

South Carolina and Louisiana Update Telemarketing Laws

South Carolina recently adopted a new law entitled the “South Carolina Telephone Privacy Protection Act.” The Act provides: (1) definitions for “telephone solicitation” and telephone solicitor,” among other terms; (2) permissible hours for telephone solicitations; (3) disclosures required during telephone solicitations; (4) caller ID rules; (5) requirements for telephone solicitations made without a live solicitor; (6) do-not-call guidance (referencing federal authority); (7) a private right of action for aggrieved persons; and (8) enforcement authority to the Attorney General. The Act is presently effective.

Additionally, Louisiana adopted two new bills that modify existing laws. Modifications go into effect on August 1, 2018.

The first bill modifies R.S. 45:844.31. Now, during states of emergency, nonprofit Louisiana-based community blood centers seeking blood donations are exempted from telephone solicitation prohibitions. Solicitations by the American Red Cross were already exempt from prohibitions.

The second bill modifies various provisions under the state's “Anti-Caller ID Spoofing” law. The bill changed the title of the chapter to “Caller ID Anti-Spoofing” and expanded the law to expressly cover caller ID spoofing with the intent to cause harm or wrongfully obtain anything of value. Prior to the amendment, the statute only prohibited acts with the intent to mislead, defraud or deceive. A new exception is now available for caller ID manipulation authorized by court order. Finally, the amendment expands the remedies available in a private right of action to include injunctive relief (in addition to treble damages, court costs and attorneys fees) and penalties in attorney general actions to include injunctive relief and civil monetary penalties of up to \$10,000.

For more information, please log into the Regulatory Guide and see updates to Caller ID Rules, Calling Time Restrictions, DNC Definitions, DNC Exemptions and Solicitation Disclosures, as well as updates to corresponding statutes under State by State Information for South Carolina and Louisiana.