

## HOUSE BILL NO. 509

INTRODUCED BY D. TENENBAUM

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

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

**Section 1.** Section 45-8-216, MCA, is amended to read:

**"45-8-216. Unlawful automated telephone solicitation -- exceptions -- penalties.** (1) ~~A~~ EXCEPT AS PROVIDED IN SUBSECTION (2), A person may not use an automated telephone system, device, or facsimile machine for the selection and dialing of telephone numbers and playing of recorded messages ~~if a message is completed to the dialed number for the purpose of:~~

~~(a) offering goods or services for sale;~~

~~(b) conveying information on goods or services in soliciting sales or purchases;~~

~~(c) soliciting information;~~

~~(d) gathering data or statistics; or~~

~~(e) promoting a political campaign or any use related to a political campaign.~~

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

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

1

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

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