

By: Senator(s) Robertson

To: Public Utilities

SENATE BILL NO. 2766

1 AN ACT TO CODIFY SECTION 77-3-621, MISSISSIPPI CODE OF 1972,
 2 TO REQUIRE TELEMARKETERS TO REGISTER WITH THE PUBLIC SERVICE
 3 COMMISSION AND PAY REGISTRATION FEE; TO REQUIRE TELEMARKETERS TO
 4 OBTAIN SUBSCRIPTION LISTINGS OF CONSUMERS IN THE STATE OF
 5 MISSISSIPPI WHO HAVE ARRANGED TO BE INCLUDED ON THE NATIONAL
 6 DO-NOT-CALL LIST; TO PROVIDE THAT ANY TELEMARKETER WHO CALLS ANY
 7 CONSUMER WHOSE NAME AND CURRENT TELEPHONE NUMBER IS ON THE
 8 NATIONAL DO-NOT-CALL LIST SHALL BE GUILTY OF A CIVIL OFFENSE AND
 9 SUBJECT TO A FINE; TO AUTHORIZE THE PUBLIC SERVICE COMMISSION TO
 10 INVESTIGATE AND ENFORCE THE PROVISIONS OF THIS ACT; TO REQUIRE
 11 CERTAIN TELECOMMUNICATIONS COMPANIES TO INFORM THEIR CUSTOMERS OF
 12 THE PROVISIONS OF THIS ACT; AND FOR RELATED PURPOSES.

13 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

14 **SECTION 1.** The following provision shall be codified as
 15 Section 77-3-621, Mississippi Code of 1972:

16 77-3-621. (1) As used in this section, the following terms
 17 shall have the corresponding meanings:

18 (a) "Commission" means the Mississippi Public Service
 19 Commission.

20 (b) The "national do-not-call list" means the list
 21 maintained by the Telephone Preference Service of the Direct
 22 Marketing Association, Inc., or its successor organization, of
 23 consumers throughout the nation who have requested that they not
 24 receive unsolicited telephone calls from telemarketers or other
 25 persons engaging in telemarketing or similar activities.

26 (c) A "telemarketer" means any person or organization
 27 who is a telephone solicitor as defined in Section 77-3-601, or
 28 who is a telemarketer as defined in the Federal Trade Commission's
 29 Telemarketing Sales Rule, 16 Code of Federal Regulations, Section
 30 310.2, as that section may be in effect at any time on or after
 31 January 1, 2003.



32 (2) All telemarketers shall register with the commission and
33 shall pay an annual registration fee in the amount of One Hundred
34 Dollars (\$100.00) to be deposited into a special fund for use by
35 the commission. The commission may promulgate rules and
36 regulations necessary to administrate the purposes of this
37 subsection.

38 (2) All telemarketers shall obtain, no less frequently than
39 on a semi-annual basis, subscription listings of consumers in this
40 state who have arranged to be included on the national do-not-call
41 list.

42 (3) Any telemarketer who calls any consumer in this state
43 whose name and current telephone number is on the national
44 do-not-call list shall be in violation of this section, unless the
45 seller has an established business relationship with the consumer
46 at the time of such call or had an established business
47 relationship, as defined in Section 73-3-601, with the consumer
48 within the six-month period immediately preceding such call.

49 (4) Any telemarketer who shall violate any provision of the
50 Federal Trade Commission's Telemarketing Sales Rule, 16 Code of
51 Federal Regulations, Part 310, as that part may be in effect at
52 any time on or after January 1, 2003, with respect to any call
53 made to a consumer in this state is in violation of this section.

54 (5) All calls made to consumers in this state by
55 telemarketers are subject to the jurisdiction, control and
56 regulation of the commission. The commission may investigate and
57 enforce the provisions of this section and impose fines for all
58 violations of this section.

59 (6) Any person violating this section is guilty of a civil
60 offense and is subject to a fine not to exceed One Hundred Dollars
61 (\$100.00) per violation. All fines levied pursuant to this
62 section shall be deposited into a special fund for use by the
63 commission.



64 (7) The commission shall by rule ensure that
65 telecommunications companies providing local exchange service
66 inform their customers of the provisions of this section. The
67 notification may be made by information provided annually in the
68 billing statements mailed to customers and conspicuous publication
69 of the notice in the consumer information pages of the local
70 telephone directories.

71 (8) The provisions of this section shall not apply to
72 nonprofit organizations, political parties and candidates, and
73 other firms that obtain an exemption from the commission. The
74 commission shall establish and publish appropriate criteria by
75 which persons may obtain such exemptions and shall have full
76 authority to approve or deny such exemptions in accordance with
77 those criteria.

78 (9) The provisions of this section shall apply independently
79 of all other sections contained in this article, and no exemptions
80 enumerated in this article other than those specifically
81 authorized under this section shall have any application for
82 purposes of this section.

83 **SECTION 2.** This act shall take effect and be in force from
84 and after its passage.

