MISSISSIPPI LEGISLATURE
REGULAR SESSION 2003

By: Representatives Rotenberry, Eakes, Montgomery (15th), Warren
To: Public Utilities

HOUSE BILL NO. 676

AN ACT TO PROHIBIT TELEPHONE SOLICITATIONS TO RESIDENTIAL SUBSCRIBERS WHO GIVE NOTICE OF THEIR OBJECTION TO SUCH CALLS TO THE PUBLIC SERVICE COMMISSION; TO REQUIRE THE PUBLIC SERVICE COMMISSION TO ESTABLISH A "NO-CALLS" DATABASE TO COLLECT SUCH OBJECTIONS; TO RESTRICT THE USE OF INFORMATION CONTAINED IN THE DATABASE; TO REQUIRE ALL TELEPHONE SOLICITORS TO REGISTER WITH THE PUBLIC SERVICE COMMISSION BEFORE CONDUCTING TELEPHONIC SOLICITATIONS AND TO PURCHASE THE "NO-CALLS" DATABASE FROM THE COMMISSION; TO AUTHORIZE THE PUBLIC SERVICE COMMISSION TO PROMULGATE RULES NECESSARY TO EFFECTUATE THIS ACT; TO PROHIBIT TELEPHONE SOLICITORS FROM BLOCKING RESIDENTIAL SUBSCRIBERS' USE OF CALLER IDENTIFICATION SERVICES AND FROM USING AUTOMATED DIALING SYSTEMS WHEN MAKING TELEPHONE SOLICITATIONS; TO PROVIDE CIVIL PENALTIES FOR VIOLATIONS OF THIS ACT; TO BRING FORWARD SECTIONS 77-3-601 THROUGH 77-3-619, MISSISSIPPI CODE OF 1972, WHICH REGULATE THE GENERAL CONDUCT OF TELEPHONE SOLICITORS AND REQUIRE TELEPHONE SOLICITORS TO REGISTER WITH THE ATTORNEY GENERAL'S OFFICE; AND FOR RELATED PURPOSES.

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

SECTION 1. This article shall be known and may be cited as the "Mississippi Telephonic Solicitation Act."

SECTION 2. The Legislature finds and declares that the use of the telephone to make all types of solicitations to consumers is pervasive. The Legislature further finds that these communications can amount to a nuisance, an invasion of privacy, and can create a health and safety risk for certain consumers who maintain their phone service primarily for emergency medical situations. The purpose of this act is to give consumers a tool by which to object to these telemarketing calls.

SECTION 3. For the purposes of this article, the following words and phrases have the meanings ascribed in this section unless the context clearly indicates otherwise:

(a) "Consumer" means a person to whom is assigned in the State of Mississippi a residential telephone line and
corresponding telephone number, who uses the residential line primarily for residential purposes.

(b) "Caller Identification Service" means a type of telephone service which permits telephone subscribers to see the telephone number and name of the person or entity to whom that telephone number is assigned of incoming telephone calls.

(c) "Telephone solicitor" means any person, firm, entity, organization, partnership, association, corporation, charitable entity, or a subsidiary or affiliate thereof, who engages in any type of telephone solicitation on his or her own behalf or through representatives, independent contractors, salespersons, agents or other persons.

(d) "Telephone solicitation" means any voice or facsimile communication over a telephone line to a consumer for the purpose of persuading, enticing, requesting, petitioning or otherwise seeking to induce the consumer to take some action, but does not include communications:

(i) To any residential subscriber with that subscriber's prior invitation or permission;

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

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

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

(f) "Doing business in this state" refers to businesses that conduct telephonic sales calls from a location in the State of Mississippi or from other states or nations to consumers located in this state.

SECTION 4. (1) A telephone solicitor may not make or cause to be made any telephone solicitation to any consumer in this
state unless the telephone solicitor has purchased the most current "no-calls" database from the commission.

(2) A telephone solicitor may not make or cause to be made any telephone solicitation to any consumer in this state who has given notice to the commission of his or her objection to receiving telephone solicitations.

(3) The commission shall establish and operate a "no-calls" database composed of a list of telephone numbers of consumers who give notice of their objection to receiving telephone solicitations.

