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HOUSE BILL 700

48TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2007

INTRODUCED BY

Peter Wirth

AN ACT

RELATING TO TRADE PRACTICES; REQUIRING THAT CERTAIN PUBLIC NOTIFICATION BE PRINTED ON LOCAL TELEPHONE DIRECTORIES AND UNSOLICITED MAILINGS DELIVERED TO NEW MEXICO RESIDENTS; PROHIBITING DELIVERY OF LOCAL TELEPHONE DIRECTORIES AND UNSOLICITED MAILINGS TO CERTAIN RESIDENTS; PROVIDING A CIVIL PENALTY.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. LOCAL TELEPHONE DIRECTORIES AND UNSOLICITED MAILINGS--REQUIRED PUBLIC NOTIFICATION--PROHIBITED ACT--CIVIL PENALTY.--

A. A for-profit business that publishes and delivers local telephone directories or unsolicited mailings to residents shall conspicuously print the following information on the front cover of the directory or front side of the

.163122.3

underscored material = new
[bracketed material] = delete

1 mailing:

2 (1) a statement that reads "IF YOU NO LONGER
3 WISH TO RECEIVE THIS MAILING, PLEASE CALL THE FOLLOWING NUMBER
4 OR WRITE TO THE FOLLOWING ADDRESS:"; and

5 (2) a toll-free number and a mailing address
6 for the business that residents may use to provide verbal or
7 written notice to the business that the resident no longer
8 wishes to receive the directory or mailing.

9 B. A for-profit business shall not distribute a
10 local telephone directory or unsolicited mailing to a resident
11 who notifies the business that the resident no longer wishes to
12 receive the directory or mailing pursuant to Subsection A of
13 this section.

14 C. The attorney general or appropriate district
15 attorney may institute a civil action in district court against
16 a for-profit business that violates the provisions of this
17 section or to prevent a violation of this section. A civil
18 penalty may be assessed in the amount of five hundred dollars
19 (\$500) for each violation.

20 D. In any action pursuant to Subsection C of this
21 section, it shall be a defense that the defendant distributed a
22 telephone directory or unsolicited mailing to a resident in
23 error.

24 E. As used in this section:

25 (1) "deliver" means to deliver to a resident

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[bracketed material] = delete

1 by means of personal delivery. "Deliver" does not include
2 delivery by the United States postal service or by a commercial
3 courier or a commercial package delivery service that allows
4 customers to track the status of their shipments by
5 destination, date and time of delivery;

6 (2) "local telephone directory" means a
7 publication that lists and publishes the names, addresses and
8 telephone numbers of telephone customers or the advertisements,
9 products or services of businesses or professional firms by
10 alphabetical category;

11 (3) "resident" means any person or entity that
12 has a mailing address in this state; and

13 (4) "unsolicited mailing" means a
14 communication delivered to a resident without the resident's
15 prior express invitation or permission.

16 Section 2. EFFECTIVE DATE.--The effective date of the
17 provisions of this act is July 1, 2007.