

RESTRICTIONS ON TELEPHONE

SOLICITATION

2002 GENERAL SESSION

STATE OF UTAH

Sponsor: Karen W. Morgan

This act modifies the Telephone and Facsimile Solicitation Act. The act modifies the hours and days during which a person may make a telephone solicitation to a residential telephone.

This act affects sections of Utah Code Annotated 1953 as follows:

AMENDS:

13-25a-103, as last amended by Chapter 77, Laws of Utah 1998

Be it enacted by the Legislature of the state of Utah:

Section 1. Section **13-25a-103** is amended to read:

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:

(a) before [8:00] 10 a.m. or after [9:00] 7 p.m. local time unless prior express consent is given to call at a different time; or

(b) on Sundays or on legal holidays, as set forth in Section 63-13-2, unless prior express consent is given.

(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



28 shall:

29 (a) identify themselves;

30 (b) identify the business on whose behalf the person is soliciting;

31 (c) identify the purpose of the call promptly upon making contact by telephone with the
32 person who is the object of the telephone solicitation;

33 (d) discontinue the solicitation if the person being solicited gives a negative response at
34 any time during the telephone call; and

35 (e) hang up the phone, or in the case of an automated telephone dialing system operator,
36 disconnect the automated telephone dialing system from the telephone line within 25 seconds of
37 the termination of the call by the person being called.

38 (6) A telephone solicitor may not withhold the display of the telephone solicitor's
39 telephone number from a caller identification service when that number is being used for
40 telemarketing purposes and when the telephone solicitor's service or equipment is capable of
41 allowing the display of the number.

Legislative Review Note
as of 1-17-02 1:33 PM

A limited legal review of this legislation raises no obvious constitutional or statutory concerns.

Office of Legislative Research and General Counsel