

State of Arizona  
Senate  
Forty-fifth Legislature  
First Regular Session  
2001

# SENATE BILL 1254

AN ACT

AMENDING SECTIONS 44-1271, 44-1272, 44-1272.01, 44-1273 AND 44-1278, ARIZONA  
REVISED STATUTES; RELATING TO TELEPHONE SOLICITATIONS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Section 44-1271, Arizona Revised Statutes, is amended to  
3 read:

4 44-1271. Definitions

5 In this article, unless the context otherwise requires:

6 1. "Consumer" means a person who is solicited by a seller or  
7 solicitor.

8 2. "Licensed associated person of a securities, commodities or  
9 investments broker" means any associated person registered or licensed by the  
10 national association of securities dealers, a self-regulatory organization as  
11 defined in the securities exchange act of 1934 (15 United States Code ~~section~~  
12 ~~SECTION~~ 78a through 7811) or an official or agency of this state or of any  
13 other state of the United States.

14 3. "Licensed securities commodities or investments broker, dealer or  
15 investment advisor" means a person licensed or registered as a securities  
16 commodities or investments broker, dealer or investment advisor by the  
17 securities and exchange commission, the national association of securities  
18 dealers, a self-regulatory organization as defined in the securities exchange  
19 act of 1934 (15 United States Code ~~section~~ ~~SECTION~~ 78a through 7811) or an  
20 official or agency of this state or of any other state of the United States.

21 4. "Manager" means a person who supervises the work of a solicitor.

22 5. "Merchandise" means objects, wares, goods, commodities,  
23 intangibles, real estate, securities or services.

24 6. "Person" means:

25 (a) A natural person or his legal representative.

26 (b) A partnership, a limited liability company, a limited liability  
27 partnership or a domestic or foreign corporation.

28 (c) A company, trust, business entity or association.

29 (d) An agent, employee, salesman, partner, officer, director, member,  
30 stockholder, associate or trustee.

31 (e) Any other legal entity or any group associated in fact although  
32 not a legal entity.

33 7. "Premium" means any gift, bonus, prize, award or other incentive or  
34 inducement to purchase merchandise.

35 8. "Principal" means an owner, ~~OR~~ OR an officer of a corporation or  
36 limited liability company, a general partner of a partnership, a sole  
37 proprietor of a sole proprietorship, a partner of a limited liability  
38 partnership, a trustee of a trust and any other individual who controls,  
39 manages or supervises a telephone sales operation.

40 9. "Prize" means anything offered or purportedly offered and given or  
41 purportedly given to a person by chance. Chance exists if a person is  
42 guaranteed to receive an item and at the time of the offer or purported offer  
43 the seller or solicitor does not identify the specific item that the person  
44 will receive.

1           10. "Prize promotion" means a sweepstakes or other game of chance or an  
2 oral or written express or implied representation that a person has won, has  
3 been selected to receive or may be eligible to receive a prize or purported  
4 prize.

5           11. "Recovery service" means any business or other practice in which a  
6 person represents or implies that the person will recover or assist in  
7 recovering for a fee any amount of money that a consumer has provided to a  
8 seller pursuant to a telephone solicitation.

9           12. "Seller" means a person who, directly or through a solicitor **DOES**  
10 **ANY OF THE FOLLOWING:**  ~~, seeks orders for the sale of merchandise by means of~~  
11  ~~telephone solicitation under any of the following circumstances:~~

12           ~~(a) The person initiates contact by telephone with a consumer and~~  
13  ~~represents or implies that:~~

14           ~~(i) A consumer who buys merchandise will receive additional~~  
15  ~~merchandise, the same as or different from the type of merchandise~~  
16  ~~purchased, without any additional charge, except for actual postage or~~  
17  ~~common carrier charges.~~

18           ~~(ii) A consumer will receive or has a chance or opportunity to receive~~  
19  ~~a premium.~~

20           ~~(iii) The person is offering to sell the services of a recovery~~  
21  ~~service.~~

22           ~~(iv) The person is offering to make a loan, to arrange or assist in~~  
23  ~~arranging a loan or to assist in providing information that may lead to~~  
24  ~~obtaining a loan unless no payment of any kind is made until the loan~~  
25  ~~proceeds are disbursed to the borrower.~~

26           ~~(v) The consumer will receive a credit card if the consumer pays a fee~~  
27  ~~for the card before receiving the card.~~

28           (a) **INITIATES TELEPHONE CALLS TO PROVIDE OR ARRANGE TO PROVIDE GOODS**  
29 **OR SERVICES TO CONSUMERS IN EXCHANGE FOR PAYMENT.**

30           (b) ~~The solicitation~~ **SOLICITS** by telephone ~~is made by the person~~ in  
31 response to inquiries from a consumer generated by a notification or  
32 communication sent or delivered to the consumer that represents or implies  
33 that:

34           (i) The consumer has been specially selected in any manner to receive  
35 the notification or communication or the offer contained in the notification  
36 or communication.