(4) Each local exchange company and each competing local exchange carrier shall provide written notification on a semiannual basis to each of its consumers, beginning on July 1, 2002, of the opportunity to provide notification to the commission or the entity under contract with the commission that the consumer objects to receiving telephone solicitations. The notification must be disseminated, at the option of the carrier, by television, radio or newspaper advertisements, written correspondence, bill inserts or messages, a publication in the consumer information pages of the local telephone directory or any other method not prohibited expressly by the commission.

SECTION 5. All telephone solicitors must register with the commission before conducting any telephonic solicitations in the State of Mississippi.

SECTION 6. The commission may promulgate rules necessary to effectuate this article, including, but not limited to, the following:

(a) Methods by which consumers may give notice to the commission or its contractor of their objection to receiving solicitations or revocation of the notice;

(b) Methods by which a notice of objection becomes effective and the effect of a change of telephone number on the notice;
(c) Methods by which objections and revocations are collected and added to the database;

(d) Methods by which a person or entity desiring to make telephone solicitations may obtain access to the database as required to avoid calling the telephone number of consumers included in the database;

(e) The process by which the database is updated, and the frequency of updates;

(f) The process by which telephone solicitors must register with the commission for the purpose of conducting telephonic solicitations in the state;

(g) Establishment of fees to be charged by the commission to telephone solicitors for access to or for paper or electronic copies of the database on an annual basis; and

(h) All other matters relating to the database that the commission deems necessary.

SECTION 7. If the Federal Communications Commission establishes a single national database of telephone numbers of consumers who object to receiving telephone solicitations, the commission must include the portion of the single national database which relates to the State of Mississippi in the database established under this article.

SECTION 8. Information contained in the database established pursuant to this article may be used and accessed only for the purpose of compliance with this article and may not be subject otherwise to public inspection or disclosure. Such information is exempt from the Mississippi Public Records Act of 1983.

SECTION 9. A special fund is created in the State Treasury into which all fees collected under this article must be deposited to be expended by the commission for the implementation and administration of this article. At the end of each fiscal year, unexpended monies remaining in the fund will not revert to any other fund of the state, but must remain available for
appropriations to administer this article. The Legislature shall appropriate annually from the fund the amount necessary for the administration of this article to the commission.

SECTION 10.  (1) Any person or entity who makes a telephone solicitation to a consumer in this state who is not listed on the most current "no-calls" database shall announce clearly, at the beginning of each call, his or her name, the company he or she represents and the purpose of the call. Such calls may only be made between the hours of 9:00 a.m. and 8:00 p.m. No telephone solicitation may be made on a Sunday.

(2) A person or entity who makes a telephone solicitation to a consumer in this state may not utilize knowingly any method that blocks or otherwise circumvents the use of Caller Identification Service by the consumer.

(3) A person or entity making a telephone solicitation to a consumer in this state may not use an automated dialing system or any like system that uses a recorded voice message to communicate to the consumer.

SECTION 11. The commission may investigate alleged violations and initiate proceedings relative to a violation of this article or any rules and regulations promulgated pursuant to this article. Such proceedings include, without limitation, proceedings to issue a cease and desist order, and to issue an order imposing a civil penalty not to exceed Five Thousand Dollars ($5,000.00) for each violation. The commission shall afford an opportunity for a fair hearing to the alleged violator or violators after giving written notice of the time and place for the hearing. Failure to appear at any such hearing may result in the commission finding the alleged violator or violators liable by default. Any telephone solicitor found to have violated this article, pursuant to a hearing or by default, may be subject to a civil penalty not to exceed Five Thousand Dollars ($5,000.00) for
each violation to be assessed and collected by the commission. Each telephonic communication constitutes a separate violation. All penalties collected by the commission must be deposited in the special fund created under Section 9 for the administration of this article. The commission may issue subpoenas, require the production of relevant documents, administer oaths, conduct hearings and do all things necessary in the course of investigating, determining and adjudicating an alleged violation.

The remedies, duties, prohibitions and penalties set forth under this article are not exclusive and are in addition to all other causes of action, remedies and penalties provided by law, including, but not limited to, the penalties provided by Section 77-1-53.

SECTION 12. Any person who has received a telephone solicitation in violation of this article or any rules and regulations promulgated pursuant to this article may file a complaint with the commission. The complaint will be processed pursuant to complaint procedures established by the commission.

SECTION 13. It is a defense in any action or proceeding brought under Section 11 or 12 of this article that the defendant has established and implemented, with due care, reasonable practices and procedures to effectively prevent telephone solicitations in violation of this article.

