

TRANSCRIPT PREPARED BY THE CLERK OF THE LEGISLATURE
Transcriber's Office

March 15, 1999 LB 150, 469

committee amendment does is to modify the definition of "seller". And the purpose of that is to clarify that telecommunications companies, which are subject to rules of verification for slamming, are excluded from the act as long as they are selling a service to which the slamming rules apply. Perhaps an example of that might be if a company...if a company is calling to try to sell their long distance services to you or become your local carrier, that's a type of activity that would be subject to the slamming provisions and the verification requirements under the slamming bill, which will be coming up. Senator Chris Peterson has LB 150. And so we don't want to have, to the extent that we can avoid it, any confusion on what rules apply, especially when it comes to the verification part of it. If that same company that sold long distance services, however, were to call and offer a credit card to you, which is very, very possible, they would be subject to the provisions of LB 469 in offering the credit card to you and the verification requirements that are set forth in 469. So that's...that's the first thing that the committee amendment does. There was also some concern in discussing the bill and in committee about the phrase on page 3, line 26 of the bill pertaining to an established business relationship and this is a definition, actually, that's in the bill and this makes an exception. "An unsolicited consumer telephone call means a consumer telephone call other than a call made", and I'm quoting from the green copy of the bill, "to any person with whom the seller has an established business relationship". In discussing that, after the bill was introduced and so forth, it was...it was felt that we needed to raise that...that standard or that bar a little bit and the committee amendment says that the...it would apply to any person with whom the seller has established...has clearly established a business relationship. So it has to be clearly an established business relationship to be excluded from an unsolicited consumer telephone call. Finally, the committee amendment provides that the remedies that the state can seek in a suit for a company that violates this act are changed from just actual damages to actual damages or other remedies provided by law. That expands the alternative somewhat for the state to regulate this activity and would allow, if you had a chronic abuser, it would allow the state to seek a cease and desist order from doing business, or an injunction, and those remedies in addition to actual damages. So, you know, sometimes on these