

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2007

S

1

SENATE BILL 1002

Short Title: Auto Dialing and Recorded Message Players.

(Public)

Sponsors: Senator Rand.

Referred to: Commerce, Small Business and Entrepreneurship.

March 21, 2007

1 A BILL TO BE ENTITLED
2 AN ACT TO CLARIFY AND EXTEND THE RESTRICTIONS ON THE USE OF
3 AUTOMATIC DIALING AND RECORDED MESSAGE PLAYERS TO MAKE
4 UNSOLICITED TELEPHONE CALLS.

5 The General Assembly of North Carolina enacts:

6 **SECTION 1.** G.S. 75-104 reads as rewritten:

7 "**§ 75-104. Restrictions on use of automatic dialing and recorded message players.**

8 (a) Except as provided otherwise in this section, no person may use an automatic
9 dialing and recorded message player to make an unsolicited telephone call.

10 (b) ~~Notwithstanding subsection (a) of this section, a~~ person may use an
11 automatic dialing and recorded message player to make an unsolicited telephone call
12 only under one or more of the following circumstances:

13 (1) All of the following are satisfied:

14 a. ~~The Subject to subsection (c) of this section, the~~ person making
15 the call is any of the following:

- 16 1. A tax-exempt charitable or civic organization.
- 17 2. A political party or political candidate.
- 18 3. A governmental official.
- 19 4. An opinion polling organization, radio station, television
20 station, cable television company, or broadcast rating
21 service conducting a public opinion poll.

22 b. No part of the call is used to make a telephone solicitation.

23 c. The person making the call, at the initiation of the call,
24 clearly identifies the person's name and contact information and
25 the nature of the unsolicited telephone call.

26 (2) Prior to the playing of the recorded message, a live operator complies
27 with ~~G.S. 75-102(e)~~, G.S. 75-102, states the nature and length in
28 minutes of the recorded message, and asks for and receives prior

- 1 approval to play the recorded message from the person receiving the
2 call.
- 3 (3) The unsolicited telephone call is in connection with an existing debt or
4 contract for which payment or performance has not been completed at
5 the time of the unsolicited telephone ~~call~~-call, and the person making
6 the call, at the initiation of the call, clearly identifies the person's
7 name, contact information, the name of the person on whose behalf the
8 call is being made, and the purpose of the call.
- 9 (4) The unsolicited telephone call is placed by any of the following:
- 10 a. A government official concerning official government business.
11 b. A school official to students, parents, or employees of the
12 school.
13 c. ~~a~~-A person with whom the telephone subscriber has made an
14 appointment, provided that the call is conveying information
15 only about the ~~appointment, or by appointment.~~
16 d. A utility, telephone company, cable television company,
17 satellite television company, or similar entity for the sole
18 purpose of conveying information or news about network
19 outages, repairs or service interruptions, and confirmation calls
20 related to restoration of service.
- 21 (5) The person plays the recorded message in order to comply with section
22 16 C.F.R. Part 310.4(b)(4) of the Telemarketing Sales Rule.
- 23 (c) A political candidate, a political party, and a tax-exempt charitable or civic
24 organization shall not use an automatic dialing and recorded message player to make an
25 unsolicited telephone call to a telephone subscriber's telephone number when the
26 telephone subscriber's telephone number appears in the latest edition of the 'Do Not
27 Call' Registry."
- 28 **SECTION 2.** This act becomes effective January 1, 2008.