37           (ii) The consumer will receive a premium if the consumer calls the  
38 person.

39           (iii) If the consumer purchases merchandise from the person, the  
40 consumer will also receive additional or other merchandise, the same as or  
41 different from the type of merchandise purchased, without any additional  
42 charge or for a price that the person represents or implies is less than the  
43 regular price of the merchandise.

44           (iv) The person is offering for sale the services of a recovery  
45 service.

1 (v) The person is offering to make a loan, to arrange or assist in  
2 arranging a loan or to assist in providing information that may lead to  
3 obtaining a loan unless no payment of any kind is made until the loan  
4 proceeds are disbursed to the borrower.

5 (vi) The consumer will receive a credit card if the consumer pays a  
6 fee for the card before receiving the card.

7 (c) ~~The solicitation~~ SOLICITS by telephone ~~is made by the person~~ in  
8 response to inquiries generated by advertisements on behalf of the person  
9 that represent or imply that:

10 (i) The person is offering to sell the services of a recovery service.

11 (ii) The person is offering to make a loan, to arrange or assist in  
12 arranging a loan or to assist in providing information that may lead to  
13 obtaining a loan unless no payment of any kind is made until the loan  
14 proceeds are disbursed to the borrower.

15 (iii) The consumer will receive a credit card if the consumer pays a  
16 fee for the card before receiving the card.

17 13. "Solicitor" means a person, OTHER THAN A SELLER OR EMPLOYEE OF A  
18 SELLER, who uses a telephone to seek sales of merchandise on behalf of a  
19 seller or uses a telephone to verify sales for a seller.

20 ~~14. "Telephone solicitation sale" means a sale of merchandise by a~~  
21 ~~seller.~~

22 Sec. 2. Section 44-1272, Arizona Revised Statutes, is amended to read:  
23 44-1272. Telephone seller; registration

24 A. A seller shall file a verified registration statement with the  
25 secretary of state before the seller solicits any consumer from a location in  
26 this state or any consumer located in this state. Each principal of the  
27 seller shall sign the registration statement, have the signature notarized  
28 and file the statement with the secretary of state along with the annual  
29 registration fee prescribed by section 44-1275. The registration statement  
30 expires on June 30 of each year and shall be annually renewed by completing a  
31 new registration statement within thirty days before expiration.

32 B. ~~Except as provided in subsection D of this section,~~ If, before the  
33 expiration of a seller's annual registration, there is a change in any of the  
34 information required by subsection C of this section, within ten days of the  
35 change the seller shall file a supplemental statement with the secretary of  
36 state, except that a seller shall only update quarterly any changes in  
37 solicitors hired by the seller.

38 C. Each registration statement shall contain all of the following  
39 information:

40 1. The true legal name of the seller.

41 2. The name under which the seller is doing business or intends to do  
42 business.

43 3. The seller's business form and state of organization.

44 4. If the seller is a corporation or limited liability company, a copy  
45 of its articles of incorporation and bylaws and amendments to the bylaws. If

1 the seller is a partnership or limited liability partnership, a copy of the  
2 partnership agreement. If the seller is operating under a fictitious  
3 business name, the location where the fictitious name has been registered.

4 5. The complete street address of the physical location of the  
5 principal place of business of the seller, the complete street address of all  
6 other locations from which the seller will be conducting business and all  
7 telephone numbers for telephones at these locations.

8 6. For each principal, ~~AND~~ manager ~~and solicitor~~, the true legal  
9 name, residence address, telephone number and date of birth and a clear and  
10 legible copy of the current driver license or valid government issued photo  
11 identification card. A SELLER IS NOT REQUIRED TO SUBMIT THE INFORMATION  
12 REQUIRED IN THIS SECTION FOR THE SELLER'S EMPLOYEES.

13 7. For each manager, the address of the business location for which  
14 the manager is responsible.

