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: " WPKVGF"UVCVGU"FKUVTKEV"EQWTV"
;" EGPVTCN"FKUVTKEV"QH"ECNKHQTPKC"
"

32" Hgfgtcn"Vtcfg"Eq o o kuukqp."

33" " " Rnckpvkhh."

34" "
35" " xu0"

36" Lc o gu"Ej W ñX À ` ` \

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3" **Yqtnf"Eqppgevkqp."NNE."**cp"Kfcjq"
 4" nk o kvgf"nkcdknkv {"eq o rcp {"=" "
 5" **Yqtnf"Eqppgevkqp."U0C0."**c" I wcvg o cncp"
 6" dwukpguu"gpvk {"="cp f"
 7" " " Fghgpfcpvu0"
 8" "

9" "
 : " Rnckpvkhh."vjg"Hgfgtcn"Vtcfg"Eq o o kuukqp"*õEq o o kuukqpö"qt"õHVEö+."hkngf"kvu"
 ; Eq o rnckpv"hqt"Ekxkn"Rgpcnvkgu."Rgt o cpgpv"Kplwpevkqp"cp f"Qvjgt" Tgnkgh"
 32" *õEq o rnckpvö+"rwtuwcpv"vq"Ugevkqpu"7*c+."7* o +*3+*C+."35*d+."cpf"38*c+"qh"vjg"
 33" Hgfgtcn"Vtcfg"Eq o o kuukqp"Cev"*õHVE"Cevö+."37"W0U0E0"ÈÈ"67*c+."67* o +*3+*C+."
 34" 75*d+."cpf"78*c+."cpf"Ugevkqp"8"qh"vjg"Vgng o ctmgvkpi "cpf"Eqpuw o gt"Htcwf"cpf"
 35" Cdwug"Rtgxgpvkqp"Cev"*vjg"õVgng o ctmgvkpi "Cevö+."37"W0U0E0"È"83270"Vjg"
 36" Eq o o kuukqp"cp f" Fghgpfcpv" Yqtnf"Eqppgevkqp."U0C0" jcxg"uvkr wncvgf"vq"vjg"gpvt {"qh"
 37" vjku"Uvkr wncvgf"Hkpcn"Qtfgt"hqt"Rgt o cpgpv"Kplwpevkqp"cp f"Ekxkn"Rgpcnv {"
 38" Lwfi o gpv"*vjg"õQtfgtö+"vq"tguqnxg"cnm" o cvvgtu"kp"fkurwvg"kp"vjku"cevkqp"dgyggp"
 39" vjgo."dvw"pqv"cu"vq"cp {"qvjgt"rgtuqp."uwej"cu"cp"kpfg o pkvgg0"

Vjgtghqtg."kv"ku"qtfgtgf"cu"hqmqy u<

HKPFKP I U"

3;" 30Á Vjku"Eqwv"jcu"lwtkufkevq"qxgt"vjku" o cvvgt0"
 42" 40Á Vjg"Eq o rnckpv"ejctigu"vjcv" Fghgpfcpvu"rctvkekr cvgf"kp"cevu"qt"
 43" rtcevkegu"kp" xkqncvkqp"qh"Ugevkqp"7"qh"vjg"HVE"Cev."37"W0U0E0"È"67."cpf"vjg"HVEøu"
 44" Vgng o ctmgvkpi "Ucngu"Twng"*vjg"õVUTö"qt"õTwngö+."cu"c o gpfgf."38"E0H0T0"Rctv"532."
 45" d {"cuukvki "cpf"heeknkvcvki "vjgk"enkgpvu"yjq"ygtg."c o qpi "qvjgt"vjki u<"c+"rncekpi "
 46" vgng o ctmgvkpi "ecnmu"vq"eqpuw o gtu"vjcv"fgnkxgtgf"rtgtgeqtfgf" o guucigu="*d+"rncekpi "
 47" vgng o ctmgvkpi "ecnmu"vq"eqpuw o gtu"yjqug"vgng rj qpg"pw o dgtu"ygtg"qp"vjg" Pcvkqpcn"
 48" Fq" Pqv"Ecnn"*õFPEö+"Tgi kvt {"="cp f"*e+"vtcpu o kvkpi "kpceewtcvg"ecnngt"KF"pw o dgtu"
 49" cpf"pc o gu"ykvj"vjgk"vgng o ctmgvkpi "ecnmu0"
 4:"

