

2003 Bill 211

Third Session, 25th Legislature, 52 Elizabeth II

THE LEGISLATIVE ASSEMBLY OF ALBERTA

BILL 211

**FAIR TRADING (TELEMARKETING LICENCE)
AMENDMENT ACT, 2003**

MR. McCLELLAND

First Reading

Second Reading

Committee of the Whole

Third Reading

Royal Assent

BILL 211

2003

FAIR TRADING (TELEMARKETING LICENCE) AMENDMENT ACT, 2003

(Assented to _____, 2003)

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

Amends RSA 2000 cF-2

1 The *Fair Trading Act* is amended by this Act.

2 The following is added after the heading for Part 4:

Definition

41.1 In this Part, “telemarketing” means marketing of goods or services by telephone or fax whether done by a personal call, fax, computer or an automated recorded message device.

Licence required

41.2 No person may engage in telemarketing unless the person is the holder of a subsisting licence.

Hours permitted

41.3 No person may engage in telemarketing except between 9 a.m. and 9:30 p.m. on weekdays and 10 a.m. and 6 p.m. on weekends.

Identification

41.4(1) A person engaged in telemarketing must identify the person or organization on behalf of whom the call or fax is made, including the telephone number, fax number and name and address of a responsible person whom the called party can contact.

(2) The telephone call or fax must display the originating calling number or an alternate where the call originator can be reached.

Prohibited practices

41.5 Telemarketing calls or faxes must not

- (a) be placed as a result of a program providing for the automatic dialing of sequential numbers,
- (b) be placed to emergency telephone lines or health care facilities.

Do not call lists

41.6(1) A telemarketer who receives a request from a person not to call or fax a telephone number must remove that person's name and number from the telemarketer's list within 7 days of the request.

(2) A telemarketer must maintain for at least 3 years a list of telephone or fax numbers that he or she has been requested not to call or fax.

3 Section 161 is amended by adding the following after clause (b):

(b.1) in Part 4, sections 41.2 to 41.6;

4 This Act comes into force on Proclamation.

Explanatory Notes

- 1** Amends chapter F-2 of the Revised Statutes of Alberta 2000.
- 2** Requirements for telemarketing.

3 Section 161 presently reads:

161 Any person who contravenes any of the following provisions is guilty of an offence:

- (a) in Part 2, sections 7, 9, 10, 11, 23;*
- (b) in Part 3, sections 31(2), 39(1);*
- (c) in Part 5, sections 44(1) and (2), 45, 46(1), (3), (4), (6) and (7), 48(2) and (3), 49;*
- (d) in Part 7, section 54;*
- (e) in Part 8, sections 55(2), 56(1), 57(1);*
- (f) in Part 9, sections 62, 64(1) and (2), 66(2), 68(3), 73(3), 78, 79(1), 80, 81, 85, 86, 87, 88;*
- (g) in Part 10, sections 104, 107;*
- (h) in Part 11, sections 111, 113, 114(1), 115(1), 116(1), 117;*
- (i) in Part 12, sections 120(2) and (3), 121, 122, 123;*
- (j) in Part 13, sections 132, 133, 134;*

(k) in Part 14, sections 145(6), 168(3).

4 Coming into force.