15 8. FOR EACH SOLICITOR, THE SOLICITOR'S TRUE LEGAL NAME, ITS BUSINESS  
16 ADDRESS AND TELEPHONE NUMBER, AND FOR EACH PRINCIPAL AND MANAGER OF  
17 SOLICITOR, THEIR TRUE LEGAL NAME, RESIDENCE ADDRESS, TELEPHONE NUMBER AND  
18 DATE OF BIRTH AND A CLEAR AND LEGIBLE COPY OF THE CURRENT DRIVER LICENSE OR  
19 VALID GOVERNMENT ISSUED PHOTO IDENTIFICATION CARD. A SOLICITOR IS NOT  
20 REQUIRED TO SUBMIT THE INFORMATION REQUIRED IN THIS SECTION FOR THE  
21 SOLICITOR'S EMPLOYEES.

22 ~~8.~~ 9. The name and address of the seller's agent in this state who is  
23 authorized to receive service of process in this state.

24 ~~9.~~ 10. A copy of the bond filed with the state treasurer pursuant to  
25 section 44-1274.

26 ~~10.~~ 11. Whether a principal or manager:

27 (a) Has been convicted or pleaded no contest to a felony or  
28 misdemeanor involving moral turpitude or a violation of this article.

29 (b) Has been held liable in a civil action, either by final judgment  
30 or by entry of a stipulated judgment, if the civil action alleged fraud,  
31 embezzlement, racketeering, fraudulent conversion or misappropriation of  
32 property or a violation of this article or the use of untrue or misleading  
33 representations in an attempt to sell or dispose of real or personal property  
34 or the use of unfair, unlawful or deceptive business practices.

35 (c) Is subject to a currently effective injunction or restrictive  
36 order relating to a business activity as a result of an action brought by a  
37 public agency or department, including an action affecting a vocational  
38 license. The statement shall include the name of the court, the date of the  
39 conviction, the judgment, order or injunction and, if applicable, the name of  
40 the governmental agency that filed the action resulting in the conviction,  
41 judgment, order or injunction.

42 ~~11.~~ 12. A copy of any:

43 (a) Script, outline or presentation the seller will require or suggest  
44 that a solicitor use, except that if the seller does not require or suggest a

1 script, outline or presentation, a statement that no such document is  
2 required or suggested.

3 (b) Sales information and literature provided by the seller to a  
4 solicitor or described by the seller for use by the solicitor, including  
5 scripts, outlines, presentations, information on how to conduct telephone  
6 sales, sample instructions, sample closings, product information and contest  
7 or premium award information.

8 (c) Sales information and any other literature provided by the seller  
9 to a consumer in connection with any solicitation.

10 D. If a seller expressly ~~or impliedly~~ represents OR IMPLIES to any  
11 consumer, directly or through a solicitor, that the consumer is or may be  
12 eligible to receive any premium, the seller shall submit with the  
13 registration statement another statement setting forth for each premium  
14 mentioned:

15 1. A description of the premium.  
16 2. The value or worth of the premium and the basis for the valuation.  
17 3. All terms and conditions a consumer must satisfy in order to  
18 receive the premium.

19 4. The odds of being able to receive the premium, and if the odds are  
20 not calculable in advance, the factors used in calculating the odds.

21 5. If the consumer will receive fewer than all of the premiums  
22 described by the seller:

23 (a) The manner in which the seller decides which premium the consumer  
24 will receive.

25 (b) The odds of being able to receive each premium, and if the odds  
26 are not calculable in advance, the factors used in calculating the odds.

27 (c) The name and address of each person who within the past twelve  
28 months has received the premium having the greatest value and the  
29 premium with the smallest odds of being received.

30 E. If the seller expressly or impliedly represents to any consumer,  
31 directly or through a solicitor, that the seller can or may be able to make a  
32 loan, arrange a loan, assist in arranging a loan or assist in providing  
33 information that may lead to obtaining a loan, the seller shall submit with  
34 the registration statement another statement setting forth:

35 1. For the previous twenty-four months, the names and addresses of any  
36 person who lent money to:

37 (a) Consumers who responded to the solicitations of the seller's  
38 predecessor or the seller's officers or owners or those persons having  
39 present management responsibilities or to companies with which they were  
40 associated.

41 (b) The seller's predecessor or the seller's officers or owners or  
42 those persons having present management responsibilities or to those  
43 companies with which they were associated for them to lend to consumers who  
44 responded to solicitations.



1 D. A seller who files a limited registration statement pursuant to  
2 this section is not required to pay a filing fee and is not required to file  
3 and maintain a bond.

