

**Rules of**  
**Elected Officials**  
**Division 60—Attorney General**  
**Chapter 13—Rules for the Establishment of a Missouri**  
**No-Call Database**

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**Title 15—ELECTED OFFICIALS****Division 60—Attorney General****Chapter 13—Rules for the Establishment of a Missouri No-Call Database****15 CSR 60-13.010 Definitions**

*PURPOSE: This rule clarifies that the definitions pertaining to the establishment of a Missouri no-call database created by residential subscribers providing notice to the Attorney General of their objection to receiving telephone solicitations are the same as those appearing in section 407.1095, RSMo 2000, and provides definitions for certain other terms used in that statute.*

(1) The terms used in Chapter 13, Division 60, Title 15 of the *Code of State Regulations* bear the same meaning in the rules pertaining to the establishment of a no-call database as they do in section 407.1095, RSMo 2000, as amended from time-to-time. In addition, the term “telephone number” as used in Chapter 13, Division 60, Title 15 of the *Code of State Regulations*, is interchangeable with the term “telephone line” as used in section 407.1098, RSMo 2000, as amended from time-to-time.

(2) The following definitions further clarify terms used in section 407.1095, RSMo 2000 and Chapter 13, Division 60, Title 15 of the *Code of State Regulations*:

(A) “ADAD,” also known as “automatic dialing and announcing device,” means any device or system of devices which is used, whether alone or in conjunction with other equipment, for the purposes of automatically selecting or dialing telephone numbers and disseminating recorded messages to the numbers so selected or dialed;

(B) “Bona fide member,” for the purposes of section 407.1095(3)(c), RSMo means without regard to what a person is called in the articles or bylaws, any person or persons who on more than one occasion, pursuant to a provision of the Chapter 501(c)(3) entity’s articles or bylaws, have a right to vote for the election of a director or directors; but a person is not a “bona fide member” by virtue of any of the following:

1. Any rights such person has as a delegate;
2. Any rights such person has to designate a director or directors; or
3. Any rights such person has as a director;

(C) “Business contact” means a specific oral or written communication at a verifiable date and time;

(D) “Current business relationship” means a relationship characterized by reciprocal

communication between the person or entity interested in calling the residential subscriber;

(E) “Person” exclusively for the purposes of section 407.1095(2), RSMo means a natural person who has reached the legal age set forth in section 431.055, RSMo, as amended, and authorized by the residential subscriber to grant telephone solicitors express invitation or permission to call the residential subscriber’s telephone number; and if the residential subscriber has not reached the legal age, set forth in section 431.055, RSMo, as amended, person shall mean his or her parent or legal guardian;

(F) “Prior express invitation or permission” means a specific oral or written grant of authority made by the residential subscriber at a verifiable date and time authorizing a person or entity interested in making telephone solicitations to call the residential subscriber’s telephone number for the purposes of making a telephone solicitation;

(G) “Referral” means a communication at a verifiable date and time to the person or entity interested in calling the residential subscriber’s telephone number by a third party if the residential subscriber has previously contacted the third party indicating that the residential subscriber would welcome the call to his or her telephone number; and

(H) “Working from his or her primary residence” means conducting income-generating activities from the location where the person interested in calling the residential subscriber’s telephone number resides, but does not include calls that are normally made from a location other than that person’s residence made by that person from his or her residence.

*AUTHORITY: section 407.1101, RSMo 2000.\* Original rule filed Sept. 28, 2000, effective March 30, 2001.*

*\*Original authority: 407.1101, RSMo 2000.*

**15 CSR 60-13.020 Methods by Which Residential Subscribers May Give Notice of Objection to Receiving Telephone Solicitations**

*PURPOSE: This rule describes the methods and mechanics of how residential subscribers may give the Attorney General notice of their objection to receiving telephone solicitations so that the Attorney General can establish Missouri’s no-call database.*

(1) A residential subscriber living or residing in Missouri, may give notice of his or her objection to receiving telephone solicitations,

and thus, have his or her telephone number listed in Missouri’s no-call database by doing any of the following:

(A) Completing a written form designed by the Attorney General’s Office for the purpose of recording a residential subscriber’s notice of objection to receiving telephone solicitations and submitting that completed form to the Attorney General’s Office; or

(B) Calling a toll-free number established by the Attorney General’s Office for the purpose of recording a residential subscriber’s notice of objection to receiving telephone solicitations and properly responding to the voice prompts; or

(C) Accessing the appropriate Internet site established by the Attorney General’s Office for the purpose of recording a residential subscriber’s notice of objection to receiving telephone solicitations and inputting the proper data requested by the website prompts.

(2) The no-call database shall consist of the aggregate collection of the telephone numbers of properly submitted notices of objection to receiving telephone solicitations. The Attorney General may maintain the no-call database in either a written or an electronic format.

(3) The telephone numbers of properly submitted notices of objection to receiving telephone solicitations shall become part of the no-call database in the quarter following the deadline for receipt of notice according to the following schedule:

| <b>Receipt Deadline</b> | <b>Calendar Quarter</b> |
|-------------------------|-------------------------|
| November 1              | January–March           |
| February 1              | April–June              |
| May 1                   | July–September          |
| August 1                | October–December        |

*AUTHORITY: section 407.1101, RSMo 2000.\* Original rule filed Sept. 28, 2000, effective March 30, 2001.*

*\*Original authority: 407.1101, RSMo 2000.*

**15 CSR 60-13.030 Duration that a Residential Subscriber’s Notice of Objection to Receiving Telephone Solicitations is Effective**

*PURPOSE: This rule sets forth the duration that a residential subscriber’s notice of objection to receiving telephone solicitations is effective.*

A notice of objection to receiving telephone solicitations shall remain in effect for two years from the date that telephone number

first appears in the no-call database. The notice of objection shall be automatically renewed unless the residential subscriber to whom that telephone number is assigned provides written notice to the Attorney General's Office that he or she does not want the Attorney General to automatically renew the notice of objection. To facilitate a conscious choice by consumers, the Attorney General may send a notice letter explaining to the residential subscriber that his or her notice of objection to receiving telephone solicitation is due to expire and that it will be automatically renewed unless the residential subscriber returns the notice letter form indicating his or her preference otherwise.

*AUTHORITY: section 407.1101, RSMo 2000.\* Original rule filed Sept. 28, 2000, effective March 30, 2001.*

*\*Original authority: 407.1101, RSMo 2000.*

**15 CSR 60-13.040 Effect of a Change of Telephone Number on a Residential Subscriber's Notice of Objection to Receiving Telephone Solicitations**

*PURPOSE: This rule describes the effect of a change of telephone number on a notice of objection to receiving telephone solicitations filed by a residential subscriber.*

If a residential subscriber whose telephone number is part of the no-call database changes telephone numbers, he or she will have to submit a new notice of objection to receiving telephone solicitations pursuant to 15 CSR 60-13.020, subject to the deadlines therein, and provide the new telephone number to the Attorney General's Office.

*AUTHORITY: section 407.1101, RSMo 2000.\* Original rule filed Sept. 28, 2000, effective March 30, 2001.*

*\*Original authority: 407.1101, RSMo 2000.*

**15 CSR 60-13.050 Method by Which a Residential Subscriber or a Certificated Local Exchange Carrier May Revoke Notice of Objection to Receiving Telephone Solicitations**

*PURPOSE: This rule sets forth the method by which residential subscribers may revoke their notice of objection to receiving telephone solicitations.*

A residential subscriber may revoke notice of objection to receiving telephone solicitations by completing a written form designed by the

Attorney General's Office for the purpose of revoking a residential subscriber's notice of objection to receiving telephone solicitations and submitting that completed form to the Attorney General's Office. A residential subscriber may also revoke his or her notice of objection to receiving telephone solicitations by accessing the appropriate Internet site established by the Attorney General and inputting the proper data requested by the website prompts. Upon receipt of such revocation notice, the Attorney General's Office will remove the relevant telephone number from the no-call database according to the same schedule used for adding telephone numbers to the no-call database. In addition, the Attorney General's Office may remove a telephone number from the no-call database if the Missouri certificated local exchange carrier responsible for the assignment of the relevant telephone number indicates in writing or, if available, by Internet, to the Attorney General's Office that the residential subscriber who submitted the objection to receiving telephone solicitations is no longer assigned that telephone number.

