

Legislative History for Connecticut Act

PA 14-53

SB209

House	4697-4748	52
Senate	971-980, 989-990, 2921-2923	15
General Law	431, 432, 433, 434, 435, 436, 440-442	9
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**CONNECTICUT
GENERAL ASSEMBLY
HOUSE**

**PROCEEDINGS
2014**

**VOL.57
PART 14
4451 – 4808**

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Yes, good afternoon Mr. Speaker. Mr. Speaker, I move
we pass this bill temporarily.

DEPUTY SPEAKER BERGER:

Without objection, the bill is passed temporarily

Will the Clerk please call House Calendar Number 440.

THE CLERK:

On page 21, House Calendar 440, favorable report of
the joint Senate committee on Judiciary, Substitute Senate
Bill 209, AN ACT PROHIBITING UNSOLICITED COMMERCIAL TEXT
MESSAGES AND INCREASING PENALTIES FOR VIOLATION OF THE DO
NOT CALL REGISTRY.

DEPUTY SPEAKER BERGER:

Representative Baram.

REP. BARAM (15th):

Good afternoon, Mr. Speaker. I move for acceptance
of the joint committee's favorable report and passage of
the bill in concurrence with the Senate.

DEPUTY SPEAKER BERGER:

Motion before the Chamber is acceptance of the joint
committee's favorable report, passage of the bill in
concurrence with the Senate. Please proceed, sir.

REP. BARAM (15th):

Thank you, Mr. Speaker. This bill allows a consumer
to place on the Do Not Call List for the State of

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Connecticut text messages in addition to robocalls. It also increases the fines from 11,000 to \$20,000 and it also requires the service company at least two times a year on a statement to indicate the prohibited solicitations by this statute, indicates how you can register on the Do Not Call List, and also how you can file a complaint.

Mr. Speaker, the LCO Number 3684, Senate "A," I would ask that the Clerk call this, and that I be granted leave of the Chamber to summarize.

DEPUTY SPEAKER BERGER:

Will the Clerk please call LCO Number 3684, designated as Senate Amendment "A."

THE CLERK:

Senate "A," LCO 4686, as introduced by Senator Doyle.

DEPUTY SPEAKER BERGER:

Representative seeks leave of the Chamber to summarize the amendment. Is there objection to summarization? Is there objection? Seeing none, please proceed with your summarization, sir.

REP. BARAM (15th):

Thank you, Mr. Speaker. This amendment in the Senate indicates that you can give a solicitor express written consent to send you text messages, that text messages that

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are prohibited, are prohibited at any time during the day or night. There's no time restrictions, and that there are certain exceptions to this.

For instance, if you have an existing debt, the service company can let you know that your debt is still due and payable. If there's any message from the company, as long as there's no fee that's charged, it is permitted. And it also expands the additional disclosures that are required. I would move adoption of this amendment.

DEPUTY SPEAKER BERGER:

Motion before the Chamber is adoption of the Senate Amendment schedule "A." Will you comment further on Senate Amendment "A"?

Representative Carter of the 2nd, sir.

REP. CARTER (2nd):

Thank you very much, Mr. Speaker. A few questions through you to the proponent of the bill.

DEPUTY SPEAKER BERGER:

Yes, sir, please proceed.

REP. CARTER (2nd):

One moment here, sir. Just making sure I had the right LCO Number. Thank you very much. Through you, Mr. Speaker, .

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Please proceed, sir.

REP. CARTER (2nd):

Looking at the amendment, so now the major change in this, or one of the major changes is the fact that if a -- if a company who has a wireless contract with somebody wants to send them a text due to an emergency, then this the amendment now allows that? Through you, Mr. Speaker.

DEPUTY SPEAKER BERGER:

Representative Baram.

REP. BARAM (15th):

Through you, Mr. Speaker, if there is a contract with the company that allows for messaging from the company to give you information about your bill or your usage, that would be permitted.

DEPUTY SPEAKER BERGER:

Representative Carter.

REP. CARTER (2nd):

Thank you very much, Mr. Speaker. And as far as, you know, the customers, I notice that this allows the wireless or a company to send a text message to an existing customer as long as there's no charge. Up until now, have they been doing this? Has the practice been there that they've been charging for text messages being sent? Through you, Mr. Speaker.

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DEPUTY SPEAKER BERGER:

Representative Baram.

REP. BARAM (15th):

Through you, Mr. Speaker, I'm not aware that they do charge a customer at this point, but this makes it very clear in the bill that they cannot charge for that text message.

DEPUTY SPEAKER BERGER:

Representative Carter.

REP. CARTER (2nd):

Thank you very much, Mr. Speaker, and through you, when the other messages come through, is it the practice of the wireless carrier to send messages that have large amounts of data. Is that any way different than what a text message would be? Through you, Mr. Speaker.

DEPUTY SPEAKER BERGER:

Representative Baram.

REP. BARAM (15th):

Through you, Mr. Speaker, if there's a message giving you information about how much data you've used, that would also be accepted under the contract provision with your provider.

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Representative Carter.

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REP. CARTER (2nd):

Thank you very much, Mr. Speaker. Through you, Mr. Speaker, is there any -- or are there any changes to the way wireless plans are paid for through this bill? Through you, Mr. Speaker.

DEPUTY SPEAKER BERGER:

Representative Baram.

REP. BARAM (15th):

Through you, Mr. Speaker, not that I'm aware of.

DEPUTY SPEAKER BERGER:

Representative Carter.

REP. CARTER (2nd):

Through you, Mr. Speaker, I also notice that violations in current statute, which are spelled out in this amendment, are -- are deemed unfair to accepted trade practices. Through you, Mr. Speaker, does this new amendment change any of those violations?

DEPUTY SPEAKER BERGER:

Representative Baram.

REP. BARAM (15th):

Through you, Mr. Speaker, it does not, but it does increase the civil fine from 11,000 to \$20,000.

DEPUTY SPEAKER BERGER:

Representative Carter.

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REP. CARTER (2nd):

Thank you very much, Mr. Speaker. I've noticed that it also talks some about the -- a telephone solicitor being able to make calls, unsolicited or automatically dialed, recorded. Are these now all prohibited by this amendment? Through you, Mr. Speaker.

DEPUTY SPEAKER BERGER:

Representative Baram.

REP. BARAM (15th):

Through you, Mr. Speaker, I didn't hear the end of that question, I apologize.

DEPUTY SPEAKER BERGER:

Representative Carter, could you please repeat the question for the good representative and chairman, sir.

REP. CARTER (2nd):

I will indeed, Mr. Speaker. Through you, Mr. Speaker, I noticed that this amendment, it looks like the intent in this amendment will be not to allow a telephone solicitor to call or make calls of phone calls that are unsolicited or automatically dialed or recorded to a consumer without consent of the consumer. I should say, prior written consent. Through you, Mr. Speaker, do I understand that correctly with this amendment?

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Representative Baram.

REP. BARAM (15th):

Through you, Mr. Speaker, that is correct.

DEPUTY SPEAKER BERGER:

Representative Carter.

REP. CARTER (2nd):

In what means, through you, Mr. Speaker, are the consumers going to be able to make prior written consent?

DEPUTY SPEAKER BERGER:

Representative Baram.

REP. BARAM (15th):

Through you, Mr. Speaker, that is my understanding.

DEPUTY SPEAKER BERGER:

Representative Carter.

REP. CARTER (2nd):

I'll rephrase that. Through you, Mr. Speaker, is there anything spelled out in this statute how consumers will be making prior written consent to allow those calls to come? Through you, Mr. Speaker.

DEPUTY SPEAKER BERGER:

Representative Baram.

REP. BARAM (15th):

Through you, Mr. Speaker, there is no particular procedure except for the fact that most consumers sign a

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contract for a year or two which has all the language that would be included about permitting a solicitation by your service provider.

DEPUTY SPEAKER BERGER:

Representative Carter.

REP. CARTER (2nd):

Thank you, Mr. Speaker. Now I also see in this amendment, which will eventually become the bill, talking, about Section 1 still, line 147. If a -- basically it's allowing a consumer's mobile telephone number or telephone number to be accordingly put on a no sales or solicitation calls listing.

And it's going to be available under the department. Is there any idea how much that's going to cost the department? Through you, Mr. Speaker.

DEPUTY SPEAKER BERGER:

Representative Baram.

REP. BARAM (15th):

Through you, Mr. Speaker, I do not have any information about the cost.

DEPUTY SPEAKER BERGER:

Representative Carter.

REP. CARTER (2nd):

Thank you very much, Mr. Speaker. Also, do we know

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at this time with our department if we send a text, the amendment talks about being able to send a text to that number. Do we already have the technology in place where we can send a text to that number, and it can automatically put us on a do not solicit list? Through you, Mr. Speaker.

DEPUTY SPEAKER BERGER:

Representative Baram.

REP. BARAM (15th):

Through you, Mr. Speaker, I believe that technology does exist.

DEPUTY SPEAKER BERGER:

Representative Carter.

REP. CARTER (2nd):

Thank you, Mr. Speaker, and I have heard that technology similar to that exists, and I think at the federal level there's a federal do not text or Do Not Call Registry. In the -- through you, Mr. Speaker, the Do Not Call Registry that we're putting together, will that in any way affect the federal list?

DEPUTY SPEAKER BERGER:

Representative Baram.

REP. BARAM (15th):

Through you, Mr. Speaker, it is my understanding that

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the lists are separate and that registering for the Connecticut Do Not Call List does not automatically put you on the federal list. This statute obviously pertains only to what Connecticut has control over. I do not know if texting is a prohibited practice under the federal Do Not Call List.