4 E. Compliance with the limited registration prescribed in this section  
5 does not constitute an approval or endorsement by this state of the seller's  
6 limited registration or conduct.

7 F. The secretary of state may send by certified mail a notice of  
8 failure to file a limited registration STATEMENT pursuant to this section to  
9 any seller who is listed in section 44-1273, subsection B and who fails to  
10 comply with the limited registration prescribed in this section. The seller  
11 shall comply with the limited registration prescribed in this section within  
12 thirty days after receiving the notice from the secretary of state and shall  
13 pay a late registration penalty of twenty-five dollars. If the seller does  
14 not comply with this subsection, the seller is guilty of a class 3  
15 misdemeanor.

16 Sec. 4. Section 44-1273, Arizona Revised Statutes, is amended to read:  
17 44-1273. Limited exemptions

18 A. The following sellers are not required to register and, except for  
19 section 44-1278, subsection B, are exempt from this article:

20 1. A person acting within the scope of a license issued under  
21 title 20.

22 2. A person who is registered with the secretary of state pursuant to  
23 section 44-6552 or who is exempt from registration pursuant to section  
24 44-6553.

25 3. A person making telephone solicitations without the intent to  
26 complete and who does not complete the sales presentation during the  
27 telephone solicitation but completes the sales presentation at a later  
28 face-to-face meeting between the solicitor and the consumer provided that the  
29 later face-to-face meeting is not for the purpose of collecting the payment  
30 or delivering any item purchased.

31 4. A person who after making a telephone contact with a consumer sends  
32 the consumer descriptive literature and does not require payment before the  
33 consumer's review of the descriptive literature and the person is not  
34 conducting a solicitation involving any of the following:

35 (a) The sale of an investment or an opportunity for an investment that  
36 is not registered with any state or federal authority.

37 (b) A prize promotion or premium.

38 (c) A recovery service.

39 5. A person or solicitor for a person who operates a retail business  
40 establishment under the same name as the name used in the solicitation of  
41 sales by telephone, if on a continuing basis all of the following apply:

42 (a) Merchandise is displayed and offered for sale or services are  
43 offered for sale and provided at the person's business establishment.

44 (b) At least fifty per cent of the person's business involves the  
45 buyer obtaining the merchandise at the person's business establishment.

1 (c) The person holds a transaction privilege tax license pursuant to  
2 title 42, chapter 5.

3 6. A person or solicitor for a person soliciting another business if  
4 all of the following occur:

5 (a) At least fifty per cent of the person's dollar volume consists of  
6 repeat sales to existing businesses.

7 (b) The person does not conduct a prize promotion that requires or  
8 implies that to win a consumer must pay money or purchase merchandise.

9 (c) Neither the person nor any of the person's principals has within  
10 twenty years been convicted in any state of a felony or crime of moral  
11 turpitude, breach of trust, fraud, theft, dishonesty or violation of  
12 telephone solicitation laws, been subject to a final judgment in a civil  
13 action involving fraud, deceit or misrepresentation or been subject to an  
14 administrative order involving fraud, deceit, misrepresentation or any  
15 violation of telephone solicitations laws of any agency of this state,  
16 another state, the federal government, a territory of the United States or  
17 another country.

18 7. A person or solicitor on behalf of a person who solicits sales by  
19 periodically publishing and delivering a catalog to consumers if all of the  
20 following apply:

21 (a) The catalog contains a written description or illustration of each  
22 item offered for sale and the price of each item offered for sale.

23 (b) The catalog includes the business address or home office address  
24 of the person.

25 (c) The catalog includes at least twenty-four pages of written  
26 material and illustrations.

27 (d) The catalog is distributed in more than one state and has an  
28 annual circulation by mail of at least two hundred fifty thousand.

29 B. The following sellers shall file a limited registration statement  
30 pursuant to section 44-1272.01 and, except for section 44-1278, are exempt  
31 from this article:

32 1. A person acting within the scope of a license issued under title 6  
33 or 32 or by the corporation commission pursuant to this title, except persons  
34 licensed under title 6, chapter 13.

35 2. If soliciting within the scope of the license, any licensed  
36 securities, commodities or investments broker, ~~OR~~ OR dealer or investment  
37 advisor or any licensed associated person of a securities, commodities or  
38 investments broker, ~~OR~~ OR dealer or investment advisor.

