

BILL SUMMARY
2nd Session of the 58th Legislature

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| Bill No.: | HB 3168 |
| Version: | FA1 |
| Request Number: | 10874 |
| Author: | Rep. Phillips |
| Date: | 3/8/2022 |
| Impact: | Minimal |

Research Analysis

HB 3168 creates the Telephone Solicitation Act of 2022 and prohibits:

- Automated telephonic sales calls ("robocalls") without prior express written consent;
- Telephonic sales calls that do not display on the caller ID the originating telephone number and name;
- Telephonic sales calls that intentionally alter the voice of the caller in an attempt to disguise or conceal the identify of the caller in order to mislead or confuse the recipient;
- Sales calls before 8am and after 8pm;
- More than three sales calls within a 24-hour period on the same matter; and
- Telephonic sales calls that block caller ID or display a different phone number than the originating number.

The measure provides 26 exemptions to the act, including:

- Sales calls of an infrequent or one-time nature;
- Calls for noncommercial purposes;
- Solicitors who do not make the sales presentation during the call, but rather arrange a face-to-face meeting;
- Financial institutions or licensed securities, commodities, investment, or insurance brokers;
- Newspaper or cable solicitations, or book, video, or record club plan; and
- Qualified business-to-business sales calls.

In the case of a sales call that violates this act, an aggrieved party can initiate legal action to have a judge require the solicitor to stop and the called party can recover actual damages or \$500, whichever is greater.

Prepared By: Tricia Hines

Fiscal Analysis

HB 3168 creates a private right of action for citizens against companies who violate the provisions of this measure. Therefore, any fiscal, or revenue, impact would be to the district courts who may see an increase in the number of cases filed. The Floor Amendment does not change the fiscal impact of this measure.

Prepared By: Mariah Searock

Other Considerations

None.

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