



Senate

General Assembly

File No. 129

January Session, 2009

Senate Bill No. 975

Senate, March 19, 2009

The Committee on General Law reported through SEN. COLAPIETRO of the 31st Dist., Chairperson of the Committee on the part of the Senate, that the 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, 2009*) (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: (1) Immediately preceded by a
 18 statement identifying the caller and the person or entity that paid for
 19 such call or message, (2) the caller identification display on the
 20 recipient's telephone displays the telephone number from which the
 21 call is being made and the name of the caller or the entity responsible
 22 for making the call, and (3) the device is designed and operated to
 23 disconnect not later than ten seconds after termination of the telephone
 24 call by the recipient of the call.

25 (c) The Attorney General may issue subpoenas or interrogatories
 26 requiring production of evidence or testimony concerning a violation
 27 of subsection (b) of this section. The Attorney General may apply to
 28 the Superior Court to enforce any subpoenas or interrogatories issued
 29 pursuant to this subsection.

30 (d) The Attorney General may file a civil action against a caller in
 31 the Superior Court to enforce the provisions of subsection (b) of this
 32 section and to enjoin further violations of subsection (b) of this section.
 33 The Attorney General may recover actual damages or statutory
 34 damages of five thousand dollars, whichever is greater, for each
 35 violation of subsection (b) of this section. For the purposes of this
 36 subsection, each telephone call received in violation of subsection (b)
 37 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, 2009 | New section |

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|-----------|-----------------|-------------|
| Section 1 | October 1, 2009 | New section |
|-----------|-----------------|-------------|

GL *Joint Favorable*

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

OFA Fiscal Note

State Impact:

| Agency Affected | Fund-Effect | FY 10 \$ | FY 11 \$ |
|------------------------|--------------------|-----------------|-----------------|
| Attorney General | GF - Revenue Gain | Potential | Potential |

Note: GF=General Fund

Municipal Impact: None

Explanation

The bill results in a potential revenue gain to the state as it authorizes the attorney general to bring civil action against a “robo caller” in Superior Court to (1) enforce the bill’s provisions concerning “Robo calls” and (2) enjoin further violations. For each violation, the attorney general may recover actual damages or statutory damages of \$5,000, whichever is greater. The Office of the Attorney General can meet the workload requirements of the bill with existing resources.

The Out Years

The annualized ongoing fiscal impact identified above would continue into the future subject to inflation.

OLR Bill Analysis**SB 975*****AN ACT CONCERNING "ROBO" CALLS.*****SUMMARY:**

This bill places restrictions on callers who play messages or place telephone calls using an automatic dialing-announcing device connected to a telephone line ("robo call."). The restrictions apply 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 if (1) it is immediately preceded by a statement identifying the caller and the person or entity that paid for it, (2) the number from which the call is being made and the name of the caller or entity responsible for calling appears on the recipient's caller identification display, and (3) the device is designed and operated to disconnect no later than 10 seconds after the phone call ends.

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 civil action against a caller in Superior Court to (1) enforce the bill's 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 is a separate violation.

EFFECTIVE DATE: October 1, 2009

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).

COMMITTEE ACTION

General Law Committee

Joint Favorable

Yea 17 Nay 0 (03/03/2009)