

HOUSE BILL NO. 279  
INTRODUCED BY SCHYE, GILBERT

IN THE HOUSE

JANUARY 19, 1991           INTRODUCED AND REFERRED TO COMMITTEE  
ON BUSINESS & ECONOMIC DEVELOPMENT.

JANUARY 21, 1991           FIRST READING.

JANUARY 30, 1991           COMMITTEE RECOMMEND BILL  
DO PASS. REPORT ADOPTED.

JANUARY 31, 1991           PRINTING REPORT.

FEBRUARY 1, 1991           SECOND READING, DO PASS.

FEBRUARY 2, 1991           ENGROSSING REPORT.

FEBRUARY 4, 1991           THIRD READING, PASSED.  
AYES, 98; NOES, 0.

TRANSMITTED TO SENATE.

IN THE SENATE

FEBRUARY 4, 1991           INTRODUCED AND REFERRED TO COMMITTEE  
ON BUSINESS & INDUSTRY.

FEBRUARY 5, 1991           FIRST READING.

MARCH 7, 1991             COMMITTEE RECOMMEND BILL BE  
CONCURRED IN AS AMENDED. REPORT  
ADOPTED.

MARCH 11, 1991            SECOND READING, CONCURRED IN.

MARCH 12, 1991            THIRD READING, CONCURRED IN.  
AYES, 49; NOES, 0.

RETURNED TO HOUSE WITH AMENDMENTS.

IN THE HOUSE

MARCH 16, 1991            RECEIVED FROM SENATE.

SECOND READING, AMENDMENTS  
CONCURRED IN.

MARCH 18, 1991            THIRD READING, AMENDMENTS

CONCURRED IN.

SENT TO ENROLLING.

REPORTED CORRECTLY ENROLLED.

1 HOUSE BILL NO. 279  
 2 INTRODUCED BY LeRoy Dilbert  
 3

4 A BILL FOR AN ACT ENTITLED: "AN ACT PROHIBITING THE USE OF  
 5 AUTOMATED TELEPHONE SYSTEMS, DEVICES, OR FACSIMILE MACHINES  
 6 FOR SPECIFIC PURPOSES; PROVIDING EXCEPTIONS; AND IMPOSING  
 7 PENALTIES."  
 8

9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

10 NEW SECTION. Section 1. Unlawful automated telephone  
 11 solicitation -- exceptions -- penalties. (1) A person may  
 12 not use an automated telephone system, device, or facsimile  
 13 machine for the selection and dialing of telephone numbers  
 14 and playing of recorded messages if a message is completed  
 15 to the dialed number for the purpose of:

- 16 (a) offering goods or services for sale;
- 17 (b) conveying information on goods or services in
- 18 soliciting sales or purchases;
- 19 (c) soliciting information;
- 20 (d) gathering data or statistics; or
- 21 (e) promoting a political campaign or any use related
- 22 to a political campaign.

23 (2) This section does not prohibit the use of an  
 24 automated telephone system, device, or facsimile machine  
 25 described under subsection (1) for purposes of informing

1 purchasers of the receipt, availability for delivery, delay  
 2 in delivery, or other pertinent information on the status of  
 3 any purchased goods or services, of responding to an inquiry  
 4 initiated by any person, or of providing any other pertinent  
 5 information when there is a preexisting business  
 6 relationship.

7 (3) A person violating subsection (1) is guilty of a  
 8 misdemeanor punishable by imprisonment for not more than 6  
 9 months and a fine of not more than \$750.

10 NEW SECTION. Section 2. Codification instruction.  
 11 [Section 1] is intended to be codified as an integral part  
 12 of Title 45, chapter 8, part 2, and the provisions of Title  
 13 45, chapter 8, part 2, apply to [section 1].

-End-

APPROVED BY COMM. ON BUSINESS AND ECONOMIC DEVELOPMENT

1 HOUSE BILL NO. 279  
2 INTRODUCED BY Debra Dilbert  
3

4 A BILL FOR AN ACT ENTITLED: "AN ACT PROHIBITING THE USE OF  
5 AUTOMATED TELEPHONE SYSTEMS, DEVICES, OR FACSIMILE MACHINES  
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13 45, chapter 8, part 2, apply to [section 1].

