

**\*\*\*Lost\*\*\***

**AMENDMENT No. 2 PROPOSED TO**

**Senate Bill NO. 2296**

**By Senator(s) Chamberlin**

1           **AMEND by deleting Section 3 on lines 23 through 146 and**  
2 **inserting in lieu thereof the following section:**

3           **SECTION 3.** For the purposes of this article, the following  
4 words and terms shall have the meanings ascribed to them herein:

5                   (a) "Consumer" means any person to whom has been  
6 assigned in the State of Mississippi any residential telephone  
7 line and corresponding telephone number, and who uses the  
8 residential line for primarily residential purposes.

9                   (b) "Caller Identification Service" means a type of  
10 telephone service which permits telephone subscribers to see the  
11 telephone number and name of incoming telephone calls.

12                   (c) "Telephone solicitor" means any person, firm,  
13 entity, organization, partnership, association, corporation,  
14 charitable entity, or a subsidiary or affiliate thereof, who  
15 engages in any type of telephone solicitation on his or her own  
16 behalf or through representatives, independent contractors,  
17 salespersons, agents, automated dialing machines or others.

18                   (d) "Telephone solicitation" means any voice  
19 communication over the telephone line for the purpose of  
20 encouraging the purchase or rental of, or investment in property,  
21 or for the purpose of soliciting a sale of any consumer goods or  
22 services, but does not include voice communications:

23                           (i) To any residential subscriber with that

24 subscriber's prior express invitation or permission;

25 (ii) By or on behalf of any person or entity with  
26 whom a residential subscriber has a current business relationship;

27 (iii) In connection with an existing debt or  
28 contract, the payment of which has not been completed at the time  
29 of the call;

30 (iv) To any residential subscriber in this state  
31 who is an existing customer. For the purpose of this section, an  
32 "existing customer" includes a residential subscriber with whom  
33 the person or entity making the telephone solicitation has had a  
34 prior relationship within the past six (6) months;

35 (v) To a residential subscriber if such  
36 communication is made on behalf of a not-for-profit organization  
37 exempt from paying taxes under the Internal Revenue Code Section  
38 501(c), if a bona fide member of the exempt organization makes  
39 such voice communications; or

40 (vi) To a residential subscriber if such  
41 communication is made on behalf of a business if:

42 1. A direct employee of the business makes  
43 the voice communications;

44 2. The communication is not made as part of a  
45 telecommunication marketing plan;

46 3. The business has a reasonable belief that  
47 the specific person who is receiving the voice communication is  
48 considering purchasing the service, or product, sold or leased by  
49 the business and the call is specifically directed to such person;

50 4. The business does not sell or engage in  
51 telemarketing services; or

52 5. The communication is made for the purpose  
53 of conducting marketing research, public opinion polling,  
54 political activity or similar activities that do not involve  
55 telephone solicitation or selling.

56 (e) "Commission" means the Mississippi Public Service  
57 Commission.

58 (f) "Doing business in this state" refers to businesses

59   which conduct telephonic sales calls from a location in the State  
60   of Mississippi or from other states or nations to consumers  
61   located in this state.