3" 4+Á Vjg"eqpuw o gtøu"kpswkt{"qt"cr rncecvkqp"tgi ctfkpi" c"rtqfwev"qt"
4" ugtxkeg"qhhtgfgf"d{"vjg"Ugmggt." ykvj kp"vjg"vj tgg"*5+" o qpvju"
5" k o o gfkcvgn{"rtgegf kpi"vjg"fcvg"qh" c"Vgng o ctmgvkpi"ecm0"
6" G0Á ðQwvdqwpf"Vgng r j qpg"Ecmmö" o gcpu" c"vgng r j qpg"ecm"kpkvkcvgf" d{"c"
7" Vgng o ctmgvgt"vq"kpfweg"vjg"rwtejcug"qh" iqqfu"qt"ugtxkegu"qt"vq"uqnkekv" c"ejctkvc dng"
8" eqpvtkdwwkqp0"
9" H0Á ðRgtuqpö" o gcpu"cp{"kpfkxkfwcn." i tqwr."wpkpeqtrqtcvgf"cuuqekcvkqp."
:" nk o kvgf"qt" i gpgtcn" rctvpgtujkr."eqtrqtcvkqp."qt"qvjgt"dwukpguu"gpvkv{0"
;" I 0Á ðUgmggtö" o gcpu"cp{"Rgtuqp" y j q."kp"eqppgevkqp" y kvj" c"Vgng o ctmgvkpi"
32" vtcpucevkqp."rtqxfgu."qhhtgu"vq"rtqxfkg."qt"cttcpigu" hqt"qvjgtu"vq"rtqxfkg" iqqfu"qt"
33" ugtxkegu"vq"vjg"ewuvq o gt"kp" gzejcpi g" hqt"eqpukfgtcvkqp." y jgvjgt"qt"pqv"uwej"Rgtuqp"
34" ku"wpfgt"vjg"lwtkufkevqp"qh"vjg"Eq o o kuukqp0"
35" J 0Á ðVgng o ctmgvgtö" o gcpu"cp{"Rgtuqp" y j q."kp"eqppgevkqp" y kvj"
36" Vgng o ctmgvkpi."kpkvkcvgu"qt"tgegkxgu"vgng r j qpg"ecmmu"vq"qt"htq o "c"ewuvq o gt"qt" fqpqt0"
37" K0Á ðVgng o ctmgvkpiö" o gcpu" c" rncp."rtqitc o."qt"ec o rckip" y jkej"ku"
38" eqpfwevgf"vq"kpfweg"vjg"rwtejcug"qh" iqqfu"qt"ugtxkegu"qt" c"ejctkvc dng"eqpvtkdwwkqp."
39" d{"wug"qh"qpg"qt" o qtg"vgng r j qpgu"cpf" y jkej"kpqxngxu" o qtg"vjcp"qpg"kpvgtuvcvg"
3:" vgngr j qpg"ecm0"

QTFGT"

K"

Rgt o cpgpv"Dcp"qp"Tqdqecmmu"

44" Kv"ku"qt fgtgf"vjcv"vjg" Fghgpfcpv" Y EUC." y jgvjgt"cev kpi" fktgevn{"qt"vj tqw i j"
45" cp"kpvgto gfkct{"ku"rgt o cpgpv{"tguvtckpgf"cpf"gp lqkpgf"htq o <
46" C0Á Gpicikpi"kp."ecwukpi"qvjgtu"vq"gpici g"kp."qt"Cuukuvkpi"Qvjgtu"
47" gpici kpi"kp"vjg"kpkvkcvkqp"qh"cp{"Qwvdqwpf"Vgng r j qpg"Ecmm"vjcv"fgnkxgtu" c"
48" rtgtgeqtfgf" o guucig."wpnguu" Fghgpfcpv" Y EUC"rtqngxu"vjcv"uwej"rtgtgeqtfgf"
49" o guucig" ycu"fgnkxgtgf" hqt"vjg"rwtrqugu"qh"Ugevkqp"KK0E05"qh"vjku"Qtfgt0"

4:"

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3" D0Á Eqpvtqnnkpi."jqnfkpi"o cpeigtken"rquv"kp."eqpuwnvki"hqt."ugtxkpi"cu"cp"
4" qhhkegt"kp."jcxkpi"cp{"tgxgpwg"ujctkpi"citggogpv"ykvj."qt"jqnfkpi"cp{"qypgtujkr"
5" kpvgtguv."ujctg."qt"uvqem"kp"cp{"eqorcp{"vjcv"gpici"gu"kp"eqpfwev"rtqjkdkgf"kp"
6" rctciterj"C"qh"vjku"Ugevkqp0"

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3" D0Á Kpkvkcvpki "cp{"Qwvdqwpf"Vgngr j qpg"Ecnn"vq"c" rgtuqp" y jgp"vj cv" rgtuqp"
4" jcu"rtgkqwun{"uvcvgf"vj cv" jg"qt"ujg"fqgu"pqv" yku j"vq"tgegkxg"cp"Qwvdqwpf"
5" Vgngr j qpg"Ecnn" o c f g" d {" qt"qp"dgj cnh"qh"gvk jgt"vjg"Ugnngt" y j qug" i qqfu"qt"ugtxkegu"
6" ctg"dgkpi "qhhgtgf."qt" o c f g" d {" qt"qp"dgj cnh"qh"vjg"ejctkvcdng"qti cpk | cvkqp"hqt" y jkej"
7" c"ejctkvcdng"eqpvtkdvwkqp"ku"dgkpi "uqnkekvgf0"

