

1 SB484
2 66390-1
3 By Senator Smitherman
4 RFD: Commerce, Transportation, and Utilities
5 First Read: 06-APR-04

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8 SYNOPSIS: Under existing law, employees of a physical
9 or electronic operation that utilizes
10 telecommunication services or electronic mail in
11 one or more of the following activities: Customer
12 services, soliciting sales, reactivating dormant
13 accounts, conducting surveys or research,
14 collection of receivables, receiving reservations,
15 receiving orders, or taking orders are not required
16 to disclose certain information.

17 This bill would require employees at an
18 inbound call center to disclose his or her name,
19 the name of his or her employer, and the physical
20 location of the employee when making a call. This
21 bill would provide a criminal penalty.

22 Amendment 621 of the Constitution of Alabama
23 of 1901 prohibits a general law whose purpose or
24 effect would be to require a new or increased
25 expenditure of local funds from becoming effective
26 with regard to a local governmental entity without
27 enactment by a 2/3 vote unless: it comes within one

1 of a number of specified exceptions; it is approved
2 by the affected entity; or the Legislature
3 appropriates funds, or provides a local source of
4 revenue, to the entity for the purpose.

5 The purpose or effect of this bill would be
6 to require a new or increased expenditure of local
7 funds within the meaning of Amendment 621. If this
8 bill is not enacted by a 2/3 vote, it will not
9 become effective with regard to a local entity
10 unless approved by the local entity or until, and
11 only as long as, the Legislature appropriates funds
12 or provides for a local source of revenue.

13
14 A BILL
15 TO BE ENTITLED
16 AN ACT

17
18 Relating to telemarketing and call centers; to
19 require employees at an inbound call center to disclose the
20 name of the employee, the name of his or her employer, and the
21 physical location of the employee; to provide a penalty; and
22 in connection therewith would have as its purpose or effect
23 the requirement of a new or increased expenditure of local
24 funds within the meaning of Amendment 621 of the Constitution
25 of Alabama of 1901.

26 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

1 Section 1. As used in this act the following terms
2 mean:

3 (1) CUSTOMER. Any person who places a call to an
4 inbound call center.

5 (2) INBOUND CALL CENTER. A physical or electronic
6 operation that utilizes telecommunication services or
7 electronic mail in one or more of the following activities:
8 Customer services, soliciting sales, reactivating dormant
9 accounts, conducting surveys or research, collection of
10 receivables, receiving reservations, receiving orders, or
11 taking orders.

12 (3) PERSONAL INFORMATION. Any personally
13 identifiable information that is provided by a person to an
14 inbound call center, which shall include, but not be limited
15 to, financial and credit information or a name, address,
16 telephone number, or Social Security number.

17 Section 2. Any company, firm, association,
18 corporation, subsidiary of a corporation, or other business
19 entity that utilizes an inbound call center to receive
20 telephone calls from customers shall require that within the
21 first 30 seconds of a call and prior to the disclosure of
22 personal information by the customer, the employee taking the
23 call at the call center shall provide the customer with the
24 following information:

25 (1) His or her name.

26 (2) The name of his or her employer.

1 (3) The city, state, and country where the inbound
2 call center is located.

3 Section 3. A willful violation of this act shall be
4 an unfair or deceptive business practice under Section
5 13A-9-41, Code of Alabama 1975.

6 Section 4. Although this bill would have as its
7 purpose or effect the requirement of a new or increased
8 expenditure of local funds, the bill is excluded from further
9 requirements and application under Amendment 621 because the
10 bill defines a new crime or amends the definition of an
11 existing crime.

12 Section 5. This act shall become effective on the
13 first day of the third month following its passage and
14 approval by the Governor, or its otherwise becoming law.