DEPUTY SPEAKER BERGER:

Representative Carter.

REP. CARTER (2nd):

Thank you very much, Mr. Speaker. Looking at Section 2 in the amendment, which will eventually become the bill, they're talking about each telephone company is now -- has to issue an account statement to the consumer with respect to the status of the telephone, mobile telephone, electronic device, and it shall not be less than two times a year.

So in this instance, have we heard any testimony or has anybody heard how we are going to accomplish this or are the telecommunications carriers going to provide this every six months? Can they do it back to back? Or will it count the very first time they do it? And may be subsequently, and that's it? Maybe at the end of the year? Through you, Mr. Speaker.

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Representative Baram.

REP. BARAM (15th):

Through you, Mr. Speaker, the statute only requires notice at least twice a year. It doesn't restrict the way or manner in which the companies can provide it.

DEPUTY SPEAKER BERGER:

Representative Carter.

REP. CARTER (2nd):

I'm sorry, Mr. Speaker, I didn't hear the last line. I apologize.

DEPUTY SPEAKER BERGER:

Could you please repeat, Representative Baram.

REP. BARAM (15th):

Through you, Mr. Speaker, it only requires notice twice a year, and it does not have any further restrictions in the manner in which that notice would be provided in terms of how many months apart it might have to be or whether it's on the bill itself or by a separate notice. They leave that discretion to the company.

DEPUTY SPEAKER BERGER:

Representative Carter.

REP. CARTER (2nd):

So in effect, basically, with no other -- with no other regulation, they could send something out to you,

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you know, when you first sign up for your phone, they can give you something, and maybe with the first bill. And then they would just have to do it two times a year after that in some manner? Through you, Mr. Speaker.

DEPUTY SPEAKER BERGER:

Representative Baram.

REP. BARAM (15th):

Through you, Mr. Speaker, that's correct.

DEPUTY SPEAKER BERGER:

Representative Carter.

REP. CARTER (2nd):

Would two notices in the same bill, do they have to be on separate occasions or can I just give two different kinds of notice in the same mailer at the beginning of the year. Through you, Mr. Speaker.

DEPUTY SPEAKER BERGER:

Representative Baram.

REP. BARAM (15th):

Through you, Mr. Speaker, it has to be two separate occasions.

DEPUTY SPEAKER BERGER:

Representative Carter.

REP. CARTER (2nd):

Thank you very much. And it also -- nothing in this

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amendment would prohibit a wireless organization from putting it on every bill, would there? Through you, Mr. Speaker.

DÉPUTY SPEAKER BERGER:

Representative Baram.

REP. BARAM (15th):

Through you, Mr. Speaker, no it wouldn't, and that might be the best practice.

DEPUTY SPEAKER BERGER:

Representative Carter.

REP. CARTER (2nd):

Thank you very much, Mr. Speaker. And then once somebody is contacted or, I should say, once somebody has an issue where they've been unsolicited, texted, how would they go about reporting that? Through you, Mr. Speaker.

DEPUTY SPEAKER BERGER:

Representative Baram.

REP. BARAM (15th):

Through you, Mr. Speaker, part of the notice requirement is to explain to the consumer how you file a complaint with the State of Connecticut through the Do Not Call Registry. So that will be articulated in the notice requirement.

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Representative Carter.

REP. CARTER (2nd):

Thank you, and through you, Mr. Speaker, do we know to date how often, you know, we've had -- we've had Do Not Call Registries in the past. Do we know, maybe, if there's been a number of complaints over the period of a year or so? Do we know how many that is? Through you, Mr. Speaker.

DEPUTY SPEAKER BERGER:

Representative Baram.

REP. BARAM (15th):

Through you, Mr. Speaker, I do not know, but we could request that information from the Department of Consumer Protection.

DEPUTY SPEAKER BERGER:

Representative Carter.

REP. CARTER (2nd):

Thank you very much, Mr. Speaker. I thank the good chair of the General Law Committee for his answers. I see nothing in the amendment that's causing me concern. I'll look forward to seeing the debate for the rest of the bill. Thank you, Mr. Speaker.

DEPUTY SPEAKER BERGER:

Thank you, sir

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Will you comment further on Senate Amendment "A"?

Will you comment further on Senate Amendment "A"?

Representative C. Davis the 57th. Sir, you have the floor.

REP. DAVIS (57th):

Thank you, Mr. Speaker. A few questions on the bill to the esteemed chairman of the General Law Committee.

DEPUTY SPEAKER BERGER:

Please proceed, sir.

REP. DAVIS (57th):

Thank you, Mr. Chairman. I just wanted to follow up on a question that the kind gentleman from the 2nd district had just asked about how many times there had been complaints. Do we know how many times, perhaps, that the fine has actually been levied against someone who had made these unsolicited calls? Through you, Mr. Speaker.

DEPUTY SPEAKER BERGER:

Representative Baram.

REP. BARAM (15th):

Through you, Mr. Speaker, I don't know the exact number of times. I do know it's very difficult to try and trace down some of these robocalls. And the idea of the notice is to bring to the consumers' attention the fact that they do have rights and that there is a way to file a

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complaint. So hopefully through the notice provision, we will have more vigilance with the consumers, and more enforcement by DCP.

DEPUTY SPEAKER BERGER:

Representative Davis.

REP. DAVIS (57th):

Thank you, Mr. Speaker. And do we know if it has ever actually been levied? As the Chairman mentioned, I had heard as well, that it is very difficult to figure out who these companies are, and through you, Mr. Speaker, if we know if it's ever actually been imposed on one of these.

DEPUTY SPEAKER BERGER:

Representative Baram.

REP. BARAM (15th):

Through you, Mr. Speaker, in my discussions with the DCP personnel, they have not indicated that there have been any actual fines. So I think that goes to the problem of enforceability, and again, the reason why this notice provision has been included.

DEPUTY SPEAKER BERGER:

Representative Davis.

REP. DAVIS (57th):

Thank you, Mr. Speaker. And as we had previously

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been stated that there is actually a federal list, and that there is a state list. Through you, Mr. Speaker, if you were on one list, are you automatically on the other list? Through you.

DEPUTY SPEAKER BERGER:

Representative Baram.

REP. BARAM (15th):

Through you, Mr. Speaker, not to my knowledge.

DEPUTY SPEAKER BERGER:

Representative Davis.

REP. DAVIS (57th):

Thank you, Mr. Speaker. In line 143 of the amendment, it talks about automatically dialing the individual with a recorded telephone sales call. It appears to be new language. I would assume that this would -- this automatic dialing would also include through the Internet a message in these automatic text messaging systems? Through you, Mr. Speaker.

DEPUTY SPEAKER BERGER:

Representative Baram.

REP. BARAM (15th):

Through you, Mr. Speaker, that is my understanding.

DEPUTY SPEAKER BERGER:

Representative Davis.

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REP. DAVIS (57th):

Thank you, Mr. Speaker. And because the next word is a recorded telephone sales call, nothing would be prohibiting in that if it wasn't, in fact, a recorded sales call, but in fact, actually just text or written word to the text message, through you, Mr. Speaker.

DEPUTY SPEAKER BERGER:

Representative Baram.

REP. BARAM (15th):

Through you, Mr. Speaker, once again the concept of this bill is to prohibit text messages on your cell phone so that if you registered on a Do Not Call List, if this bill was passed, it would also incorporate the prohibition against such text messages.

DEPUTY SPEAKER BERGER:

Representative Davis.

REP. DAVIS (57th):

Thank you, Mr. Speaker. And I noticed in the next lines after that, in lines 145 through 153 of the amendment, it explicitly says that an individual does not need to join the list in order to have this prohibition on unsolicited text messaging sent to them. Is that correct? Through you, Mr. Speaker.

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Representative Baram.

REP. BARAM (15th):

Through you, Mr. Speaker, that's correct.

DEPUTY SPEAKER BERGER:

Representative Davis.

REP. DAVIS (57th):

Thank you, Mr. Speaker. So as a consumer, there's really no need for you to join or put your number on this No Call List here at the state level, because under this amendment to the bill, you would not have to actually be on the list. You would still -- should not receive any of these text messages. Through you, Mr. Speaker.

DEPUTY SPEAKER BERGER:

Representative Baram.

REP. BARAM (15th):

Through you, Mr. Speaker, that is generally correct unless, of course, you fall within one of the exceptions that we previously spoke about. One of the issues, of course, is some of these text messages and robocalls are done out of state by individuals who may not have knowledge of the specific law.

So by registering on a Do Not Call List, which is more readily available to these companies, it would give them better information that you do not want to be

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solicited.

DEPUTY SPEAKER BERGER:

Representative Carter.

REP. CARTER (2nd):

Thank you, Mr. Speaker. So if they are prohibited from sending these messages to any resident's mobile phone number, through you, Mr. Speaker, is the fine different for sending a text message, unsolicited text message to a phone number that is on the list compared to a phone number that is not on the list? Through you, Mr. Speaker.

DEPUTY SPEAKER BERGER:

Representative Baram.

REP. BARAM (15th):

Through you, Mr. Speaker, there is no difference in penalty or violation if that is the gist of the question.

DEPUTY SPEAKER BERGER:

Representative Davis.

REP. DAVIS (57th):

Thank you, Mr. Speaker. And is there any way, perhaps, that if a company were to send one of these unsolicited messages to an individual, be complained upon, and then, in fact, be imposed a fine, is there a way for them to challenge and say they did not know that that individual was not on the list or that the individual is

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on the list? Through you, Mr. Speaker.

