

House Engrossed

do-not-call list; text messages

State of Arizona
House of Representatives
Fifty-sixth Legislature
First Regular Session
2023

HOUSE BILL 2498

AN ACT

AMENDING SECTION 44-1282, 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 44-1282, Arizona Revised Statutes, is amended to
3 read:

4 44-1282. National do-not-call registry; prohibitions;
5 enforcement; civil penalty; definition

6 A. A seller or solicitor or anyone acting on behalf of a seller or
7 solicitor shall not initiate an outbound telephone solicitation call **OR**
8 **TEXT MESSAGE** to any telephone number if the telephone number is entered in
9 the national do-not-call registry established by the federal trade
10 commission pursuant to the do-not-call implementation act, except that
11 this section does not apply to any telephone solicitation that would be
12 authorized or permitted by federal law or regulation relating to a
13 telephone solicitation or to calls made by or on behalf of a seller or
14 solicitor who is licensed pursuant to title 32, chapter 20 if the calls
15 are made under any of the following circumstances:

16 1. In regard to a past or present employment agreement with the
17 consumer pursuant to title 32, chapter 20, article 3 and who is calling in
18 regard to a subject reasonably related to the employment agreement.

19 2. In response to a referral from a natural person with whom the
20 consumer has a personal relationship.

21 3. In response to an express request or permission of a consumer
22 whose telephone number is entered in the national do-not-call registry.

23 B. A violation of this section is an unlawful practice pursuant to
24 section 44-1522. The attorney general may investigate and take
25 appropriate action pursuant to chapter 10, article 7 of this title, but a
26 civil penalty under section 44-1531 for a violation of this section shall
27 not exceed ~~one thousand dollars~~ **\$1,000** per violation. This subsection is
28 in addition to all other causes of action, remedies and penalties
29 available to this state. All monies collected as fines and civil
30 penalties pursuant to this subsection shall be credited to the state
31 general fund.

32 C. For the purposes of this section, "do-not-call implementation
33 act" means the do-not-call implementation act (P.L. 108-10; 117 Stat. 557)
34 as enacted on March 11, 2003 and federal regulations adopted to implement
35 that act.