Overview

This bill requires telephone solicitors to register with the secretary of state. It further provides a state penalty of $15,000 for violations of federal telemarketing laws, and prohibits interference by a solicitor with a consumer's use of caller identification.

1 Definitions.

Subd. 1. Scope. Provides that the definitions in this section apply to the sections below.

Subd. 2. Telephone sales call. Provides that a telephone sales call is any call by a telephone solicitor to a consumer for the purpose of soliciting sales, investments, or similar transactions, or obtaining information that will be used for later solicitations.

Subd. 3. Consumer goods or services. Provides that both real and personal property are included in this definition if they are for personal, family, or household use.

Subd. 4. Unsolicited telephone sales call. Defines this term to include telephone sales calls other than those that meet specific exceptions, including calls to those with whom the caller has an existing relationship, calls to those in response to the request of the person called, and calls that are made in anticipation of later transactions to be completed face-to-face.

Subd. 5. Solicitor. This term can apply to a person, firm, or organization making a telephone sales call.

Subd. 6. Consumer. Refers to actual or prospective purchasers, lessees, or recipients of consumer goods or services.

2 Registration of solicitors required. Provides that solicitors making unsolicited telephone sales calls must register with the secretary of state. An individual solicitor is not required to register if the employer for whom the solicitor works is registered.

3 Registration.

Subd. 1. Contents. Provides that in order to register, the solicitor must submit the name,
address, telephone number, fax number, e-mail address, and certain other information.

Subd. 2. Updates. Requires a solicitor to submit an amendment to the registration whenever there are changes to the information required by subdivision 1.

Subd. 3. Forms. Requires the secretary of state to develop forms for the submission of information under subdivisions 1 and 2.

Subd. 4. Effect of compliance. Provides that registering with the secretary of state does not imply that the secretary of state endorses or approves of the solicitor's activities.

Subd. 5. Violation; penalty. Provides that if a solicitor makes an unsolicited telephonic sales call and has not registered, the secretary of state must contact the solicitor and inform the solicitor that it must register and pay a $50 fine within 60 days. If the solicitor continues to fail to register, the secretary of state will assess a fine of $500 for every sixty days that the solicitor remains unregistered.

4 Interference with Caller ID. Prohibits solicitors from knowingly interfering with a consumer's use of caller identification services.

5 Telephone solicitations in violation of federal law. Provides that it is a violation of state law to make telephone calls that are in violation of certain federal laws related to telemarketing.

6 Violations; penalties. Provides that violations of the restriction on interference with caller ID are subject to a $500 penalty administered by the commissioner of commerce, and that the provision prohibiting calls that are illegal under federal law are punishable by a fine of up to $15,000, also to be imposed by the commissioner of commerce pursuant to its normal enforcement powers.

7 Jurisdiction; private actions. Provides that state courts in Minnesota have jurisdiction over causes of action filed to enforce the provisions of the federal Telephone Consumer Protection Act to the extent permitted by federal law.

8 Effective date. Provides that sections 2 through 6 are effective January 1, 2001.