

AN ACT

ENTITLED, An Act to revise certain exceptions from the definition of unsolicited telephone calls.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

Section 1. That chapter 49-31 be amended by adding thereto a NEW SECTION to read as follows:

For the purposes of this chapter, the term, unsolicited telephone call, means any telephone solicitation call other than a call made:

- (1) In response to an express request of the person called;
- (2) Primarily in connection with an existing debt or contract, payment or performance of which has not been completed at the time of such call; or
- (3) To any person with whom the telephone solicitor, or any business or financial institution on whose behalf the telephone call is being made has an established business relationship.

Section 2. That chapter 49-31 be amended by adding thereto a NEW SECTION to read as follows:

For purposes of section 1 of this Act, an established business relationship means a prior or existing relationship:

- (1) Formed by the person's purchase or transaction with the telephone solicitor, or any business or financial institution on whose behalf the call is made, within the eighteen months immediately preceding the date of the telephone call; or
- (2) Formed on the basis of the person's inquiry or application regarding products or services offered by the telephone solicitor, or any business or financial institution on whose behalf the call is made, within the three months immediately preceding the date of the call.

The relationship must not have been previously terminated by either party.

Section 3. That subdivision (32) of § 49-31-1 be repealed.

An Act to revise certain exceptions from the definition of unsolicited telephone calls.

I certify that the attached Act
originated in the

SENATE as Bill No. 23

Secretary of the Senate

President of the Senate

Attest:

Secretary of the Senate

Speaker of the House

Attest:

Chief Clerk

Senate Bill No. 23

File No. _____

Chapter No. _____

Received at this Executive Office
this ____ day of _____ ,

20__ at _____ M.

By _____
for the Governor

The attached Act is hereby
approved this _____ day of
_____, A.D., 20__

Governor

STATE OF SOUTH DAKOTA,
ss.
Office of the Secretary of State

Filed _____, 20__
at _____ o'clock __ M.

Secretary of State

By _____
Asst. Secretary of State