

HB 217 Telephone Solicitation Amendments (1st Sub) Or - How to Lose a [Telemarketer] in 10 Days

The bill is primarily a clean up bill, addressing requests for clarity by the agency.

There are also a few provisions that may be considered as substantive:

- Including encouraging a person to sell real or personal property in the definition of "Telephone solicitation" (Line 91)
- Restructuring and amending the definitions of the "business" - now called the "seller" (line 167) - and the "solicitor" (now usually the person making the calls) (line 205)
- Specifying that for the purposes of enhancements to criminal violations, a "prior violation" only includes violations where there has been a final resolution (line 485)
- Making the concept of each call being a separate violation consistent across both administrative and civil actions (line 500)
- Prevents a person that doesn't actually make the calls from being shielded from committing a violation by using a lead generator or benefitting from a telemarketer's services *if* the person knows or has reason to know that the seller or solicitor they are engaging with is violating the law. (line 544-546) This is the highest standard of proof in the bill.
- Also, consistent with federal rules, makes it a violation of the law for a person to provide substantial assistance or support to a seller or solicitor *if* the person knows or has reason to know that the seller or solicitor they are engaging with is violating the law. (line 547)