

1 HOUSE BILL NO. 509

2 INTRODUCED BY D. TENENBAUM

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4 A BILL FOR AN ACT ENTITLED: "AN ACT REVISING FINES FOR UNLAWFUL TELEPHONE
5 SOLICITATIONS; AMENDING SECTION 45-8-216, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE
6 DATE."

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

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10 **Section 1.** Section 45-8-216, MCA, is amended to read:11 **"45-8-216. Unlawful automated telephone solicitation -- exceptions -- penalties.** (1) ~~A~~ EXCEPT AS

12 PROVIDED IN SUBSECTION (2), A person may not use an automated telephone system, device, or facsimile
13 machine for the selection and dialing of telephone numbers and playing of recorded messages ~~if a message is~~
14 ~~completed to the dialed number for the purpose of:~~

15 ~~(a) offering goods or services for sale;~~16 ~~(b) conveying information on goods or services in soliciting sales or purchases;~~17 ~~(c) soliciting information;~~18 ~~(d) gathering data or statistics; or~~19 ~~(e) promoting a political campaign or any use related to a political campaign.~~

20 (2) This section does not prohibit the use of an automated telephone system, device, or facsimile
21 machine described under subsection (1) FOR EMERGENCY PURPOSES OR for purposes of informing purchasers of
22 the receipt, availability for delivery, delay in delivery, or other pertinent information on the status of any
23 purchased goods or services, of responding to an inquiry initiated by any person, or of providing any other
24 pertinent information when there is a preexisting business relationship. This section does not prohibit the use of
25 an automated telephone system or device if the permission of the called party is obtained by a live operator
26 before the recorded message is delivered.

27 (3) A person violating subsection (1) is subject to a fine of not ~~more~~ less than ~~\$2,500~~ \$500 and not
28 more than \$10,000."

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2 NEW SECTION. **Section 2. Effective date.** [This act] is effective on passage and approval.

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