39 3. An issuer or a subsidiary of an issuer that has a class of  
40 securities that is subject to section 12 of the securities exchange act of  
41 1934 (15 United States Code sections 78a through 78l) and that is either  
42 registered or exempt from registration under paragraph (A), (B), (C), (E),  
43 (F), (G) or (H) or subsection (g) (2) of section 12 of the act. A subsidiary  
44 of an issuer that qualifies for exemption under this paragraph is not exempt

1 unless at least sixty per cent of the voting power of the subsidiary's shares  
2 is owned by the qualifying issuer or issuers.

3 4. A person certificated or regulated by the corporation commission  
4 pursuant to title 40, chapter 2 or a subsidiary of that person or a federal  
5 communications commission licensed cellular telephone company or radio  
6 telecommunication services provider.

7 5. A person making telephone solicitations for a newspaper of general  
8 circulation, a magazine or a licensed or franchised cable television system.

9 6. An issuer or subsidiary of an issuer that is subject to  
10 registration under chapter 12, article 6 or 7 of this title or that is exempt  
11 from registration under section 44-1843, [SUBSECTION A](#), paragraph 1, 2, 3, 4,  
12 5, 7 or 9.

13 7. A person making telephone solicitations for the sale or purchase of  
14 books, recordings, videocassettes and similar goods through a membership  
15 group or club regulated by the federal trade commission or through a  
16 contractual plan or arrangement such as a continuity plan, subscription  
17 arrangement, series arrangement or single purchase under which the seller  
18 ships goods to a consumer who has consented in advance to receive those goods  
19 and the recipient is given the opportunity to review goods for at least seven  
20 days and to receive a full refund for return of undamaged goods.

21 8. A person or solicitor for a person when soliciting previous  
22 customers, if all of the following apply:

23 (a) The person is not offering to sell or selling a security that is  
24 not registered with any state or federal authority.

25 (b) The person makes the solicitation under the same name as the name  
26 used to sell merchandise to the customer previously.

27 (c) The person does not operate a recovery service.

28 (d) The person does not conduct a prize promotion that requires a  
29 consumer to, or implies that to win a consumer must, pay money or purchase  
30 merchandise.

31 (e) The person has not, or any of its principals have not, within  
32 twenty years been convicted in any state of a felony or a crime of moral  
33 turpitude, breach of trust, fraud, theft, dishonesty or [A](#) violation of  
34 telephone solicitation laws, been subject to a final judgment in a civil  
35 action involving fraud, deceit or misrepresentation or been subject to an  
36 administrative order involving fraud, deceit, misrepresentation or any  
37 violation of telephone ~~solicitations~~ [SOLICITATION](#) laws of any agency of this  
38 state, another state, the federal government, a territory of the United  
39 States or another country.

40 9. A person making telephone solicitations exclusively for the purpose  
41 of the sale of telephone answering services to be provided by that person or  
42 that person's employer.

43 10. Any bank holding company, bank, financial institution, trust  
44 company, savings and loan association, credit union, mortgage banker or  
45 broker, consumer lender or insurer that is licensed or supervised by an

1 official or agency of this state, any other state or the United States,  
2 including any parent, subsidiary or affiliate of these institutions.

3 11. A person providing telemarketing sales service continuously for at  
4 least five years under the same ownership and control that derives  
5 seventy-five per cent of its gross telemarketing sales revenues from  
6 contracts with persons exempted by this section. A seller using an exempt  
7 telemarketing sales service is not exempt unless otherwise qualifying for an  
8 exemption under this section.

9 C. On request by the secretary of state, the director of the  
10 department of insurance shall provide a current list in a mutually acceptable  
11 electronic format to the secretary of state of the requested licensees  
12 described in subsection A, paragraph 1 of this section that includes all of  
13 the following information:

14 1. The true legal name of the seller.

15 2. All of the names under which the seller is doing business or  
16 intends to do business.

17 3. The complete street address of the physical location of the  
18 principal place of business of the seller and the telephone number for the  
19 location.

20 4. The name and address of the seller's agent who is authorized to  
21 receive service of process [IN THIS STATE](#).

22 D. In any civil proceeding alleging a violation of this article, the  
23 burden of proving an exemption or an exception from a definition is on the  
24 person claiming the exemption or exception. In any criminal proceeding in  
25 which a violation of this article is alleged, the burden of producing  
26 evidence to support a defense based on an exemption or an exception from a  
27 definition is on the person claiming the exemption or exception.