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1 HOUSE BILL NO. 279  
 2 INTRODUCED BY Delge Willett  
 3

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 5 AUTOMATED TELEPHONE SYSTEMS, DEVICES, OR FACSIMILE MACHINES  
 6 FOR SPECIFIC PURPOSES; PROVIDING EXCEPTIONS; AND IMPOSING  
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 11 [Section 1] is intended to be codified as an integral part  
 12 of Title 45, chapter 8, part 2, and the provisions of Title  
 13 45, chapter 8, part 2, apply to [section 1].

-End-

SENATE STANDING COMMITTEE REPORT

Page 1 of 1  
March 7, 1991

MR. PRESIDENT:

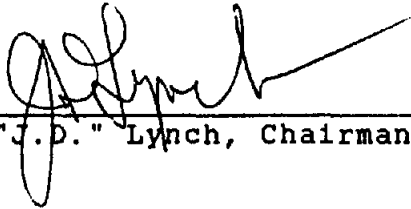
We, your committee on Business and Industry having had under consideration House Bill No. 279 (third reading copy -- blue), respectfully report that House Bill No. 279 be amended and as so amended be concurred in:

1. Title, line 7.  
Strike: "PENALTIES"  
Insert: "A FINE"

2. Page 2, line 6.  
Following: "relationship."  
Insert: "This section does not prohibit the use of an automated telephone system or device if the permission of the called party is obtained by a live operator before the recorded message is delivered."

3. Page 2, lines 7 through 9.  
Strike: "guilty" on line 7 through "and" on line 9  
Insert: "subject to"  
Strike: "\$750"  
Insert: "\$2,500"

Signed: \_\_\_\_\_

  
John "J.D." Lynch, Chairman

AM 3-7-91  
Amd. Coord.

SB 3-7 3:40  
Sec. of Senate

HB 279  
SENATE

HOUSE BILL NO. 279  
INTRODUCED BY SCHYE, GILBERT

A BILL FOR AN ACT ENTITLED: "AN ACT PROHIBITING THE USE OF  
AUTOMATED TELEPHONE SYSTEMS, DEVICES, OR FACSIMILE MACHINES  
FOR SPECIFIC PURPOSES; PROVIDING EXCEPTIONS; AND IMPOSING  
PENALTIES A FINE."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

NEW SECTION. **Section 1.** Unlawful automated telephone  
solicitation -- exceptions -- penalties. (1) A person may  
not use an automated telephone system, device, or facsimile  
machine for the selection and dialing of telephone numbers  
and playing of recorded messages if a message is completed  
to the dialed number for the purpose of:

- (a) offering goods or services for sale;
- (b) conveying information on goods or services in  
soliciting sales or purchases;
- (c) soliciting information;
- (d) gathering data or statistics; or
- (e) promoting a political campaign or any use related  
to a political campaign.

(2) This section does not prohibit the use of an  
automated telephone system, device, or facsimile machine  
described under subsection (1) for purposes of informing

purchasers of the receipt, availability for delivery, delay  
in delivery, or other pertinent information on the status of  
any purchased goods or services, of responding to an inquiry  
initiated by any person, or of providing any other pertinent  
information when there is a preexisting business  
relationship. THIS SECTION DOES NOT PROHIBIT THE USE OF AN  
AUTOMATED TELEPHONE SYSTEM OR DEVICE IF THE PERMISSION OF  
THE CALLED PARTY IS OBTAINED BY A LIVE OPERATOR BEFORE THE  
RECORDED MESSAGE IS DELIVERED.

(3) A person violating subsection (1) is guilty of a  
misdemeanor punishable by imprisonment for not more than 6  
months and SUBJECT TO a fine of not more than \$750 \$2,500.

NEW SECTION. **Section 2.** Codification instruction.  
[Section 1] is intended to be codified as an integral part  
of Title 45, chapter 8, part 2, and the provisions of Title  
45, chapter 8, part 2, apply to [section 1].

-End-