

## MINUTES OF THE HOUSE COMMITTEE ON BUSINESS, COMMERCE &amp; LABOR.

The meeting was called to order by Chairman Al Lane at 9:08 a.m. on March 13, 1998 in Room 526-S of the Capitol.

All members were present except: Rep. David Adkins - excused  
Rep. Geraldine Flaharty - excused  
Rep. Broderick Henderson - excused  
Rep. William Mason - excused

Committee staff present: Jerry Donaldson, Legislative Research Department  
Bob Nugent, Revisor of Statutes  
Bev Adams, Committee Secretary

Conferees appearing before the committee:

Others attending: See attached list

Action on: **Sub for SB 573 - Consumer protection; telephone solicitation.**

Rep. McCreary made a motion to pass out the bill favorably. It was seconded by Rep. Storm.

Rep. McCreary made a motion to amend the bill on page 2, line 27, adding a new subsection (d), "No telephone solicitor shall procure the services of any professional delivery, courier or other pickup service to obtain immediate receipt or possession of a consumers payment for the sale of goods; unless the goods are delivered in such a manner that the goods are available for inspection before any payment is collected." It was seconded by Rep. Swenson. The motion to amend and the second were withdrawn.

A motion to amend was made by Rep. McCreary to use the language written by AARP in their testimony from March 12, 1998, amending on page 2, line 30, "(e) A telephone solicitor shall not obtain by use of any professional delivery, courier or other pickup service receipt or possession of a consumer's payment unless the goods are delivered with the opportunity to inspect before any payment is collected." Rep. Swenson seconded the motion. The motion passed.

Rep. Geringer made a motion to amend on page 2, line 5, replacing the word "indicating" with the word "stating". It was seconded by Rep. Empson. The motion to amend and the second were withdrawn.

A motion to amend was made by Rep. Storm and seconded by Rep. Swenson to strike the word "or" on page 3, line 24, and replace with the word "and", so line 24 would read, "by telephone 'and' in writing with advertising, promotional material or with". The motion carried.

Rep. Geringer made a motion to amend on page 1, on line 29 to add "telephone" before the second word "solicitor's" to make line 29 read, "(C) to any person with whom the telephone solicitor or the 'telephone' solicitor's", and add on page 1, line 31, after the words if the, "telephone solicitor is not an employee, contract employee or independent contractor of a provider of telecommunication services". The motion was seconded by Rep. Beggs. The motion passed.

Rep. Grant made a substitute motion to pass out **Sub for SB 573** favorably as amended. Rep. Crow seconded the motion. The motion carried.

Chairman Lane ended the meeting by thanking all the members for their diligence and fine work this year. The meeting was adjourned at 9:28 a.m.

Next week, the committee will meet on call of the Chair.