28 E. Any person or solicitor exempted in part from this article by this  
29 section shall not make or submit a charge to a consumer's credit card account  
30 or a consumer's checking, savings, share or similar account unless any of the  
31 following apply:

32 1. The person provides that the consumer may receive a full refund for  
33 the return of undamaged and unused goods or a cancellation of services by  
34 providing notice to the person within seven days after the date that the  
35 consumer receives the merchandise and the person processes:

36 (a) A full refund within thirty days after the date that the person  
37 receives the returned merchandise from the consumer.

38 (b) A full refund within thirty days after the purchaser of services  
39 cancels an order for the services or a pro rata refund for any services not  
40 yet performed for the consumer.

41 2. The person provides the consumer with a signed copy of a written  
42 contract that includes the person's name, address and business telephone  
43 number and that fully describes the merchandise offered by the person, the  
44 total price to be charged by the person and any terms or conditions affecting  
45 the sale.

1           3. The person is an organization that is registered with the secretary  
2 of state pursuant to section 44-6552 or that is exempt from registration  
3 pursuant to section 44-6553.

4           Sec. 5. Section 44-1278, Arizona Revised Statutes, is amended to read:  
5 44-1278. Unlawful practice; powers of attorney general;  
6 cumulative remedies

7           A. It is an unlawful practice pursuant to section 44-1522 for a seller  
8 **OR SOLICITOR OR ANYONE ACTING ON THEIR BEHALF** to make or authorize to any  
9 consumer any reference to the seller's **OR SOLICITOR'S** compliance with this  
10 article other than on inquiry by the consumer.

11           B. It is an unlawful practice pursuant to section 44-1522 for any  
12 seller or solicitor **OR ANYONE ACTING ON THEIR BEHALF** who conducts a telephone  
13 solicitation in this state to do any of the following:

14           1. Use telephone equipment that blocks the caller identification  
15 function on the telephone or telephone equipment of the telephone number  
16 dialed so that the telephone number of the caller is not displayed on the  
17 telephone or telephone equipment that is capable of displaying the telephone  
18 number of the caller.

19           2. Initiate an outbound telephone call to a person if that person has  
20 previously stated a desire not to receive outbound telephone calls made by or  
21 on behalf of the seller whose goods or services are being offered. A seller  
22 or solicitor is not liable under this paragraph or paragraph 3 if all of the  
23 following apply:

24           (a) The seller or solicitor has established and implemented written  
25 procedures to comply with this paragraph.

26           (b) The seller or solicitor has trained the seller's or solicitor's  
27 personnel according to the written procedures prescribed in subdivision (a)  
28 of this paragraph.

29           (c) The seller or the solicitor acting on behalf of the  
30 seller establishes and maintains a no call list comprised of all persons who  
31 request not to be contacted and keeps all do not call requests for at least  
32 ten years.

33           (d) The initial outbound call or any subsequent outbound call made by  
34 the seller or solicitor is the result of an error.

35           3. Intentionally make or cause to be made any unsolicited telephone  
36 sales call to any mobile or telephone paging device.

37           4. Make a telephone call to any residential telephone using an  
38 artificial or prerecorded voice to deliver a message unless the call is  
39 initiated for emergency purposes or the call is made with the prior express  
40 consent of the called party.

41           5. Use any automatic terminal equipment that uses a random or  
42 sequential number generator unless the equipment excludes calls to the  
43 following telephone numbers:

- 1           (a) Emergency telephone numbers, including 911, of any hospital,  
2 medical physician, health care facility, poison control center, fire  
3 protection facility or law enforcement agency.
- 4           (b) Any guest room or patient room of a hospital, health care  
5 facility, elderly care home or similar establishment.
- 6           (c) A paging service, a cellular telephone service, a specialized  
7 mobile radio service or any service for which the called party is charged for  
8 the call.
- 9           (d) The telephone numbers maintained on a no call list established  
10 pursuant to paragraph 2 of this subsection.
- 11           **6. INITIATE AN OUTBOUND CALL EXCEPT AS PROVIDED IN 47 CODE OF FEDERAL**  
12 **REGULATIONS, SECTION 64.1200 OR 16 CODE OF FEDERAL REGULATIONS SECTION 310.4.**
- 13           C. Failure to comply with this article is an unlawful practice  
14 pursuant to section 44-1522. The attorney general may investigate and take  
15 appropriate action as prescribed by chapter 10, article 7 of this title.
- 16           D. The provisions of this article are in addition to all other causes  
17 of action, remedies and penalties available to this state.
- 18           E. The attorney general may bring an action in federal court in  
19 accordance with 15 United States Code sections 6101 through 6108.