

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2003

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SENATE DRS65225-LD-65A (03/26)

Short Title: Telephone Solicitations/Increase Penalties. (Public)

Sponsors: Senator Webster.

Referred to:

A BILL TO BE ENTITLED

AN ACT TO INCREASE THE PENALTIES FOR VIOLATIONS REGARDING
TELEPHONE SOLICITATIONS.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 75-30(e) reads as rewritten:

"(e) Violation of this section shall be a Class 3 misdemeanor, punishable ~~only~~ by a fine of one ~~hundred dollars (\$100.00)~~, thousand dollars (\$1,000) for each occurrence."

SECTION 2. G.S. 75-30.1(i) reads as rewritten:

"(i) A person who ~~has received more than~~receives one or more telephone ~~solicitations~~solicitations within any 12-month period by or on behalf of the same telephone solicitor in violation of subsections (b) through (g) of this section or in violation of G.S. 75-30 may bring either or both of the following actions in the General Court of Justice:

(1) An action to enjoin further violations.

(2) An action to recover ~~five hundred dollars (\$500.00)~~one thousand dollars (\$1,000) in damages for each violation.

In an action brought pursuant to this section, a prevailing plaintiff shall be entitled to recover reasonable attorneys' fees, and the court may award reasonable attorneys' fees to a prevailing defendant if the court finds that the plaintiff knew, or should have known, that the action was frivolous and malicious."

SECTION 3. This act becomes effective October 1, 2003, and applies to any telephone solicitation made on or after that date.