

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2003

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SENATE BILL 900

Short Title: Telephone Solicitations/Increase Penalties. (Public)

Sponsors: Senator Webster.

Referred to: Commerce.

April 3, 2003

1 A BILL TO BE ENTITLED
2 AN ACT TO INCREASE THE PENALTIES FOR VIOLATIONS REGARDING
3 TELEPHONE SOLICITATIONS.

4 The General Assembly of North Carolina enacts:

5 **SECTION 1.** G.S. 75-30(e) reads as rewritten:

6 "(e) Violation of this section shall be a Class 3 misdemeanor, punishable ~~only~~ by a
7 fine of one ~~hundred dollars (\$100.00),~~ thousand dollars (\$1,000) for each occurrence."

8 **SECTION 2.** G.S. 75-30.1(i) reads as rewritten:

9 "(i) A person who ~~has received more than~~ receives one or more telephone
10 ~~solicitations~~ solicitations within any 12-month period by or on behalf of the same
11 telephone solicitor in violation of subsections (b) through (g) of this section or in
12 violation of G.S. 75-30 may bring either or both of the following actions in the General
13 Court of Justice:

14 (1) An action to enjoin further violations.

15 (2) An action to recover ~~five hundred dollars (\$500.00)~~ one thousand
16 dollars (\$1,000) in damages for each violation.

17 In an action brought pursuant to this section, a prevailing plaintiff shall be entitled to
18 recover reasonable attorneys' fees, and the court may award reasonable attorneys' fees to
19 a prevailing defendant if the court finds that the plaintiff knew, or should have known,
20 that the action was frivolous and malicious."

21 **SECTION 3.** This act becomes effective October 1, 2003, and applies to any
22 telephone solicitation made on or after that date.