

c. Is the proposed prohibition sufficiently broad to encompass all forms by which a person's account could be debited in this manner for payment of goods or services?

d. What will be the economic impact on sellers and telemarketers of requiring express written authorization prior to debiting a person's account in this manner?

e. What are the current practices of entities regarding authorizations for debiting a person's checking, savings, share, or similar account?

17. Section 310.3(a)(5) of the proposed rule prohibits obtaining any amount of money from a person through any means unless the amount is expressly authorized by the person.

a. Is this prohibition clear, meaningful, and appropriate?

b. What are the advantages or disadvantages of this prohibition?

c. Is the proposed prohibition sufficiently broad to encompass all forms by which a seller or telemarketer could obtain unauthorized amounts of money?

18. Under § 310.3(b)(1) of the proposed rule, it would be a deceptive telemarketing act or practice for any person to provide substantial assistance or support to any seller or telemarketer when that person knows or should know that the seller or telemarketer is engaged in any act or practice that violates the rule.

a. What are the advantages or disadvantages to providing such a general prohibition against "assisting and facilitating"?

b. Is this general prohibition against "assisting and facilitating" clear, meaningful, and appropriate?

c. Are there other approaches to prohibiting "assisting and facilitating" that would be more useful to consumers? That would be more useful to law enforcement authorities? If so, how would these alternatives affect the burden the rule places on businesses forced to comply with it?

d. Are there other approaches to prohibiting "assisting and facilitating" that would reduce the burden imposed on legitimate businesses attempting to comply with the rule's requirements? If so, how would these alternatives affect the usefulness of the rule to consumers? To law enforcement authorities?

19. Section 310.3(b)(2) of the proposed rule lists specific acts or practices that provide substantial assistance or support to telemarketing.

a. Is it appropriate to single out the acts and practices listed in this section?

b. Are there other acts or practices which should be included in this section?

c. Is the description of the listed acts or practices clear, meaningful, and appropriate?

20. Under § 310.3(c) of the proposed rule, certain acts or practices that constitute "credit card laundering" will be considered deceptive and a violation of the rule.

a. Is the description of prohibited acts or practices clear, meaningful, and appropriate?

b. What are the advantages or disadvantages of this provision?

c. Is the proposed prohibition sufficiently comprehensive to encompass all forms of credit card laundering which have been, are, or may be used in connection with telemarketing?

d. Are there other approaches to prohibiting credit card laundering that would be more useful to consumers? To law enforcement authorities? If so, how would these alternatives affect the burden the rule places on businesses required to comply with it?

e. Are there other approaches to prohibiting credit card laundering that would reduce the burden imposed on legitimate businesses attempting to comply with the rule's requirements? If so, how would these alternatives affect the usefulness of the rule to consumers? To law enforcement authorities?

f. Will the regulations against credit card laundering interfere with current practices of legitimate businesses?

#### *Section 310.4 Abusive Acts or Practices*

21. Section 310.4(a) of the proposed rule lists specific activities that will be considered to be abusive telemarketing acts or practices and a violation of the Telemarketing Sales Rule. Is there other conduct that should be included in § 310.4(a)?

22. Section 310.4(a) of the proposed rule makes both the seller and the telemarketer equally liable for engaging in the listed abusive telemarketing acts or practices.

a. Are there parts of this Section that should apply only to the seller or to the telemarketer? If so, what specific sections should apply only to sellers? To telemarketers? Why are such limitations appropriate?

b. What are the benefits of making both sellers and telemarketers jointly liable for violations?

c. What additional costs or other burdens will the rule impose on sellers and/or telemarketers if the rule makes both liable for any violations of this Section? If the rule makes sellers and telemarketers jointly liable, will this reduce the ability of telemarketers to

respond to the needs of their clients in a timely fashion?

d. If telemarketers are not jointly liable for abusive practices of the sellers for whom they work, would some telemarketers simply seek to avoid knowledge of any questionable practices of the sellers from whom they work? Are there alternative ways to keep telemarketers from taking such an approach, without imposing full liability for all of the actions taken by their clients?

23. Section 310.4(a)(1) of the proposed rule prohibits any seller or telemarketer from engaging in threats or intimidation.

a. Is it appropriate to include this practice as an abusive act or practice?

b. Is the description of the prohibited activity clear, meaningful, and appropriate?

c. Are there other approaches to prohibiting this type of activity?

d. Do the terms "threats" and "intimidation" need additional definition in order to specify the type of behavior that would violate the rule, or are the terms self-explanatory?

24. Section 310.4(a)(2) prohibits a seller or telemarketer from providing for or directing a courier to pick up payment from a customer.

a. Is it appropriate to include this practice as an abusive act or practice?

b. Is the description of the prohibited activity clear, meaningful, and appropriate?

c. Are there other approaches to prohibiting this type of activity?

d. What will be the economic impact, and the costs and benefits, of this provision?

e. Do legitimate telemarketers use couriers to pick up payments? If so, in what circumstances? How would these businesses be affected if they could not use couriers to pick up payments?

f. Will a prohibition on courier pickups be effective in reducing the consumer injury that results from telemarketing fraud? How will a fraudulent telemarketer adjust his or her practices in response to this prohibition?

25. Section 310.4(a)(3) of the proposed rule prohibits requesting or receiving payment of any fee or consideration for "credit repair" goods or services until the time frame in which the seller has represented the goods or services will be provided has expired and the seller has provided documentation that the promised results have been achieved.

a. Is it appropriate to include this practice as an abusive act or practice?

b. Is the description of the prohibited activity clear, meaningful, and appropriate?