8" E0Á Cdcpfqpkpi "cp{"Qwvdqwpf"Vgngr j qpg"Ecnn"vq"c" rgtuqp"d{"hcknkp i"vq"
9" eqppgev"vjg"ecnn"vq"c"nkxg"qr gtcvqt" y kvj kp"v y q"ugeqp fu"qh"vjg" rgtuqpø"eq o r ngvgf"
:" i tggvkpi ."wpnguu" Fghgpfcpv" Y EUC"rtq xgu"vj cv"vjg"hqnnq y kpi "hqt"eqp fkvkqpu"ctg"
;" o gv<"

32" 3+Á Vjg"ecnngt"g o r nq{"u"vge j p q n q i {"vj cv"gpw tgu"cdcp f qp o gpv"qh"pq"
33" o qtg"vj cp"vj tgg" r gtegpv"qh"cmn"ecnnu"cpu y gtgf"d{"c" rgtuqp."
34" o gcuwtgf"qxgt"vjg"fwtcvkqp"qh"c"ukp i ng"ecnnkpi "ec o rcki p."kh"nguu"
35" vj cp"vj ktv{"fc{u."qt"ugrctcvgn{"qxgt"gcej"uweeguukxg"52/fc{"
36" rgtkqf"qt"rqtvkqp"vjgtgqh"vj cv"vjg"ec o rcki p"eqpvkpwgu="

37" 4+Á Vjg"ecnngt."hqt"gcej"vgng o ctmgvkpi "ecnn"rncegf."cmnq y u"vjg"
38" vgngr j qpg"vq"tkpi "hqt"cv"ngcuv"hkhvggp"ugeqp fu"qt"hqt"tkpi u"dghqtg"
39" fkueqppgevkpi "cp"wpcpu y gtgf"ecnn="

3:" 5+Á Y j g p g x g t " c " n k x g " q r g t c v q t " k u " p q v " c x c k n c d n g " v q " u r g c m " y k v j " v j g "
3;" r g t u q p " c p u y g t k p i " v j g " e c n n " y k v j k p " v y q " u g e q p f u " c h v g t " v j g " r g t u q p ø "
42" e q o r n g v g f " i t g g v k p i . " v j g " e c n n g t " r t q o r v n { " r n c { u " c " t g e q t f g f "
43" o g u u c i g " v j c v " u v c v g u " v j g " p c o g " c p f " v g n g r j q p g " p w o d g t " q h " v j g " u g n n g t "
44" q t " e j c t k v c d n g " q t i c p k | c v k q p " q p " y j q u g " d g j c n h " v j g " e c n n " y c u " r n c e g f = "
45" c p f "

46" 6+Á Vjg"ecnngt"tgvc kpu"tgeqt fu."kp"ceeqtfcpeg" y kvj "38"E0H0T0"
47" È"53207*d+/*f+."gucvcdnkujkpi "eq o r nkcpeg" y kvj "vjg"rtgegfkpi "
48" vj tgg"eqp fkvkqpu0"

49"
4:"

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3" G0Á Kh"vjg"uwurgpukqp"qh"vjg"lwf i o gpv"ku"nkhvgf."vjg"lwf i o gpv"dgeq o gu"
 4" k o o g f k c v g n { " f w g " k p " v j g " c o q w p v " u r g e k h k g f " k p " U w d u g e v k q p " C " c d q x g " * y j k e j " v j g " r c t v k g u "
 5" u v k r w n c v g " q p n { " h q t " r w t r q u g u " q h " v j k u " U g e v k q p " t g r t g u g p v u " v j g " c o q w p v " q h " v j g " e k x k n "
 6" r g p c n v { " h q t " v j g " x k q n c v k q p u " c n n g i g f " k p " v j g " E q o r n c k p v + . " n g u u " c p { " r c { o g p v " r t g x k q w u n { "
 7" o c f g " r w t u w c p v " v q " v j k u " U g e v k q p . " r n w u " k p v g t g u v " e q o r w v g f " h t q o " v j g " f c v g " q h " g p v t { " q h " v j k u "
 8" Q t f g t 0 "

9" H0Á Fghgpfcpv" YEUC"tgnkpswku jgu" fq o kpkqp"cpf"cn"ng i cn"cpf"gswkvc dng"
 : " t k i j v . " v k v n g . " c p f " k p v g t g u v " k p " c m n " c u u g v u " v t c p u h g t t g f " r w t u w c p v " v q " v j k u " Q t f g t " c p f " o c { " p q v "
 ; " u g g m " v j g " t g v w t p " q h " c p { " c u u g v u 0 "

