

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2015

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HOUSE PRINCIPAL CLERK

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HOUSE DRH40323-MD-96 (03/26)

Short Title: Do Not Call Registry/Robocall Prevention. (Public)

Sponsors: Representatives Harrison and G. Martin (Primary Sponsors).

Referred to:

1 A BILL TO BE ENTITLED
2 AN ACT TO INCLUDE POLITICAL ROBOCALLS AS A TYPE OF TELEPHONE
3 SOLICITATION THAT CAN BE PROHIBITED AS PART OF THE DO NOT CALL
4 REGISTRY AND TO STRENGTHEN THE DO NOT CALL REGISTRY.

5 The General Assembly of North Carolina enacts:

6 SECTION 1. G.S. 75-101(9) reads as rewritten:

7 "§ 75-101. Definitions.

8 The following definitions apply in this Article:

9 ...

10 (9) Telephone solicitation. – A voice or text communication, whether
11 prerecorded, live, or a facsimile, over a telephone line or wireless telephone
12 network or via a commercial mobile radio service that is made by a
13 telephone solicitor to a telephone subscriber for the purpose of soliciting or
14 encouraging the purchase or rental of, or investment in, property, goods, or
15 services; obtaining or providing information that will or may be used for that
16 purpose; soliciting or encouraging a telephone subscriber's participation in
17 any contest, sweepstakes, raffle, or lottery, whether legal or illegal; or
18 obtaining a charitable donation. "Telephone solicitation" also includes all of
19 the following:

20 a. ~~those~~ Those transactions that are defined as "telemarketing" under
21 the Telemarketing Sales Rule.

22 b. A political message if the message is communicated by use of an
23 automatic dialing and recorded message player."

24 SECTION 2. G.S. 75-101 reads as rewritten:

25 "§ 75-101. Definitions.

26 The following definitions apply in this Article:

27 ...

28 (9) Telephone solicitation. – A voice communication, whether prerecorded, live,
29 or a facsimile, over a telephone line or wireless telephone network or via a
30 commercial mobile radio service that is made by a telephone solicitor to a
31 telephone subscriber for the purpose of soliciting or encouraging the
32 purchase or rental of, or investment in, property, goods, or services;
33 obtaining or providing information that will or may be used for that purpose;
34 soliciting or encouraging a telephone subscriber's participation in any
35 contest, sweepstakes, raffle, or lottery, whether legal or illegal; creating a
36 lead or referral for which the solicitor will receive or hopes to receive



compensation; or obtaining a charitable donation. "Telephone solicitation" also includes those transactions that are defined as "telemarketing" under the Telemarketing Sales Rule.

(10) Telephone solicitor. – Any individual, business establishment, business, or other legal entity doing business in this State that, directly or through ~~salespersons or salespersons~~, agents, subagents, contractors, or other third party vendors makes or attempts to make telephone solicitations or causes telephone solicitations to be made. "Telephone solicitor" also includes any party defined as a "telemarketer" under the Telemarketing Sales Rule. The term also includes any party that receives a sales lead or inbound call from a telephone subscriber and knows or has reason to know that the lead or inbound call from the subscriber was generated by a telephone call.

...."

SECTION 3. G.S. 75-102 reads as rewritten:

"§ 75-102. Restrictions on telephone solicitations.

...

(c) Any telephone solicitor who makes a telephone solicitation shall do all of the following:

...

(5) Notwithstanding subdivision (3) of this subsection, if a telephone solicitor relies on the established business relationship of an affiliate to solicit a residential telephone subscriber whose telephone number is listed in the latest edition of the "Do Not Call" Registry and the person called communicates a desire to receive no further telephone solicitations from the telephone solicitor, the telephone solicitor shall take all steps necessary to remove that telephone subscriber's telephone number from the contact lists of the telephone solicitor and that affiliate, unless the telephone subscriber indicates otherwise, and the telephone solicitor and that affiliate shall stop calling the telephone subscriber at that number within ~~60~~30 business days.

...."

SECTION 4. G.S. 75-104 reads as rewritten:

"§ 75-104. Restrictions on use of automatic dialing and recorded message players.

(a) Except as provided in this section, no ~~person~~person, whether directly or through a salesperson, agent, subagent, contractor, or third party vendor may use an automatic dialing and recorded message player to make an unsolicited telephone call.

...

(c) Any party that knows or has reason to know that the sales leads or inbound telephone calls it is receiving or accepting were generated by calls placed by another party or parties in violation of subsection (a) of this section shall be jointly liable under this act with said party or parties for each call or lead that is received or accepted."

SECTION 5. This act is effective when it becomes law.