SECTION 14. The commission is granted personal jurisdiction over any telephone solicitor, whether a resident or a nonresident, notwithstanding that telephone solicitors are not deemed to be a public utility, for the purpose of administering this article. The commission is granted personal jurisdiction over any nonresident telephone solicitor, its executor, administrator, receiver, trustee or any other appointed representative of such nonresident as to an action or proceeding authorized by this article or any rules and regulations promulgated pursuant to this
article as authorized by Section 13-3-57, and also upon any
nonresident, his or her executor, administrator, receiver, trustee
or any other appointed representative of such nonresident who has
qualified under the laws of this state to do business in
Mississippi. Service of summons and process upon the alleged
violator of this article shall be had or made in the manner
provided by the Mississippi Rules of Civil Procedure.

SECTION 15. Any party aggrieved by any final order of the
commission pursuant to this article, or any rules and regulations
promulgated pursuant to this article, has the right of appeal to
the Chancery Court of the First Judicial District of Hinds County,
Mississippi.

SECTION 16. A provider of telephonic Caller Identification
Service, local exchange telephone company or long distance company
certificated by the commission may not be held liable for
violations of this article committed by other persons or entities.

SECTION 17. If any section, paragraph, sentence, phrase or
any part of this article is held invalid or unconstitutional, such
holding does not affect any other section, paragraph, sentence,
clause, phrase or part of this article which is not in and of
itself invalid or unconstitutional. Moreover, if the application
of this article, or any portion of it, to any person or
circumstance is held invalid, the invalidity does not affect the
application of this article to other persons or circumstances
which can be given effect without the invalid provision or
application.

SECTION 18. Section 77-3-601, Mississippi Code of 1972, is
brought forward as follows:

77-3-601. As used in this article:

(a) "Telephonic sales call" means a call made by a
telephone solicitor to a consumer for the purpose of soliciting a
sale of any consumer goods or services, or for the purpose of
soliciting an extension of credit for consumer goods or services,
or for the purpose of obtaining information or an extension of 
credit for these purposes.

(b) "Consumer goods or services" means any real 
property or any tangible or intangible personal property which is 
normally used for personal, family or household purposes, 
including, without limitation, any property intended to be 
attached to or installed in any real property regardless of 
whether it is attached or installed, as well as cemetery lots and 
time-share estates, and any services related to the property.

(c) "Unsolicited telephonic sales call" means a 
telephonic sales call other than a call made:

(i) In response to an express request of the 
person called;

(ii) In connection with an existing debt or 
contract, payment or performance which has not been completed at 
the time of the call; or

(iii) To any person with whom the telephone 
solicitor has an established business relationship.

(d) "Consumer" means an actual or prospective 
purchaser, lessee or recipient of consumer goods or services.

(e) "Merchant" means a person who, directly or 
indirectly, offers or makes available to consumers any consumer 
goods or services.

(f) "Telephone solicitor" means any natural person, 
firm, organization, partnership, association, corporation, or a 
subsidiary or affiliate thereof, doing business in this state, who 
makes or causes to be made a telephonic sales call.

(g) "Doing business in this state" refers to businesses 
who conduct telephonic sales calls from a location in Mississippi 
or from other states or nations to consumers located in 
Mississippi.

(h) "Established business relationship" means a prior 
or existing relationship formed by a voluntary two-way
communication between a person or entity and a consumer with or
without an exchange of consideration, on the basis of an inquiry,
application, purchase or transaction by such person or entity,
which relationship has not been previously terminated by either
party.

SECTION 19. Section 77-3-603, Mississippi Code of 1972, is
brought forward as follows:

77-3-603. Any telephone solicitor who makes an unsolicited
telephonic sales call to a residential telephone number shall:

(a) Make calls between the hours of 8:00 a.m. and 9:00
p.m., Central Standard Time, Monday through Friday, and between
the hours of 8:00 a.m. and 9:00 p.m. on Saturdays (no calls shall
be made on Sundays);

(b) Identify himself or herself by his or her true
first and last names and the business on whose behalf he or she is
soliciting immediately upon making contact by telephone with the
person who is the object of the telephone solicitation; and

(c) Discontinue the call immediately if at any time
during the conversation the person being solicited expresses
disinterest in continuing the call or sales presentation.