32" I 0Á Vjg"hcevu"cnng i gf"kp"vjg"Eq o rnc kpv" y knn"dg"vcmgp"cu"vtwg." y kv j q w v "
 33" h w t v j g t " r t q q h . " k p " c p { " u w d u g s w g p v " e k x k n " n k v k i c v k q p " d { " q t " q p " d g j c n h " q h " v j g " E q o o k u u k q p . "
 34" k p e n w f k p i " k p " c " r t q e g g f k p i " v q " g p h q t e g " k v u " t k i j v u " v q " c p { " r c { o g p v " q t " o q p g v c t { "
 35" l w f i o g p v " r w t u w c p v " v q " v j k u " Q t f g t 0 "

36" J 0Á Fghgpfcpv" YEUC"cempqy ngf i gu"vjcv"kvu"Vczrc{gt"Kfgpvkhkecvkqp"
 37" P w o d g t " * G o r n q { g t " K f g p v k h k e c v k q p " P w o d g t + . " y j k e j " k v " r t g x k q w u n { " u w d o k w v g f . " o c { " d g "
 38" w u g f " h q t " e q n n g e v k p i " c p f " t g r q t v k p i " q p " c p { " f g n k p s w g p v " c o q w p v " c t k u k p i " q w v " q h " v j k u "
 39" Q t f g t . " k p " c e e q t f c p e g " y k v j " 53 " W 0 U 0 E 0 " È " 99230 "

3: " KX"

3; " Eqqrgtevkqp""

42" Kv"ku"hwtvjgt"qtfgt fg

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Qt fgt"Cempq y ngf i o gpvu"

Kv"ku"hwtvjgt"qt fgtgf"vjcv" Fghgpfcpv" YEUC" qdvckp" cempq y ngf i o gpvu"qh"
tgegkrv"qh"vjku"Qt fgt<"

C0Á Fghgpfcpv" YEUC." ykvj kp"ugxgp" fc{u"qh"gpvt{ "qh"vjku"Qt fgt." o wuv"
uwd o kv"vq"vjg"Eq o o kuukqp"cp" cempq y ngf i o gpv"qh"tgegkrv"qh"vjku"Qt fgt"uy qtp"
wp fgt"rgpcnv{ "qh"rgtlwt{0"

D0Á Hqt"hkxg" {gctu"chvgt"gpvt{ "qh"vjku"Qt fgt." Fghgpfcpv" YEUC" o wuv" fgnkxgt"
c"eqr{ "qh"vjku"Qt fgt"vq<*3+"cnn" rtkpekr cnu." qhhkegtu." fktgevtu." cpf" NNE" o cpcigtu"
cpf" o g o dgtu="*4+"cnn" g o rnq{ ggu" jcxkpi" o cpcigtken" tgu rqpukdknkvgu" hqt" eqpfwev"
tgnvcgf"vq"vjg" uwdlgev" o cvvgt"qh"vjg"Qt fgt"cpf" cni gpvu"cpf" tgrtgugpvcvkxgu" y jg"
rctvkekr cvg"kp" eqpfwev" tgnvcgf"vq"vjg" uwdlgev" o cvvgt"qh"vjg"Qt fgt="cpf"*5+"cp{ "
dwukpguu" gpvk{ "tguwnvki" htq o "cp{ "ejcpi g"kp" uvtwevwtg"cu"ugv" hqtvj"kp"vjg" Ugevkqp"
vkvngf"Eq o rnkcepg" Tgrqtkpi 0" Fgnkxgt{ " o wuv" qeewt" y kvj kp"ugxgp" fc{u"qh"gpvt{ "qh"
vjku"Qt fgt" hqt" ewttgpv" rgtuqppgn0" Hqt" cni"qvjgtu." fgnkxgt{ " o wuv" qeewt" dghqtg"vjg{ "
cuuw o g"vjgkt" tgu rqpukdknkvgu0"

E0Á Htq o "gcej" kp f k x k f w c n" q t" g p v k v { " v q" y j k e j" F g h g p f c p v" Y E U C" f g n k x g t g f" c"
eqr{ "qh"vjku"Qt fgt." kv" o wuv" qdvckp." y kvj kp"52" fc{u." c" uk i p g f" c p f" f c v g f"
cempq y ngf i o gpv"qh"tgegkrv"qh"vjku"Qt fgt0"

XK"

Eq o rnkcepg" Tgrqtkpi "

Kv"ku"hwtvjgt"qt fgtgf"vjcv" Fghgpfcpv" YEUC" o cmg"vk o gn{ "uwd o kuukqpu"vq"vjg"
Eq o o kuukqp<"

C0Á Qpg" {gct"chvgt"gpvt{ "qh"vjku"Qt fgt." Fghgpfcpv" YEUC" o wuv" uwd o kv" c"
eq o rnkcepg" tgrqtv." uy qtp" wp fgt" r g p c n v { " q h" r g t l w t { 0" F g h g p f c p v" Y E U C" o w u v < "

