



Senate

General Assembly

File No. 509

February Session, 2008

Senate Bill No. 407

Senate, April 7, 2008

The Committee on Government Administration and Elections reported through SEN. SLOSSBERG of the 14th Dist., Chairperson of the Committee on the part of the Senate, that the bill ought to pass.

AN ACT PROHIBITING POLITICAL "ROBO" CALLS.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. (NEW) (*Effective October 1, 2008*) As used in sections 1 to 3,
2 inclusive, of this act:

3 (1) "Automatic dialing-announcing device" means a device that
4 selects and dials telephone numbers and, working alone or in
5 conjunction with other equipment, disseminates a prerecorded or
6 synthesized voice message to the telephone number called.

7 (2) "Caller" means a person, corporation, firm, partnership,
8 association or legal or commercial entity that attempts to contact, or
9 who contacts, a subscriber in this state by using a telephone or a
10 telephone line.

11 (3) "Subscriber" means a person who subscribes to telephone service
12 from a telephone company or any other persons living or residing with

13 the subscribing person.

14 (4) "Message" means any telephone call, regardless of its content.

15 Sec. 2. (NEW) (*Effective October 1, 2008*) No caller shall use or
16 connect to a telephone line an automatic dialing-announcing device for
17 the purpose of placing a call or playing a message that promotes the
18 success or defeat of any political campaign, candidate or party if the
19 subscriber's name and telephone number appears on the then current
20 quarterly "no sales solicitation calls" listing made available by the
21 Department of Consumer Protection pursuant to section 42-288a of the
22 general statutes, unless: (1) The subscriber knowingly or voluntarily
23 requested, consented to, permitted or authorized receipt of the
24 message; or (2) the message is immediately preceded by a live operator
25 who obtains the subscriber's consent before the message is delivered.

26 Sec. 3. (NEW) (*Effective October 1, 2008*) (a) The Attorney General
27 may issue subpoenas or interrogatories requiring production of
28 evidence or testimony concerning a violation of section 2 of this act.
29 The Attorney General may apply to the Superior Court to enforce any
30 subpoena or interrogatories issued pursuant to this subsection.

31 (b) The Attorney General may file a civil action in Superior Court to
32 enforce the provisions of this section and to enjoin further violations of
33 section 2 of this act. The Attorney General may recover actual damages
34 or statutory damages of twenty-five thousand dollars, whichever is
35 greater, for each violation of section 2 of this act. For purposes of this
36 section, each telephone call received in violation of section 2 of this act
37 shall constitute a separate and distinct violation.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2008</i>	New section
Sec. 2	<i>October 1, 2008</i>	New section
Sec. 3	<i>October 1, 2008</i>	New section

GL *Joint Favorable C/R*

GAE

GAE *Joint Favorable*

The following fiscal impact statement and bill analysis are prepared for the benefit of members of the General Assembly, solely for the purpose of information, summarization, and explanation, and do not represent the intent of the General Assembly or either chamber thereof for any purpose:

OFA Fiscal Note

State Impact:

Agency Affected	Fund-Effect	FY 09 \$	FY 10 \$
Attorney General	GF - Revenue Gain	Potential	Potential

Note: GF=General Fund

Municipal Impact: None

Explanation

The bill bans callers from making telephone calls using an automatic device.

The bill also provides a private (civil) cause of action against any person who places a telephone call in violation of the bill's provisions. This could yield minimal annual revenue to the General Fund from court fees. Any caseload increase under the bill could be accommodated by the Judicial Department without requiring additional resources.

Finally, the bill permits the Office of the Attorney General to file a civil suit. This could yield state revenues from civil fines

The Out Years

The fiscal impact identified above would continue into the future subject to the number of complaints and violations, which are unknown at this time.

OLR Bill Analysis**SB 407*****AN ACT PROHIBITING POLITICAL "ROBO" CALLS.*****SUMMARY:**

This bill prohibits callers from placing political telephone calls to subscribers using an automatic dialing-announcing device connected to a telephone line, known as "robo calls," with some exceptions.

"Subscribers" are people who subscribe to a telephone service from a telephone company, and people who reside with them. (The bill does not define telephone companies (e.g., AT&T) but under CGS § 16-1 they are a subset of telecommunications companies, which include cable television companies that provide telephone service.)

The bill authorizes the attorney general to issue subpoenas or interrogatories to determine whether violations have occurred and recover civil damages.

EFFECTIVE DATE: October 1, 2008

ROBO CALL PROHIBITION AND EXCEPTIONS

The bill prohibits robo calls promoting the success or defeat of any political campaign, candidate, or political party if the subscriber's name and telephone number are on the current quarterly "Do Not Call list," available through the Department of Consumer Protection. The ban on these political robo calls does not apply when (1) the subscriber knowingly or voluntarily requested, consented to, permitted, or authorized receipt of the message or (2) the message is immediately preceded by a live operator who obtains the subscriber's consent before the message's delivery.

ENFORCEMENT

The bill authorizes the attorney general to (1) issue subpoenas or interrogatories requiring production of evidence or testimony concerning violations and (2) apply to Superior Court to enforce any such subpoena or interrogatory.

The bill also authorizes the attorney general to bring an action in Superior Court to enjoin further violations. For each violation, the attorney general may recover actual damages or statutory damages of \$25,000, whichever is greater. Each telephone call received in violation of the bill constitutes a separate violation. The bill also authorizes the attorney general to bring an action to enforce unspecified activities.

DEFINITIONS

The bill defines “callers” as people, corporations, firms, partnerships, associations, or legal or commercial entities that contact or attempt to contact telephone subscribers in Connecticut by using a telephone or telephone line. It defines “subscribers” as people who subscribe to a telephone service from a telephone company, or any people who reside with them. An “automatic dialing-announcing device” is a device that selects and dials telephone numbers and, working alone or in conjunction with other equipment, disseminates a prerecorded or synthesized voice message. Finally, a “message” is any telephone call, regardless of its content. (Presumably, this implies a “verbal communication,” not the act of placing a call.)

BACKGROUND

Do Not Call List

State law allows any individual to register any telephone number with the Do Not Call list. The law applies to calls made by a solicitor to (1) engage in a marketing or sales solicitation, (2) solicit an extension of credit for such goods or services, or (3) obtain information to use in the solicitation of a sale or credit extension.

The law does not apply to calls made or sent (1) with the consumer’s prior express written or verbal permission or in response to a consumer’s visit to a seller’s establishment; (2) by a tax-exempt

nonprofit organization; (3) primarily in connection with an existing debt or contract that has not been paid or performed; or (4) to an existing customer, unless the customer has informed the solicitor that he no longer wishes to receive the solicitor's calls (CGS § 42-288a).

Related Law

State law bars anyone from using a device that automatically transmits a recorded telephone message to transmit an unsolicited telephone message that offers to sell goods or services. The law does not apply (1) to candidates or those who receive funds on behalf of their committees (solicitors), (2) political or candidate committees, or (3) tax-exempt nonprofit organizations. Anyone who is aggrieved by an unsolicited message may bring a civil action in the Superior Court (1) to enjoin further violations and (2) for \$500 for each violation, together with costs and a reasonable attorney's fee. The aggrieved party must bring the action within two years of the violation (CGS § 52-570c).

COMMITTEE ACTION

General Law Committee

Joint Favorable Change of Reference

Yea 19 Nay 0 (03/06/2008)

Government Administration and Elections Committee

Joint Favorable

Yea 11 Nay 0 (03/19/2008)