

By: Senator(s) Burton

To: Public Utilities

SENATE BILL NO. 2157

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

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

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

15 77-3-621. (1) As used in this section, the following terms
 16 shall have the corresponding meanings:

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

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

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



31 (2) All telemarketers shall obtain, no less frequently than
32 on a semiannual basis, subscription listings of consumers in this
33 state who have arranged to be included on the national do-not-call
34 list.

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

42 (4) Any telemarketer who shall violate any provision of the
43 Federal Trade Commission's Telemarketing Sales Rule, 16 Code of
44 Federal Regulations, Part 310, as that part may be in effect at
45 any time on or after January 1, 2004, with respect to any call
46 made to a consumer in this state is in violation of this section.

47 (5) All calls made to consumers in this state by
48 telemarketers are subject to the jurisdiction, control and
49 regulation of the commission. The commission may investigate and
50 enforce the provisions of this section and impose fines for all
51 violations of this section.

52 (6) Any person violating this section is guilty of a civil
53 offense and is subject to a fine not to exceed One Hundred Dollars
54 (\$100.00) per violation. All fines levied pursuant to this
55 section shall be deposited into a special fund for use by the
56 commission.

57 (7) The commission shall by rule ensure that
58 telecommunications companies providing local exchange service
59 inform their customers of the provisions of this section. The
60 notification may be made by information provided annually in the
61 billing statements mailed to customers and conspicuous publication
62 of the notice in the consumer information pages of the local
63 telephone directories.



64 (8) The provisions of this section shall not apply to
65 nonprofit organizations, political parties and candidates, and
66 other firms that obtain an exemption from the commission. The
67 commission shall establish and publish appropriate criteria by
68 which persons may obtain such exemptions and shall have full
69 authority to approve or deny such exemptions in accordance with
70 those criteria.

71 (9) The provisions of this section shall apply independently
72 of all other sections contained in this article, and no exemptions
73 enumerated in this article other than those specifically
74 authorized under this section shall have any application for
75 purposes of this section.

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