DEPUTY SPEAKER BERGER:

Representative Baram.

REP. BARAM (15th):

Through you, Mr. Speaker, DCP has regulations like any agency, which allows a party that is accused of a violation to contest that and go through a hearing process.

DEPUTY SPEAKER BERGER:

Representative Davis.

REP. DAVIS (57th):

Thank you, Mr. Speaker. And I thank the kind gentleman for his answers. It's quite clear that this is an issue that individuals here in the State of Connecticut are, in fact, suffering from at times, if it's constant unsolicited messages that they are receiving.

And I do like how the bill -- or this amendment that will become the bill goes into the fact that it's not just text messaging, but is it, in fact, media messages as well. So, Mr. Speaker, I encourage my colleagues to support the amendment. Thank you very much.

DEPUTY SPEAKER BERGER:

Thank you, sir

Will you comment further on Senate Amendment "A"?

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Representative Aman of the 14th, sir.

REP. AMAN (14th):

Going through the bill I do have some questions for the proponent of the bill.

DEPUTY SPEAKER BERGER:

Yes, sir, please proceed with your questions.

REP. AMAN (14th):

Yes, to the proponent, I'm looking at around lines 45 to 48 where it talks in detail about text and media messages, and what they contain. But it gets down to the last line, 48, and it says, "But does not include electronic mail."

If the Chairman can explain what they mean by electronic mail, is that just standard email, and if so, why was electronic mail not included in the things that could be -- not be sent to a telephone. Through you, Mr. Speaker.

DEPUTY SPEAKER BERGER:

Representative Baram.

REP. BARAM (15th):

Through you, Mr. Speaker, the intent of this legislative proposal was geared toward text messages on cell phones. It was not really intended to address electronic messages to a computer, if that is the basis of

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your question.

DEPUTY SPEAKER BERGER:

Representative Aman.

REP. AMAN (14th):

So it's my understanding, from what he said, it's just to kind of to clarify, because electronic mail is not normally sent to a telephone? Through you, Mr. Speaker.

DEPUTY SPEAKER BERGER:

Representative Baram.

REP. BARAM (15th):

Through you, Mr. Speaker, if an electronic mail was sent to a telephone, it would constitute, in my opinion, a text message. But if it is just sent to the computer, that would not be included in the -- in the text message that we're trying to address here.

DEPUTY SPEAKER BERGER:

Representative Aman.

REP. AMAN (14th):

Yes, I think we're going to be back looking at that again in a year or two as the telephones and computers seem to be merging more and more into one device that people are carrying around. But I think the technology is probably moving quickly enough that we're going to be back on this fairly soon.

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This is a problem all over the country and I'm wondering if other states have passed this same type of electronic text messaging regulations, and if so, what states. And if the Chairman has any idea the success they've had of eliminating this obnoxious practice.

Through you, Mr. Speaker.

DEPUTY SPEAKER BERGER:

Representative Baram.

REP. BARAM (15th):

Through you, Mr. Speaker, it is my general understanding that a couple of states have addressed this issue. But I'm not able to tell you right now which states those are or the success or lack of success.

DEPUTY SPEAKER BERGER:

Representative Aman.

REP. AMAN (14th):

In some ways I'm disappointed to hear that. I was hoping to hear a series of states that had done this and had been very successful at it. And we would be able to follow suit.

Looking at the lines 166 where we're going from 11 to \$20,000 for each violation, following up with prior questions that were asked by a prior Representative, the \$20,000, if we're not collecting at 11, why would the fine

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going up to 20? Do we think there's a better chance of dissuading someone from doing this or actually collecting the fine? Through you, Mr. Speaker.

DEPUTY SPEAKER BERGER:

Representative Baram.

REP. BARAM (15th):

Through you, Mr. Speaker, I think your comment is exactly correct. It was a matter of deterrents and to make a point that this is a serious violation, and it will not be tolerated.

DEPUTY SPEAKER BERGER:

Representative Aman.

REP. AMAN (14th):

Yes, being a non-attorney, would this be classified as a civil fine or complaint or would this fall under some of the criminal statutes? Through you, Mr. Speaker.

DEPUTY SPEAKER BERGER:

Representative Baram.

REP. BARAM (15th):

Through you, Mr. Speaker, this is a civil administrative fine. And in addition, as prior questions pointed out, it also could be a violation of the Connecticut Unfair Trade Practices Act, which again, is a civil fine.

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DEPUTY SPEAKER BERGER:

Representative Aman.

REP. AMAN (14th):

The reason I ask that, a \$20,000 fine when we have discussed a lot of criminal activity in this Chamber, the fines and the penalties, this seems to be a lot more severe than many of the penalties we have talked about for criminal activity that I think most of us would find much, much worse than receiving these phone calls.

So I do think it's something that we have to continually address. I think it's something that we'll be coming back to. I wish the best of luck of someone actually prosecuting this and collecting it. Maybe someday in the future we might be able to figure out some way of writing it that the person who receives the messages may have some course of action so collection activities would actually occur.

But that's not in this bill. It might be something to talk about in a General Law Committee in the future. Thank you, Mr. Speaker, and I will be supporting the bill.

DEPUTY SPEAKER BERGER:

Thank you, sir. The document before us is Senate Amendment "A." Would you like to comment further on Senate Amendment "A"?

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Representative Noujaim of the 74th District, East
Side of the great City of Waterbury, sir.

REP. NOUJAIM (74th):

Thank you, Mr. Speaker, good afternoon to you, sir.

DEPUTY SPEAKER BERGER:

Good afternoon you to, sir.

REP. NOUJAIM (74th):

Sir, it's so good to see you as always. As the
Speaker knows, I hate texting. Mr. Speaker, you know
that, right? Because when you text me, I don't answer.
But at any rate, my brother at work loves texting. Every
five seconds, tick, tick, tick, tick, I hate it.

So at any rate, Mr. Speaker, I'm not a guy who texts,
and therefore, I am very, very happy about this amendment.
I do have some questions through you, Mr. Speaker, to the
proponent of the amendment, if I may, sir.

DEPUTY SPEAKER BERGER:

Please proceed, sir.

REP. NOUJAIM (74th):

Thank you Mr. Speaker, and through you, line 16 -- line
18, I apologize, which is repeated again on line 144, it
says, "prior express and consent." So how do these
companies, those enterprises try to get in touch with us
to ask for our consent in order for them to be able to

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text us or communicate with us. Through you, Mr. Speaker.

DEPUTY SPEAKER BERGER:

Representative Baram.

REP. BARAM (15th):

Through you, Mr. Speaker, the initial way would be when you sign a contract for service, they could include within the content of that contract a consent provision. Following that initial consent, I assume the company would send you some kind of a notice that you could sign and return with your payment and so on.

DEPUTY SPEAKER BERGER:

Representative Noujaim.

REP. NOUJAIM (74th):

Thank you, Mr. Speaker, and through you, Mr. Speaker, this is truly important to know. Because if you are signing a contract and that so-called permit to receive text messages is someplace buried on a very, very small font when no one could read it, they would end up signing it, and before you know it, there are already registered, and they would already be given their consent to receive it.

So are we certain, through you to the Chairman, that they will be sent a notification that is clear, that can be read and understood that they are signing this? And if

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that is the case, how can someone go back and say, no, I don't want this service. Through you, Mr. Speaker.

DEPUTY SPEAKER BERGER:

Representative Baram.

REP. BARAM (15th):

Through you, Mr. Speaker, if somebody initially signed a consent form, perhaps unknowingly, and they decided and they their changed their mind, I believe that they could call the company and either ask for a written form to indicate that they wanted to take their name off the solicitation, maybe even send them a text.

And there would obviously be ways for them to communicate with the company and indicate their change of mind and their request to be taken off the list.

DEPUTY SPEAKER BERGER:

Representative Noujaim.

REP. NOUJAIM (74th):

Thank you, Mr. Speaker, I appreciate this. Even though I know that normally corresponding with those type of companies is almost impossible, because you go from one voice mail to another voice mail to a third voice mail before you find someone, a live person to speak with. But I will accept this for now, and we'll move on, if I may.

In line 21 talks about, but not limited to a text or

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media message. Through you, Mr. Speaker, obviously as we know, every day there is something new in technology. Who knew Facebook two years ago or LinkedIn two years ago? They did not exist. With this line are we protecting the consumer from some new inventions that may happen tomorrow morning right after this bill is signed? Through you, Mr. Speaker.

DEPUTY SPEAKER BERGER:

Representative Baram.

REP. BARAM (15th):

Through you, Mr. Speaker, currently based on existing technology we believe that the language text or media message covers the waterfront, but should technology change, we can always revisit this legislation to make sure that we incorporate that technology on an ongoing basis. But we felt comfortable at this time that this language did cover the customary text and other kinds of messages that are sent to cell phones.

DEPUTY SPEAKER BERGER:

Representative Noujaim.

REP. NOUJAIM (74th):

Thank you, Mr. Speaker, and I truly appreciate this. I think most likely will have to revisit it in the future, because by next week something else is going to happen.

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And if I may move to line 48, and I think Representative Aman just asked this question, and I did not hear the answer.

Line 48 talks about excluding electronic mail sent to an electronic mail address. And as I was sitting here in front of my computer, I probably received about ten junk emails within the past two seconds.

Am I presuming that email sent to computers, laptops, desktops, is not included in this legislation? Through you, Mr. Speaker.

DEPUTY SPEAKER BERGER:

Representative Baram.

REP. BARAM (15th):

Through you, Mr. Speaker, that is correct.

