

2022 -- H 7599

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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2022

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A N A C T

RELATING TO BUSINESSES AND PROFESSIONS - TELEPHONE SALES SOLICITATION  
ACT

Introduced By: Representatives Kennedy, Azzinaro, Edwards, and Diaz

Date Introduced: March 02, 2022

Referred To: House Corporations

It is enacted by the General Assembly as follows:

1 SECTION 1. Section 5-61-5.1 of the General Laws in Chapter 5-61 entitled "Telephone  
2 Sales Solicitation Act" is hereby amended to read as follows:

3 **5-61-5.1. Remedies -- Injunctive relief -- Civil penalties.**

4 (a) Any purchaser may have a right of action against a telephonic seller who is in material  
5 violation of this chapter. The purchaser may recover triple the amount actually paid to the  
6 telephonic seller. In addition to any judgment awarded to the purchaser, the court may allow  
7 reasonable attorney's fees to be taxed as cost.

8 (b) The superior court of this state shall have jurisdiction to prevent and restrain violations  
9 of this chapter. The court may issue appropriate decrees upon consent and stipulation by the parties.  
10 The court may also issue restraining orders. Under no circumstances shall the state be required to  
11 post bond in any action under this section.

12 (c) The department may institute proceedings to prevent and restrain violations of this  
13 chapter, as provided in subsection (b).

14 (d) The department may bring an action to obtain a declaratory judgment that an act or  
15 practice violates the provisions of this chapter.

16 (e) Any person may institute proceedings for injunctive relief, temporary or permanent, as  
17 provided in subsection (b), against threatened loss or damage by a violation of this chapter. A  
18 preliminary injunction may be issued upon a showing that the danger of irreparable loss or damage

1 is immediate and, within the court's discretion, the execution of a property bond against damages  
2 for an injunction improvidently granted. If the court issues a permanent injunction, the plaintiff  
3 shall be awarded reasonable attorney's fees, filing fees, and reasonable costs of the suit. Reasonable  
4 costs of the suit may include, but not be limited to, the expenses of discovery and document  
5 production.

6 (f) In any action brought under this section, the court may make appropriate orders,  
7 including appointment of a master or receiver or sequestration of assets, to reimburse purchasers  
8 found to have been damaged; to carry out a transaction in accordance with the purchaser's  
9 reasonable expectations; or to grant other appropriate relief. The court may assess expenses of a  
10 master or receiver against a telephonic seller.

11 (g) In addition to injunctive relief authorized pursuant to subsection (b), any person, firm,  
12 corporation, or other entity who violates this chapter may be liable for a civil penalty in a suit by  
13 the department of not more than ten thousand dollars (\$10,000) for each violation. The department  
14 or the court may waive any civil penalty or other fines or costs if the person has previously made  
15 full restitution or reimbursement or has paid actual damages to the purchasers who have been  
16 injured by the unlawful act or practice.

17 [\(h\) The department is hereby authorized to institute proceedings on behalf of any aggrieved](#)  
18 [party to enforce any order of restitution or penalty pursuant to this chapter.](#)

19 SECTION 2. This act shall take effect upon passage.

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EXPLANATION  
BY THE LEGISLATIVE COUNCIL  
OF

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- 1           This act would authorize the attorney general to institute proceedings to enforce any order
- 2 of restitution pursuant to this chapter.
- 3           This act would take effect upon passage.

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