

SENATE BILL No. 296

By Committee on Judiciary

2-8

AN ACT relating to consumer protection; concerning unsolicited consumer telephone calls.

Be it enacted by the Legislature of the State of Kansas:

Section 1. (a) Prior to making unsolicited consumer telephone calls in this state and quarterly thereafter, a telephone solicitor shall consult the national do-not call list maintained by the telephone preference service of the direct marketing association, and delete from such telephone solicitor's calling list all state residents who have registered with such service. The direct marketing association shall offer to consumers at least one method of registration at no cost and such registration shall be for a period of five years. Consumers desiring to register for such service may contact the direct marketing association or the attorney general. Membership to the direct marketing association shall not be a requirement for telephone solicitors to obtain the telephone preference service list and telephone solicitors shall have access to the list on terms approved by the attorney general. The direct marketing association shall make available the national do not call list to the attorney general in a form prescribed by the attorney general and all quarterly updates of the telephone preference service list at no cost. The attorney general may inform Kansas consumers whether a consumer's name appears on the current list and may register Kansans for inclusion on the list and forward such registrations to the direct marketing association.

(b) No telephone solicitor may make or cause to be made any unsolicited consumer telephone calls to any consumer if the consumer's name and telephone number or numbers appear in the current quarterly list of consumers registered with the telephone preference service maintained by the direct marketing association. A telephone solicitor shall not use the telephone preference service list for any other purpose than to remove consumers' names and telephone numbers from calling lists.

(c) A telephone solicitor shall be liable for violations of subsection (b) if such telephone solicitor makes or causes to be made an unsolicited telephone call to a state resident whose name appears on the telephone preference service current quarterly list or uses the list for any unauthorized purpose.

1 (d) As used in this section, “telephone solicitor” and “unsolicited con-
2 sumer telephone calls” shall mean the same as provided in K.S.A. 50-670,
3 and amendments thereto.

4 (e) Any violation of this section is an unconscionable act or practice
5 under the Kansas consumer protection act.

6 (f) The attorney general may promulgate rules and regulations to
7 carry out the provisions of this section.

8 (g) The provisions of this section shall be a part of and supplemental
9 to the Kansas consumer protection act.

10 Sec. 2. This act shall take effect and be in force from and after its
11 publication in the statute book.

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