DEPUTY SPEAKER BERGER:

Representative Noujaim.

REP. NOUJAIM (74th):

Thank you, Mr. Speaker. I do have -- if I can flip the page open, another question.

DEPUTY SPEAKER BERGER:

Please, sir, take your time. We have all day.

REP. NOUJAIM (74th):

Thank you, Representative, and through you, Mr. Speaker, this piece of legislation talk about current

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citizens. If someone is now not a resident of the State of Connecticut and they will move into the state about four months from now, would they immediately become protected if they are registered or they have a service somewhere else?

If they move to the State of Connecticut and they retain the same service, would they immediately become enrolled or they will have to enroll so that they will not be receiving any messages. Through you, Mr. Speaker.

DEPUTY SPEAKER BERGER:

Representative Baram.

REP. BARAM (15th):

Through you, Mr. Speaker, once they become a Connecticut resident or they're living here, I believe that this law would cover and protect their rights as well.

DEPUTY SPEAKER BERGER:

Representative Noujaim.

REP. NOUJAIM (74th):

Thank you, Mr. Speaker, but do they have to call the company and request it or they are immediately covered? Through you, Mr. Speaker.

DEPUTY SPEAKER BERGER:

Representative Baram.

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REP. BARAM (15th):

Through you, Mr. Speaker, the law requires that there not be any text solicitations to anybody in this state, but the prudent thing would be for a person to call the company just to make sure that they are aware that they've moved here.

Because oftentimes people will have cell phone numbers that are, let's say, from Massachusetts or other states, and they keep those numbers while they're in Connecticut, so there may not be the awareness by the company that they have moved here. So if somebody were asking my advice, I would say call the company.

REP. NOUJAIM (74th):

Thank you.

DEPUTY SPEAKER BERGER:

Representative Noujaim.

REP. NOUJAIM (74th):

Thank you, Mr. Speaker, I appreciate the Representative's answer and I will thank him verbally rather than sending him a text message to thank him for his consideration. Thank you so much, have a great day.

DEPUTY SPEAKER BERGER:

Thank you, Representative, and that is what you are best at, sir. We are currently on Senate Amendment "A."

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Representative Carter, do you wish to speak on Amendment "A" or the bill?

Representative Lavielle? The amendment, not the bill? On Senate Amendment "A," Representative Lavielle of the 143rd. Madam, you have the floor.

REP. LAVIELLE (143rd):

Good afternoon, Mr. Speaker.

DEPUTY SPEAKER BERGER:

Good afternoon, madam.

REP. LAVIELLE (143rd):

Thank you very much, I have a few questions for the proponent.

DEPUTY SPEAKER BERGER:

Please proceed, madam.

REP. LAVIELLE (143rd):

As I understand it, the -- under current law, for phone calls -- not to get phone calls that are unsolicited, you must subscribe to the Do Not Call List. On this particular amendment, not to receive texts, the Do Not Call List is not enough. You have to actually submit written requests. Am I right? It's not just enough to be on the list. Through you, Mr. Speaker.

DEPUTY SPEAKER BERGER:

Representative Baram.

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REP. BARAM (15th):

Through you, Mr. Speaker. The bill addresses the fact that there are not to be any unsolicited text messages to anybody unless it falls within an exception or you give your permission. But we also have the availability of registering on the Do Not Call List and that Do Not Call List will now encompass text messages in addition to phone solicitations.

DEPUTY SPEAKER BERGER:

Representative Lavielle.

REP. LAVIELLE (143rd):

Thank you. That's -- I thank the good representative for reminding me that it's actually, it's -- if I understand properly, it's more of an opt-in exercise than an opt-out. And if I'm correct, that you -- you actually have to say yes, I will accept them, in order to allow a company to send the text messages. Am I correct?

DEPUTY SPEAKER BERGER:

Representative Baram.

REP. BARAM (15th):

Through you, Mr. Speaker, that is correct.

DEPUTY SPEAKER BERGER:

Representative Lavielle.

REP. LAVIELLE (143rd):

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Thank you, and so to do that it must be in writing. May it also be provided through a text or registration on the Web site of the company or by email? Through you, Mr. Speaker.

DEPUTY SPEAKER BERGER:

Representative Baram.

REP. BARAM (15th):

Through you, Mr. Speaker, I would interpret the language to include either an email, text, or written opt-out.

DEPUTY SPEAKER BERGER:

Representative Lavielle.

REP. LAVIELLE (143rd):

Thank you very much. To just pursue a little farther to how we're able to monitor this and ensure that things happen as the -- as the amendment lays them out, is Connecticut law -- are we able to apply it effectively to companies from out of state that may be sending unsolicited text messages. Through you, Mr. Speaker.

DEPUTY SPEAKER BERGER:

Representative Baram.

REP. BARAM (15th):

Through you, Mr. Speaker, some of the testimony that we heard during the public hearings indicate that often

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times these robocalls and text messages are coming from national companies that are out of state. And thus the reason for the Do Not Call List and the reason for increasing the fines. To make a point that this is not permitted in the State of Connecticut.

DEPUTY SPEAKER BERGER:

Representative Lavielle.

REP. LAVIELLE (143rd):

Thank you, and we are able to impose the fines and penalties on companies out of state without any difficulty? Because I'm -- I don't know how that system works, so I'm just asking. I -- I support the concept, I just want to be clear on how it works. Through you, Mr. Speaker.

DEPUTY SPEAKER BERGER:

Representative Baram.

REP. BARAM (15th):

Through you, Mr. Speaker, well, I think the nexus is the fact that they're sending a message to somebody in Connecticut. So I think the jurisdictional issue is clear. The more difficult part is the enforceability of it, because somebody receiving a robocall may not know exactly where it came from and not all of us have the technology in our home phones to be able to trace it.

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A text message, I think is a little different, because you can tell from the message and trace where it's coming from. So that might be easier to, let's say, deliver to the State DCP for enforcement, because you have the message, and there's some indication where it came from. I think robocalls are the more difficult one to enforce.

DEPUTY SPEAKER BERGER:

Representative Lavielle.

REP. LAVIELLE (143rd):

Thank you, Mr. Speaker. What recourse does the State of Connecticut have for nonpayment of fines by the companies? Through you.

DEPUTY SPEAKER BERGER:

Representative Baram.

REP. BARAM (15th):

Through you, Mr. Speaker, I assume just like any collection effort, a court order can be obtained for a judgment, and that judgment can be enforced in another state through execution, wage execution, and so on.

DEPUTY SPEAKER BERGER:

Representative Lavielle.

REP. LAVIELLE (143rd):

Thank you, Mr. Speaker. And do these measures that

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are covered in the amendment also apply to political solicitations, whether they're calls or text messages?

Through you, Mr. Speaker.

DEPUTY SPEAKER BERGER:

Representative Baram.

REP. BARAM (15th):

Through you, Mr. Speaker, those are exempted under the main statute that preexists this is statute -- this proposed statute.

DEPUTY SPEAKER BERGER:

Representative Lavielle.

REP. LAVIELLE (143rd):

Thank you, Mr. Speaker. I -- I rise in support of this bill. I think all of us are experiencing an enormously high volume of unsolicited emails, texts, phone calls, and as I believe Representative Aman said a little while ago, we're going to see more and more of what might be sent to a computer actually appearing on our cell phones.

We are -- it's almost as though our cell phones just can't digest all of this information anymore, and it's very difficult to keep track of it as it mounts up, and some of it doesn't even always go to spam. It's very difficult to control.

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I think anything, at this point, that helps consumers defend themselves against this absolute avalanche of unwanted information, solicitation, and basically badgering is probably welcome. So to the extent that we can enforce this and impose it and make it as easy as possible for consumers to participate in, I think it's a good thing. So I very strongly support the bill. Thank you very much, Mr. Speaker.

DEPUTY SPEAKER BERGER:

Thank you, Representative Lavielle.

Representative O'Dea, do you wish to comment on House -- on Senate Amendment Schedule "A"?

Representative O'Dea of the 125th on Senate Amendment "A"?

REP. O'DEA (125th):

No, Your Honor, on the bill itself.

DEPUTY SPEAKER BERGER:

Okay. Will you comment further on Senate Amendment "A"? Will you comment further on Senate Amendment "A." The question before the Chamber is adoption of Senate Amendment "A." I will try your minds. All those in favor of Senate Amendment "A," signify by saying aye.

REPRESENTATIVES:

Aye.

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DEPUTY SPEAKER BERGER:

Opposed? The ayes have it. The amendment is adopted

Will you comment further on the bill as amended?

Will you comment further on the bill as amended?

Representative O'Dea of the 125th, sir.

REP. O'DEA (125th):

Thank you, Mr. Speaker, and I apologize. I think I called you Your Honor earlier. I'm a little tired.

DEPUTY SPEAKER BERGER:

Not a distinction I'm used to.

REP. O'DEA (125th):

Just a comment to the proponent, if I may, through you, Mr. Speaker?

DEPUTY SPEAKER BERGER:

Please proceed, sir.

REP. O'DEA (125th):

From reading the bill, I don't see any language about blocking telemarketers -- or prohibiting telemarketers from blocking their caller ID. Is there any language in the bill concerning blocking caller ID by telemarketers? Through you, Mr. Speaker.

DEPUTY SPEAKER BERGER:

Representative Baram.

REP. BARAM (15th):

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Through you, Mr. Speaker, I don't believe that's included in the bill, but I would represent to my good colleague that next year that might be an appropriate topic for us to take up.

