

(Text of H.F. 2273 is identical)

S.F No. 2116, as introduced: 83rd Legislative Session (2003-2004) Posted on Feb 16, 2004

- 1.1 A bill for an act
- 1.2 relating to commerce; regulating certain state
- 1.3 government telemarketing and telephone center services
- 1.4 contracts; imposing certain customer sales or service
- 1.5 call center requirements; prescribing a criminal
- 1.6 penalty; proposing coding for new law in Minnesota
- 1.7 Statutes, chapters 16C; 325F.
- 1.8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:
- 1.9 Section 1. [16C.035] [CERTAIN VENDORS REQUIRED TO USE ONLY
- 1.10 PERSONS AUTHORIZED TO WORK IN THE UNITED STATES.]
- 1.11 Subdivision 1. [INELIGIBLE VENDORS.] The commissioner of
- 1.12 administration shall not contract for telemarketing services or
- 1.13 telephone center services with any vendor that employs the
- 1.14 services of any person not authorized to work in the United
- 1.15 States pursuant to federal law in the performance of
- 1.16 telemarketing or telephone center services on behalf of the
- 1.17 state.
- 1.18 Subd. 2. [VENDOR CERTIFICATION.] The commissioner of
- 1.19 administration shall require each vendor submitting a bid or
- 1.20 contract to provide services for the state as set forth in
- 1.21 subdivision 1 to certify that only its employees who are
- 1.22 authorized to work in the United States pursuant to federal law
- 1.23 will be performing services under the contract. Any person who
- 1.24 submits a certification required by this subdivision known to be
- 1.25 false is guilty of a felony.
- 1.26 Subd. 3. [VOID CONTRACTS.] A contract entered into or
- 2.1 performed in violation of this section is void. A contract that
- 2.2 is void under this section may continue in effect until an
- 2.3 alternative contract can be arranged when:
- 2.4 (1) immediate termination would result in harm to the
- 2.5 public health or welfare; and
- 2.6 (2) the continuation is approved by the commissioner of
- 2.7 administration. Approval of continuation of contracts under
- 2.8 this subdivision must be given for the minimum period necessary
- 2.9 to protect the public health or welfare.
- 2.10 Sec. 2. [325F.695] [CUSTOMER SALES OR SERVICE CALL CENTER
- 2.11 REQUIREMENTS.]
- 2.12 Subdivision 1. [DEFINITIONS.] For purposes of this
- 2.13 section, the following terms have the meanings given them:
- 2.14 (1) "customer sales call center" means an entity whose
- 2.15 primary purpose includes the initiating or receiving of
- 2.16 telephonic communications on behalf of any person for the
- 2.17 purpose of initiating sales, including telephone solicitations
- 2.18 as defined in section 325E.311, subdivision 6;
- 2.19 (2) "customer service call center" means an entity whose
- 2.20 primary purpose includes the initiating or receiving of
- 2.21 telephonic communications on behalf of any person for the
- 2.22 purposes of providing or receiving services or information
- 2.23 necessary in connection with the providing of services or other
- 2.24 benefits; and

2.25 (3) "customer services employee" means a person employed by
2.26 or working on behalf of a customer sales call center or a
2.27 customer service call center.
2.28 Subd. 2. [CUSTOMERS' RIGHT TO CUSTOMER SALES OR CUSTOMER
2.29 SERVICE CALL CENTER INFORMATION.] (a) Any person who receives a
2.30 telephone call from, or places a telephone call to, a customer
2.31 sales call center or a customer service call center, upon
2.32 request, has the right to:
2.33 (1) know the identification of the city, state, and country
2.34 where the customer service employee is located;
2.35 (2) know the name or registered alias of the customer
2.36 service employee;
3.1 (3) know the name of the employer of the caller with whom
3.2 the person is speaking; and
3.3 (4) speak to a qualified employee of the company or
3.4 government agency with whom the person is doing business.
3.5 (b) No person who receives a telephone call from, or places
3.6 a telephone call to, a customer sales call center or a customer
3.7 service call center shall have the person's financial, credit,
3.8 or identifying information sent to any foreign country without
3.9 the person's express written permission.
3.10 Subd. 3. [VIOLATION.] It is fraud under section 325F.69
3.11 for a person to willfully violate this section.
3.12 Sec. 3. [EFFECTIVE DATE; APPLICATION.]
3.13 This act is effective August 1, 2004. Section 1 applies to
3.14 contracts entered into on or after that date.