

a. Is it appropriate to provide a defense against potential liability with regard to these activities?

b. Is it appropriate to limit this defense to one erroneous call per person called in any calendar year?

c. Are there other requirements which should be included in the list of practices which provide a defense against potential liability? Are any of the activities required by the proposed rule inappropriate?

d. Is the description of the requirements to avoid liability clear, meaningful, and appropriate?

e. Are there other approaches to providing a defense for potential liability that would be more useful?

f. What will be the economic impact, and the costs and benefits, of taking the actions set forth in § 310.4(b)(2)?

g. What are the current practices of sellers or telemarketers with respect to the activities set forth in § 310.4(b)(2)?

33. Section 310.4(c) of the proposed rule prohibits telephone solicitations to a person's residence at any time other than between the hours of 8 a.m. and 9 p.m. local time at the called person's location, without the prior consent of the person being called.

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

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

c. What are the current practices of telemarketers regarding the times during which telephone solicitations are made to residences?

d. Should the period when telephone solicitations are permitted be narrowed or expanded? Why or why not?

e. Should this prohibition be extended to contacts between businesses?

34. Section 310.4(d)(1) of the proposed rule requires that certain oral disclosures be made at the beginning of all telephone solicitations.

a. Are the descriptions of the required disclosures clear, meaningful, and appropriate?

b. Are there other oral disclosures that should be required? Are any of the required disclosures unnecessary?

c. What will be the economic impact of requiring these disclosures at the beginning of the telephone solicitation? If these disclosures are not required at the beginning of the telephone solicitation, when should they be required? What are the advantages or disadvantages of this alternative?

d. Are the disclosure requirements for those engaged in charitable solicitations necessary? Will these disclosure requirements provide useful

information to consumers? If so, how will this information be useful to consumers? What impact will these disclosure requirements have on professional fundraisers? What impact will these disclosure requirements have on charities that use these professional fundraisers?

e. Do telemarketers currently make the disclosures required by § 310.4(d)(1)? Why or why not?

f. The proposed rule would prohibit the use of aliases by persons making telephone solicitations. Is this appropriate? What are the costs and benefits of prohibiting the use of aliases? Is there an alternative approach that would permit the use of aliases while still ensuring that consumers and law enforcement authorities could identify a particular caller? What are the costs and benefits of such an alternative?

35. Section 310.4(d)(2) of the proposed rule requires that certain oral disclosures be made whenever a caller verifies a telemarketing sale.

a. Are the descriptions of the required disclosures clear, meaningful, and appropriate?

b. Are there other oral disclosures that should be required? Are any of the required disclosures unnecessary?

c. What will be the economic impact of requiring these disclosures in any verification call?

d. Do telemarketers currently make the disclosures required by § 310.4(d)(2)? Why or why not?

36. Sections 310.4(d)(3) and (4) of the proposed rule require additional disclosures where telemarketing includes a prize promotion or an offer of a premium.

a. Is it appropriate to classify the failure to make these additional disclosures as an abusive act or practice?

b. Are the descriptions of the required disclosures clear, meaningful, and appropriate?

c. Are there other oral disclosures that should be required? Are any of the required disclosures unnecessary?

d. What will be the economic impact of requiring these additional oral disclosures? Will these additional oral disclosures help consumers protect themselves from fraudulent or deceptive telemarketers?

e. Is it appropriate to require that these disclosures be made both orally and in writing, as is required by § 310.4(e)(1), or would it be sufficient to permit either an oral or a written disclosure alone? How would the economic costs of this Section be affected if the latter approach were adopted?

f. What are the current practices of telemarketers regarding the disclosure of the information required by §§ 310.4(d)(3) and (4)?

37. In addition to the oral disclosures required during telephone solicitations, § 310.4(e) of the proposed rule requires that written disclosures be provided in duplicate in connection with telemarketing involving a prize promotion or the offer for sale of any investment opportunity.

a. What are the advantages and disadvantages of these required disclosures? Are written disclosures appropriate or necessary?

b. Is it appropriate to include a failure to make these disclosures as an abusive act or practice?

c. Are the descriptions of the required disclosures, their timing, size, and other requirements clear, meaningful, and appropriate?

d. Are there other written disclosures that should be required? Are any of the required written disclosures unnecessary?

e. Are there any forms of prize promotions or investment opportunities for which the disclosures would not be feasible?

f. Section 310.4(e) specifies the size of the disclosures, what else can be included in the envelope with the disclosure, and, for prize promotions, what may appear on the face of the envelope. Are these specifications necessary to ensure the clarity of the disclosures and to ensure that consumers pay attention to them, or would a more general standard (e.g., clear and conspicuous) be equally or more effective? How would the costs of complying with the requirements of this Section be affected if the more general standard were employed?

g. Section 310.4(e)(2)(iii) of the proposed rule requires, for the sale of any investment opportunity involving tangible assets sold on credit or leverage, the written disclosure of the percentage of the purchaser's down payment that would be devoted to fees and costs by the end of both the first six months and the first year after the investment is made. Are these time frames useful and appropriate? Would it be better not to have a time frame in this disclosure requirement?

h. What will be the economic impact, and the costs and benefits, of requiring these disclosures? Of requiring a written acknowledgement prior to payment?

i. What are the current practices of telemarketers regarding the disclosures required in § 310.4(e)? Regarding written acknowledgement prior to payment?