DEPUTY SPEAKER BERGER:

Representative O'Dea.

REP. O'DEA (125th):

Thank you, Mr. Speaker, and thank you to the proponent. I rise in support of this -- this bill and would look forward to working with the proponent next year about prohibiting telemarketers from blocking caller ID, and I urge my colleagues to -- to support the bill. Thank you.

REP. BARAM (15th):

Mr. Speaker, at this time I'd like to call --

DEPUTY SPEAKER BERGER:

Hang on.

Representative Baram, could you please --

REP. BARAM (15th):

Yes, at this time I'd like to --

DEPUTY SPEAKER BERGER:

Sir.

REP. BARAM (15th):

I'd like to call --

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DEPUTY SPEAKER BERGER:

Representative Baram, could you please hold on just for one second, please.

REP. BARAM (15th):

Sure.

DEPUTY SPEAKER BERGER:

Is there any other remarks or questions on Senate Amendment "A"? Are there any comments or questions on Senate Amendment "A"? Seeing none, Representative Baram.

REP. BARAM (15th):

Thank you, Mr. Speaker. At this time I'd like to call House Amendment 4742 and ask that the Clerk call the amendment and that I be granted leave of the Chamber to summarize.

DEPUTY SPEAKER BERGER:

Yes, sir

Will the Clerk please call LCO Number 4742. Will be signified as House "A."

THE CLERK:

LCO Number 4742 designated House "A", and offered by Representatives Baram and Senator Doyle.

REP. BARAM (15th):

Thank you, Mr. Speaker.

DEPUTY SPEAKER BERGER:

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The Representative seeks leave of the Chamber to summarize the amendment. Is there objection to summarization. Seeing none, sir, please proceed with your summarization.

REP. BARAM (15th):

Thank you, Mr. Speaker. This amendment does two things. It makes a technical correction, and secondly, it adds an exception to the Do Not Call or Do Not Text list for emergency alerts by the service provider.

In discussions with the providers, there are often times situations where emergency communications need to be made, and as long as there's no charge for those communications, we thought that that was a reasonable request.

And I would move adoption of this amendment.

DEPUTY SPEAKER BERGER:

Motion before the Chamber is adoption of House "A." Will you comment further on House "A"?

Representative Carter of the 2nd, sir, you have the floor.

REP. CARTER (2nd):

Thank you very much, Mr. Speaker. I do rise in support of this amendment. When we were speaking about Senate Amendment "A" before it became the bill, we were

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speaking a little bit about the emergency ability to text, and I think that's very important that, you know, organization and wireless carrier be able to carry those emergency texts.

Through you, Mr. Speaker, I just want to make sure I clarify what those emergency texts are. Are they weather-related texts and things like that? Through you, Mr. Speaker.

DEPUTY SPEAKER BERGER:

Representative Baram.

REP. BARAM (15th):

Through you, Mr. Speaker, I believe the intent of the emergency alerts were for any national, state emergency where they're communicating pursuant to our distribution system for public welfare as well as alerts about your own cell phone usage if there was an emergency issue regarding the usage of your phone.

So it's sort of a broad category. But it has to be for emergency purposes. It can't be for marketing or solicitation.

DEPUTY SPEAKER BERGER:

Representative Carter.

REP. CARTER (2nd):

Thank you, and through you, Mr. Speaker, I know that

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in the State of Connecticut we have a deal that we can sign up for through our text messaging, and we can get alerts from other organizations. Through you, Mr. Speaker, this doesn't in any way affect that ability, does it? Through you, Mr. Speaker.

DEPUTY SPEAKER BERGER:

Representative Baram.

REP. BARAM (15th):

Not to my -- through you, Mr. Speaker, not to my knowledge.

DEPUTY SPEAKER BERGER:

Representative Carter.

REP. CARTER (2nd):

Thank you very much, Mr. Speaker, and I thank the good chair of the General Law Committee for his answers. And do I support this amendment. Thank you.

DEPUTY SPEAKER BERGER:

Thank you, sir. On House Amendment "A," on House Amendment "A," Representative Yaccarino of the 87th, sir.

REP. YACCARINO (87th):

Thank you, Mr. Speaker. A quick question to the proponent of the amendment.

DEPUTY SPEAKER BERGER:

Please proceed, sir.

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REP. YACCARINO (87th):

I'm reading the amendment, which is fine, but a lot of young people have prepaid cards. How would they get those minutes back if they were getting, you know, unauthorized texts? Is there any mechanism for that? Through you, Mr. Speaker.

DEPUTY SPEAKER BERGER:

Representative Baram.

REP. BARAM (15th):

Through you, Mr. Speaker, if I understand the question correctly, if you have a prepaid --

REP. YACCARINO (87th):

Phone.

REP. BARAM (15th):

-- phone that you're using, if you get a text message, it's still a violation of the statute, it doesn't matter the form of payment for -- for the phone.

A VOICE:

I can't hear.

REP. BARAM (15th):

But again, one of the exceptions in this bill is for the provider to notify its customer if you have not made payment and your service is going to be discontinued. So in a prepaid phone, if that was a concern and it was going

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to be discontinued or terminated, they could send you a text alerting you to that situation.

DEPUTY SPEAKER BERGER:

Representative Yaccarino.

REP. YACCARINO (87th):

I believe I heard him. Basically the provider would reimburse or give the minutes back to the consumer? Is that the -- I couldn't hear you that well. Through you, Mr. Speaker, was that your answer?

DEPUTY SPEAKER BERGER:

Yes, just hold one minute. Would members and guests please take their conversations outside the Chamber or lower them to an acceptable level. There is a debate on a bill -- on an amendment for a bill. Thank you. Please proceed.

REP. BARAM (15th):

Through you, Mr. Speaker, this exception applies to the specific situation where the consumer who is using his cell phone, his or her cell phone, has not paid their bill. And service is going to be discontinued. So if that's the case, they can text you if you haven't made payment to warn you or alert you that your phone service will be discontinued. If you're on a payment plan, or you've made payment and they're aware of it, they have no

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right to send that text.

DEPUTY SPEAKER BERGER:

Representative Yaccarino.

REP. YACCARINO (87th):

All right, that makes sense. It's not authorized, and that person is not going to lose their minutes or be penalized. That's really all I had to ask. I think it's a good bill overall. I would hope there's a way -- a mechanism to really follow through with the unauthorized users, but that will happen hopefully in the future.

Thank you.

DEPUTY SPEAKER BERGER:

Thank you, sir

Will you comment further on House Amendment Schedule "A"? Will you comment further on House Amendment Schedule "A"? If not, I will try your minds. All those in favor of House Amendment Schedule "A" signify by saying aye.

REPRESENTATIVES:

Aye.

DEPUTY SPEAKER BERGER:

Opposed. The ayes have it. Amendment passes.

Representative Baram.

REP. BARAM (15th):

I think --

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DEPUTY SPEAKER BERGER:

The bill as amended.

REP. BARAM (15th):

Thank you, Mr. Speaker, I think this is a great consumer bill and I would urge my colleagues to pass it as amended.

DEPUTY SPEAKER BERGER:

Thank you, sir.

Representative Carter on the bill as amended, sir.

REP. CARTER (2nd):

On the bill as amended, sir. Thank you, Mr. Speaker, good bill on a pass.

DEPUTY SPEAKER BERGER:

Thank you, sir for your brevity

Will you comment further on the bill as amended?

Will you comment further on the bill as amended. If not, will staff and guests please come to the well of the House. Will Members take your seats. The machine will be open.

THE CLERK:

The House of Representatives is voting by roll.

Members to the Chamber please. The House of Representatives is voting by roll. Members to the Chamber please.

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DEPUTY SPEAKER BERGER:

Have all members voted? Have all members voted? If all the members have voted, if you could check the board to make sure your vote has been properly cast. If all the members have voted, the machine will be locked, and the Clerk will take the tally

Will the Clerk please announce the tally.

THE CLERK:

Mr. Speaker, Senate Bill 209 as amended by Senate "A" and House "A."

Total number voting	149
Necessary for passage	75
Those voting Yea	149
Those voting Nay	0
Those absent and not voting	2

DEPUTY SPEAKER BERGER:

Bill as amended passes in concurrence with the Senate.

Representative Giuliano.

REP. GIULIANO (23rd):

Thank you, Mr. Speaker. Mr. Speaker, for the purposes of an introduction.

DEPUTY SPEAKER BERGER:

Please proceed, madam.

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you don't want that to happen to you. So I wholeheartedly support the amended bill.

Thank you, Madam President.

THE CHAIR:

Thank you. Will you remark? Will you remark?

If not, I'll try your minds on the amendment Senate "A". All those in favor, please say aye.

SENATORS: Aye.

THE CHAIR:

Opposed?

Senate "A" passes.

THE CHAIR:

Senator Doyle.

SENATOR DOYLE:

Thank you, Madam President.

I move this bill to the Consent Calendar.

THE CHAIR:

Seeing no objection, so ordered, sir.

Mr. Clerk.

THE CLERK:

Also on page 37, Calendar 158, Substitute for Senate Bill Number 209, AN ACT PROHIBITING UNSOLICITED COMMERCIAL TEXT MESSAGES AND INCREASING PENALTIES FOR VIOLATIONS OF THE DO NOT CALL REGISTRY, favorable report of the Committee on General Law. There are amendments.

THE CHAIR:

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Good afternoon, Senator Doyle.

SENATOR DOYLE:

Thank you, Madam President.

I promise for the moment this is the last --

THE CHAIR:

For the moment.

