

solicitation that clearly and conspicuously discloses all material information listed in § 310.3(a)(1) of this part for any item offered in the direct mail solicitation; provided, however, that this exemption does not apply to calls initiated by a customer in response to a direct mail solicitation relating to investment opportunities, goods or services described in § 310.4(a)(2) or (3), or direct mail solicitations that guarantee or represent a high likelihood of success in obtaining or arranging for extensions of credit, if payment of a fee is required in advance of obtaining the extension of credit.

(f) Telephone calls between a telemarketer and any business, except calls involving the retail sale of nondurable office or cleaning supplies.

**§ 310.7 Actions by States and private persons.**

(a) Any attorney general or other officer of a State authorized by the State

to bring an action under the Telemarketing and Consumer Fraud and Abuse Prevention Act, and any private person who brings an action under that Act, shall serve written notice of its action on the Commission, if feasible, prior to its initiating an action under this part. The notice shall be sent to the Office of the Director, Bureau of Consumer Protection, Federal Trade Commission, Washington, D.C. 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) This part does not vest the attorney general of any State or any private person with jurisdiction over any person or activity outside the jurisdiction of the Federal Trade Commission Act.

**§ 310.8 Federal preemption.**

Nothing in this part shall be construed to preempt any State law that is not in direct conflict with any provision of this part.

**§ 310.9 Severability.**

The provisions of this part are separate and severable from one another. If any provision is stayed or determined to be invalid, it is the Commission's intention that the remaining provisions shall continue in effect.

By direction of the Commission.

**Donald S. Clark,**

*Secretary.*

[FR Doc. 95-13814 Filed 6-7-95; 8:45 am]

BILLING CODE 6750-01-P