

SENATE BILL 1128
By Harper

AN ACT to amend Tennessee Code Annotated, Title 47, Chapter 18, relative to telephone directories.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Title 47, Chapter 18, is amended by adding Sections 2 and 3 of this act as a new part thereto.

SECTION 2. (a) It shall be an offense for a person to list a business name or advertise an offer in a telephone directory if such listing or offer includes a local telephone exchange number that forwards calls to a business not located in Tennessee without disclosing the out-of-state address that will receive the forwarded call.

(b) The provisions of this section shall not apply to a telephone service provider or to the publisher or distributor of a telephone service directory unless the conduct described in subsection (a) is on behalf of such telephone service provider, publisher or distributor.

SECTION 3. (a) A violation of this act is a Class A misdemeanor, punishable only by a fine not to exceed two thousand five hundred dollars (\$2,500) for each violation.

(b) The division of consumer affairs shall investigate any complaints received concerning violations of this part pursuant to § 47-18-106. The civil penalty shall not exceed one thousand dollars (\$1,000) per violation. The civil penalty may be recovered in any action brought under this part by the division, or the division may terminate any investigation or action upon agreement by the person to pay a stipulated civil penalty. The division or the court may waive

any civil penalty if the person has previously made full restitution or reimbursement or has paid actual damages to the consumers who have been injured by the violation.

SECTION 4. This act shall take effect July 1, 1999, the public welfare requiring it.