3+Á Kfgpvkh{ "vjg" rtk o ct{ "rj{ ukecn." rquvcn." cpf" g o ckn" c f f t g u u" c p f"
vgngr j q p g" p w o d g t." c u" f g u k i p c v g f" r q k p v u" q h" e q p v c e v." y j k e j"

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XKKK"

Eq o rnkcepeg" Oqpkvqtkpi "

Kv"ku"hwtvjgt"qtfgtgf"vjcv."hqt"vjg"rwtrqug"qh" o qpkvqtkpi "Fghgpfcpv"Y EUCøu"
eq o rnkcepeg" ykvj"vjku"Qtfgt."kpenwfkpi"vjg"hkpcpeken"tgrtgugpvcvkqpu"wrqp" y jkej"vjg"
lwfio gpv"ycu"uwurgpfgf."cpf"cp{"hcknwtg"vq"vtcpuhgt"cp{"cuugvu"cu"tgs wktgf"d{"vjku"
Qtfgt<

C0Á Ykvj"kp"36"fc{"u"qh"tgegkrv"qh"c"ytkvvgp"tgs wguv"htq o "c"tgrtgugpvcvkxg"qh"
:" vjg"Eq o o kuukqp."Fghgpfcpv"Y EUC" o wuv<"*3+"uwd o kv"cf fkvkqpcn"eq o rnkcepeg"tgrqtvu"
;" qt"qvjgt"tgs wguvgf"kphqt o cvkqp." y jkej" o wuv"dg"uy qtp"wpfgt"rgpcnv {"qh"rgtlwt{"=*4+"
32" crrgct"hqt"fgrqukvkqpu="cpf"*5+"rtqfweg"fqew o gpvu"hqt"kpurgevkqp"cpf"eqr {kpi}0"Vjg"
33" Eq o o kuukqp"ku"enuq"cwvj qtk | gf"vq"qdvckp"fkueqxtg{." ykvjqwv"hwtvjgt"ngcxg"qh"eqwv."
34" wukpi"cp{"qh"vjg"rtqegfwtgu"rtguetkdgf"d{"Hgfgtcn"Twngu"qh"Ekxkn"Rtqegfwtg"4;."52"
35" *kpenwfkpi"vgng rjqpk"efgrqukvkqpu+."53."55."56."58."67."cpf"8;0"

D0Á Hqt" o cvgtu"eqpegtkpi"vjku"Qtfgt."vjg"Eq o o kuukqp"ku"cwvj qtk | gf"vq"
37" eq o o wpkecvg" fktgevn {" ykvj" Fghgpfcpv"Y EUC0"Kv" o wuv"rgt o kv"tgrtgugpvcvkxgu"qh"vjg"
38" Eq o o kuukqp"vq"kpvgtxkgy"cp{"g o rnq{gg"qt"qvjgt"rgtuqp"chhknkcvgf" ykvj"kv" yjq"jcu"
39" ci tggf"vq"uwej"cp"kpvgtxkgy0"Vjg"rgtuqp"kpvgtxkgygf" o c {"jcxg"eqwpugn"rtgugpv0"

E0Á Vjg"Eq o o kuukqp" o c {"wug"cnm"qvjgt"nc y hwn" o gcpu."kpenwfkpi" rqukpi."
3;
3;" vjqtwi j"kvu"tgrtgugpvcvkxgu"cu"eqpuw o gtu."uwr rnkgtu."qt"qvjgt"kp f kxkfwenu"qt"gpvkxgu"
42" vq" Fghgpfcpv"Y EUC"qt"cp {"kpfkxkfwcn"qt"gpvkv {"chhknkcvgf" ykvj"kv." ykvjqwv"vjg"
43" pgeguukv {"qh"kf gpvkhkecvkqp"qt" rtkqt"pqvkeg0" Pqvj kpi "kp"vjku"Qtfgt"nk o kvu"vjg"
44" Eq o o kuukqpøu"nc y hwn" wug"qh"eq o rwnuqt {"rtqeguu."rwtuwcpv"vq"Ugevkqpu";"cpf"42"qh"
45" vjg"HVE"Cev."37"W0U0E0"ÈÈ"6;."79d/30"

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(b) Attorney General means the chief legal officer of a state.

(c) Billing information means any data that enables any person to access a customer's or donor's account, such as a credit card, checking, savings, share or similar account, utility bill, mortgage loan account, or debit card.

(d) Caller identification service means a service that allows a telephone subscriber to have the telephone number, and, where available, name of the calling party transmitted contemporaneously with the telephone call, and displayed on a device in or connected to the subscriber's telephone.

(e) Cardholder means a person to whom a credit card is issued or who is authorized to use a credit card on behalf of or in addition to the person to whom the credit card is issued.