*AUTHORITY: section 407.1101, RSMo 2000.\* Original rule filed Sept. 28, 2000, effective March 30, 2001.*

*\*Original authority: 407.1101, RSMo 2000.*

**15 CSR 60-13.060 Methods by Which a Person or Entity Desiring to Make Telephone Solicitations Will Obtain Access to the Database of Residential Subscribers' Notices of Objection to Receiving Telephone Solicitations and the Cost Assessed for Access to the Database**

*PURPOSE: This rule sets forth the methods by which persons or entities desiring to make telephone solicitations will obtain access to the database of residential subscribers' notices of objection to receiving telephone solicitations, and it sets forth the cost assessed for access to that database. Persons or entities obtaining copies of the no-call database are reminded that the no-call database is updated quarterly.*

(1) A person or entity desiring to make telephone solicitations to residential subscribers residing or living in Missouri may obtain a copy of the no-call database for his, her or its lawful use, or for the lawful use by his, her or its employees, by doing the following:

(A) Signing a written confidentiality agreement prepared by the Attorney General's Office that 1) restricts use of the no-call database exclusively for the purpose of com-

pliance with sections 407.1095 to 407.1113, RSMo 2000, as amended from time-to-time, and 2) prohibits the transfer of the copy of the no-call database to any person or entity who has not submitted the signed written confidentiality agreement and payment to the Attorney General's Office for receipt of a copy of the no-call database; and

(B) Submitting the signed confidentiality agreement along with payment in the amount of \$25 per quarter to the Attorney General's Office of providing the copy of the no-call database.

(2) A person or entity who initiates any voice communication over a telephone line from a live operator, through the use of ADAD equipment or by other means for the purpose of encouraging the purchase or rental of, or investment in, property, goods or services and who claims that such communication falls under one of the exclusions to the definition of "telephone solicitation" appearing in section 407.1095(3), RSMo, as amended, may provide notice in the form of a notarized affidavit to the Attorney General's Office of that person or entity's intention to utilize the claimed exclusion along with an explanation of the basis for that person's claimed exclusion. The Attorney General's Office may investigate the claimed exclusion using the powers available under section 407.1110, RSMo, as amended. Submitting an affidavit to the Attorney General of intention to utilize a claimed exclusion shall not, in and of itself, establish the section 407.1110.4, RSMo, defense to an action brought for violation of section 407.1098, RSMo, or section 407.1107, RSMo.

*AUTHORITY: section 407.1101, RSMo 2000.\* Original rule filed Sept. 28, 2000, effective March 30, 2001.*

*\*Original authority: 407.1101, RSMo 2000.*

**15 CSR 60-13.070 Other Matters Relating to the Database of Residential Subscribers' Notices of Objection to Receiving Telephone Solicitations**

*PURPOSE: This rule sets forth other matters relating to the database of residential subscribers' notice of objection to receiving telephone solicitations.*

(1) No person who obtains a copy of the no-call database may use that information for purposes other than compliance with sections 407.1098 and 407.1101, RSMo 2000, as amended from time-to-time.

(2) The Attorney General's Office may use monies collected pursuant to 15 CSR 60-13.060 to carry out the functions set forth in sections 407.1095 to 407.1113, RSMo 2000, as amended from time-to-time.

*AUTHORITY: section 407.1101, RSMo 2000.\* Original rule filed Sept. 28, 2000, effective March 30, 2001.*

*\*Original authority: 407.1101, RSMo 2000.*