

FILED

2008 MAR 20 PM 12:08

OFFICE OF THE CLERK
SECRETARY OF STATE

WEST VIRGINIA LEGISLATURE
SEVENTY-EIGHTH LEGISLATURE
REGULAR SESSION, 2008

ENROLLED

Senate Bill No. 272

(BY SENATORS KESSLER, OLIVERIO, CHAFIN, FOSTER, GREEN,
HUNTER, JENKINS, MINARD, STOLLINGS, WELLS, BARNES,
DEEM, HALL, MCKENZIE AND YODER)

[Passed March 4, 2008; in effect ninety days from passage.]

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(BY SENATORS KESSLER, OLIVERIO, CHAFIN, FOSTER, GREEN,
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DEEM, HALL, MCKENZIE AND YODER)

[Passed March 4, 2008; in effect ninety days from passage.]

AN ACT to amend and reenact §46A-6F-113 of the Code of West Virginia, 1931, as amended, relating to definition of “telemarketing solicitation”.

Be it enacted by the Legislature of West Virginia:

That §46A-6F-113 of the Code of West Virginia, 1931, as amended, be amended and reenacted to read as follows:

ARTICLE 6F. TELEMARKETING.

§46A-6F-113. Telemarketer.

1 (a) "Telemarketer" means any person who initiates or
2 receives telephone calls to or from a consumer in this
3 state for the purpose of making a telemarketing
4 solicitation as defined in section one hundred twelve of
5 this article.

6 (b) A telemarketer may initiate or receive a
7 communication that constitutes a telemarketing
8 solicitation on his own behalf, through a salesperson or
9 through an automated dialing machine.

10 (c) A telemarketer does not include any of the persons
11 or entities exempted pursuant to part II of this article.

12 (d) A telemarketer does not include a salesperson as
13 defined in section one hundred fourteen of this article.

14 (e) A telemarketer includes, but is not limited to,
15 owners, operators, officers, directors, partners or other
16 individuals engaged in the management activities of a
17 business entity that is subject to licensing and
18 registration pursuant to this article.

The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

Chandy White
.....
Chairman Senate Committee

[Signature]
.....
Chairman House Committee

Originated in the Senate.

In effect ninety days from passage.

Russell Holmes
.....
Clerk of the Senate

[Signature]
.....
Clerk of the House of Delegates

Carl Ray Tomblin
.....
President of the Senate

[Signature]
.....
Speaker House of Delegates

The within *is approved* this
the *20th* Day of *March*, 2008.

[Signature]
.....
Governor

PRESENTED TO THE
GOVERNOR

MAR 17 2008

Time 11:00am