SECTION 20. Section 77-3-605, Mississippi Code of 1972, is
brought forward as follows:

77-3-605. Any telephone solicitor shall apply for a
certificate of registration from the Office of the Attorney
General as a condition for doing business in this state. The
certificate of registration shall be in a form as prescribed by
the Attorney General.

The application for a certificate of registration shall be
accompanied by a surety bond in the penal sum of Seventy-five
Thousand Dollars ($75,000.00) with conditions and in a form
prescribed by the Attorney General. The bond shall provide for
the indemnification of any person suffering loss as the result of
any fraud, misrepresentation or violation of Sections 77-3-601
through 77-3-619 by the principal. The term of the bond shall be continuous, but it shall be subject to cancellation by the surety in the manner described in this section. The surety may terminate the bond upon giving a sixty-day written notice to the principal and to the Attorney General, but the liability of the surety for acts of the principal and its agents shall continue during the sixty (60) days of cancellation notice. The notice does not absolve the surety from liability which accrues before the cancellation becomes final but which is discovered after that date and which may have arisen at any time during the term of the bond. Unless the bond is replaced by that of another surety before the expiration of the sixty (60) days' notice of cancellation, the certificate of registration shall be suspended. Any person required pursuant to this section to file a bond with an application for a certificate of registration may file, in lieu thereof, cash, a certificate of deposit, or government bonds in the amount of Seventy-five Thousand Dollars ($75,000.00). Such deposit is subject to the same terms and conditions as are provided for in the surety bond required herein. Any interest or earnings on such deposits are payable to the depositor.

SECTION 21. Section 77-3-607, Mississippi Code of 1972, is brought forward as follows:

77-3-607. (1) A contract made pursuant to a telephonic sales call is not valid and enforceable against a consumer unless made in compliance with this section.

(2) A contract made pursuant to a telephonic sales call shall:

(a) Be reduced to writing and signed by the consumer.

(b) Comply with all other applicable laws and rules.

(c) Match the description of goods or services as principally used in the telephone solicitations.
(d) Contain the name, address, and telephone number of the seller, the total price of the contract and a detailed description of the goods or services being sold.

(e) Contain, in bold, conspicuous type, immediately preceding the signature, the following statement:

"YOU ARE NOT OBLIGATED TO PAY ANY MONEY UNLESS YOU SIGN THIS CONTRACT AND RETURN IT TO THE SELLER."

(f) Include in its terms any oral or written representations made by the telephone solicitor to the consumer in connection with the transaction.

(3) The provisions of this section do not apply to contractual sales regulated under other sections of the Mississippi statutes and to contractual sales of companies which provide telecommunication services and reach binding agreements by telephone for these services.

(4) A merchant who engages a telephone solicitor to make or cause to be made a telephonic sales call shall not make or submit any charge to the consumer’s credit card account until after the merchant receives from the consumer a copy of the contract which complies with this section.

(5) The provisions of this section do not apply to a transaction:

(a) Made in accordance with prior negotiations in the course of a visit by the consumer to a merchant operating a retail business establishment which has a fixed permanent location and where consumer goods are displayed or offered for sale on a continuing basis;

(b) In which the consumer may obtain a full refund for the return of undamaged and unused goods or a cancellation of services notice to the seller within seven (7) days after receipt by the consumer, and the seller will process the refund within thirty (30) days after receipt of the returned merchandise by the consumer;
(c) In which the consumer purchases goods or services after an examination of a television, radio, or print advertisement or a sample, brochure, or catalog of the merchant that contains the name, address and telephone number of the merchant; a description of the goods or services being sold; and any limitations or restrictions that apply to the offer; or

(d) In which the merchant is a bona fide charitable organization ruled tax-exempt by the Internal Revenue Service.

SECTION 22. Section 77-3-609, Mississippi Code of 1972, is brought forward as follows:

77-3-609. The provisions of Sections 77-3-601 through 77-3-619 shall not apply to:

(a) A person engaging in commercial telephone solicitation where the solicitation is an isolated transaction and not done in the course of a pattern of repeated transactions of like nature.

(b) A person making calls for religious, charitable, political, education or other noncommercial purposes, or a person soliciting for a nonprofit corporation if that corporation is properly registered as such with the Secretary of State and is included within the exemption of S.501(c)(3) or S.501(c)(6) of the Internal Revenue Code.

