

By: Representatives Beckett, Sykes, Hughes,
Miles, Mickens, Baria, Haney, Dixon

To: Public Utilities

HOUSE BILL NO. 1045

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

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

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

7 77-3-725. The commission may investigate alleged violations
8 and initiate proceedings relative to a violation of this article
9 or any rules and regulations promulgated pursuant to this article.
10 Such proceedings include, without limitation, proceedings to issue
11 a cease and desist order, and to issue an order imposing a civil
12 penalty not to exceed * * * Ten Thousand Dollars (\$10,000.00) for
13 each violation. The commission shall afford an opportunity for a
14 fair hearing to the alleged violator(s) after giving written
15 notice of the time and place for said hearing. Failure to appear
16 at any such hearing may result in the commission finding the
17 alleged violator(s) liable by default. Any telephone solicitor
18 found to have violated this article, pursuant to a hearing or by



19 default, may be subject to a civil penalty not to exceed * * * Ten
20 Thousand Dollars (\$10,000.00) for each violation to be assessed
21 and collected by the commission. Each telephonic communication
22 shall constitute a separate violation.

23 All penalties collected by the commission shall be deposited
24 in the special fund created under Section 77-3-721 for the
25 administration of this article.

26 The commission may issue subpoenas, require the production of
27 relevant documents, administer oaths, conduct hearings, and do all
28 things necessary in the course of investigating, determining and
29 adjudicating an alleged violation.

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

35 **SECTION 2.** This act shall take effect and be in force from
36 and after July 1, 2019.

