

1 **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2 STATE OF OKLAHOMA

3 1st Session of the 55th Legislature (2015)

4 HOUSE BILL 1430

 By: Leewright

7 AS INTRODUCED

8 An Act relating to consumer protection; amending 15
9 O.S. 2011, Section 775B.2, which relates to the
10 Telemarketer Restriction Act; modifying definitions;
11 and providing an effective date.

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13 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

14 SECTION 1. AMENDATORY 15 O.S. 2011, Section 775B.2, is
15 amended to read as follows:

16 Section 775B.2 As used in the Telemarketer Restriction Act:

17 1. "Commercial purposes" means relating to the sale or offer
18 for sale of goods or services. "Commercial purposes" does not mean
19 solicitation of funds or other support for a charitable or religious
20 activity; political candidate, cause, or organization; or any
21 activity of a not-for-profit entity organized pursuant to Section
22 501(c) (3) of the Internal Revenue Code;

23 2. "Consumer" means any natural person who is a resident of
24 this state and ~~shall not include~~ any business association,

1 partnership, firm, corporation, and its affiliates or subsidiaries,
2 or other business entity located in this state;

3 3. "Established business relationship" means a prior
4 relationship formed within the preceding twenty-four (24) months or
5 an existing relationship formed by a voluntary two-way communication
6 between a person or entity and a consumer or residential subscriber
7 with or without an exchange of consideration, on the basis of an
8 inquiry, application, purchase or transaction by the consumer or
9 residential subscriber regarding products or services offered by
10 such person or entity, which relationship has not been previously
11 terminated by either party;

12 4. "Person" means any natural person, association, partnership,
13 firm, corporation and its affiliates or subsidiaries, or other
14 business entity;

15 5. "Telemarketer" means any person who, for commercial
16 purposes, initiates a telemarketing sales call or message,
17 including, but not limited to, a cellular telephone text message,
18 to a consumer located in this state or any person who directly
19 controls or supervises the conduct of a telemarketer; and

20 6. "Telemarketing" means any plan, program, or campaign which
21 is conducted for commercial purposes, by use of one or more
22 telephones or electronic messaging devices and which involves a
23 telephone call or message, including, but not limited to, a cellular
24 telephone text message, initiated by a telemarketer to a consumer

1 located within this state at the time of the call or message;
2 "telemarketing" may include use of random dialing or other devices
3 for such purposes and use of recorded or simulated voices or
4 automated electronic text messages delivery devices. "Telemarketing"
5 does not include a telephone call which is made for the sole purpose
6 of arranging a subsequent face-to-face meeting between a salesperson
7 and the consumer.

8 SECTION 2. This act shall become effective November 1, 2015.

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10 COMMITTEE REPORT BY: COMMITTEE ON JUDICIARY AND CIVIL PROCEDURE,
11 dated 02/10/2015 - DO PASS.

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