

1 AN ACT relating to telephone solicitation.

2 ***Be it enacted by the General Assembly of the Commonwealth of Kentucky:***

3 ➔Section 1. KRS 367.46955 is amended to read as follows:

4 It is a prohibited telephone solicitation act or practice and a violation of KRS 367.46951
5 to 367.46999 for any person making a telephone solicitation to engage in the following
6 conduct:

- 7 (1) Advertising or representing that registration as a telemarketer equals an endorsement
8 or approval by any government or governmental agency;
- 9 (2) Requesting a fee in advance to remove derogatory information from or improve a
10 person's credit history or credit record;
- 11 (3) Requesting or receiving a payment in advance from a person to recover or otherwise
12 aid in the return of money or any other item lost by the consumer in a prior
13 telephone solicitation transaction;
- 14 (4) Requesting or receiving payment of any fee or consideration in advance of obtaining
15 a loan or other extension of credit when the telemarketing company has guaranteed
16 or represented a high likelihood of success in obtaining or arranging a loan or other
17 extension of credit for a person;
- 18 (5) Obtaining or submitting for payment a check, draft, or other form of negotiable
19 paper drawn on a person's checking, savings, or bond or other account without the
20 consumer's express written authorization, or charging a credit card account or
21 making electronic transfer of funds except in conformity with KRS 367.46963;
- 22 (6) Procuring the services of any professional delivery, courier, or other pickup service
23 to obtain immediate receipt or possession of a consumer's payment, unless the goods
24 are delivered with the opportunity to inspect before any payment is collected;
- 25 (7) Assisting, supporting, or providing substantial assistance to any telemarketer when
26 the telemarketing company knew or should have known that the telemarketer was
27 engaged in any act or practice prohibited under this section;

- 1 (8) Making a telephone solicitation to anyone under eighteen (18) years of age. When
2 making a telephone solicitation the telemarketer shall inquire as to whether the
3 person is eighteen (18) years of age or older and the answer shall be presumed to be
4 correct;
- 5 (9) Utilizing any method to block or otherwise circumvent the use of a caller
6 identification service when placing an unsolicited telephone solicitation call,
7 including but not limited to knowingly causing any caller identification service to
8 transmit misleading or inaccurate caller identification information to a
9 subscriber with the intent to defraud or cause harm to another person or to
10 wrongfully obtain anything of value;
- 11 (10) Directing or permitting employees to use a fictitious name or not to use their name
12 while making a telephone solicitation;
- 13 (11) Threatening, intimidating, or using profane or obscene language;
- 14 (12) Causing the telephone to ring more than thirty (30) seconds in an intended telephone
15 solicitation;
- 16 (13) Engaging any person repeatedly or continuously with behavior a reasonable person
17 would deem to be annoying, abusive, or harassing;
- 18 (14) Initiating a telephone solicitation call to a person, when that person has stated
19 previously that he or she does not wish to receive solicitation calls from that seller;
- 20 (15) Making or causing to be made an unsolicited telephone solicitation call if the
21 residential number for that telephone appears in the current publication of the
22 national Do Not Call Registry maintained by the United States Federal Trade
23 Commission;
- 24 (16) Making telephone solicitations to a person's residence at any time other than
25 between 10 a.m. - 9 p.m. local time, at the called person's location;
- 26 (17) Selling or making available for economic gain any information revealed during a
27 telephone solicitation without the express written consent of the consumer;

- 1 (18) Making a telephone solicitation to any residential telephone using an artificial or
2 prerecorded voice to deliver a message, unless the call is initiated for emergency
3 purposes by schools regulated by the Kentucky Department of Education or the call
4 is made with the prior express consent of the called party; or
5 (19) Engaging in any unfair, false, misleading, or deceptive practice or act as part of a
6 telephone solicitation.