

MISSISSIPPI LEGISLATURE

By: Representative Merideth

REGULAR SESSION 1989

TO: PUBLIC UTILITIES

HOUSE BILL NO. 368

1. AN ACT TO REGULATE THE CONNECTION AND OPERATION OF AUTOMATIC
2. TELEPHONE DIALING-ANNOUNCING DEVICES; TO PROHIBIT THE OPERATION OF
3. SUCH DEVICES TO PLACE CALLS DURING CERTAIN HOURS; TO PROHIBIT THE
4. OPERATION OF SUCH DEVICES FOR THE PURPOSE OF INDUCING THE PERSON
5. CALLED TO PURCHASE ANY PRODUCT OR SERVICE; TO PROVIDE PENALTIES
6. FOR VIOLATIONS OF THIS ACT; AND FOR RELATED PURPOSES.

7. BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

8. SECTION 1. As used in this act, "automatic
9. dialing-announcing device" means any automatic equipment which
10. incorporates a storage capability of telephone numbers to be
11. called or a random or sequential number generator capable of
12. producing numbers to be called and the capability, working alone
13. or in conjunction with other equipment, to disseminate a
14. prerecorded message to the telephone number called.

15. SECTION 2. (1) The connection of automatic
16. dialing-announcing devices to a telephone line is subject to this
17. act and to the jurisdiction, control and regulation of the Public
18. Service Commission.

19. (2) No person shall operate an automatic dialing-announcing
20. device except in accordance with this act. The use of such device
21. by any person, either individually or acting as an officer, agent
22. or employee of a person or corporation operating automatic
23. dialing-announcing devices, is subject to this act.

24. (3) No person shall operate an automatic dialing-announcing
25. device to place a call which is received by a telephone in this
26. state during the hours between 9 p.m. and 9 a.m. Mississippi time.

27. (4) No person shall operate an automatic dialing-announcing
28. device to place a call which is received by a telephone in this
29. state for the purpose of persuading, inducing or encouraging the
30. person called to purchase any type of product or service.

31. (5) This act does not apply to any automatic
32. dialing-answering device which is not used to randomly or
33. sequentially dial telephone numbers but which is used solely to
34. transmit a message to an established business associate, customer
35. or other person having an established relationship with the person
36. using the automatic dialing-answering device to transmit the
37. message, or to any call generated at the request of the recipient.

38. (6) The Public Service Commission may determine any question
39. of fact arising under this section.

40. SECTION 3. (1) Automatic dialing-announcing devices may be
41. used to place calls over telephone lines only pursuant to a prior
42. agreement between the persons involved, by which the person called
43. has agreed that he or she consents to receive such calls from the
44. person calling, or as specified in subsection (2) of this section.

45. (2) Whenever telephone calls are placed through the use of
46. an automatic dialing-announcing device, such device shall be
47. operated by a person who shall do all of the following:

48. (a) State the nature of the call and the name, address
49. and telephone number of the business or organization being
50. represented, if any.

51. (b) Inquire whether the person called consents to hear
52. the prerecorded message of the person calling.

53. (c) Disconnect the automatic dialing-announcing device
54. from the telephone line upon the termination of the call by either
55. the person calling or the person called.

56. SECTION 4. No person shall connect any automatic
57. dialing-announcing device to any telephone line without first

58. making written application to the telephone corporation within
59. whose service area telephone calls through the use of such device
60. are proposed to be placed. In such application, the person shall
61. provide information as to the type of automatic dialing-announcing
62. device proposed to be connected, the time of day such telephone
63. calls are proposed to be placed using such device, the anticipated
64. number of calls proposed to be placed during the specified calling
65. period, the average length of a completed call and such additional
66. information as the corporation or the commission may require.
67. Upon receiving such an application for service, the corporation
68. shall review the furnished information and, if it appears that
69. calling patterns would create a traffic overload condition or the
70. service would be detrimental to the services of other customers of
71. the corporation, it may deny the application or modify the
72. application and grant the application as so modified.

73. Any person violating this act is guilty of a civil offense
74. and is subject to either or both of the following penalties:

75. (a) A fine of not to exceed Five Hundred Dollars
76. (\$500.00) for each violation, levied and enforced by the Public
77. Service Commission, on complaint or on its own motion.

78. (b) Disconnection of telephone service to the automatic
79. dialing-announcing device for a period of time which shall be
80. specified by the Public Service Commission.

81. SECTION 5. It is the intent of the Legislature that this act
82. shall apply to any automatic dialing-announcing devices connected
83. to any telephone line both prior and subsequent to July 1, 1989.

84. SECTION 6. This act shall take effect and be in force from
85. and after July 1, 1989.