise a purchaser of the purchaser's right to cancel under Section 13-26-5 unless the solicitor is exempt under Section 13-26-4.
- (2) It is unlawful for any telephone soliciting business:
  - (a) to cause or permit any solicitor to violate any provision of this chapter; or
  - (b) to use inmates in telephone soliciting operations where inmates have access to personal data about an individual sufficient to physically locate or contact that individual, such as names, addresses, telephone numbers, Social Security numbers, credit card information, or physical descriptions.

Amended by Chapter 124, 2013 General Session