

By: Representative Arnold

To: Public Utilities

HOUSE BILL NO. 280

1 AN ACT TO AMEND SECTION 77-3-725, MISSISSIPPI CODE OF 1972,
2 TO INCREASE THE CIVIL PENALTIES FOR VIOLATIONS OF THE MISSISSIPPI
3 TELEPHONE SOLICITATION ACT; TO REVISE THE DISTRIBUTION OF THE
4 PENALTIES; AND FOR RELATED PURPOSES.

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

6 **SECTION 1.** Section 77-3-725, Mississippi Code of 1972, is
7 amended as follows:

8 77-3-725. The commission may investigate alleged violations
9 and initiate proceedings relative to a violation of this article
10 or any rules and regulations promulgated pursuant to this article.
11 Such proceedings include, without limitation, proceedings to issue
12 a cease and desist order, and to issue an order imposing a civil
13 penalty not to exceed * * * One Hundred Thousand Dollars
14 (\$100,000.00) for each violation. The commission shall afford an
15 opportunity for a fair hearing to the alleged violator(s) after
16 giving written notice of the time and place for said hearing.
17 Failure to appear at any such hearing may result in the commission
18 finding the alleged violator(s) liable by default. Any telephone
19 solicitor found to have violated this article, pursuant to a



20 hearing or by default, may be subject to a civil penalty not to
21 exceed * * * One Hundred Thousand Dollars (\$100,000.00) for each
22 violation to be assessed and collected by the commission. Each
23 telephonic communication shall constitute a separate violation.

24 * * * Ten percent (10%) of the penalties collected by the
25 commission shall be deposited in the special fund created under
26 Section 77-3-721 for the administration of this article, ten
27 percent (10%) of the penalties shall be deposited into a special
28 fund created in the State Treasury for the purpose of funding a
29 Highway Patrol Trooper School, forty percent (40%) of the
30 penalties shall be deposited into the Local System Bridge
31 Replacement and Rehabilitation Fund and forty percent (40%) of the
32 penalties shall be deposited into a special fund created in the
33 State Treasury to be administered by the State Aid Engineer for
34 the purpose of providing funding for municipal roads and bridges
35 by municipalities with a population of fifteen thousand (15,000)
36 or less in accordance with the latest federal decennial census.
37 The State Aid Engineer shall distribute funding to eligible
38 municipalities on a pro rata basis.

39 The commission may issue subpoenas, require the production of
40 relevant documents, administer oaths, conduct hearings, and do all
41 things necessary in the course of investigating, determining and
42 adjudicating an alleged violation.

43 The remedies, duties, prohibitions and penalties set forth
44 under this article shall not be exclusive and shall be in addition



45 to all other causes of action, remedies and penalties provided by
46 law, including, but not limited to, the penalties provided by
47 Section 77-1-53.

48 **SECTION 2.** This act shall take effect and be in force from
49 and after July 1, 2018.

