

# State Registration Requirements Based on Certain Prize Representations

<u>State</u>	<u>Prize Representations Requiring Registration</u>	<u>Exemptions</u>	<u>Citation</u>
Arkansas	<p><u>Where the seller initiates contact and represents or implies that:</u></p> <ol style="list-style-type: none"> <li>1. A person who buys one or more items will also receive additional items without further cost;</li> <li>2. A person will receive a prize or gift if the seller also encourages the purchaser to purchase or rent any goods or services; or pay any money, including but not limited to a delivery or handling charge;</li> <li>3. A person is able to obtain any item or service at a price which the seller states or implies is below the regular price of the item or service offered;</li> <li>4. The seller is a person other than the person he or she is; or</li> <li>5. The items for sale are made or supplied by a person other than the actual manufacturer or supplier.</li> </ol> <p><u>Where the seller responds to inquiries generated by unrequested notifications sent by the seller to persons who have not previously purchased goods or services from the seller and the seller represents or implies that:</u></p> <ol style="list-style-type: none"> <li>1. The recipient has in any manner been specifically selected to receive notification or the offer contained in the notification;</li> <li>2. The recipient will receive a prize, gift, or award if the recipient calls the seller; or</li> <li>3. If the recipient buys one or more items from the seller, the recipient will also receive additional or other items, whether or not of the same type as purchased, without further cost or at a cost which the seller states or implies is less than the regular price of such items.</li> </ol>	Standard commercial telemarketing exemptions apply including calls from publicly traded companies, magazine publishers, utility companies, supervised financial institutions, business-to-business calls etc.*	4-99-103(8)
California	<p><u>Where the seller initiates contact and represents or implies that:</u></p> <ol style="list-style-type: none"> <li>1. A person who buys one or more items will also receive additional or other items without further cost;</li> </ol>	Standard commercial telemarketing exemptions apply including calls from publicly traded companies, magazine publishers, utility	Cal. Bus. & Prof. Code 17511.1

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	<p>2. A person will receive a prize or gift if the seller also encourages the person to either purchase or rent any goods or services or pay any money, including, but not limited to, a delivery or handling charge;</p> <p>3. A person is able to obtain any item or service at a price below the regular price;</p> <p>4. That a person who buys office equipment or supplies will, because of some unusual event or price increase, be able to buy these items at prices below the regular price;</p> <p>5. That the seller is a person other than the person he or she is;</p> <p>6. That the items for sale are manufactured or supplied by a person other than the actual manufacturer or supplier;</p> <p>7. That the seller is offering to sell a person any gold, silver, or other metals, including coins, diamonds, rubies, sapphires, or other stones, coal or other minerals, or any interest in oil, gas, or mineral fields, wells, or exploration sites, or any other investment opportunity of any type whatsoever;</p> <p>8. That the seller is offering to make a loan, or to arrange or assist in arranging a loan or to assist in providing information which may lead to the obtaining of a loan, unless no payment of any kind is made until the loan proceeds are disbursed to the borrower; or</p> <p>9. That a person will receive a credit card if the person pays an up front or preapplication fee for the credit card to the seller.</p> <p><u>When a solicitation or attempted solicitation is made in response to inquiries generated by unrequested notifications sent by the seller to persons who have not previously purchased goods or services from the seller or who have not previously requested credit from the seller and implies or represents that:</u></p> <p>1. The recipient has in any manner been specially selected to receive the notification or the offer contained in the notification;</p>	<p>companies, supervised financial institutions, business-to-business calls etc.*</p>	

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	<p>2. The recipient will receive a prize or gift if the recipient calls the seller;</p> <p>3. If the recipient buys one or more items from the seller, the recipient will also receive additional or other items, whether or not of the same type as purchased, without further cost or at a cost which the seller states or implies is less than the regular price of such items;</p> <p>*However, this subdivision does not apply to the solicitation of sales by a catalog seller who periodically issues and delivers catalogs to potential purchasers by mail or by other means. This exception only applies if the catalog includes a written description or illustration and the sales price of each item of merchandise offered for sale, includes at least 24 full pages of written material or illustrations, is distributed in more than one state, and has an annual circulation of not less than 250,000 customers.</p> <p><u>When a solicitation is made in response to inquiries generated by advertisements on behalf of the seller offering to sell to the prospective purchaser any gold, silver, or other metals, including coins, diamonds, rubies, sapphires, or other stones, coal or other minerals, or any interest in oil, gas, or mineral fields, wells, or exploration sites, or any other investment opportunity of any type whatsoever; or</u></p> <p><u>When a solicitation is made in response to inquiries generated by advertisements on behalf of the seller offering to make a loan or to arrange or assist in arranging a loan or to assist in providing information which may lead to the obtaining of a loan, unless no payment of any kind is made until the loan proceeds are disbursed to the borrower.</u></p>		
Indiana	<p>1. A false representation or implication that a prospect will receive a gift, prize, or the value of a gift or prize;</p> <p>2. An offer of a vacation at a reduced price if the vacation involves the prospect attending a presentation in which the prospect is solicited to purchase a time share or camping club membership and if the seller does not own the time share or camping club, does not represent the owner of the time share or camping club, or</p>	Sellers whose items are offered for a total consideration of less than \$100.00 or more than \$50,000.00.	24-5-12-8

