
HOUSE BILL 1327

State of Washington

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By Representatives Heavey, Ludwig, Jones, Chappell, Johanson, Ballasiotes, Foreman, Flemming, G. Cole, Springer, Jacobsen, Wang, Brown, Quall and Locke

Read first time 01/22/93. Referred to Committee on Energy & Utilities.

1 AN ACT Relating to telephone solicitations; and amending RCW
2 80.36.390.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

4 **Sec. 1.** RCW 80.36.390 and 1987 c 229 s 13 are each amended to read
5 as follows:

6 (1)(a) Except as provided in (b) and (c) of this subsection, as
7 used in this section, "telephone solicitation" means the unsolicited
8 initiation of a telephone call by a commercial or nonprofit company or
9 organization to a residential telephone customer and conversation for
10 the purpose of encouraging a person to purchase property, goods, or
11 services or soliciting donations of money, property, goods, or
12 services.

13 (b) "Telephone solicitation" does not include:

14 ((a)) (i) Calls made in response to a request or inquiry by the
15 called party. This includes calls regarding an item that has been
16 purchased by the called party from the company or organization during
17 a period not longer than twelve months prior to the telephone contact;

18 ((b)) (ii) Calls made by a not-for-profit organization to its own
19 list of bona fide or active members of the organization;

1 (~~(e)~~) (iii) Calls limited to polling or soliciting the expression
2 of ideas, opinions, or votes; or

3 (~~(d)~~) (iv) Business-to-business contacts.

4 (c) For purposes of subsection (4) of this section, "telephone
5 solicitation" also does not include a person soliciting business from
6 prospective purchasers who have previously purchased from the person
7 making the solicitation or the business enterprise for which the person
8 is calling.

9 (d) For purposes of this section, each individual real estate agent
10 or insurance agent who maintains a separate list from other individual
11 real estate or insurance agents shall be treated as a company or
12 organization. For purposes of this section, an organization as defined
13 in RCW 29.01.090 or 29.01.100 and organized pursuant to RCW 29.42.010
14 shall not be considered a commercial or nonprofit company or
15 organization.

16 (2) A person making a telephone solicitation must identify him or
17 herself and the company or organization on whose behalf the
18 solicitation is being made and the purpose of the call within the first
19 thirty seconds of the telephone call.

20 (3) If, at any time during the telephone contact, the called party
21 states or indicates that he or she does not wish to be called again by
22 the company or organization or wants to have his or her name and
23 individual telephone number removed from the telephone lists used by
24 the company or organization making the telephone solicitation, then:

25 (a) The company or organization shall not make any additional
26 telephone solicitation of the called party at that telephone number
27 within a period of at least one year; and

28 (b) The company or organization shall not sell or give the called
29 party's name and telephone number to another company or organization(~~(+~~
30 ~~PROVIDED, That~~)). The company or organization may return the list,
31 including the called party's name and telephone number, to the company
32 or organization from which it received the list.

33 (4) A person shall not make a telephone solicitation to any party
34 who is identified in the party's telephone directory as a party that
35 does not wish to receive any telephone solicitation.

36 (5) A violation of subsection (2) (~~(e)~~), (3), or (4) of this
37 section is punishable by a fine of up to one thousand dollars for each
38 violation.

1 (~~(5)~~) (6) The attorney general may bring actions to enforce
2 compliance with this section. For the first violation by any company
3 or organization of this section, the attorney general shall notify the
4 company with a letter of warning that the section has been violated.

5 (~~(6)~~) (7) A person aggrieved by repeated violations of this
6 section may bring a civil action in superior court to enjoin future
7 violations, to recover damages, or both. The court shall award damages
8 of at least one hundred dollars for each individual violation of this
9 section. If the aggrieved person prevails in a civil action under this
10 subsection, the court shall award the aggrieved person reasonable
11 attorneys' fees and cost of the suit.

12 (~~(7)~~) (8) The commission by rule shall require any person who
13 publishes a telephone directory to identify parties who do not wish to
14 receive telephone solicitations.

15 (9) The (~~(utilities and transportation)~~) commission shall by rule
16 ensure that telecommunications companies inform their residential
17 customers of the provisions of this section. The notification may be
18 made by (a) annual inserts in the billing statements mailed to
19 residential customers, or (b) conspicuous publication of the notice in
20 the consumer information pages of local telephone directories.

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