

SECOND REGULAR SESSION

# HOUSE BILL NO. 2131

102ND GENERAL ASSEMBLY

---

INTRODUCED BY REPRESENTATIVE MACKEY.

3483H.011

DANA RADEMAN MILLER, Chief Clerk

---

## AN ACT

To amend chapter 407, RSMo, by adding thereto one new section relating to solicitation practices.

---

*Be it enacted by the General Assembly of the state of Missouri, as follows:*

Section A. Chapter 407, RSMo, is amended by adding thereto one new section, to be known as section 407.313, to read as follows:

**407.313. 1. It is unlawful for a person to solicit payment of money by any writing that reasonably could be considered a bill, invoice, or statement of account due, but is in fact a solicitation for an order, unless the solicitation meets the requirements of subsections 2 through 6 of this section.**

**2. A solicitation described in subsection 1 of this section shall bear on its face either the disclaimer prescribed by subparagraph (A) of paragraph (2) of subsection (d) of Section 3001 of Title 39 of the United States Code or the following notice:**

**THIS IS NOT A BILL. THIS IS A SOLICITATION. YOU ARE UNDER NO OBLIGATION TO PAY THE AMOUNT STATED ABOVE UNLESS YOU ACCEPT THIS OFFER.**

11

**The statutory disclaimer or the alternative notice required under this subsection shall be displayed in conspicuous boldface capital letters of a color prominently contrasting with the background against which they appear, including all other print on the face of the solicitation and shall be at least as large, bold, and conspicuous as any other print on the face of the solicitation but no smaller than thirty-point font.**

EXPLANATION — Matter enclosed in bold-faced brackets ~~thus~~ in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

17           **3. The disclaimer or notice required under subsection 2 of this section shall be**  
18 **displayed conspicuously apart from other print on the page and immediately below each**  
19 **portion of the solicitation that reasonably could be construed to specify a monetary**  
20 **amount due and payable by the recipient. The disclaimer or notice shall not be**  
21 **preceded, followed, or surrounded by words, symbols, or other matter that reduces its**  
22 **conspicuousness or that introduces, modifies, qualifies, or explains the required text,**  
23 **such as legal notice required by law.**

24           **4. The disclaimer or notice shall not, by folding or any other device, be rendered**  
25 **unintelligible or less prominent than any other information on the face of the**  
26 **solicitation.**

27           **5. If a solicitation consists of more than one page or if any page is designed to be**  
28 **separated into portions, such as by tearing along a perforated line, the disclaimer or**  
29 **notice shall be displayed in its entirety on the face of each page or portion of a page that**  
30 **reasonably might be considered a bill, invoice, or statement of account due.**

31           **6. For the purposes of this section, the term "color" includes black and the term**  
32 **"color prominently contrasting" excludes any color, or any intensity of an otherwise**  
33 **included color, that does not permit legible reproduction by ordinary office**  
34 **photocopying equipment used under normal operating conditions, and that is not at**  
35 **least as vivid as any other color on the face of the solicitation.**

36           **7. Any person damaged by noncompliance with this section is entitled to**  
37 **damages in an amount equal to three times the sum solicited.**

✓