Regular Session, 2012

HOUSE BILL NO. 151

BY REPRESENTATIVE HENRY

TELEPHONES: Repeals the exemption for political calls in the use of robocalls and in the Do Not Call registry

1	AN ACT
2	To repeal R.S. 45:816(8) and 844.12(6)(f), relative to political telephone calls; to eliminate
3	the exemption for calls made using ADAD equipment pursuant to political
4	campaigns; to remove the exemption for calls constituting political activity from the
5	Telephone Solicitation Relief Act of 2001.
6	Be it enacted by the Legislature of Louisiana:
7	Section 1. R.S. 45:816(8) and 844.12(6)(f) are hereby repealed in their entirety.

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DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

Henry

HB No. 151

Abstract: Removes exemptions for political calls, thereby requiring robocalls pursuant to political campaigns to follow all current law requirements and requiring those making calls pursuant to political activity to obtain copies of the Do Not Call listing and be subject to all other current law requirements.

Present law, under the Consumer Telemarketing Protection Act of 1991, prohibits the use of ADAD equipment used for the automatic dialing and transmitting of recorded messages (commonly referred to as "robocalls") to advertise, sell, lease, rent, conduct polls, or solicit information unless:

- 1) Consent is given by the person when a live operator introduces the call or the call allows the person to give consent, but the call must terminate if no consent is given.
- Calls are made only between the hours of 8:00 a.m. and 8:00 p.m., Monday-Saturday, 2) no holidays or Sundays.
- Recording states who it is from and the phone number associated with the call within 3) the first 25 seconds and again at the end of the call.
- Company registers, receives a permit, pays an annual fee, and is bonded. 4)
- Calls cannot be made by random dialing, to unlisted numbers, or to hospitals, nursing 5) homes, or fire or law enforcement agencies.

<u>Present law</u> allows calls with no prohibitions or restrictions by registration if calls are made:

- 1) At the request of the subscriber.
- 2) To collect a lawful debt.
- 3) To existing customers or for reminders of appointments.
- 4) When a live operator introduces the call.
- 5) From a charity or nonprofit to a subscriber or donor.
- 6) To pre-existing business relationships.
- 7) Pursuant to political campaigns.
- 8) To notify of an emergency.

<u>Proposed law</u> repeals <u>present law</u> exemption for calls made pursuant to political campaigns, thus requiring those making robocalls pursuant to political campaigns to follow all requirements in <u>present law</u>.

<u>Present law</u>, under the Telephone Solicitation Relief Act of 2001, allows La. residents with telephone service to register with the Public Service Commission to be placed on the Do Not Call list (both state and federal).

<u>Present law</u> prohibits telephone solicitation to those persons on the list, except:

- 1) Responses made to an expressed request by the person called.
- 2) Contact in connection with existing debt or contract not yet completed.
- 3) Contact in connection with existing business relationships or prior business relationships within six months.
- 4) Calls from nonprofits, unless using paid professional solicitor.
- 5) Calls conducting marketing research or public opinion polling, as long as not for sales.
- 6) Calls connected with political activity:
 - a) For the sole purpose of urging support for or opposition to a political candidate or ballot issue as long as the caller identifies self.
 - b) For the sole purpose of conducting political polls or soliciting opinions, ideas, or votes.
 - c) By an official journal of the state, parish, municipality, school board, or political subdivision.
- 7) Calls for automobile sales if setting up a later face-to-face meeting with person who previously made purchases from that dealer.
- 8) Calls as a result of a referral to a person personally known to the solicitor, as long as the person is made aware of the name of who referred them.

Present law requires telephone solicitors to obtain copies of the Do Not Call listing by:

- 1) Paying a fee.
- 2) Registering with the Public Service Commission.
- 3) Posting a bond.

<u>Proposed law</u> repeals <u>present law</u> exception for calls constituting political activity, thus requiring those making calls pursuant to political activity to obtain copies of the Do Not Call listing and be subject to all other requirements of <u>present law</u>.

(Repeals R.S. 45:816(8) and 844.12(6)(f))