



# Senate

General Assembly

**File No. 754**

February Session, 2008

Substitute Senate Bill No. 407

*Senate, April 30, 2008*

The Committee on Judiciary reported through SEN. MCDONALD of the 27th Dist., Chairperson of the Committee on the part of the Senate, that the substitute bill ought to pass.

## **AN ACT CONCERNING "ROBO" CALLS.**

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

1 Section 1. (NEW) (*Effective October 1, 2008*) (a) As used in this  
2 section:

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 person living or residing with  
13 the subscribing person; and

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

15 (b) No caller shall use or connect to a telephone line an automatic  
16 dialing-announcing device for the purpose of placing a call or playing  
17 a message unless the call or message is immediately preceded by a  
18 statement identifying the caller and the person or entity that paid for  
19 such call or message.

20 (c) The Attorney General may issue subpoenas or interrogatories  
21 requiring production of evidence or testimony concerning a violation  
22 of subsection (b) of this section. The Attorney General may apply to  
23 the Superior Court to enforce any subpoenas or interrogatories issued  
24 pursuant to this subsection.

25 (d) The Attorney General may file a civil action against a caller in  
26 the Superior Court to enforce the provisions of subsection (b) of this  
27 section and to enjoin further violations of subsection (b) of this section.  
28 The Attorney General may recover actual damages or statutory  
29 damages of five thousand dollars, whichever is greater, for each  
30 violation of subsection (b) of this section. For the purposes of this  
31 subsection, each telephone call received in violation of subsection (b)  
32 of this section shall constitute a separate and distinct violation.

|   |                 |             |
|---|-----------------|-------------|
| This act shall take effect as follows and shall amend the following sections: |                 |             |
| Section 1   | October 1, 2008 | New section |

**JUD**      *Joint Favorable Subst.*

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 \$  |
|--------------------------------|-------------------|-----------|-----------|
| Office of the Attorney General | GF - Revenue Gain | Potential | Potential |

Note: GF=General Fund

**Municipal Impact:** None

**Explanation**

The bill bans callers from making certain 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 annualized ongoing fiscal impact identified above would continue into the future subject to inflation.

**OLR Bill Analysis****sSB 407*****AN ACT CONCERNING "ROBO" CALLS.*****SUMMARY:**

With one exception, this bill prohibits callers from playing any message or placing any telephone call using an automatic dialing-announcing device connected to a telephone line, known as a "robo call." The prohibition applies even when the subscriber requests the call or the call is for the subscriber's benefit (e.g., automated calls from school districts to parents or pharmacies to patients). Under the bill, a robo call is permitted only when it is immediately preceded by a statement identifying the caller and the person or entity that paid for it.

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

It bill also authorizes the attorney general to bring an action against a caller in Superior Court to (1) enforce its robo call provisions and (2) enjoin further violations. For each violation, the attorney general may recover actual damages or statutory damages of \$5,000, whichever is greater. Each telephone call received in violation of the bill constitutes a separate violation.

EFFECTIVE DATE: October 1, 2008

**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**

***Related Laws***

State law prohibits the transmission of unsolicited business, commercial, or advertising messages through recorded telephone message devices that do not disconnect immediately when the subscriber hangs up. Under this law, violators can be fined up to \$500 (CGS § 16-256e).

State law also 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 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).

***Legislative History***

The Senate referred the bill (File 509) to the Judiciary Committee, which reported a substitute expanding the robo call prohibition to cover any message or call, not just one that is political.

**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)

Judiciary Committee

Joint Favorable Substitute

Yea 23 Nay 14 (04/21/2008)