

A Bill for an Act Relating to Solicitation.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. Section 445-184, Hawaii Revised Statutes, is amended to read as follows:

"§445-184 Solicitation by telephone. (a) Solicitation of orders by telephone to individuals at their homes [which] that offer the opportunity to receive prizes, gifts, premiums, stamps, coupons, tickets, or other redeemable devices as an inducement for sales or for appointments for sales to be made is prohibited; provided that a solicitor may telephone prospective customers for an appointment and solicit orders during the appointment.

(b) The use of any automatic announcing or automatic dialing-announcing devices on the public switched telephone network, for the purpose of initiating solicitation telephone calls, is prohibited. These devices are defined as those that can:

- (1) Work alone or in conjunction with other equipment to disseminate the same or similar prerecorded messages to the telephone numbers called;
or
- (2) Store, generate, or automatically dial random or sequential telephone numbers in conjunction with the delivery of the same or similar prerecorded messages to the telephone numbers called.

(c) This section applies only to persons, manufacturers, producers and their employees, representatives or authorized agents, and solicitors engaging in the business of selling products, goods, wares, and merchandise in the State at retail for consumption or use by the purchaser and not for resale."

SECTION 2. Section 445-186, Hawaii Revised Statutes, is amended to read as follows:

"§445-186 Penalty. Any person who [transacts or conducts] engages in business as a solicitor [before the person has complied with] in violation of sections 445-181 to 445-185, shall be fined not more than \$500 or imprisoned not more than three months."

SECTION 3. Section 468-4, Hawaii Revised Statutes, is amended to read as follows:

"§468-4 Solicitation by telephone. Persons granted a permit under this chapter are prohibited from soliciting orders, options of sale, contracts, or subscriptions, by telephone to individuals at their homes and places of employment, when [such] the solicitations offer the opportunity to receive prizes, gifts, premiums, stamps, coupons, tickets, or other redeemable devices as an inducement for sales or for appointments for sales; provided that a solicitor may telephone prospective customers for an appointment and solicit orders during the appointment. Persons granted a permit under this chapter also are prohibited from using any automatic announcing or automatic dialing- announcing devices, as defined in section 445-184, for the purpose of initiating solicitation telephone calls.

This section applies only to persons, manufacturers, producers, and their employees, representatives, or authorized agents and solicitors engaging in the business of selling products, goods, wares, and merchandise in the State at retail for consumption or use by the purchaser and not for resale."

SECTION 4. Statutory material to be repealed is bracketed. New statutory material is underscored.

SECTION 5. This Act shall take effect upon its approval.

(Approved May 27, 1988.)