(f) Cash-to-cash money transfer means the electronic (as defined in section 106(2) of the Electronic Signatures in Global and National Commerce Act (15 U.S.C. 7006(2))) transfer of the value of cash received from one person to another person in a different location that is sent by a money transfer provider and received in the form of cash. For purposes of this definition, money transfer provider means any person or financial institution that provides cash-to-cash money transfers for a person in the normal course of its business, whether or not the person holds an account with such person or financial institution. The term cash-to-cash money transfer includes a remittance transfer, as defined in section 919(g)(2) of the Electronic Fund Transfer Act (EFTA), 15 U.S.C. 1693a, that is a cash-to-cash transaction; however it does not include any transaction that is:

(1) An electronic fund transfer as defined in section 903 of the EFTA;

(2) Covered by Regulation E, 12 CFR 1005.20, pertaining to gift cards; or

(3) Subject to the Truth in Lending Act, 15 U.S.C. 1601 et seq.

(g) Cash reload mechanism is a device, authorization code, personal identification number, or other security measure that makes it possible for a person to convert cash into an electronic (as defined in section 106(2) of the Electronic Signatures in Global and National Commerce Act (15 U.S.C. 7006(2))) form

that can be used to add funds to a general-use prepaid card, as defined in Regulation E, 12 CFR 1005.2, or an account with a payment intermediary. For purposes of this definition, a cash reload mechanism is not itself a general-use prepaid debit card or a swipe reload process or similar method in which funds are added directly onto a person's own general-use prepaid card or account with a payment intermediary.

(h) Charitable contribution means any donation or gift of money or any other thing of value.

(i) Commission means the Federal Trade Commission.

(j) Credit means the right granted by a creditor to a debtor to defer payment of debt or to incur debt and defer its payment.

(k) Credit card means any card, plate, coupon book, or other credit device existing for the purpose of obtaining money, property, labor, or services on credit.

(l) Credit card sales draft means any record or evidence of a credit card transaction.

(m) Credit card system means any method or procedure used to process credit card transactions involving credit cards issued or licensed by the operator of that system.

(n) Customer means any person who is or may be required to pay for goods or services offered through telemarketing.

(o) Debt relief service means any program or service represented, directly or by implication, to renegotiate, settle, or in any way alter the terms of payment or other terms of the debt between a person and one or more unsecured creditors or debt collectors, including, but not limited to, a reduction in the balance, interest rate, or fees owed by a person to an unsecured creditor or debt collector.

(p) Donor means any person solicited to make a charitable contribution.

(q) Established business relationship means a relationship between a seller and a consumer based on:

(1) the consumer's purchase, rental, or lease of the seller's goods or services or a financial transaction between the

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to induce the purchase of goods or services or a charitable contribution, by use of one or more telephones and which involves more than one interstate telephone call. The term does not include the solicitation of sales through the mailing of a catalog which: contains a written description or illustration of the goods or services offered for sale; includes the business address of the seller; includes multiple pages of written material or illustrations; and has been issued not less frequently than once a year, when the person making the solicitation does not solicit customers by telephone but only receives calls initiated by customers in response to the catalog and during those calls takes orders only without further solicitation. For purposes of the previous sentence, the term **“further solicitation”** does not include providing the customer with information about, or attempting to sell, any other item included in the same catalog which prompted the customer's call or in a substantially similar catalog.

(hh) Upselling means soliciting the purchase of goods or services following an initial transaction during a single telephone call. The upsell is a separate telemarketing transaction, not a continuation of the initial transaction. An **“external upsell”** is a solicitation made by or on behalf of a seller different from the seller in the initial transaction, regardless of whether the initial transaction and the subsequent solicitation are made by the same telemarketer. An **“internal upsell”** is a solicitation made by or on behalf of the same seller as in the initial transaction, regardless of whether the initial transaction and subsequent solicitation are made by the same telemarketer.

[75 FR 48516, Aug. 10, 2010, as amended at 80 FR 77557, Dec. 14, 2015]

§ 310.3 Deceptive telemarketing acts or practices.

(a) Prohibited deceptive telemarketing acts or practices. It is a deceptive telemarketing act or practice and a violation of this Rule for any seller or telemarketer to engage in the following conduct:

(1) Before a customer consents to pay⁶⁵⁹ for goods or services offered, failing to disclose truthfully, in a clear and conspicuous manner, the following material information:

(i) The total costs to purchase, receive, or use, and the quantity of, any goods or services that are the subject of the sales offer;⁶⁶⁰

(ii) All material restrictions, limitations, or conditions to purchase, receive, or use the goods or services that are the subject of the sales offer;

⁶⁵⁹ When a seller or telemarketer uses, or directs a customer to use, a courier to transport payment, the seller or telemarketer must make the disclosures required by § 310.3(a)(1) before sending a courier to pick up payment or authorization for payment, or directing a customer to have a courier pick up payment or authorization for payment. In the case of debt relief services, the seller or telemarketer must make the disclosures required by § 310.3(a)(1) before the consumer enrolls in an offered program.

