

SENATE BILL NO. 277

INTRODUCED BY A. CURTISS

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A BILL FOR AN ACT ENTITLED: "AN ACT GENERALLY PROHIBITING THE USE OF AUTOMATIC DIALING-ANNOUNCING DEVICES, PREDICTIVE DIALING DEVICES, OR SIMILAR DEVICES BY TELEMARKETERS; AND AMENDING SECTION 30-14-1412, MCA."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 30-14-1412, MCA, is amended to read:

"30-14-1412. Abusive acts and practices. (1) It is an abusive telemarketing act or practice and a violation of this part for any seller or telemarketer to engage in the following conduct:

(a) use threatening, intimidating, or profane or obscene language;

(b) engage any person repeatedly or continuously with behavior a reasonable person would consider annoying, abusive, or harassing;

(c) initiate a telemarketing call to a person who has stated previously, in compliance with 16 CFR 310 and 47 CFR 64.1200, that the person does not wish to receive solicitation calls from that seller or telemarketer;

(d) engage in telemarketing to a person's residence at any time other than between 8 a.m. and 9 p.m. local time at the called person's location;

(e) use or connect to a telephone line an automatic dialing-announcing device, predictive dialing device, or similar device unless:

(i) the person being contacted has knowingly authorized receipt of the message;

(ii) the use of the automatic dialing-announcing device is by a school district to students, parents, or employees;

(iii) the seller or telemarketer has a current business relationship with the person being called; or

(iv) the message is advising employees of work schedules;

~~(e)(f)~~ engage in any other conduct that would be considered abusive to any reasonable consumer; or

~~(f)(g)~~ intentionally block a person using caller identification or "*69" from accessing the seller's or telemarketer's phone number. It is not a violation of this subsection ~~(f)(f)~~ (1)(g) to provide a reasonable substitute name and number that accurately identify the entity causing the call to be made and a working

1 telephone number at which the entity's personnel can be contacted.

2 (2) The department or the attorney general may seek injunctive or declaratory relief or any other remedy
3 provided in Title 30, chapter 14, part 1, for any violations of this section."

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