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	<p>misrepresents the value of the vacation;</p> <p>3. A representation or implication that a prospect who buys office equipment or supplies will, because of some unusual event or imminent price increase, be able to buy these items at prices that are below those that are usually charged or will be charged for the items if the price advantage for the prospect does not exist;</p> <p>4. A false representation or implication as to the identity of the person making the solicitation;</p> <p>5. A representation or implication that the items for sale are manufactured or supplied by a person other than the actual manufacturer or supplier; or</p> <p>6. An offer to sell the prospect precious metals, precious stones, coal, or other minerals, or any interest in oil, gas, or mineral fields, wells, or exploration sites, if the seller does not own the items, does not represent the owner, or misrepresents the value of the items.</p>		
Louisiana	<p><u>Where a seller initiates telephonic contact with a person and represents or implies that:</u></p> <p>1. A person who buys one or more items will also receive additional or other items, whether or not of the same type as purchased, without further cost;</p> <p>2. A person will receive a prize or gift, if the seller also encourages the person to either purchase or rent any goods or services, or pay any money, including but not limited to delivery or handling charge;</p> <p>3. A person is able to obtain any item or service at a price which the seller states or implies is below the regular price of the item or service offered;</p> <p>4. A person who buys office equipment or supplies will, because of some unusual event or imminent price increase, be able to buy these items at prices which are below those that are usually charged or will be charged for the items;</p>	Standard commercial telemarketing exemptions apply including calls from publicly traded companies, magazine publishers, utility companies, supervised financial institutions, business-to-business calls etc.*	§ 45:822(A)(8)

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	<p>5. The seller is a person other than the person he or she is;</p> <p>6. The items for sale are manufactured or supplied by a person other than the actual manufacturer or supplier; or</p> <p>7. The seller is offering to sell the prospective purchaser any gold, silver, or other metals, including coins, diamonds, rubies, sapphires, or other stones, coal or another mineral, or any interest in oil, gas, or mineral fields, wells, or exploration sites, or any other investment opportunity of any type whatsoever.</p> <p><u>Where a solicitation or attempted solicitation is made in response to inquiries generated by unrequested notifications sent by the seller to persons who have not previously purchased goods or services from the seller or who have not previously requested credit from the seller, to a prospective purchaser wherein the seller represents or implies to the recipient of the notification that any of the following applies to the recipient:</u></p> <p>1. The recipient has in any manner been specially selected to receive the notification or the offer contained in the notifications;</p> <p>2. The recipient will receive a prize or gift if the recipient calls the seller;</p> <p>3. If the recipient buys one or more items from the seller, the recipient will also receive additional or other items, whether or not of the same type as purchased, without further cost or at a cost which the seller states or implies is less than the regular price of such items; or</p> <p><u>Where a solicitation or attempted solicitation is made in response to inquiries generated by advertisements on behalf of the seller where the seller is offering to sell to the prospective purchaser any gold, silver, or other metals, including coins, diamonds, rubies, sapphires, or other stones, coals or other minerals, or any interest in oil, gas, or mineral fields, wells or exploration sites, or any other investment opportunity of any type whatsoever.</u></p>		
Nevada	<u>The person initiates contact by telephone with a consumer and represents or</u>	Standard commercial	599B.010(10)

