

By: Representative Fleming

To: Public Utilities

HOUSE BILL NO. 885

1 AN ACT TO AMEND SECTION 77-3-723, MISSISSIPPI CODE OF 1972,
2 TO REQUIRE ANY PERSON OR ENTITY THAT MAKES AN AUTHORIZED TELEPHONE
3 SOLICITATION TO STATE AT THE COMMENCEMENT OF THE CALL THE
4 GEOGRAPHICAL LOCATION FROM WHICH THE CALL IS PLACED; AND FOR
5 RELATED PURPOSES.

6 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

7 **SECTION 1.** Section 77-3-723, Mississippi Code of 1972, is
8 amended as follows:

9 77-3-723. (1) Any person or entity who makes an authorized
10 telephone solicitation to a consumer in this state shall announce
11 clearly, at the beginning of each call, his or her name, the
12 company he or she represents, the geographical location from which
13 the call is placed and the purpose of the call. Such calls may
14 only be made between the hours of 8:00 a.m. and 8:00 p.m. Central
15 Standard Time. No telephone solicitations may be made on a
16 Sunday. For purposes of this provision, an "authorized telephone
17 solicitation" means a solicitation that is made: (a) to a
18 consumer who is not listed on the most current "no-calls"
19 database; (b) by a telephone solicitor who has been authorized to
20 make such solicitations under the provisions of Section
21 77-3-709 * * *; or (c) by a telephone solicitor who is exempt from
22 this article under the provisions of Section 77-3-711 * * *.

23 (2) A person or entity who makes a telephone solicitation to
24 a consumer in this state may not utilize knowingly any method that
25 blocks or otherwise circumvents the consumer's use of a caller
26 identification service, nor may the person or entity use an
27 automated dialing system or any like system that uses a recorded
28 voice message to communicate with the consumer unless the person

29 or entity has an established business relationship with the
30 consumer and uses the recorded voice message to inform the
31 consumer about a new product or service.

32 **SECTION 2.** This act shall take effect and be in force from
33 and after July 1, 2004.