

April 21, 2005

**H 1408. UNSOLICITED CHECKS AND UNSOLICITED SERVICES. TO PROHIBIT THE DELIVERY OF UNSOLICITED CHECKS THAT OBLIGATE THE RECIPIENTS UPON CASHING, TO ESTABLISH A REMEDY FOR RECIPIENTS OF UNSOLICITED SERVICES WHO ARE BILLED FOR THOSE SERVICES, AND TO EXPAND THE REMEDIES FOR RECIPIENTS OF UNSOLICITED GOODS.** Enacts new GS 75-21 to prohibit delivery of an unsolicited check that, upon cashing, results in the recipient's entering into a contract or accepting an offer of any kind. Allows consumers who are intended payees of unsolicited checks to bring a civil action to recover damages, costs, and attorney fees for violation of section. Violation of section is an unfair trade practice. Amends GS 75-27 to make it applicable to unsolicited services as well as unsolicited goods. Provides that goods or services are not affirmatively ordered or requested unless recipient specifically requests, in writing, receipt of goods or services according to terms under which goods or services are offered, and are not affirmatively ordered or requested if recipient fails to respond to a negative option invitation or announcement to purchase goods or services (as defined in act) and goods or services are provided notwithstanding. Provides that attempt to bill or collect for unsolicited goods or services is an unfair and deceptive trade practice. Creates civil remedy for violation of section. Does not apply to contracts to change local or long-distance phone service providers. Effective October 1, 2005; applies to contracts entered into on or after that date.

**Intro. by Barnhart.**

Ref. to Commerce

GS 75