⁶⁶⁰ For offers of consumer credit products subject to the Truth in Lending Act, 15 U.S.C. 1601 et seq., and Regulation Z, 12 CFR 226, compliance with the disclosure requirements under the Truth in Lending Act and Regulation Z shall constitute compliance with § 310.3(a)(1)(i) of this Rule.

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(v) All material costs or conditions to receive or redeem a prize that is the subject of the prize promotion;

(vi) In the sale of any goods or services represented to protect, insure, or otherwise limit a customer's liability in the event of unauthorized use of the customer's credit card, the limits on a cardholder's liability for unauthorized use of a credit card pursuant to 15 U.S.C. 1643;

(vii) If the offer includes a negative option feature, all material terms and conditions of the negative option feature, including, but not limited to, the fact that the customer's account will be charged unless the customer takes an affirmative action to avoid the charge(s), the date(s) the charge(s) will be submitted for payment, and the specific steps the customer must take to avoid the charge(s); and

(viii) In the sale of any debt relief service:

(A) the amount of time necessary to achieve the represented results, and to the extent that the service may include a settlement offer to any of the customer's creditors or debt collectors, the time by which the debt relief service provider will make a bona fide settlement offer to each of them;

(B) to the extent that the service may include a settlement offer to any of the customer's creditors or debt collectors, the amount of money or the percentage of each outstanding debt that the customer must accumulate before the debt relief service provider will make a bona fide settlement offer to each of them;

(C) to the extent that any aspect of

(x) Any material aspect of any debt relief service, including, but not limited to, the amount of money or the percentage of the debt amount that a customer may save by using such service; the amount of time necessary to achieve the represented results; the amount of money or the percentage of each outstanding debt that the customer must accumulate before the provider of the debt relief service will initiate attempts with the customer's creditors or debt collectors or make a bona fide offer to negotiate, settle, or modify the terms of the customer's debt; the effect of the service on a customer's creditworthiness; the effect of the service on collection efforts of the customer's creditors or debt collectors; the percentage or number of customers who attain the represented results; and whether a debt relief service is offered or provided by a non-profit entity.

(3) Causing billing information to be submitted for payment, or collecting or attempting to collect payment for goods or services or a charitable contribution, directly or indirectly, without the customer's or donor's express verifiable authorization, except when the method of payment used is a credit card subject to protections of the Truth in Lending Act and Regulation Z,⁶⁶¹ or a debit card subject to the protections of the Electronic Fund Transfer Act and Regulation E.⁶⁶² Such authorization shall be deemed verifiable if any of the following means is employed:

(i) Express written authorization by the customer or donor, which includes the customer's or donor's signature;

(ii) Express oral authorization which is audio-recorded and made available upon request to the customer or donor, and the customer's or donor's bank or other billing entity, and which evidences clearly both the customer's or

⁶⁶¹ Truth in Lending Act, 15 U.S.C. 1601 seq., and Regulation Z, 12 CFR part 226.

⁶⁶² Electronic Fund Transfer Act, 15 U.S.C. 1693 et seq., and Regulation E, 12 CFR part 205.

⁶⁶³ For purposes of this Rule, the term "signature" shall include an electronic or digital form of signature, to the extent that such form of signature is recognized as a valid signature under applicable federal law or state contract law.

donor's authorization of payment for the goods or services or charitable contribution that are the subject of the telemarketing transaction and the customer's or donor's receipt of all of the following information:

(A) An accurate description, clearly and conspicuously stated, of the goods or services or charitable contribution for which payment authorization is sought;

(B) The number of debits, charges, or payments (if more than one);

(C) The date(s) the debit(s), charge(s), or payment(s) will be submitted for payment;

(D) The amount(s) of the debit(s), charge(s), or payment(s);

(E) The customer's or donor's name;

(F) The customer's or donor's billing information, identified with sufficient specificity such that the customer or donor understands what account will be used to collect payment for the goods or services or charitable contribution that are the subject of the telemarketing transaction;

(G) A telephone number for customer or donor inquiry that is answered during normal business hours; and

(H) The date of the customer's or donor's oral authorization; or

(iii) Written confirmation of the transaction, identified in a clear and conspicuous manner as such on the outside of the envelope, sent to the customer or donor via first class mail prior to the submission for payment of the customer's or donor's billing information, and that includes all of the information contained in §§ 310.3(a)(3)(ii)(A)-(G) and a clear and conspicuous statement of the procedures by which the customer or donor can obtain a refund from the seller or telemarketer or charitable organization in the event the confirmation is inaccurate; provided, however, that this means of authorization shall not

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(b) Assisting and facilitating. It is a deceptive telemarketing act or practice and a violation of this Rule for a person to provide substantial assistance or support to any seller or telemarketer when that person knows or consciously avoids knowing that the seller or telemarketer is engaged in any act or practice that violates §§ 310.3(a), (c) or (d), or § 310.4 of this Rule.

