

By: Representatives Eads, Mayo

To: Public Utilities

COMMITTEE SUBSTITUTE
FOR
HOUSE BILL NO. 295

1 AN ACT TO AMEND SECTION 77-3-453, MISSISSIPPI CODE OF 1972,
2 TO RESTRICT THE HOURS DURING WHICH AN AUTOMATIC DIALING MACHINE
3 MAY BE OPERATED; TO AMEND SECTION 77-3-455, MISSISSIPPI CODE OF
4 1972, TO SPECIFY THE TIME PERIOD AFTER WHICH THE AUTOMATIC DIALING
5 DEVICE MUST DISCONNECT UPON TERMINATION OF A CALL; AND FOR RELATED
6 PURPOSES.

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

8 **SECTION 1.** Section 77-3-453, Mississippi Code of 1972, is
9 amended as follows:

10 77-3-453. (1) The connection of automatic
11 dialing-announcing devices to a telephone line is subject to this
12 article and to the jurisdiction, control and regulation of the
13 Public Service Commission.

14 (2) No person may operate an automatic dialing-announcing
15 device except in accordance with this article. The use of such
16 device by any person, either individually or acting as an officer,
17 agent or employee of a person or corporation operating automatic
18 dialing-announcing devices, is subject to this article.

19 (3) No person may operate an automatic dialing-announcing
20 device to place a call which is received by a telephone in this
21 state except during the hours between 8:00 a.m. and 8:00 p.m.
22 Central Standard Time on a weekday or Saturday, and no such calls
23 may be made on a Sunday.

24 (4) No person may operate an automatic dialing-announcing
25 device to place a call which is received by a telephone in this
26 state for the purpose of persuading, inducing or encouraging the
27 person called to purchase any type of product or service.

28 (5) This article does not apply to any automatic
29 dialing-answering device which is not used to randomly or



30 sequentially dial telephone numbers but which is used solely to
31 transmit a message to an established business associate, customer
32 or other person having an established business relationship with
33 the person using the automatic dialing-answering device to
34 transmit the message, or to any call generated at the request of
35 the recipient. For purposes of this subsection, "established
36 business relationship" means an existing relationship formed by a
37 voluntary two-way communication between a person or entity and a
38 consumer, with or without an exchange of consideration, on the
39 basis of an inquiry, application, purchase or transaction by the
40 consumer, which relationship has not been terminated by either
41 party; however, the act of purchasing consumer goods or services
42 under an extension of credit does not create an existing business
43 relationship between the consumer and the entity extending credit
44 to the consumer for such purchase.

45 (6) The Public Service Commission may determine any question
46 of fact arising under this section.

47 **SECTION 2.** Section 77-3-455, Mississippi Code of 1972, is
48 amended as follows:

49 77-3-455. (1) Automatic dialing-announcing devices may be
50 used to place calls over telephone lines only pursuant to a prior
51 agreement between the persons involved, by which the person called
52 has agreed that he or she consents to receive such calls from the
53 person calling, or as specified in subsection (2) of this section.

54 (2) Whenever telephone calls are placed through the use of
55 an automatic dialing-announcing device, such device shall be
56 operated by a person who shall do all of the following:

57 (a) State the nature of the call and the name, address
58 and telephone number of the business or organization being
59 represented, if any.

60 (b) Inquire whether the person called consents to hear
61 the prerecorded message of the person calling.



62 (c) Disconnect the automatic dialing-announcing device
63 from the telephone line within five (5) seconds upon the
64 termination of the call by either the person calling or the person
65 called.

66 **SECTION 3.** This act shall take effect and be in force from
67 and after July 1, 2003.

