A bill for an act

relating to consumer protection; allowing residents to decline to receive local telephone directories; providing civil penalties; proposing coding for new law in Minnesota Statutes, chapter 325E.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

Section 1. **[325E.319] LOCAL TELEPHONE DIRECTORIES; OPTION TO DECLINE DELIVERY.**

Subdivision 1. **Definitions.** For the purposes of this section, the following terms have the meanings given:

(1) "deliver" means to physically bring to a resident by personal delivery, but does not include actions by the United States Postal Service, a commercial courier, or a commercial package delivery service that allows a customer to track the status of a shipment by destination, date, and time of delivery;

(2) "local telephone directory" means a publication listing: (i) the names, addresses, and telephone numbers of local businesses by type and containing advertisements promoting those businesses or the products they sell; or (ii) the names, addresses, and telephone numbers of individuals or local businesses in alphabetical order; and

(3) "resident" means a person that has a mailing address in Minnesota that is not a post office box.

Subd. 2. **Option to decline delivery.** (a) A person publishing and delivering local telephone directories in this state must print in boldfaced type in .. point font or larger on the outside front cover of each directory the following information:

(1) a statement that reads: "IF YOU NO LONGER WISH TO RECEIVE THIS DIRECTORY, PLEASE CALL THE FOLLOWING TOLL-FREE NUMBER OR ACCESS THE FOLLOWING INTERNET WEB SITE ADDRESS:"; and

(2) a toll-free telephone number and an internet Web site address that a resident may use to contact the person delivering the local telephone directory to provide notice that the resident no longer wishes to receive the local telephone directory.

(b) A person publishing and delivering a local telephone directory in this state must prominently and conspicuously place on the home page of the person's internet Web site instructions describing how a resident can provide notice to the person via the internet Web site that the resident no longer wishes to receive the local telephone directory.

(c) A person publishing and delivering a local telephone directory in this state must maintain a database of the name and address of each resident who provides notice under this subdivision and must not remove the name unless the person receives notice from the resident that the resident's name is to be removed from the database.

(d) A person publishing and delivering a local telephone directory in this state must not deliver a local telephone directory to a resident whose name is in the database maintained under paragraph (c).

Subd. 3. **Enforcement.** (a) The attorney general or the county attorney located in the county in which a violation occurs may enforce this section by commencing a civil action in district court against a violator or to prevent a violation of this section. A civil penalty of $500 may be assessed for each violation of this section.

(b) In a civil action under paragraph (a), it is a defense that the defendant delivered a local telephone directory to a resident in error.

EFFECTIVE DATE. This section applies to local telephone directories delivered in this state after January 1, 2010.