

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2003

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SENATE BILL 991
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Short Title: Consumer's Right to Know and Act.

(Public)

Sponsors: Senator Reeves.

Referred to: Commerce.

April 3, 2003

A BILL TO BE ENTITLED

AN ACT TO PROVIDE THAT STATE GOVERNMENT SHALL REQUIRE IN EVERY CONTRACT FOR THE PERFORMANCE OF TELEMARKETING SERVICES PROVISIONS THAT ONLY CITIZENS OF THE UNITED STATES AND PERSONS AUTHORIZED TO WORK IN THE UNITED STATES MAY BE EMPLOYED, AND TO PROVIDE FOR DISCLOSURE OF CERTAIN INFORMATION FROM CUSTOMER SALES AND SERVICE CENTERS.

The General Assembly of North Carolina enacts:

SECTION 1. Article 3 of Chapter 143 is amended by adding a new section to read:

"§ 143-59.3. Certain vendors required to use only persons authorized to work in the United States.

(a) Ineligible Vendors. – The Secretary of Administration and other entities to which this Article applies shall not contract for telemarketing services or telephone center services with any vendor that employs the services of any person not authorized to work in the United States pursuant to federal law in the performance of telemarketing or telephone center services on behalf of the State and such services shall be performed in the United States.

(b) Vendor Certification. – The Secretary of Administration shall require each vendor submitting a bid or contract to provide services for the State as set forth in subsection (a) of this section to certify that only its employees who are authorized to work in the United States pursuant to federal law will be performing services under the contract. Any person who submits a certification required by this subsection known to be false shall be guilty of a Class I felony.

(c) Void Contracts. – A contract entered into or performed in violation of this section is void. A contract that is void under this section may continue in effect until an alternative contract can be arranged when: (i) immediate termination would result in harm to the public health or welfare, and (ii) the continuation is approved by the Secretary of Administration. Approval of continuation of contracts under this subsection

1 shall be given for the minimum period necessary to protect the public health or
2 welfare."

3 SECTION 2. Chapter 66 is amended by adding a new Article to read:

4 "Article 41.

5 "Customer Sales or Service Call Center Requirements.

6 "**§ 66-340. Definitions.**

7 As used in this Article the following terms mean:

8 (1) Customer sales call center. – An entity whose primary purpose
9 includes the initiating or receiving of telephonic communications on
10 behalf of any person for the purpose of initiating sales, including
11 telephone solicitations as defined in G.S. 66-260(10) and G.S.
12 75-30.1(a)(2).

13 (2) Customer service call center. – An entity whose primary purpose
14 includes the initiating or receiving of telephonic communications on
15 behalf of any person for the purposes of providing or receiving
16 services or information necessary in connection with the providing of
17 services or other benefits.

18 (3) Customer services employee. – A person employed by or working on
19 behalf of a customer sales call center or a customer service call center.

20 (4) Identifying information. – As the term is used in G.S. 14-113.20(b).

21 "**§ 66-341. Customers right to customer sales or customer service call center**
22 **information.**

23 (a) Any person who receives a telephone call from, or places a telephone call to,
24 a customer sales call center or a customer service call center, upon request, has the right
25 to:

26 (1) Know the identification of the city, state, and country where the
27 customer service employee is located.

28 (2) Know the name or registered alias of the customer services employee.

29 (3) Know the name of the employer of the person with whom the person is
30 speaking.

31 (4) Speak to a qualified employee of the company or government agency
32 the person is doing business with.

33 (b) No person who receives a telephone call from, or places a telephone call to, a
34 customer sales call center or a customer service call center shall have the person's
35 financial, credit, or identifying information sent to any foreign country without express
36 written permission.

37 "**§ 66-342. Violation.**

38 A willful violation of this Article shall be an unfair or deceptive trade practice under
39 G.S. 75-1.1."

40 SECTION 3. This act becomes effective October 1, 2003. Section 1 of this
41 act applies to contracts entered into on or after that date.