

13-25a-103 Prohibited conduct for telephone solicitations -- Exceptions.

- (1) Except as provided in Subsection (2), a person may not operate or authorize the operation of an automated telephone dialing system to make a telephone solicitation.
- (2) A person may operate an automated telephone dialing system if a call is made:
 - (a) with the prior express consent of the person who is called agreeing to receive a telephone solicitation from a specific solicitor; or
 - (b) to a person with whom the solicitor has an established business relationship.
- (3) A person may not make a telephone solicitation to a residential telephone without prior express consent during any of the following times:
 - (a) before 8 a.m. or after 9 p.m. local time;
 - (b) on a Sunday; or
 - (c) on a legal holiday.
- (4) A person may not make or authorize a telephone solicitation in violation of Title 47 U.S.C. 227.
- (5) Any telephone solicitor who makes an unsolicited telephone call to a telephone number shall:
 - (a) identify the telephone solicitor;
 - (b) identify the business on whose behalf the telephone solicitor is soliciting;
 - (c) identify the purpose of the call promptly upon making contact by telephone with the person who is the object of the telephone solicitation;
 - (d) discontinue the solicitation if the person being solicited gives a negative response at any time during the telephone call; and
 - (e) hang up the phone, or in the case of an automated telephone dialing system operator, disconnect the automated telephone dialing system from the telephone line within 25 seconds of the termination of the call by the person being called.
- (6) A telephone solicitor may not withhold the display of the telephone solicitor's telephone number from a caller identification service when that number is being used for telemarketing purposes and when the telephone solicitor's service or equipment is capable of allowing the display of the number.

Amended by Chapter 90, 2004 General Session
Amended by Chapter 263, 2004 General Session