SENATOR DOYLE:

For the moment. I move acceptance of the Joint Committee's favorable report and passage of the bill.

THE CHAIR:

The motion is acceptance and passage. Will you remark, sir?

SENATOR DOYLE:

Yes, thank you, Madam President. The Clerk has an amendment, LCO 3684. May the Clerk please call and I be allowed to summarize.

THE CHAIR:

Mr. Clerk.

THE CLERK:

LCO Number 3684, Senate "A" offered by Senator Doyle.

THE CHAIR:

Senator Doyle.

SENATOR DOYLE:

Thank you, Madam President.

This amendment again is a strike everything amendment
--

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THE CHAIR:

Do you move adoption, sir?

SENATOR DOYLE:

Oh, sorry. Thank you. I move adoption of the amendment.

THE CHAIR:

The motion is adoption. Please remark, sir.

SENATOR DOYLE:

Thank you, Madam President.

Again this amendment is a strike everything amendment. It comports with the intent of the file copy, but it perfects the underlying file copy. What this does is it kind of -- it modernizes our do not call registry in the sense that over the last five or ten years text messages, of course, have become much more popular and much -- a new device that we communicate with one another. And the problem is some plans -- some plans that our consumers have for text messages get charged per text. And if you are receiving text messages it could cost you money in addition to being an annoyance. So this bill updates our do not call registry by incorporating therein text messages as a prohibited -- prohibited activity if the consumer opts into the do not call registry. It also increases the penalties for violations of the underlying do not call registry from \$11,000 per violation to \$20,000 per violation.

It also requires the providers to provide a notice to the consumers -- the file copy said monthly, this is down to two times -- twice yearly basically giving more information to our consumers regarding telemarketing prohibitions, giving information how they can -- how the consumer or the customer can sign up for do not call lists, as well as how they can file a complaint to DCP if they receive a -- if they receive an unrequested or violative text message. I believe it's a good amendment which will become the

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bill, and I ask the Chamber to adopt -- to support the amendment.

Thank you, Madam President.

THE CHAIR:

Thank you.

Senator Witkos.

SENATOR WITKOS:

Thank you, Madam President.

Groundhog Day here. I, you know, I got a little history lesson on telemarketing and cellular bill -- phones because they haven't been around all that long. And my understanding was the reason why part of this was coming to us and why there is some opposition from the industry is if I get the acronym correctly it's the FTPA, the Federal Telephone Protection Act came out many years ago. And it dealt with when the cellular carriers were providing -- offering their services for minutes. We didn't have text messages at the time so there was a difference between cell phone where you're actually talking to somebody.

Then when the text messaging came up it was changed or tweaked at that time to allow that to be differentiated from a voicemail. And so there was a carve out on the federal legislation to make sure that the carriers were allowed to continue to communicate with their customers but also to make sure that -- to prevent these spammers I'll call them for lack of a better term from communicating to you as well. Now I asked the folks in the industry, well don't you get payment from those folks to utilize your services? Because if I have a cell phone through it could be Verizon, Cingular, AT&T, the plethora of the other ones out there, these people that are sending me text messages I didn't ask for, do you make some money off of that?

And the answer is no, they can do that from the convenience of their home, get on a computer and it's just a random dialing and they're sending messages out

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saying -- we've all got them on our emails here at the Capitol. We get a lot of spam in this -- in this building. And so the cellular carriers don't make any money. They're concerned about this bill and I hope that my question to Senator Doyle will negate their concerns. So if I may, Madam President, through you a couple of questions to Senator Doyle?

THE CHAIR:

Please proceed, sir.

SENATOR WITKOS:

Thank you. Through you, Madam President, to Senator Doyle, I'm going to give you a hypothetical. I am a cell phone carrier and I use Cingular as my cell phone carrier, and I purchase -- I have a family plan and I have X amount of minutes and X amount of text messages that are available to me. Now if this bill were to pass, and since I have teenagers they seem to text a lot more than they do talk on their phones, I'm nearing the capacity of what's allowed on my plan. And if I don't purchase a few extra minutes, then I'm going to have this huge addition per text message than I would if -- I could have made it out cheaper. Would the carrier, Cingular in this case, be allowed to text me -- send me a text message saying, hey, just so you know you may want to tweak your plan a little bit because you're nearing the capacity. Would that be in violation of this bill? Through you, Madam President.

THE CHAIR:

Senator Doyle.

SENATOR DOYLE:

Through you, Madam President, I do not believe it would be a violation because in lines 154 to 162, it gets into the exemption or the ability for the telecommunications company to send texts. They first of all can't charge its customer money, but also they can't text them in connection with an existing contract. So I would argue if that's -- the contract is in effect, and if you're sending a text regarding you're getting towards the, you know, the overage

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amount, you know, I'll be honest, this type of text is a benefit to the consumer so I do not think it violates the language in line 159. Through you, Madam President.

THE CHAIR:

Senator Witkos.

SENATOR WITKOS:

Thank you. That was my major concern, Madam President and folks of the circle. As long as you have a contract with your cellular carrier, you can continue to receive text messages from that cellular carrier because they don't charge you, without being abridged by this -- this pending legislation. Is that correct? Through you, Madam President.

THE CHAIR:

Senator Doyle.

SENATOR DOYLE:

Yes. There is -- as I, just to be clear, through you, Madam President, if they are issues dealing with the existing contract with the customer, yes, that is covered, there's no charge and they can be unlimited in connection with the existing debt or the existing agreement. However, if -- if they want to send a text to you about unrelated marketing purposes, that is not acceptable. At that point the company should get the prior permission of the customer that they want to be marketed for unrelated services -- unrelated to the existing pending contract. So to be clear, existing contract, no problem. Outside marketing, a problem. Through you, Madam President.

THE CHAIR:

Senator Witkos.

SENATOR WITKOS:

Thank you. And through you, Madam President, would there be a time period or how would the mechanism work

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if the carrier currently not only sends contractual updates but may send periodic marketing messages to their customers right now. So when this law becomes effective would -- would that marketing aspect stop or would there have to be some affirmative opt-out by the customer so the carrier would know, okay, we can't -- we'll scrub our list, we can't -- put you on our list -- our no call list or no text list anymore. Through you, Madam President.

THE CHAIR:

Senator Doyle.

SENATOR DOYLE:

Through you, Madam President, I would think the provider should stop the practice as soon as practicable. But when the next contract renewal comes forth, clearly at that point you -- you ask the customer at the time of the contract renewal or the new contract whether the customer wants to be -- wants to receive unrelated marketing requests which are unrelated to the contract before you whether it's being renewed or pending. Through you, Madam President.

THE CHAIR:

Senator Witkos.

SENATOR WITKOS:

Thank you. And the first part of the bill where it talks about notification on your -- on your bill, that doesn't necessarily have to be in writing, that could be through if -- many folks, I for one, have an e-bill, I have my bill sent to me electronically so I don't have 25 pages of phone -- pages of my bill. As long as you get notification somewhere whether it's electronically or written, then that's -- follows the letter of the law that's proposed. Is that not correct? Through you, Madam President.

THE CHAIR:

Senator Doyle.

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SENATOR DOYLE:

Through you, Madam President, if I understand the question, section two deals with the new notice requirement. And assuming that's what we're talking about, if the -- if the relationship is really 100 percent opted in to be a e-relationship in the sense that it's all online via e-mails, conspicuous notice could be achieved by mirroring the current relationship. If the relationship is written, it has to be written. But if it's -- if it's purely a e-relationship, notice can be given by e-mail. Through you, Madam President.

THE CHAIR:

Senator Witkos.

SENATOR WITKOS:

Thank you. And my last point which I will need some clarification on, many folks have pre-paid cellular phones so they don't necessarily get a bill. They'll go out and they'll buy a \$50 valued phone card so they never see a bill. As they get low -- lower -- the balance lowers, they'll just purchase additional minutes. So how -- how does section two of the bill, how does that apply to them or is this whole -- that part not particular to them? Through you, Madam President.

THE CHAIR:

Senator Doyle.

SENATOR DOYLE:

Through you, Madam President, if I'm interpreting the question correctly and this is a person that buys a phone on a pre-paid basis, maybe six months, and there's no further contact until the six month is up, there would be no such notice requirement because the language in line 171 and 172 talks about include with such statement. So when statements come in, clearly you would have to provide the notice. But if it's a situation, and if I'm incorrect correct me, please,

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Senator Witkos, if it's a pre-paid situation where really I pay everything up front and I have no further contact until the end of that duration and there's no notice requirement or statement requirement, this would not take place until you would renew and get another contract. Through you, Madam President.

THE CHAIR:

Senator Witkos.

SENATOR WITKOS:

Thank you, Madam President.

I thank Senator Doyle for that answer. I think that was one of the concerns of the industry that somebody who may go out and purchase minutes for a phone on a pre-paid phone card may not know that they don't have a notice. But if they don't have a statement according to the bill, they don't need to be noticed. So I think that addresses the concerns and I stand in support of the amendment.

Thank you, Madam President.

THE CHAIR:

Thank you. Will you remark further? Will you remark further?

If not, I'll try your minds, all those in favor of Senate "A" please say aye.

SENATORS: Aye.

THE CHAIR:

Opposed?

Senate "A" has passed.

Will you remark further on the bill? Will you remark further on the bill?

If not, Senator Doyle.

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SENATOR DOYLE:

Yes, Madam President. If there's no objection, I move this bill to the Consent Calendar.

THE CHAIR:

Seeing no objection, so ordered, sir.

Senator Looney.

SENATOR LOONEY:

Thank you, Madam President.

