

LEGISLATURE OF NEBRASKA

ONE HUNDRED SECOND LEGISLATURE

FIRST SESSION

LEGISLATIVE BILL 418

Introduced by Nelson, 6.

Read first time January 13, 2011

Committee: Transportation and Telecommunications

A BILL

- 1 FOR AN ACT relating to automatic dialing-announcing devices; to amend
- 2 section 86-256, Reissue Revised Statutes of Nebraska; to
- 3 exclude from registration devices used for messages
- 4 regulated under the Nebraska Political Accountability and
- 5 Disclosure Act; and to repeal the original section.
- 6 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 86-256, Reissue Revised Statutes of
2 Nebraska, is amended to read:

3 86-256 (1) Any person using an automatic dialing-
4 announcing device other than for telephone solicitations shall
5 register the device with the commission pursuant to the application
6 process, without a fee, and shall include with the application a
7 detailed explanation of the use planned and the message to be used.

8 (2) All telephone messages transmitted by an automatic
9 dialing-announcing device other than telephone solicitations shall:

10 (a) At the beginning of the message, state clearly the
11 identity of the person on whose behalf the message is being
12 transmitted;

13 (b) During or after the message, state clearly the
14 telephone number, other than that of the device which made the call,
15 or address of the person operating the device; and

16 (c) Transmit messages only between the hours of 8 a.m.
17 and 9 p.m. at the location of the person receiving the message.

18 (3) This section does not apply to (a) a message from any
19 elementary, secondary, or postsecondary educational institution to
20 any of its students, parents, or employees, (b) a message to a person
21 with whom the person placing the call or the person on whose behalf
22 the message is being transmitted has an established business or
23 personal relationship, (c) a message from an employer advising any of
24 its employees of work schedules, or—(d) a message from a political
25 subdivision as defined in section 13-903, or (e) a message otherwise

1 regulated pursuant to section 49-1474.02.

2 (4) A person contracting with a third party to connect or
3 operate an automatic dialing-announcing device for other than
4 telephone solicitations shall be jointly and severally liable with
5 the third party for connecting and operating the automatic dialing-
6 announcing device in violation of the Automatic Dialing-Announcing
7 Devices Act or the rules and regulations adopted and promulgated
8 under the act.

9 (5) A person contracting with a third party to connect or
10 operate an automatic dialing-announcing device for other than
11 telephone solicitations shall file with the commission the message to
12 be used within twenty-four hours after the message is transmitted.

13 Sec. 2. Original section 86-256, Reissue Revised Statutes
14 of Nebraska, is repealed.