

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2001

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SENATE BILL 1003

Short Title: The Solicitation-Free Dinner Act. (Public)

Sponsors: Senators Gulley; Ballance, Cunningham, Dannelly, Lucas, Martin of Guilford, and Wellons.

Referred to: Commerce.

April 5, 2001

A BILL TO BE ENTITLED

1 AN ACT TO RESTRICT TELEPHONE SOLICITATION TO THE HOURS
2 BETWEEN 8:00 A.M. AND 6:00 P.M. AND TO INCREASE THE PENALTY
3 FOR VIOLATION OF THE TELEPHONE SOLICITATION STATUTES.
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5 The General Assembly of North Carolina enacts:

6 **SECTION 1.** G.S. 75-30.1(e) reads as rewritten:

7 "(e) No telephone solicitor shall initiate a call to a residential telephone subscriber
8 after ~~9:00 P.M.~~ 6:00 P.M. or before 8:00 A.M. at the called party's location."

9 **SECTION 2.** G.S. 75-30.1(h) and G.S. 75-30.1(i) read as rewritten:

10 "(h) The Attorney General may investigate any complaints received alleging
11 violations of subsections (b) through (g) of this section. If, after investigating a
12 complaint, the Attorney General finds that there has been a violation of subsections (b)
13 through (g) of this section, the Attorney General may bring an action to impose a civil
14 penalty and to seek any other appropriate relief, including equitable relief to restrain the
15 violation pursuant to G.S. 75-14. Actions for civil penalties under this section shall be
16 consistent with the provisions of G.S. 75-15.2, except that the penalty imposed for a
17 telephone solicitor's first violation of this section shall not exceed five hundred dollars
18 (~~\$500.00~~) per violation two hundred fifty dollars (\$250.00), the penalty imposed for that
19 telephone solicitor's second violation of this section shall not exceed one thousand
20 dollars (\$1,000), the penalty imposed for that telephone solicitor's third violation of this
21 section shall not exceed three thousand dollars (\$3,000), and the penalty imposed for
22 that telephone solicitor's fourth violation of this section shall not exceed five thousand
23 dollars (\$5,000).

24 (i) A person who has received ~~more than one~~ a telephone solicitation within any
25 12-month period ~~by or on behalf of the same telephone solicitor~~ in violation of
26 subsections (b) through (g) of this section may bring either or both of the following
27 actions in the General Court of Justice against the violating telephone solicitor:

- 1 (1) An action to enjoin further violations.
2 (2) An action to recover ~~five hundred dollars (\$500.00) in damages for~~
3 ~~each violation~~ no more than two hundred fifty dollars (\$250.00) for the
4 first violation of this section, no more than one thousand dollars
5 (\$1,000) for the second violation of this section, no more than three
6 thousand dollars (\$3,000) for the third violation of this section, and no
7 more than five thousand dollars (\$5,000) for violation of this section.

8 In an action brought pursuant to this section, a prevailing plaintiff shall be entitled to
9 recover reasonable attorneys' fees, and the court may award reasonable attorneys' fees to
10 a prevailing defendant if the court finds that the plaintiff knew, or should have known,
11 that the action was frivolous and malicious."

12 **SECTION 3.** This act becomes effective October 1, 2001.