

1990 BILL 288

Second Session, 22nd Legislature, 39 Elizabeth II

THE LEGISLATIVE ASSEMBLY OF ALBERTA

BILL 288

TELEMARKETING ACT

MR. BRUSEKER

First Reading

Second Reading

Committee of the Whole

Third Reading

Royal Assent

Bill 288
Mr. Bruseker

BILL 288

1990

TELEMARKETING ACT

(Assented to , 1990)

HER MAJESTY, by and with the advice and consent of the
Legislative Assembly of Alberta, enacts as follows:

Definitions

1 In this Act,

(a) "call" means make a telephone call or send a facsimile message,

(b) "Minister" means the Minister of Technology, Research and Telecommunications;

(c) "telemarketer" means a person who owns or operates a telemarketing business,

(d) "telemarketing" means marketing by telephone or facsimile machine whether done

(i) by a personal call,

(ii) by computer, or

(iii) by an automated recorded message device,

and that involves a call to a residence.

Responsibility for
employees

2 A person who operates a telemarketing business shall ensure that anyone employed, contracted to or acting on behalf of the business in telemarketing and any equipment used in telemarketing complies with the provisions of this Act.

- Hours permitted** **3** No telemarketer or anyone employed by, contracted to him or acting on behalf of his business shall make, cause or permit any call to be initiated for the purpose of telemarketing except between 9:00 a.m. and 11:00 a.m., 2:00 p.m. and 5:00 p.m., and 7:00 p.m. and 9:00 p.m. nor at any time on a holiday.
- Identification** **4** A telemarketing call shall identify the name of the caller and the person the caller represents
- (a)** as the first part of the telemarketing message, and
- (b)** within 10 seconds of the commencement of contact with the person answering at a residence.
- No further calls** **5** A telemarketer who receives an oral or written request from a person who has received a telemarketing call not to call the same number again, shall keep a written record of the request, comply with the request and not call the number again for a period of 12 months from the date the request is received.
- Disconnect** **6** Where telemarketing is done by computer or by an automated recorded message device, the computer or device shall be designed so that it disconnects automatically immediately upon the person being called hanging up the telephone or cancelling the facsimile receiving function, and does not attempt the contact again within a period of 48 hours.
- Inspections** **7** **(1)** The Minister may appoint inspectors to visit the business premises of any person who carries out telemarketing as a normal part of their business.
- (2)** The person shall provide an inspector upon request made during the normal hours of the business with
- (a)** access to the part of the premises where telemarketing is carried out, and
- (b)** access to information and equipment to satisfy the inspector that this Act is being complied with and that procedures and equipment are in place to ensure that the person and anyone employed by, contracted to or acting on his behalf will comply with this Act.
- Offences and Penalties** **8** A person who contravenes a provision of this Act is guilty of an offence and liable on summary conviction to a fine of not less than \$100 and not more than \$1000 in the case of an individual and of not less than \$500 and not more than \$10000 in the case of a corporation.

Commencement 9 This Act comes into force on July 1, 1991.