

A MEMORIAL

REQUESTING THE ATTORNEY GENERAL AND THE PUBLIC REGULATION COMMISSION TO STUDY WAYS IN WHICH THE STATE CAN HELP PROTECT RESIDENTS FROM TELEMARKETING DECEPTION AND ABUSE.

WHEREAS, in 1994, the United States congress enacted the federal Telemarketing and Consumer Fraud and Abuse Prevention Act in an effort to provide consumers with protection from telemarketing deception and abuse; and

WHEREAS, in 2003, the United States congress enacted the federal Do-Not-Call Implementation Act authorizing the federal trade commission to implement and enforce a national do-not-call registry, and the federal trade commission opened the national do-not-call registry; and

WHEREAS, in 2010, the federal trade commission promulgated rules to implement the federal Telemarketing and Consumer Fraud and Abuse Prevention Act through the regulation of telemarketing sales, including deceptive and abusive telemarketing practices; and

WHEREAS, pursuant to the federal Telemarketing and Consumer Fraud and Abuse Prevention Act, state attorneys general and other authorized state officers can conduct investigations and initiate civil proceedings in federal district court to enjoin telemarketing practices that violate rules promulgated by the federal trade commission and to

obtain damages and restitution on behalf of state residents;
and

WHEREAS, residents of New Mexico continue to experience
deceptive and abusive telemarketing practices;

NOW, THEREFORE, BE IT RESOLVED BY THE HOUSE OF
REPRESENTATIVES OF THE STATE OF NEW MEXICO that the attorney
general be requested to study what actions the office of the
attorney general can take to enforce the provisions of the
federal Telemarketing and Consumer Fraud and Abuse Prevention
Act and related regulations and to make recommendations
regarding state legislation to further protect New Mexico
residents from deceptive and abusive telemarketing practices;
and

BE IT FURTHER RESOLVED that the public regulation
commission be requested to study what actions the public
regulation commission can take to enforce the provisions of
the federal Telemarketing and Consumer Fraud and Abuse
Prevention Act and related regulations and to make
recommendations regarding state legislation to further protect
New Mexico residents from deceptive and abusive telemarketing
practices; and

BE IT FURTHER RESOLVED that the attorney general and the
public regulation commission report their findings and
recommendations to the appropriate interim legislative
committees by no later than September 1, 2015; and

BE IT FURTHER RESOLVED that copies of this memorial be transmitted to the attorney general and to the members and chief of staff of the public regulation commission.