

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 person
12 may not use an automated telephone system, device, or facsimile machine for the selection and dialing of
13 telephone numbers and playing of recorded messages if a message is completed to the dialed number for the
14 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 purposes of informing purchasers of the receipt, availability for
22 delivery, delay in delivery, or other pertinent information on the status of any purchased goods or services, of
23 responding to an inquiry initiated by any person, or of providing any other pertinent information when there is a
24 preexisting business relationship. This section does not prohibit the use of an automated telephone system or
25 device if the permission of the called party is obtained by a live operator before the recorded message is
26 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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