

109:4-3-31**Consent and Solicitation of Signature.**

- (A) For the purposes of this rule, "signature" shall include, but not be limited to, a consumer's name, especially when used with any other identifying information, physically or electronically affixed to a communication that is designed to represent that the communication is coming from the consumer or is a representation the consumer is making to another person.
- (B) "Communication" as used in (A) shall not include information necessary to carry out the consumer transaction such as agreement to be charged, or transmissions between companies regarding a consumer's consent or use of consumer's data.
- (C) It shall be a deceptive act or practice in connection with a consumer transaction for a supplier, and anyone acting on the supplier's behalf, to solicit or collect a consumer's signature for use in a communication unless the following provisions are met:
- (1) The solicitation must clearly and conspicuously provide to the consumer the message to which the consumer's signature will be attached prior to collecting the consumer's consent to provide said signature.
 - (2) The solicitation must clearly and conspicuously disclose to the consumer the content of the message, the recipient of the message, and the party responsible for authoring the message.
 - (3) The solicitation must clearly and conspicuously disclose to the consumer the instance or instances during which the consumer's signature will be used.
- (D) It shall be a deceptive act or practice in connection with a consumer transaction for a supplier to collect or use a consumer's signature without affirmative consent from the consumer.
- (E) It shall be a deceptive act or practice in connection with a consumer transaction for a supplier to use a consumer's signature in an instance or for a purpose not clearly and specifically disclosed in the solicitation.

Effective:

Five Year Review (FYR) Dates:

Certification

Date

Promulgated Under:	119.03
Statutory Authority:	1345.05
Rule Amplifies:	1345.02