

SENATE BILL NO. 277
INTRODUCED BY A. CURTISS

A BILL FOR AN ACT ENTITLED: "AN ACT GENERALLY PROHIBITING THE USE OF AUTOMATIC DIALING-ANNOUNCING DEVICES, PREDICTIVE DIALING DEVICES, OR SIMILAR DEVICES BY TELEMARETERS; 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 ~~(4)(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 telephone number at which the entity's personnel can be contacted.

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

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