

January 22, 1998

Mr. Speaker:

The Business, Labor, and Economic Development Committee reports a favorable recommendation on **H.B. 44**, TELEMARKETING REQUIREMENTS, by Representative L. Nelson, with the following amendments:

1. Page 1, Line 6: After "PROVIDING DEFINITIONS;" insert "MAKING IT UNLAWFUL FOR ANY TELEPHONE SOLICITING BUSINESS TO EMPLOY OR USE PRISONERS IN SOLICITATIONS;"
2. Page 1, Line 11: After line 11 insert:  
"13-26-11, as enacted by Chapter 189, Laws of Utah 1994"
3. Page 3, Line 26: After line 26 insert:  
"Section 3. Section **13-26-11** is amended to read:  
**13-26-11. Prohibited practices.**  
(1) It is unlawful for any solicitor:  
(a) to solicit prospective purchasers 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; or  
(e) to fail to refund within 30 days any amount due a purchaser who exercises the right to cancel under Section 13-26-5."

*Bill Number*

*Action Class*

*Action Code*

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(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."

Respectfully,

Peter C. Knudson  
Committee Chair

Voting: 10-0-2

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