(c) Credit card laundering. Except as expressly permitted by the applicable credit card system, it is a deceptive telemarketing act or practice and a violation of this Rule for:

(1) A merchant to present to or deposit into, or cause another to present to or deposit into, the credit card system for payment, a credit card sales draft generated by a telemarketing transaction that is not the result of a telemarketing credit card transaction between the cardholder and the merchant;

(2) Any person to employ, solicit, or otherwise cause a merchant, or an employee, representative, or agent of the merchant, to present to or deposit into the credit card system for payment, a credit card sales draft generated by a telemarketing transaction that is not the result of a telemarketing credit card transaction between the cardholder and the merchant; or

(3) Any person to obtain access to the credit card system through the use of a business relationship or an affiliation with a merchant, when such access is not authorized by the merchant agreement or the applicable credit card system.

(d) Prohibited deceptive acts or practices in the solicitation of charitable contributions. It is a fraudulent charitable solicitation, a deceptive telemarketing act or practice, and a violation of this Rule for any telemarketer soliciting charitable contributions to misrepresent, directly or by implication, any of the following material information:

(1) The nature, purpose, or mission of any entity on behalf of which a charitable contribution is being requested;

(2) That any charitable contribution is tax deductible in whole or in part;

(3) The purpose for which any charitable contribution will be used;

(4) The percentage or amount of any charitable contribution that will go to

a charitable organization or to any particular charitable program;

(5) Any material aspect of a prize promotion including, but not limited

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⁶⁶⁷ For offers of consumer credit products subject to the Truth in Lending Act, 15

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the Office of the Director, Bureau of Consumer Protection, Federal Trade Commission, Washington, DC 20580, and shall include a copy of the state's or private person's complaint and any other pleadings to be filed with the court. If prior notice is not feasible, the state or private person shall serve the Commission with the required notice immediately upon instituting its action.

(b) Nothing contained in this Section shall prohibit any attorney general or other authorized state official from proceeding in state court on the basis of an alleged violation of any civil or criminal statute of such state.

§ 310.8 Fee for access to the National Do Not Call Registry.

(a) It is a violation of this Rule for any seller to initiate, or cause any telemarketer to initiate, an outbound telephone call to any person whose telephone number is within a given area code unless such seller, either directly or through another person, first has paid the annual fee, required by § 310.8(c), for access to telephone numbers within that area code that are included in the National Do Not Call Registry maintained by the Commission under § 310.4(b)(1)(iii)(B); provided, however, that such payment is not necessary if the seller initiates, or causes a telemarketer to initiate, calls solely to persons pursuant to §§ 310.4(b)(1)(iii)(B)(i) or (ii), and the seller does not access the National Do Not Call Registry for any other purpose.

(b) It is a violation of this Rule for any telemarketer, on behalf of any seller, to initiate an outbound telephone call to any person whose telephone number is within a given area code unless that seller, either directly or through another person, first has paid the annual fee, required by § 310.8(c), for access to the telephone numbers within that area code that are included in the National Do Not Call Registry; provided, however, that such payment is not necessary if the seller initiates, or causes a telemarketer to initiate, calls solely to persons pursuant to §§ 310.4(b)(1)(iii)(B)(i) or (ii), and the seller does not access the National Do

Not Call Registry for any other purpose.

(c) The annual fee, which must be paid by any person prior to obtaining access to the National Do Not Call Registry, is \$62 for each area code of data accessed, up to a maximum of \$17,021; provided, however, that there shall be no charge to any person for accessing the first five area codes of data, and provided further, that there shall be no charge to any person engaging in or causing others to engage in outbound telephone calls to consumers and who is accessing area codes of data in the National Do Not Call Registry if the person is permitted to access, but is not required to access, the National Do Not Call Registry under this Rule, 47 CFR 64.1200, or any other Federal regulation or law. No person may participate in any arrangement to share the cost of accessing the National Do Not Call Registry, including any arrangement with any telemarketer or service provider to divide the costs to access the registry among various clients of that telemarketer or service provider.

(d) Each person who pays, either directly or through another person, the annual fee set forth in paragraph (c) of this section, each person excepted under paragraph (c) from paying the annual fee, and each person excepted from paying an annual fee under § 310.4(b)(1)(iii)(B), will be provided a unique account number that will allow that person to access the registry data for the selected area codes at any time for the twelve month period beginning on the first day of the month in which the person paid the fee (the annual period). To obtain access to additional area codes of data during the first six months of the annual period, each person required to pay the fee under paragraph (c) of this section must first pay \$62 for each additional area code of data not initially selected. To obtain access to additional area codes of data during the second six months of the annual period, each person required to pay the fee under paragraph (c) of this section must first pay \$31 for each additional area code of data not initially selected. The payment of the additional fee will permit the person to access the additional area codes of data for the remainder of the annual period.

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(e) Access to the National Do Not