

Subd. 3. CALLER IDENTIFICATION SERVICE. “Caller identification service” means a telephone service that permits telephone subscribers to see the telephone number of incoming telephone calls.

Subd. 4. COMMISSIONER. “Commissioner” means the commissioner of commerce.

Subd. 5. RESIDENTIAL SUBSCRIBER. “Residential subscriber” means a person who has subscribed to residential telephone services from a telephone company or the other persons living or residing with the subscribing person.

Subd. 6. TELEPHONE SOLICITATION. “Telephone solicitation” means any voice communication over a telephone line for the purpose of encouraging the purchase or rental of, or investment in, property, goods, or services, whether the communication is made by a live operator, through the use of an automatic dialing-announcing device as defined in section 325E.26, subdivision 2, or by other means. Telephone solicitation does not include communications:

(1) to any residential subscriber with that subscriber’s prior express invitation or permission;

(2) by or on behalf of any person or entity with whom a residential subscriber has a prior or current business or personal relationship;

(3) by or on behalf of an organization that is identified as a nonprofit organization under state or federal law; or

(4) by a person soliciting without the intent to complete, and who does not in fact complete, the sales presentation during the call, but who will complete the sales presentation at a later face-to-face meeting between the solicitor who makes the call and the prospective purchaser.

Sec. 2. [325E.312] TELEPHONE SOLICITATIONS.

Subdivision 1. PERSONS INCLUDED IN NO-CALL LIST. No caller shall make or cause to be made any telephone solicitation to the telephone line of any residential subscriber in this state who is on the no-call list established and maintained under section 325E.313.

Subd. 2. IDENTIFICATION OF CALLER. Any caller who makes a telephone solicitation to a residential subscriber in this state shall state the caller’s identity clearly at the beginning of the call and, if requested, the caller’s telephone number.

Subd. 3. INTERFERENCE WITH CALLER IDENTIFICATION. No caller who makes a telephone solicitation to a residential subscriber in this state shall knowingly use any method to block or otherwise deliberately circumvent the subscriber’s use of a caller identification service.

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Sec. 3. [325E.313] NO-CALL LIST.

Subdivision 1. ESTABLISHMENT OF LIST. The commissioner shall establish and maintain a list of telephone numbers of residential subscribers who object to receiving telephone solicitations. The commissioner may fulfill the requirements of this subdivision by contracting with an agent for the establishment and maintenance of the list. The list must be established by January 1, 2003.

Subd. 2. OPERATION AND MAINTENANCE OF LIST. (a) Each local exchange company must inform its residential subscribers of the opportunity to provide notification to the commissioner or its contractor that the subscriber objects to receiving telephone solicitations. The notification must be made in the manner prescribed by the commissioner.

(b) Any residential subscriber may contact the commissioner or the commissioner's agent and give notice, in the manner prescribed by the commissioner, that the subscriber objects to receiving telephone solicitations. The commissioner shall add the telephone number of any subscriber who gives notice of objection to the list maintained pursuant to subdivision 1 within 90 days of the date the notice is received.

(c) Any notice given by a subscriber under this subdivision shall be effective for four years unless revoked by the subscriber. Any subsequent notices given by the same subscriber related to a different telephone number are separate from the original notice.

(d) The commissioner shall allow consumers to give notice under this subdivision by mail or electronically.

(e) The commissioner shall establish the procedures by which a person wishing to make telephone solicitations may obtain access to the list. Those procedures shall, to the extent practicable, allow for access to paper or electronic copies of the list.

Subd. 3. USE OF FEDERAL LIST. If, pursuant to United States Code, title 15, section 6102(a), the Federal Trade Commission establishes a national list of telephone numbers of subscribers who object to receiving telephone solicitations, the commissioner shall include subscribers who live in Minnesota and are included in the national list in the list established under this section. The commissioner shall also transmit to the Federal Trade Commission the telephone numbers included on the no-call list established under this section and shall request that they be included in the national list.

Sec. 4. [325E.314] FEES; ACQUISITION AND USE OF LIST.

(a) A person or entity desiring to make telephone solicitations shall pay a fee, payable to the commissioner, for access to, or for paper or electronic copies of, the list established under section 325E.313. The fee shall not exceed \$125 for each acquisition of the list. The fee shall not exceed \$90 in fiscal year 2004, and the fee shall not exceed \$75 in fiscal year 2005 and thereafter.