Madam President before calling other bills in the sequence from the go list, I would move that all of the items referred to various Committees be immediately transmitted to those Committees and not held.

THE CHAIR:

Seeing no objection, so ordered, sir.

SENATOR LOONEY:

Thank you, Madam President.

And if the Clerk would call as the next three items three bills from the Human Services Committee. The first is Calendar page 6, Calendar 142, Senate Bill 324, Calendar page 21, Calendar 375, Senate Bill 323, and under Matters Returned Calendar page 36, Calendar 139, Senate Bill 252.

THE CHAIR:

Mr. Clerk.

THE CLERK:

On page 6, Calendar 142, Substitute for Senate Bill Number 324, AN ACT CONCERNING DEPARTMENT OF SOCIAL SERVICES AND AGING PROGRAMS, favorable report of the Committee on Human Services.

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Excuse me, Madam President.

THE CHAIR:

Senator Looney.

SENATOR LOONEY:

Yes, thank you, Madam President.

I apologize for the interruption. Before moving to that bill, if the Clerk would call the items on the Consent Calendar so that we might move to a vote on the first Consent Calendar.

THE CHAIR:

Absolutely.

Mr. Clerk, will you please call the Consent Calendar.

THE CLERK:

On today's first Consent Calendar, page 4, Calendar 413, House Joint Resolution Number 73, page 6, Calendar 142, Senate Bill Number 324, on page 7, Calendar 176, Senate Bill 267, on page 10, Calendar 228, Senate Bill Number 299, and on page 21, Calendar 375, Senate Bill 323, page 23, Calendar 389, Senate Bill 52, on page 36, Calendar 139, Senate Bill 252, page 37, Calendar 154, Senate Bill 83, page 37 again, Calendar 157, Senate Bill 208, and also on page 37, Calendar 158, Senate Bill 209.

THE CHAIR:

Mr. Clerk, did you miss page 36, Calendar 139?

THE CLERK:

No, I got it.

THE CHAIR:

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You got it. Thank you very much, sorry. At this time, Mr. Clerk, will you call for a roll call vote on the first Consent Calendar, the machine will be open.

THE CLERK:

Immediate roll call has been ordered in the Senate. Immediate roll call on Consent Calendar Number One has been ordered in the Senate.

THE CHAIR:

If all members have voted, if all members have voted, the machine will be closed. Mr. Clerk, will you please call the tally.

THE CLERK:

On today's first Consent Calendar.

Total Number Voting	35
Necessary for Adoption	18
Those voting Yea	35
Those voting Nay	0
Those absent and not voting	1

THE CHAIR:

The Consent Calendar passes.

Mr. Clerk, I think we go back to the roll call vote -- I mean the vote on --

THE CLERK:

Calendar page 14, Calendar 311, Substitute for Senate Bill Number 332, AN ACT AMENDING THE CHARTER OF THE METROPOLITAN DISTRICT IN HARTFORD COUNTY, favorable report of the Committee on Planning and Development.

THE CHAIR:

Senator Osten, let's try this again.

SENATOR OSTEN:

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Also Calendar page 20, Calendar 488, House Bill 5222.

Moving to Calendar page 23, Calendar 504, House Bill 5309.

Also Calendar page 23, Calendar 505, House Bill 5484.

And on Calendar page 23, Calendar 506, House Bill 5487.

Moving to Calendar page 26, Mr. President, Calendar 519, House Bill 5375.

Also Calendar page 26, Calendar 520, House Bill 5471.

On Calendar page 30, Calendar 542, House Bill 5378.

Calendar page 33, Calendar 558, House Bill 5459.

And also we earlier today had placed Calendar page 37, Calendar 120, Senate Bill 237.

And one additional item, Mr. President, Calendar page 45, Calendar 158, Senate Bill 209.

So this would be our proposed Consent items at this time, Mr. President.

THE CHAIR:

Seeing no objection, so ordered, sir.

SENATOR LOONEY:

Thank you, and if the Clerk would then read the items on the Consent Calendar for verification so we might proceed to a vote.

THE CHAIR:

Mr. Clerk.

THE CLERK:

On Page 4, Calendar 273, Senate Bill 480.

Page 14, Calendar 435, House Bill 5044.

On Page 16, Calendar 450, House Bill 5371.

Also Calendar 451, House Bill 5373.

On Page 18, Calendar 464, House Bill 5293.

On Page 19, Calendar 471, House Bill 5374.

On Page 20, Calendar 472, House Bill 5380.

Calendar 488, 5222.

On Page 23, Calendar 504, House Bill 5309.

And Calendar 505, House Bill 5484.

Also Calendar 506, House Bill 5487.

And on page 26, Calendar 519, House Bill 5375.

Calendar 520, House Bill 5471.

Page 30, Calendar 542, House Bill 5378.

Page 33, Calendar 558, House Bill 5459.

On Page 37, Calendar 120, Senate Bill 237.

And on page 45, Calendar 158, Senate Bill 209.

THE CHAIR:

Thank you. Mr. Clerk. Please announce the pendency of a roll call vote and the machine will be opened.

THE CLERK:

An immediate roll call has been ordered in the Senate.
roll call on today's Consent Calendar has been ordered
in the Senate.

THE CHAIR:

Have all members voted? If all members have voted, please check the board to make sure your vote is accurately recorded.

If all members have voted, the machine will be closed and the Clerk will announce the tally.

THE CLERK:

On today's Consent Calendar.

Total Number Voting	35
Necessary for adoption	18
Those voting Yea	35
Those voting Nay	0
Those absent and not voting	1

THE CHAIR:

Consent Calendar Number 1 passes.

Senator Looney.

SENATOR LOONEY:

Thank you, Mr. President.

Mr. President, would move for immediate transmittal to the House of Representatives of Senate bills acted upon today.

THE CHAIR:

Without objection, so ordered.

SENATOR LOONEY:

Thank you, Mr. President.

Mr. President, would yield the floor to members for any announcements or points of personal privilege before adjourning and announcing tomorrow's Session.

THE CHAIR:

Any announcements or points of personal privilege? Announcements or points of personal privilege? Seeing none, Senator Looney.

SENATOR LOONEY:

**JOINT
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Real Possibilities

Testimony of AARP CT
 In Support of Senate Bills #207, #208 and #209
 February 25, 2014
 General Law Committee

AARP CT supports Senate Bills 207, 208 and 209 and recommends additions and considerations to strengthen consumer protections in each bill.

S.B. No. 207 (RAISED) AN ACT REQUIRING HOME IMPROVEMENT CONTRACTORS AND SALESMEN TO OBTAIN AND DISPLAY IDENTIFICATION BADGES. AARP recommends the following additions to be included for all types of door to door sales people, including third party energy suppliers:

- All companies must issue an identification badge to employees or agents that interact with consumers in door to door sales or public events. The badge must:
 - Accurately identify the company, its trade name and logo.
 - Display the agent's photograph
 - Display the agent's full name
 - Be prominently displayed.
 - Display a customer-service phone number for the company.

S.B. No. 208 (RAISED) AN ACT CONCERNING PHARMACY REWARDS PROGRAMS AND PROTECTED HEALTH INFORMATION. AARP recommends the following taken into consideration when developing the final language for S.B. 208.

AARP opposes the use or disclosure of an individual's health information without prior consent except for: public health reporting, as required by law—A court order must be required of law enforcement agencies seeking access to personal health information; ensuring the financial integrity of publicly funded health programs (provided that personal identifiers have been removed whenever possible); research and quality assessment and improvement (provided that personal identifiers have been removed whenever possible); and health care interventions, including disease management programs and chronic care coordination.

AARP supports policies that prohibit the use of patients' clinical information for marketing purposes without the individuals' express written consent or opt-in authorization; require the types of communication constituting "marketing" to be clearly delineated—Criteria to define this term include whether information is directly related to ongoing treatment regimens, whether it concerns new products, and whether a covered entity is receiving

any remuneration for giving information to consumers; and ensure the right of consumers to have their names removed from marketing lists.

S.B. No. 209 (RAISED) AN ACT PROHIBITING UNSOLICITED COMMERCIAL TEXT MESSAGES AND INCREASING PENALTIES FOR VIOLATIONS OF THE DO NOT CALL REGISTRY. AARP recommends the following taken into consideration when developing the final language for S.B. 208:

Civil and criminal penalties should be imposed for violations of telemarketing laws, including prison terms for those who knowingly and willfully deceive consumers. These penalties should be assessed based on the degree of fraud committed, regardless of the actual dollar amount lost.

Appropriate investigation and enforcement tools should be available to regulators, including one-party consent for electronic monitoring, to combat telemarketing fraud.

Consumers who place their name on a federal or state do-not-call registry should be protected from wireless phone charges triggered by telemarketing calls including for text messages.

Telemarketers should be prohibited from blocking caller ID.

ConnPIRG

Standing Up
To Powerful Interests

Testimony of Abraham Scarr, Director
Connecticut Public Interest Research Group (ConnPIRG)

In support of

Proposed Senate Bill No. 207 :

An Act Requiring Home Improvement Contractors and Salesmen to Obtain and Display Identification Badges,
and No. 208:

An Act Concerning Pharmacy Rewards Programs and Protected Health Information,
and No. 209:

An Act Prohibiting Unsolicited Commercial Text Messages and Increasing Penalties for Violations of the Do Not Call Registry.

Chairperson Doyle, Chairperson Baram and Members of the Committee: My name is Abe Scarr and I am the Director of the Connecticut Public Interest Research Group (ConnPIRG). Thank you for the opportunity to submit written testimony today in support of Proposed Senate Bills No. 207, 208, and 209.

