



House of Representatives

General Assembly

File No. 53

January Session, 2021

House Bill No. 6410

House of Representatives, March 16, 2021

The Committee on Energy and Technology reported through REP. ARCONTI of the 109th Dist., Chairperson of the Committee on the part of the House, that the bill ought to pass.

AN ACT INCREASING THE PENALTY FOR VIOLATIONS ASSOCIATED WITH THE NO SALES SOLICITATION CALLS LISTING.

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

1 Section 1. Subsection (k) of section 42-288a of the general statutes is
2 repealed and the following is substituted in lieu thereof (*Effective October*
3 *1, 2022*):

4 (k) In addition to any penalty imposed under chapter 735a, any
5 telephone solicitor, who is liable under the provisions of subsections (g)
6 to (i), inclusive, of this section, shall be fined [not more than twenty
7 thousand] not less than five thousand dollars and not more than forty-
8 two thousand five hundred thirty dollars for each violation.

This act shall take effect as follows and shall amend the following sections:

Section 1	<i>October 1, 2022</i>	42-288a(k)
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ET *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: None

Municipal Impact: None

Explanation

This bill increases the penalty for violations of the no sales solicitation calls listing and results in no fiscal impact to the state. Any Connecticut resident who chooses to register for this listing is directed to the Federal Registry rather than the Connecticut Registry¹.

The Department of Consumer Protection (DCP) rarely receives a complaint that is within its jurisdiction to enforce because most calls come from out of state or out of the country. In FY 20, DCP did not receive any enforceable complaints.

The Out Years

State Impact: None

Municipal Impact: None

¹ After the passage of the Federal Do-Not-Call Act of 2003, many residents began to register with both lists and as a result the Department of Consumer Protection started working with Federal Registry to provide a smoother process for residents to register at the federal level.

OLR Bill Analysis**HB 6410****AN ACT INCREASING THE PENALTY FOR VIOLATIONS ASSOCIATED WITH THE NO SALES SOLICITATION CALLS LISTING.****SUMMARY**

This bill increases the penalty for violations of existing laws that, among other things, prohibit solicitors from:

1. making unsolicited sales calls to consumers who have enrolled on a “no sales solicitation calls” list, with certain exceptions;
2. installing or using blocking devices to circumvent a consumer’s caller identification (i.e., “spoofing”); and
3. making unsolicited, automatically dialed, recorded calls.

The bill (1) establishes a minimum fine of \$5,000 for each violation and (2) increases the maximum fine for each violation from \$20,000 to \$42,530. By law, violations may also be considered unfair trade practices (see BACKGROUND).

EFFECTIVE DATE: October 1, 2022

BACKGROUND***Connecticut Unfair Trade Practices Act (CUTPA)***

The law prohibits businesses from engaging in unfair and deceptive acts or practices. CUTPA allows the Department of Consumer Protection commissioner to issue regulations defining what constitutes an unfair trade practice, investigate complaints, issue cease and desist orders, order restitution in cases involving less than \$10,000, enter into consent agreements, ask the attorney general to seek injunctive relief, and accept voluntary statements of compliance. It also allows

individuals to sue. Courts may issue restraining orders; award actual and punitive damages, costs, and reasonable attorney's fees; and impose civil penalties of up to \$5,000 for willful violations and \$25,000 for a restraining order violation (CGS § 42-110a et seq.).

COMMITTEE ACTION

Energy and Technology Committee

Joint Favorable

Yea 26 Nay 0 (03/02/2021)