

As Reported by the House Civil and Commercial Law Committee

124th General Assembly

Regular Session

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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**

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 blocking by any means the disclosure 3
of the telephone number from which a telephone 4
solicitation is made, and to provide for 5
enforcement for some telephone solicitors under the 6
telemarketing fraud law and for enforcement for all 7
telephone solicitors under the law governing 8
consumer sales practices. 9

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

Section 1. That section 4719.08 be amended and section 10
4719.21 of the Revised Code be enacted to read as follows: 11

Sec. 4719.08. No telephone solicitor shall do any of the 12
following: 13

(A) Obtain a certificate of registration or registration 14
renewal under section 4719.03 of the Revised Code through any 15
false or fraudulent representation or make any material 16

misrepresentation in any registration or registration renewal	17
application;	18
(B) Fail to maintain a valid certificate of registration or	19
registration renewal;	20
(C) Advertise that one is registered as a telephone solicitor	21
or represent that registration as a telephone solicitor	22
constitutes approval or endorsement by any government or	23
governmental office or agency;	24
(D) Provide inaccurate or incomplete information to the	25
attorney general when making an application for a certificate or	26
certificate renewal;	27
(E) Misrepresent that a person is registered or that the	28
person has a valid certificate number;	29
(F) Misrepresent, directly or by implication, any of the	30
following information:	31
(1) The total costs to purchase, receive, or use, and the	32
quantity of, any goods or services that are the subject of a	33
telephone solicitation;	34
(2) A material restriction, limitation, or condition to	35
purchase, receive, or use goods or services that are the subject	36
of a telephone solicitation;	37
(3) A material aspect of the performance, efficacy, nature,	38
or characteristics of goods or services that are the subject of a	39
telephone solicitation;	40
(4) A material aspect of the nature or terms of the telephone	41
solicitor's refund, cancellation, exchange, or repurchase	42
policies;	43
(5) A material aspect of a prize promotion, including, but	44
not limited to, the odds of being able to receive a prize, the	45
nature or value of a prize, or that a purchase or payment of any	46

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) By means of any elective blocking option available to
subscribers of the calling party's telephone company or by any
other means, block or 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, by means of any elective blocking
option available to subscribers of the calling party's telephone
company or by any other means, shall block or 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 77
or deceptive act or practice in violation of section 1345.02 of 78
the Revised Code. A person injured by a violation of division (B) 79
of this section has a cause of action and is entitled to the same 80
relief available to a consumer under section 1345.09 of the 81
Revised Code, and all powers and remedies available to the 82
attorney general to enforce sections 1345.01 to 1345.13 of the 83
Revised Code are available to the attorney general to enforce 84
division (B) of this section. 85

Section 2. That existing section 4719.08 of the Revised Code 86
is hereby repealed. 87