

1 HB103
2 187870-1
3 By Representative Ball
4 RFD: Transportation, Utilities and Infrastructure
5 First Read: 09-JAN-18

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8 SYNOPSIS: Under existing law, no person or entity may
9 make a telephone solicitation to a residential
10 subscriber whose telephone number is registered
11 with the Do Not Call database. A person or entity
12 who makes a telephone solicitation to a residential
13 subscriber whose telephone number is not registered
14 with the Do Not Call database is required to
15 identify himself or herself and may not block or
16 circumvent the caller identification service of the
17 residential subscriber. A person who violates the
18 telephone solicitation law may be assessed a civil
19 penalty of up to \$2,000 in damages for certain
20 violations.

21 This bill would increase the maximum civil
22 penalty and damage awards to \$5,000 for certain
23 violations.

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25 A BILL
26 TO BE ENTITLED
27 AN ACT

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2 To amend Sections 8-19C-6 and 8-19C-7, Code of
3 Alabama 1975, relating to telephone solicitations; to increase
4 the maximum civil penalty and damage awards for certain
5 violations.

6 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

7 Section 1. Sections 8-19C-6 and 8-19C-7, Code of
8 Alabama 1975, are amended to read as follows:

9 "§8-19C-6.

10 "The commission may commence proceedings in the
11 circuit court in the county relating to a knowing violation or
12 threatened knowing violation of subsection (a) of Section
13 8-19C-2 or Section 8-19C-5. Proceedings which the commission
14 may commence, include, without limitation, issuance of a cease
15 and desist order or issuance of an order imposing a civil
16 penalty up to a maximum of ~~two thousand dollars (\$2,000)~~ five
17 thousand dollars (\$5,000) for each violation. The proceedings
18 shall be brought in the name of the state. The commission may
19 issue investigative demands, issue subpoenas, administer
20 oaths, and conduct hearings in the course of investigating a
21 violation of subsection (a) of Section 8-19C-2 or Section
22 8-19C-5.

23 "§8-19C-7.

24 "A person who has received more than one telephone
25 solicitation within a 12-month period by or on behalf of the
26 same person or entity in violation of subsection (a) of
27 Section 8-19C-2 or Section 8-19C-5 may bring an action to

1 enjoin the violation; bring an action to recover for actual
2 monetary loss from the knowing violation or to receive up to
3 ~~two thousand dollars (\$2,000)~~ five thousand dollars (\$5,000)
4 in damages for each knowing violation, whichever is greater;
5 or bring both actions."

6 Section 2. This act shall become effective on the
7 first day of the third month following its passage and
8 approval by the Governor, or its otherwise becoming law.