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	<p><u>implies that:</u></p> <ol style="list-style-type: none"> <li>1. A consumer who buys one or more goods or services will receive additional goods or services, whether or not of the same type as purchased, without further cost, except for actual postage or common carrier charges;</li> <li>2. A consumer will or has a chance or opportunity to receive a premium;</li> <li>3. The items for sale are gold, silver or other precious metals, diamonds, rubies, sapphires or other precious stones, or any interest in oil, gas or mineral fields, wells or exploration sites or any other investment opportunity;</li> <li>4. The product offered for sale is information or opinions relating to sporting events;</li> <li>5. The product offered for sale is the services of a recovery service; or</li> <li>6. The consumer will receive a premium or goods or services if he makes a donation;</li> </ol> <p><u>The solicitation by telephone is made by the person in response to inquires from a consumer generated by a notification or communication sent or delivered to the consumer that represents or implies that</u></p> <ol style="list-style-type: none"> <li>1. The consumer has been in any manner specially selected to receive the notification or communication or the offer contained in the notification or communication;</li> <li>2. The consumer will receive a premium if the recipient calls the person;</li> <li>3. If the consumer buys one or more goods or services from the person, the consumer will also receive additional or other goods or services, whether or not the same type as purchased, without further cost or at a cost that the person represents or implies is less than the regular price of the goods or services;</li> <li>4. The product offered for sale is the services of a recovery service; or</li> </ol>	<p>telemarketing exemptions apply including calls from publicly traded companies, magazine publishers, utility companies, supervised financial institutions, business-to-business calls etc.*</p>	

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	<p>5. The consumer will receive a premium or goods or services if he makes a donation.</p> <p><u>The solicitation is made by the person in response to inquiries generated by advertisements that represent or imply that the person is offering to sell any:</u></p> <ol style="list-style-type: none"> <li>1. Gold, silver or other metals, including coins, diamonds, rubies, sapphires or other stones, coal or other minerals or any interest in oil, gas or other mineral fields, wells or exploration sites, or any other investment opportunity;</li> <li>2. Information or opinions relating to sporting events; or</li> <li>3. Services of a recover service.</li> </ol>		
Oregon	<p><u>The person initiates telephonic contact with a prospective purchaser and represents or implies that:</u></p> <ol style="list-style-type: none"> <li>1. A person who buys one or more goods or services unit will receive additional units, whether or not of the same type as purchased, without further cost;</li> <li>2. A person will receive a prize or gift if the seller also encourages the person to either purchase or rent any goods or services; or pay any money, including, but not limited to a delivery or handling charge;</li> <li>3. A person who buys goods or services, because of some unusual event or imminent price increase, will be able to buy these items at prices which are below those usually charged or will be charged for those items;</li> <li>4. The seller is a person other than the actual seller;</li> <li>5. The items for sale or rent are manufactured or supplied by a person other than the actual manufacturer or supplier;</li> <li>6. The items for sale are gold, silver or other precious metals, diamonds, rubies,</li> </ol>	Standard commercial telemarketing exemptions apply including calls from publicly traded companies, magazine publishers, utility companies, supervised financial institutions, business-to-business calls etc.*	646.551(1)

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	<p>sapphires or other precious stones or any interest in oil, gas or mineral fields, wells or exploration sites; or</p> <p><u>The telephone solicitation is made by the person in response to inquiries from prospective purchasers generated by advertisement, on behalf of the person and the solicitation is conducted as described in (1) through (6) above.</u></p>		
Rhode Island	<p><u>Where the telephonic seller initiates or engages in telephonic contact with a person and represents or implies that:</u></p> <ol style="list-style-type: none"> <li>1. A person who buys one or more items will also receive additional or other items, whether or not of the same type as purchased, without "further cost";</li> <li>2. A person will receive a prize or gift, if the seller also encourages the person to purchase or rent any goods or services or pay any money, including, but limited to, a delivery or handling charge;</li> <li>3. A person who buys office equipment or supplies will, because of some unusual event or imminent price increase, be able to buy these items at prices which are below those that are usually charged or will be charged for the items;</li> <li>4. The seller is a person other than the person he or she is;</li> <li>5. The items for sale are manufactured or supplied by a person other than the actual manufacturer or supplier;</li> <li>6. The seller is offering to sell the prospective purchaser any gold, silver, or other minerals, or any interest in oil, gas, or mineral fields, wells, or exploration sites.</li> </ol> <p><u>Where the contact is made in response to inquiries generated by advertisements or other form of mail or any types of unrequested mailing or advertisement sent by the seller where it is represented or implied that the seller is offering to sell to the prospective purchaser any gold, silver, or other metals, diamonds, rubies, sapphires, or other stones, coal or other minerals, or any interest in oil, gas, or</u></p>	Standard commercial telemarketing exemptions apply including calls from publicly traded companies, magazine publishers, utility companies, supervised financial institutions, business-to-business calls etc.*	5-61-2(8)

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	<u>mineral fields, wells or exploration sites, or that the seller is offering to sell any goods or services not specifically exempted.</u>		

\*Please see statute for specific exemptions.