(c) A person soliciting:

(i) Without the intent to complete or obtain provisional acceptance of a sale during the telephone solicitation;

(ii) Who does not make the major sales presentation during the telephone solicitation; or

(iii) Without the intent to complete, and who does not complete, the sales presentation during the telephone solicitation, but who completes the sales presentation at a later face-to-face meeting between the seller and the prospective purchaser. However, if a seller, directly following a telephone
solicitation, causes an individual whose primary purpose it is to
go to the prospective purchaser to collect the payment or deliver
any item purchased, this exemption does not apply.

(d) Any licensed securities, commodities, or
investments broker, dealer or investment advisor, when soliciting
within the scope of his license. As used in this section,
"licensed securities, commodities, or investments broker, dealer
or investment advisor" means a person subject to license or
registration as such by the Securities and Exchange Commission, by
the National Association of Securities Dealers or other
self-regulatory organization as defined by the Securities Exchange
Act of 1934 (15 USCS Sec. 781), or by an official or agency of
this state or of any state of the United States.

(e) Any licensed associated person of a securities,
commodities, or investments broker, dealer or investment advisor,
when soliciting within the scope of his license. As used in this
section, "licensed associated person of a securities, commodities,
or investment broker, dealer or investment advisor" means any
associated person registered or licensed by the National
Association of Securities Dealers or other self-regulatory
organization as defined by the Securities Exchange Act of 1934 (15
USCS Sec. 781) or by an official or agency of this state or of any
state of the United States.

(f) A person primarily soliciting the sale of a
newspaper, magazine or periodical of general circulation by its
publisher, or by the publisher's agent through written agreement.

(g) A book, video or record club or contractual plan or
arrangement:

(i) Under which the seller provides the consumer
with a form which the consumer may use to instruct the seller not
to ship the offered merchandise;
(ii) Which is regulated by the Federal Trade Commission trade regulation concerning "use of negative option plans by sellers in commerce"; or

(iii) Which provides for the sale of books, records or videos which are not covered under paragraphs (i) or (ii), including continuity plans, subscription arrangements, standing order arrangements, supplements and series arrangements under which the seller periodically ships merchandise to a consumer who has consented in advance to receive such merchandise on a periodic basis.

(h) Any supervised financial institution or parent, subsidiary or affiliate thereof. As used in this section, "supervised financial institution" means any commercial bank, trust company, savings and loan association, mutual savings bank, credit union, industrial loan company, consumer finance lender, commercial finance lender or insurer, provided that the institution is subject to supervision by an official or agency of this state, of any state or of the United States.

(i) Any licensed insurance or real estate broker, agent, customer representative or solicitor when soliciting within the scope of his license. As used in this section, "licensed insurance or real estate broker, agent, customer representative or solicitor" means any insurance or real estate broker, agent, customer representative or solicitor licensed by an official or agency of this state or of any state of the United States.

(j) A person soliciting the sale of services provided by a cable television system operating under authority of a franchise or permit.

(k) A person who solicits sales by periodically publishing and delivering a catalog of the seller's merchandise to prospective purchasers, if the catalog:

(i) Contains a written description or illustration

of each item offered for sale;
(ii) Includes the business address or home office address of the seller;

(iii) Includes at least twenty-four (24) pages of written material and illustrations and is distributed in more than one (1) state; or

(iv) Has an annual circulation by mailing of not less than two hundred fifty thousand (250,000).

(l) A person who solicits contracts for the maintenance or repair of goods previously purchased from the person making the solicitation or on whose behalf the solicitation is made.

(m) A telephone company, or its subsidiary or agents, or a business which is regulated by the Mississippi Public Service Commission, or a Federal Communications Commission licensed cellular telephone company or other bona fide radio telecommunication services provider.

(n) Any publicly traded corporation which has securities registered with the Securities and Exchange Commission which are a reported security within the meaning of subparagraph (4) of Regulation Section 240.11a3-1,(a), under the Securities Exchange Act of 1934, or which is exempt from registration under subparagraph (A), (B), (C), (E), (F), (G) or (H) of paragraph (2) of subsection (g) of Section 12 of the Securities Exchange Act of 1934 (15 USCS Section 781), or any subsidiary of such a corporation.

(o) A business soliciting exclusively the sale of telephone answering services, provided that the telephone answering services will be supplied by the solicitor.

