

The California Telephone Solicitation Control and Tax Act

Also known as the

My Time For A Dime Act

Legislative Intent

The Legislature of the State of California recognizes that unrestricted telephone solicitations or telemarketing could be an intrusive violation of privacy and, in some instances, a risk to public safety.

In addition the State of California spends valuable funds to regulate telemarketers and in many cases receives no revenue as a result of their breaking other State laws. Members of the Legislature have all received numerous complaints from their constituents about calls they do not want.

The Attorney General is empowered to enforce Federal laws regarding these unsolicited calls but receives no revenue to do so.

Therefore the State of California now declares that:

A tax of ten cents per telemarketing call placed to any phone registered to a California Area code will be assessed to the telemarketer. If the telemarketer makes calls on behalf of another entity, that entity will be responsible for the tax.

No tax will be assessed if the telemarketing call is placed within California. The tax will be only applied if the telemarketer is not in the State of California.

Telemarketers and the entity that they call on behalf of will be required to register with the California Attorney General and pay the tax quarterly to the Secretary of State.

All persons placing telemarketing calls whether directly or on behalf of another shall either maintain a physical presence in the State of California or have a registered agent in the State.

Proceeds from this tax will be divided equally between the State of California and the California Attorney General. The Attorney General shall use the proceeds to enforce this act.

The Small Claims Act shall be modified to allow a consumer filing suit in Small Claims Court under the Telephone Consumer Protection Act (47 U.S.C. 227) to allow such suit to proceed even if the defendant does not have a California address or California registered agent.

Definitions:

The term telemarketer means the person or entity that initiates a telephone call or message for the purpose of encouraging the purchase or rental of, or investment in, property, goods, or services, which is transmitted to any person.

The term telemarketing means the initiation of a telephone call or message for the purpose of encouraging the purchase or rental of, or investment in, property, goods, or services, which is transmitted to any person.

The term telephone solicitation means the initiation of a telephone call or message for the purpose of encouraging the purchase or rental of, or investment in, property, goods, or services, which is transmitted to any person.

Draft of proposed law

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