(b) A caller who makes a telephone solicitation to the telephone line of any residential subscriber must, at the time of the call, have obtained access to a current version of the list at least once in the 90 days prior to the call. A caller who complies with this requirement is not liable for any violation of section 325E.312 relating to a solicitation made to a subscriber during the first 30 days after the caller first obtained

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a copy of the list including that subscriber's telephone number that has not been superseded by a later list obtained by the caller that does not include the subscriber's telephone number.

(c) If the Federal Trade Commission establishes a national do-not-call list as described in section 325E.313, subdivision 3, a person or entity who is required by law to obtain a copy of the national list is not required to purchase or retain a copy of the list established by the commissioner, unless the Federal Trade Commission fails to incorporate the Minnesota names transmitted by the commissioner.

Sec. 5. [325E.315] RELEASE OF INFORMATION.

Information contained in the list established under section 325E.313 shall be used only for the purposes of compliance with sections 325E.311 to 325E.316 or in a proceeding or action under section 325E.316. The information contained in the list is private data on individuals or nonpublic data as defined in section 13.02.

Sec. 6. [325E.316] PENALTIES.

Subdivision 1. ENFORCEMENT BY COMMISSIONER. In enforcing sections 325E.311 to 325E.316, the commissioner has all powers provided by section 45.027, including, but not limited to, the power to impose a civil penalty to a maximum of \$1,000 for each solicitation that violates section 325E.312.

Subd. 2. DEFENSES. (a) In any action or proceeding against a person under this section, it shall be a defense that the defendant has established and implemented, with due care, reasonable practices and procedures to effectively prevent telephone solicitations in violation of section 325E.312.

(b) No provider of caller identification service shall be held liable for violations of section 325E.312 committed by other persons or entities.

Subd. 3. TIME LIMITATIONS. No action or proceeding may be brought under this section:

(1) more than two years after the person bringing the action knew or should have known of the alleged violation; or

(2) more than two years after the termination of any proceeding or action by the state of Minnesota, whichever is later.

Subd. 4. JURISDICTION. A court of this state may exercise personal jurisdiction over any nonresident or the nonresident's executor or administrator as to an action or proceeding authorized by this section according to the provisions of section 543.19.

Subd. 5. OTHER REMEDIES. The remedies, duties, prohibitions, and penalties of this section are not exclusive and are in addition to all other causes of action, remedies, and penalties provided by law.

Sec. 7. APPROPRIATION.

\$482,000 is appropriated from the general fund in fiscal year 2003 to the commissioner of commerce for purposes of this act. The general fund base in fiscal year 2004 is \$349,000, and in fiscal year 2005 is \$299,000.

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Sec. 8. EFFECTIVE DATE.

Sections 2 and 4 are effective 30 days after the commissioner complies with the requirements of section 3, subdivision 1.

Presented to the governor May 13, 2002

Signed by the governor May 15, 2002, 1:23 p.m.

CHAPTER 368—S.F.No. 2448

An act relating to government data practices; providing for disclosure by the department of public safety of personal data related to operation of a motor vehicle; amending Minnesota Statutes 2000, sections 168.346; 171.12, subdivision 7a.

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

Section 1. Minnesota Statutes 2000, section 168.346, is amended to read:

168.346 PRIVACY OF NAME OR RESIDENCE ADDRESS.

(a) The registered owner of a motor vehicle may request in writing that the owner's residence address or name and residence address be classified as private data on individuals, as defined in section 13.02, subdivision 12. The commissioner shall grant the classification upon receipt of a signed statement by the owner that the classification is required for the safety of the owner or the owner's family, if the statement also provides a valid, existing address where the owner consents to receive service of process. The commissioner shall use the mailing address in place of the residence address in all documents and notices pertaining to the motor vehicle. The residence address or name and residence address and any information provided in the classification request, other than the mailing address, are private data on individuals and may be provided to requesting law enforcement agencies, probation and parole agencies, and public authorities, as defined in section 518.54, subdivision 9.

(b) An individual registered owner of a motor vehicle must be informed in a clear and conspicuous manner on the forms for issuance or renewal of titles and registrations, that the owner's personal information may be disclosed to any person who makes a request for the personal information, and that, except for uses permitted by United States Code, title 18, section 2721, subsection (b), the registered owner may prohibit disclosure of the personal information by so indicating on the form. For purposes of this paragraph, access by requesters making requests described in section 168.345, subdivision 4, is deemed to be related to public safety.

(c) At the time of registration or renewal, the individual registered owner of a motor vehicle must also be informed in a clear and conspicuous manner on forms that the owner's personal information may be used, rented, or sold solely for bulk

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