

TRANSCRIPT PREPARED BY THE CLERK OF THE LEGISLATURE
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consumer's bank account without expressed authorization of the consumer. That's in Section 3. It requires that confirmation forms disclose the identity of the seller, a description of the goods or services. It also...an itemized list of charges and certain other information. Section 4 also provides for the consumer to cancel the telephone sale within five days after receipt of such written confirmation. It prohibits telemarketers from using couriers to pick up a payment. That's a high-pressure sales tactic that I just mentioned. It prohibits telemarketers from requesting or receiving payment for trying to recover money lost in a prior telemarketing transaction. It requires prize promotions promoted by telemarketers to disclose the odds of winning the retail value of any prizes, any material costs or conditions. It prohibits prize promotions from misrepresenting the source of any written prize notice. It requires telemarketers to maintain records for 24 months. It allows for civil and criminal actions, provides that a violation is a Class I misdemeanor. That's Section 10 to 13. A Class I misdemeanor is...maximum is not more than one year imprisonment, or \$1,000 fine, or both. LB 469 mirrors federal legislation and allows for remedies in state court instead of only federal court. We have worked directly and...these past several years with the Direct Marketing Association, a national organization whose membership is made up of hundreds of companies who use telemarketing, and that group testified in favor of 469. (LB) 469 also applies when unsolicited consumer telephone calls are made in order to sell, lease, or rent consumer goods or services; to offer gifts or prizes with the intent to sell, lease, or rent consumer goods or services; and to represent to any consumer, as I described earlier, that the consumer has won or will receive a prize. It does not apply when the seller is responding to an expressed request of the person called or when the call is regarding any existing debt, or contract payment; or when there is an established business relationship between the caller and the consumer; or if the call is by a magazine or newspaper publisher in connection with the publisher's business. We've been at this for four years. We've held meetings with telemarketing, the Attorney General's Consumer Protection Division, the Public Service Commission, the Nebraska Bankers, TRIAD, the postal...the U.S. Postal Inspector, and the Transportation Committee has been great help to us and the Direct Marketing