(p) A person soliciting a transaction regulated by the Commodity Futures Trading Commission if the person is registered or temporarily licensed for this activity with the Commodity Futures Trading Commission under the Commodity Exchange Act (7 USCS Section 1 et seq.) and the registration or license has not expired or been suspended or revoked.
A person soliciting the sale of food or produce if the solicitation neither intends to result in, or actually results in, a sale which costs the purchaser in excess of One Hundred Dollars ($100.00).

A person soliciting business from prospective consumers who have an established business relationship with, or who have previously purchased from, the business enterprise for which the solicitor is calling, if the solicitor is operating under the same exact business name.

A person who has been operating, for at least one year, a retail business establishment under the same name as that used in connection with telemarketing, and both of the following occur on a continuing basis:

(i) Either products are displayed and offered for sale, or services are offered for sale and provided at the business establishment; and

(ii) A majority of the seller's business involves the buyer obtaining such products or services at the seller's location.

Any telephone marketing service company which provides telemarketing sales services under contract to sellers and has been operating continuously for at least five (5) years under the same business name and seventy-five percent (75%) of its contracts are performed on behalf of persons exempted from Sections 77-3-601 through 77-3-619.

SECTION 23. Section 77-3-611, Mississippi Code of 1972, is brought forward as follows:

77-3-611. The Attorney General shall investigate any complaints received concerning violations of Sections 77-3-601 through 77-3-619. If, after investigating any complaint, the Attorney General finds that there has been a violation of Sections 77-3-601 through 77-3-619, the Attorney General may bring an action to impose a civil penalty and to seek other relief,
including injunctive relief, as the court deems appropriate
against the telephone solicitor. The civil penalty shall not
exceed Ten Thousand Dollars ($10,000.00) per violation and shall
be deposited in the State General Fund, unallocated. This civil
penalty may be recovered in any action brought under Sections
77-3-601 through 77-3-619 by the Attorney General. Alternatively,
the Attorney General may terminate any investigation or action
upon agreement by the person to pay a stipulated civil penalty.
The Attorney General or the court may waive any civil penalty if
the person has previously made full restitution or reimbursement
or has paid actual damages to the consumers who have been injured
by the violation.

SECTION 24. Section 77-3-613, Mississippi Code of 1972, is
brought forward as follows:

77-3-613. In any civil proceeding alleging a violation of
Sections 77-3-601 through 77-3-619, the burden of proving an
exemption or an exemption from a definition is upon the person
claiming it.

SECTION 25. Section 77-3-615, Mississippi Code of 1972, is
brought forward as follows:

77-3-615. (1) In any civil litigation resulting from a
transaction involving a violation of Sections 77-3-601 through
77-3-619, the prevailing party, after judgment in the trial court
and exhaustion of all appeals, if any, shall receive his
reasonable attorney's fees and costs from the nonprevailing party.

(2) The attorney for the prevailing party shall submit a
sworn affidavit of his time spent on the case and his costs
incurred for all the motions, hearings, and appeals to the trial
judge who presided over the civil case.

(3) The trial judge shall award the prevailing party the sum
of reasonable costs incurred in the action plus a reasonable legal
fee for the hours actually spent on the case as sworn to in an
affidavit.
(4) Any award of attorney's fees or costs shall become a part of the judgment and subject to execution as the law allows.

(5) In any civil litigation initiated by the Attorney General, the court may award to the prevailing party reasonable attorney's fees and costs if the court finds that there was a complete absence of a justiciable issue of either law or fact raised by the losing party, or if the court finds bad faith on the part of the losing party.

SECTION 26. Section 77-3-617, Mississippi Code of 1972, is brought forward as follows:

77-3-617. The Attorney General shall by rule ensure that telecommunications companies inform their customers of the provisions of Sections 77-3-601 through 77-3-619. The notification may be made by:

(a) Annual inserts in the billing statements mailed to customers; and

(b) Conspicuous publication of the notice in the consumer information pages of the local telephone directories.

SECTION 27. Section 77-3-619, Mississippi Code of 1972, is brought forward as follows:

77-3-619. The Attorney General is authorized to issue any necessary rules and regulations in order to carry out the provisions of Sections 77-3-601 through 77-3-619.

SECTION 28. Sections 1 through 17 of this act shall be codified as a new article within Chapter 3, Title 77, Mississippi Code of 1972.

SECTION 29. This act shall take effect and be in force from and after July 1, 2003.