

2005 Bill 205

First Session, 26th Legislature, 54 Elizabeth II

THE LEGISLATIVE ASSEMBLY OF ALBERTA

BILL 205

**FAIR TRADING (TELEMARKETING)
AMENDMENT ACT, 2005**

MR. PHAM

First Reading

Second Reading

Committee of the Whole

Third Reading

Royal Assent

BILL 205

2005

FAIR TRADING (TELEMARKETING) AMENDMENT ACT, 2005

(Assented to _____, 2005)

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:

Telemarketing

41.1(1) In this section, “telemarketing” means the marketing of goods or services by telephone or fax for commercial purposes whether done by a personal call, fax, computer or an automated recorded message device.

(2) No person may engage in telemarketing unless the person is the holder of a subsisting licence.

(3) No person may engage in telemarketing

- (a) on a weekday except between 9 a.m. and 5 p.m. and between 8 p.m. and 9 p.m.,
- (b) on a weekend except between 10 a.m. and 5 p.m., and
- (c) on a day designated as a general holiday under the *Employment Standards Code*.

(4) A person engaged in telemarketing must

- (a) 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, and
- (b) ensure that the telephone call or fax displays the originating calling number and the identity of the call originator.

(5) Telephone calls or faxes from the following persons, or persons acting on their behalf, do not constitute telemarketing for the purposes of this section:

- (a) a non-profit organization, which includes
 - (i) a charitable organization registered under the *Charitable Fund-raising Act* or the *Income Tax Act* (Canada), or
 - (ii) any other organization constituted exclusively for charitable or benevolent purposes where no part of its income is payable to or otherwise available for the personal benefit of any proprietor, member or shareholder,
- (b) a person conducting a poll or survey, or
- (c) an organization that has a pre-existing business relationship with the person who is being called or faxed.

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

- (b.1) in Part 4, section 41.1;

4 This Act comes into force on Proclamation.

Explanatory Notes

- 1** Amends chapter F-2 of the Revised Statutes of Alberta 2000.
- 2** The heading for Part 4 presently reads:

Marketing Through Electronic Media

3 Section 161 presently reads in part:

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);

4 Coming into force.