

(124th General Assembly)
(Substitute House Bill Number 312)

AN ACT

To amend section 4719.08 and to enact section 4719.21 of the Revised Code to prohibit a telephone solicitor from intentionally blocking, or intentionally authorizing or causing to be blocked, the disclosure of the telephone number from which a telephone solicitation is made, and to provide for enforcement for some telephone solicitors under the telemarketing fraud law and for enforcement for all telephone solicitors under the law governing consumer sales practices.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That section 4719.08 be amended and section 4719.21 of the Revised Code be enacted to read as follows:

Sec. 4719.08. No telephone solicitor shall do any of the following:

- (A) Obtain a certificate of registration or registration renewal under section 4719.03 of the Revised Code through any false or fraudulent representation or make any material misrepresentation in any registration or registration renewal application;
- (B) Fail to maintain a valid certificate of registration or registration renewal;
- (C) Advertise that one is registered as a telephone solicitor or represent that registration as a telephone solicitor constitutes approval or endorsement by any government or governmental office or agency;
- (D) Provide inaccurate or incomplete information to the attorney general when making an application for a certificate or certificate renewal;
- (E) Misrepresent that a person is registered or that the person has a valid certificate number;
- (F) Misrepresent, directly or by implication, any of the following information:
 - (1) The total costs to purchase, receive, or use, and the quantity of, any goods or services that are the subject of a telephone solicitation;
 - (2) A material restriction, limitation, or condition to purchase, receive,

or use goods or services that are the subject of a telephone solicitation;

(3) A material aspect of the performance, efficacy, nature, or characteristics of goods or services that are the subject of a telephone solicitation;

(4) A material aspect of the nature or terms of the telephone solicitor's refund, cancellation, exchange, or repurchase policies;

(5) A material aspect of a prize promotion, including, but not limited to, the odds of being able to receive a prize, the nature or value of a prize, or that a purchase or payment of any kind is required to win a prize or to participate in a prize promotion;

(6) A material aspect of an investment opportunity, including, but not limited to, risk, liquidity, earnings potential, or profitability;

(7) The telephone solicitor's affiliation with, or endorsement by, any government or third-party organization.

(G) Make a false or misleading statement to induce a purchaser to pay for goods or services;

(H) Fail to notify the attorney general within fifteen days if, in a court of competent jurisdiction of this state or any other state or of the United States, the telephone solicitor is convicted of, pleads guilty to, or enters a plea of no contest for a felony, engaging in a pattern of corrupt activity, racketeering, a violation of federal or state securities law, or a theft offense as defined in section 2913.01 of the Revised Code or in similar law of any other state or of the United States;

(I) Intentionally block or intentionally authorize or cause to be blocked the disclosure of the telephone number from which a telephone solicitation is made.

Sec. 4719.21. (A) As used in this section, "telephone solicitation" and "telephone solicitor" have the same meanings as in division (A) of section 4719.01 of the Revised Code.

(B) No telephone solicitor shall intentionally block or intentionally authorize or cause to be blocked the disclosure of the telephone number from which a telephone solicitation is made.

(C) A violation of division (B) of this section is an unfair or deceptive act or practice in violation of section 1345.02 of the Revised Code. A person injured by a violation of division (B) of this section has a cause of action and is entitled to the same relief available to a consumer under section 1345.09 of the Revised Code, and all powers and remedies available to the attorney general to enforce sections 1345.01 to 1345.13 of the Revised Code are available to the attorney general to enforce division (B) of this section.

SECTION 2. That existing section 4719.08 of the Revised Code is hereby repealed.

Speaker _____ of the House of Representatives.

President _____ of the Senate.

Passed _____, 20____

Approved _____, 20____

Governor.

The section numbering of law of a general and permanent nature is complete and in conformity with the Revised Code.

Director, Legislative Service Commission.

Filed in the office of the Secretary of State at Columbus, Ohio, on the _____ day of _____, A. D. 20____.

Secretary of State.

File No. _____ Effective Date _____