

REVENUE: No Revenue Impact
FISCAL: Has minimal fiscal impact
SUBSEQUENT REFERRAL TO:

Action:

Vote:

Yeas:

Nays:

Exc.:

Prepared By: James LaBar, Administrator

Meeting Dates: 5/6, 5/27

WHAT THE MEASURE DOES: Requires that caller using automatic dialing and announcing device must provide, within first 10 seconds, method for subscriber being called to notify caller via a single signal or code that subscriber does not wish to receive future calls. Requires caller using automatic dialing and announcing device to exclude from call list subscribers who notified caller of wish not to receive future calls. Allows prosecuting attorney to require person believed to have information about unlawful robocalls to testify and provide evidence as part of investigation. Applies to calls made on or after January 1, 2016. Declares emergency, effective upon passage.

ISSUES DISCUSSED:

EFFECT OF COMMITTEE AMENDMENT:

(-A8 amendment) Creates exemptions for collection agency or debt collector and public safety or law enforcement representative.

(-A12 amendment) Replaces original measure. Defines debt buyer as person that engages in the business of purchasing delinquent or charged-off debt for the purpose of collecting debt. Requires that caller using automatic dialing and announcing device must provide, within first 10 seconds, method for subscriber being called to notify caller via a single signal or code that subscriber does not wish to receive future calls. Requires caller using automatic dialing and announcing device to exclude from call list subscribers who notified caller of wish not to receive future calls. Creates exemptions for collection agency, debt buyer or debt collector, public safety or law enforcement representative and a caller that has an established business relationship with the subscriber. Allows prosecuting attorney to require person believed to have information about unlawful robocalls to testify and provide evidence as part of investigation. Applies to calls made on or after January 1, 2016. Declares emergency, effective upon passage.

BACKGROUND: The Federal Communications Commission (FCC) defines “robocalls” as unsolicited prerecorded telemarketing calls to landline home telephones, and all autodialed or prerecorded calls or text messages to wireless numbers. FCC rules require a business to obtain a consumer’s written consent, or a recording of a consumer’s oral consent, before making prerecorded telemarketing calls to a residential phone number or prerecorded telemarketing calls or texts to a wireless number. Other types of autodialed calls to landline phones are not prohibited, including informational messages such as school closings, market research or polling calls, and calls on behalf of tax-exempt nonprofit groups. FCC rules require all prerecorded calls to identify the caller at the beginning of the message and include a contact phone number. All autodialed or prerecorded non-emergency calls to wireless phones are prohibited without prior consent, regardless of content.

House Bill 3031-A provides that callers using automatic dialing and announcing devices must provide, within first 10 seconds, a method for subscriber to opt out of future calls from caller. Callers may not use automatic dialing and

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This summary has not been adopted or officially endorsed by action of the committee.

announcing devices unless they exclude subscribers who have notified the caller that they do not want future calls. Violations of state laws governing robocalls are subject to enforcement by the Attorney General or district attorney.

The vote count in the Consumer Protection and Government Effectiveness Committee was 7-0, and the House vote count was 57-2-1.