

FIRST REGULAR SESSION

SENATE BILL NO. 107

93RD GENERAL ASSEMBLY

INTRODUCED BY SENATOR BRAY.

Pre-filed December 1, 2004, and ordered printed.

TERRY L. SPIELER, Secretary.

0433S.01I

AN ACT

To amend chapter 407, RSMo, by adding thereto two new sections relating to the consumer's right to know, with penalty provisions.

Be it enacted by the General Assembly of the State of Missouri, as follows:

Section A. Chapter 407, RSMo, is amended by adding thereto two new sections, to be known as sections 407.1147 and 407.1149, to read as follows:

407.1147. 1. The office of administration and other entities to which this section applies shall only contract for telemarketing services or telephone center services with vendors that operate telemarketing or telephone center services in the United States on behalf of the state of Missouri.

2. The office of administration shall require each vendor submitting a bid or contract to provide services for the state of Missouri as set forth in subsection 1 of this section to certify that only vendors who operate in the United States will be performing services under the contract. Any person who submits a certification required by this subsection known to be false shall be guilty of a class D felony.

3. A contract entered into or performed in violation of this section is void. A contract that is void under this section may continue in effect until an alternative contract can be arranged when:

(1) Immediate termination would result in harm to the public health or welfare; and

(2) The continuation is approved by the commissioner of the office of administration.

Approval of continuation of contracts under this subsection shall be given for the minimum period necessary to protect the public health or welfare.

407.1149. 1. As used in sections 407.1147 to 407.1149, the following terms shall mean:

(1) "Customer sales call center", an entity whose primary purpose includes the initiating or receiving of telephonic communications on behalf of any person for the purpose of initiating sales, including telemarketing as defined in subdivisions (12) to (13) of section 407.1070;

(2) "Customer service call center", an entity whose primary purpose includes the initiating or receiving of telephonic communications on behalf of any person for the purposes of providing or receiving services or information necessary in connection with providing services or other benefits;

(3) "Customer services employee", a person employed by or working on behalf of a customer sales call center or a customer service call center;

(4) "Identifying information", any data that may reasonably lead to identifying a person's medical, personal, or financial information.

2. Any person who receives a telephone call from, or places a telephone call to, a customer sales call center or a customer service call center, upon request, has the right to:

(1) Know the identification of the city, state, and country where the customer service employee is located;

(2) Know the name or registered alias of the customer service employee;

(3) Know the name of the employer of the person with whom the person is speaking; and

(4) Speak to a qualified employee of the company or government agency the person is doing business with.

3. No person who receives a telephone call from, or places a telephone call to, a customer sales call center or a customer service call center shall have the person's financial, credit, or identifying information sent to any foreign country without express written permission of the person.

4. A willful violation of sections 407.1147 to 407.1149 shall be an unfair or deceptive trade practice as defined pursuant to section 407.020.