ConnPIRG is a non-profit, non-partisan consumer group. Our consumer program works to alert the public to hidden dangers and scams and to ban anti-consumer practices and unsafe products.

207: An Act Requiring Home Improvement Contractors and Salesmen to Obtain and Display Identification Badges

Home improvement contractors and salesmen are already required to obtain a certificate of registration with the Commissioner of Consumer Protection. This bill would require contractors and salesman to obtain and display a photo-identification badge when performing or attempting to sell home improvement services. The commissioner may charge a reasonable fee no greater than \$30 to issue a badge.

Unfortunately, some unscrupulous contractors take advantage of consumers. This simple reform will help good actors in the industry by doing more to root out scams and fraud. The fee is a reasonable expense for this protection.

208: An Act Concerning Pharmacy Rewards Programs and Protected Health Information

Data is currency in today's marketplace and, as we have recently witnessed, vast amounts of consumer data is at risk when companies do not take necessary steps to protect the consumer data they aggregate. Unfortunately, many consumers unwittingly sign away more access to their personal information than they realize in exchange for promotions and rewards programs.

Medical and Health information is particularly important to protect. This bill would increase consumer protections when signing up for pharmacy rewards programs by requiring that pharmacies give consumers plain language explanations of the terms and conditions of the program. If participating in the program requires HIPAA Authorization, the pharmacy must disclose that the consumer's personal

health information may no longer be protected by state and federal privacy laws. The pharmacy must also disclose, among other things, if the consumers personal health information be shared with third parties and instructions on how the consumer can revoke authorization

209: An Act Prohibiting Unsolicited Commercial Text Messages and Increasing Penalties for Violations of the Do Not Call Registry.

As marketing practices change, so should consumer protections. Unsolicited text messages are more than a nuisance for consumers; they can also cost consumers money. This bill is a timely and important update to consumer protections from unsolicited sales and marketing. The bill also increases the maximum potential liability of solicitors who violate the law from \$11,000 to \$20,000 per violation.

Again, thank you for the opportunity to submit written testimony in support of Senate Bills 207, 208, and 209.

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State of Connecticut
SENATOR DONALD E. WILLIAMS, JR.
Twenty-ninth District
President Pro Tempore

Testimony before the General Law Committee
Donald E. Williams, Jr.

February 25, 2014

- | | |
|---|---|
| In Support of <u>Senate Bill 207</u> | <i>AA Requiring Home Improvement Contractors and Salesmen to Obtain and Display Identification Badges</i> |
| In Support of <u>Senate Bill 208</u> | <i>AAC Pharmacy Rewards Programs and Protected Health Information</i> |
| In Support of <u>Senate Bill 209</u> | <i>AA Prohibiting Unsolicited Commercial Text Messages and Increasing Penalties for Violations of the Do Not Call Registry</i> |
| In Support of <u>House Bill 5259</u> | <i>AAC The Use of Debit Cards for Gasoline Purchases</i> |

Senator Doyle, Representative Baram, distinguished members of the General Law Committee, I appear before you today in support of SB 207, SB 208, SB 209 and HB 5259.

Senate Bill 207, AA Requiring Home Improvement Contractors and Salesmen to Obtain and Display Identification Badges will protect consumers as well as home improvement contractors who play by the rules and register properly with the state Department of Consumer Protection. ID badges will ensure that, if anything should go wrong on a project, the contractor can be tracked down using the state registration number issued by DCP. Some people unlawfully provide services in the state without proper registration, as required by law. This puts those contractors who play by the rules at a disadvantage.

This problem was highlighted in the wake of recent severe weather events, when some contractors engaged in deceptive practices in order to provide home improvement services to overwhelmed homeowners. Sometimes, "storm chaser" or "fly-by-night" contractors from out of state offer their services at high prices without having proper state registration and with no way for a consumer to verify their credentials. Because these workers travel the country looking for work after natural disasters, they move on quickly and are nearly impossible to track down if a project is incomplete or has a problem.



This bill, similar to a law passed in New Jersey, would require a DCP-issued identification badge to be worn at all times while on the job or while soliciting services. The badge will have a picture, the name of the business, the DCP registration number, and the DCP eLicensing website address where credentials can be verified.

Senate Bill 208, AAC Pharmacy Rewards Programs and Protected Health Information will help protect consumers' health privacy. Several large pharmacies now offer prescription drug discount programs which can be attractive to consumers such as seniors facing high prescription drug costs. Most consumers don't realize that when they sign up for these programs they are often unknowingly signing away their privacy rights to their entire medical record, allowing the pharmacy access to a customer's health history and the right to sell a customer's personal health information for marketing and other purposes.

This proposal would ensure that if a customer chooses to participate in these discount programs, they understand what they are signing away when they do so. It will require pharmacies to clearly define in layman's terms - on webpages and other promotional materials - the privacy rights a consumer is giving away by enrolling in the program. It will also require larger typeface and greater prominence of these terms on pharmacy websites and other promotional materials prior to the check-off box for final enrollment in the program.

Senate Bill 209, AA Prohibiting Unsolicited Commercial Text Messages and Increasing Penalties for Violations of the Do Not Call Registry will reduce unwanted, unsolicited phone intrusions which are on the rise. Many consumers are targets of phone scams and there is currently little incentive for businesses to comply with the law. Our proposals tighten up loopholes in the current law and increase penalties for violators. This bill will raise the stakes of non-compliance by markedly increasing penalties. It will prohibit text messaging in the state's Do Not Call law, and it will also increase consumers' awareness of how and where to make complaints of violations by displaying complaint procedures on phone bills.

House Bill 5259, AAC The Use of Debit Cards for Gasoline Purchases will increase transparency for consumers at the gas pump. Many gas retailers offer a discounted price for payment with cash versus credit cards. Retailers that do offer a cash discount often do not make it clear to consumers whether the use of a debit card is treated by the retailer as a cash or credit purchase. Some consumers may assume that when they are using their debit cards, that they are using cash, and are therefore getting the discounted cash price for the gasoline. In fact, many gas stations treat debit cards as credit cards, under the theory that debit card transactions result in fees, albeit lower than credit card fees. When this practice is not made clear to consumers before they initiate the purchase, some consumers are unknowingly being charged a higher price per gallon.

This bill would place in statute a requirement that the policy regarding debit cards be clearly posted on the gas pump of stations that offer cash discounts. The bill would not dictate what policy the station has to adopt, just that consumers be informed so they can make their own decisions.

**Testimony of
Gerard Keegan
CTIA – THE WIRELESS ASSOCIATION®
In Opposition to Connecticut Senate Bill 209**

February 25, 2014

Before the Connecticut General Assembly Committee on General Law

On behalf of CTIA-The Wireless Association, the trade association for the wireless communications industry, I submit this testimony in opposition to Connecticut Senate Bill 209, specifically Section 2 that would require mobile providers operating in Connecticut to include a notice regarding the state Department of Consumer Protection's "No Sales Solicitation Complaint" form on their consumer bills.

Section 2 would adversely affect mobile providers' national billing platforms. Mobile providers in Connecticut originate consumer bills from these national platforms. By requiring Connecticut mobile providers to issue bills to meet this Connecticut-specific requirement, SB 209 would negatively impact the business efficiencies built into the providers' nationwide billing platforms. These efficiencies have allowed providers to manage costs and deliver affordable wireless services to consumers.

Mobile providers already offer consumers numerous tools to address unsolicited text messages. Consumers can report unsolicited texts to national providers free of charge by copying the original message and forwarding it to the number 7726 (SPAM). Mobile providers have used this tool to investigate entities that send unwanted text messages to their consumers. Providers also offer text blocking tools that allow consumers to block text messages.

In addition, the space in, and length of, provider bills are limited. Accordingly, a state-specific notice as contemplated in SB 209 would be unduly burdensome. As opposed

to requiring providers to carry the state's message, it is more appropriate for the Department or another state agency to launch a consumer education initiative to raise awareness to the Department's complaint form.

It is important to note that federal laws and regulations already prohibit the sending of unsolicited text messages to telephone numbers assigned to wireless services absent the recipient's prior consent. The Federal Communications Commission (FCC) has found that text messages sent to mobile devices are "calls" for purposes of the Telephone Consumer Protection Act (TCPA).¹ The TCPA and the FCC's rules ban text messages sent to a mobile phone using an autodialer. This ban applies even if the mobile phone number has not been placed on the national Do-Not-Call list of numbers telemarketers must not call.

The TCPA provisions apply to any call made using an automatic telephone dialing system, which courts have interpreted to include the technology used to send text messages, and which the FCC has interpreted as any device that permits the dialing of numbers without human intervention. Besides enforcement actions by the FCC, which can assess financial penalties, the TCPA gives recipients of autodialed messages the right to bring private lawsuits for their actual damages, or for damages of \$500 per "call" (\$1,500 if the caller's conduct is "willful").

There are robust federal regulations governing this activity, and these regulations are continually reviewed by the FCC to ensure they reflect changes in telemarketing practices and to ensure they address consumer concerns. In fact, the FCC adopted new regulatory provisions in this area in February 2012 that require prior express written consent for automated telemarketing calls and text messages sent to mobile devices. The FCC regulations also exempt mobile providers from using text messages to communicate with their consumers. Such an exemption would be an appropriate amendment to SB 209.

¹ See 47 U.S.C. § 227.

For the reasons outlined in this testimony, CTIA and its member companies oppose SB 209, specifically Section 2 that would require mobile providers to include notices in their consumer bills.