

**As Passed by the Senate**

**124th General Assembly**

**Regular Session**

**2001-2002**

**Sub. H. B. No. 312**

**REPRESENTATIVES** Goodman, Seitz, Jolivette, Jones, Hagan, Metzger,  
Kearns, Collier, Hollister, Lendrum, Setzer, Webster, Damschroder,  
Carmichael, Gilb, Husted, Carano, Beatty, Metelsky, Patton, Distel, S. Smith,  
Coates, Perry, Willamowski, Sulzer, Womer Benjamin, Latta, Manning, Jerse,  
Core, Schmidt, Calvert, Salerno, Niehaus, D. Miller, McGregor, Wolpert,  
Reidelbach, Schneider, Cirelli, Mason, Koziura, Seaver, Latell, Schaffer,  
Otterman, Bocchieri, R. Miller, Krupinski, White, Allen, Ogg, Faber, Callender,  
Williams, Oلمان, Redfern, Hartnett, Britton, Fessler, Driehaus, Buehrer,  
Woodard, Peterson, Flowers, Grendell, DeBose  
**SENATORS** Hottinger, Goodman, Fingerhut, Armbruster, Blessing, Brady,  
Carnes, Coughlin, DiDonato, Espy, Harris, Jacobson, Mead, Mumper, Nein,  
Oelslager, Roberts, Robert Gardner, Spada

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**A B I L L**

To amend section 4719.08 and to enact section 4719.21 1  
of the Revised Code to prohibit a telephone 2  
solicitor from intentionally blocking, or 3  
intentionally authorizing or causing to be blocked, 4  
the disclosure of the telephone number from which a 5  
telephone solicitation is made, and to provide for 6  
enforcement for some telephone solicitors under the 7  
telemarketing fraud law and for enforcement for all 8  
telephone solicitors under the law governing 9  
consumer sales practices. 10

**BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:**

Section 1. That section 4719.08 be amended and section 11  
4719.21 of the Revised Code be enacted to read as follows: 12

Sec. 4719.08. No telephone solicitor shall do any of the 13  
following: 14

(A) Obtain a certificate of registration or registration 15  
renewal under section 4719.03 of the Revised Code through any 16  
false or fraudulent representation or make any material 17  
misrepresentation in any registration or registration renewal 18  
application; 19

(B) Fail to maintain a valid certificate of registration or 20  
registration renewal; 21

(C) Advertise that one is registered as a telephone solicitor 22  
or represent that registration as a telephone solicitor 23  
constitutes approval or endorsement by any government or 24  
governmental office or agency; 25

(D) Provide inaccurate or incomplete information to the 26  
attorney general when making an application for a certificate or 27  
certificate renewal; 28

(E) Misrepresent that a person is registered or that the 29  
person has a valid certificate number; 30

(F) Misrepresent, directly or by implication, any of the 31  
following information: 32

(1) The total costs to purchase, receive, or use, and the 33  
quantity of, any goods or services that are the subject of a 34  
telephone solicitation; 35

(2) A material restriction, limitation, or condition to 36  
purchase, receive, or use goods or services that are the subject 37  
of a telephone solicitation; 38

(3) A material aspect of the performance, efficacy, nature, 39  
or characteristics of goods or services that are the subject of a 40  
telephone solicitation; 41

(4) A material aspect of the nature or terms of the telephone 42  
solicitor's refund, cancellation, exchange, or repurchase 43  
policies; 44

(5) A material aspect of a prize promotion, including, but 45  
not limited to, the odds of being able to receive a prize, the 46  
nature or value of a prize, or that a purchase or payment of any 47  
kind is required to win a prize or to participate in a prize 48  
promotion; 49

(6) A material aspect of an investment opportunity, 50  
including, but not limited to, risk, liquidity, earnings 51  
potential, or profitability; 52

(7) The telephone solicitor's affiliation with, or 53  
endorsement by, any government or third-party organization. 54

(G) Make a false or misleading statement to induce a 55  
purchaser to pay for goods or services; 56

(H) Fail to notify the attorney general within fifteen days 57  
if, in a court of competent jurisdiction of this state or any 58  
other state or of the United States, the telephone solicitor is 59  
convicted of, pleads guilty to, or enters a plea of no contest for 60  
a felony, engaging in a pattern of corrupt activity, racketeering, 61  
a violation of federal or state securities law, or a theft offense 62  
as defined in section 2913.01 of the Revised Code or in similar 63  
law of any other state or of the United States; 64

(I) Intentionally block or intentionally authorize or cause 65  
to be blocked the disclosure of the telephone number from which a 66  
telephone solicitation is made. 67

Sec. 4719.21. (A) As used in this section, "telephone 68

solicitation" and "telephone solicitor" have the same meanings as  
in division (A) of section 4719.01 of the Revised Code.

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(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.

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(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.

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

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