

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2007

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SENATE DRS65168-LD-98A (3/2)

Short Title: Auto Dialing and Recorded Message Players. (Public)

Sponsors: Senator Rand.

Referred to:

A BILL TO BE ENTITLED

AN ACT TO CLARIFY AND EXTEND THE RESTRICTIONS ON THE USE OF
AUTOMATIC DIALING AND RECORDED MESSAGE PLAYERS TO MAKE
UNSOLICITED TELEPHONE CALLS.

The General Assembly of North Carolina enacts:

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

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

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

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

(1) All of the following are satisfied:

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

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

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

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

(2) Prior to the playing of the recorded message, a live operator complies with ~~G.S. 75-102(e)~~, G.S. 75-102, states the nature and length in

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