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HOUSE MEMORIAL 24

**52ND LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2015**

INTRODUCED BY

Bill McCamley

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

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1 and Abuse Prevention Act through the regulation of  
2 telemarketing sales, including deceptive and abusive  
3 telemarketing practices; and

4 WHEREAS, pursuant to the federal Telemarketing and  
5 Consumer Fraud and Abuse Prevention Act, state attorneys  
6 general and other authorized state officers can conduct  
7 investigations and initiate civil proceedings in federal  
8 district court to enjoin telemarketing practices that violate  
9 rules promulgated by the federal trade commission and to obtain  
10 damages and restitution on behalf of state residents; and

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

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

22 BE IT FURTHER RESOLVED that the public regulation  
23 commission be requested to study what actions the public  
24 regulation commission can take to enforce the provisions of the  
25 federal Telemarketing and Consumer Fraud and Abuse Prevention

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1 Act and related regulations and to make recommendations  
2 regarding state legislation to further protect New Mexico  
3 residents from deceptive and abusive telemarketing practices;  
4 and

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

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