

SENATE BILL REPORT

SB 6340

As Reported By Senate Committee On:
Energy & Utilities, February 5, 1998

Title: An act relating to telephone solicitation.

Brief Description: Prohibiting telephone solicitation calls after 5:00 p.m.

Sponsors: Senators Finkbeiner, Winsley and Oke.

Brief History:

Committee Activity: Energy & Utilities: 1/22/98, 2/5/98 [DPA].

SENATE COMMITTEE ON ENERGY & UTILITIES

Majority Report: Do pass as amended.

Signed by Senators Finkbeiner, Chair; Brown, Jacobsen, Rossi, T. Sheldon and Strannigan.

Staff: Andrea McNamara (786-7483)

Background: Current state law requires commercial telephone solicitors to register with the Department of Licensing and comply with the state Commercial Telephone Solicitation Act.

The act prohibits commercial telephone solicitors from making calls to any residence which will be received before 8:00 a.m. or after 9:00 p.m. at the purchaser's local time. Making telephone solicitations outside these times is a violation of the Consumer Protection Act.

Current law excludes several categories of solicitors from the provisions of the Commercial Telephone Solicitation Act, including, among others: (1) people calling for religious charitable, political, or other noncommercial purposes; (2) people soliciting business only from people who have previously purchased from the business; (3) people selling newspapers, magazines, periodicals, or book/music clubs; cable television services, prearranged funeral or cemetery services, or food intended for immediate consumption; (4) supervised financial institutions; and people who are otherwise regulated as real estate agents or brokers; contractors; insurance agents, brokers, solicitors, or adjusters; franchise sellers; food fish or shellfish sellers; or collections agencies, when the transactions are governed by other laws; and (5) people whose businesses are regulated by the Washington Utilities and Transportation Commission or Federal Communications Commission; registered commodity broker-dealers; and people selling securities.

Summary of Amended Bill: The Attorney General is directed to establish and maintain a "do not call" list of residents who do not wish to receive commercial telephone solicitations. The list must be publicly available in written and electronic form.

The list will be periodically transmitted by the Attorney General to telephone preference service for the purpose of removing individuals from national telemarketing lists. The Attorney General and the Utilities and Transportation Commission are directed to make reasonable efforts, within existing resources, to publicize the availability of the "do not call" list and instructions for how to be added to the list.

Commercial telephone solicitations made to people who have been on the list for at least ten days are unlawful and in violation of the Consumer Protection Act.

Amended Bill Compared to Original Bill: The amendment replaces the prohibition against commercial telephone solicitations after 5:00 with the prohibition against making commercial telephone solicitations to people on the "do not call" list.

Appropriation: None.

Fiscal Note: Not requested.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Testimony For (original bill): People are tired of having their evenings interrupted by solicitors. Families deserve privacy during the dinner and evening hours, and they shouldn't have to invest in new technologies such as caller ID or take affirmative actions to protect that privacy. Telephones are the property of citizens to be used as they see fit, and they should not be viewed as instruments of commerce for use by marketers against the wishes of the owners.

Testimony Against (original bill): The bill would create false expectations because so many marketers are exempt from the requirements. The majority of telemarketing occurs in the evening because that is when it is most effective. Telemarketing results in significant sales revenues being created in this state and nationally. Evening telemarketing employs a substantial number of people who would otherwise have difficulty finding employment: it offers flexible, part-time work for entry-level workers. Customers have many options available if they do not wish to receive calls, including contacting the Direct Marketing Association to be removed from national calling lists, using caller ID, or simply screening calls with their answering machine.

Testified: John Roskelley (pro); Robert Carter; Steve Gano, AT&T/Wells Fargo Bank (con); Tom Hosea, Key Bank (con); Bill Garvin, MCI (con); David Sutton, Sutton Marketing (con); Tom Boyd, Corin Aldworth, Maximum Results, Inc. (con); Linda West, Karl Masterson, Immunex Corporation (con); David Emerick, Household, Inc. (con); Brian Haberly, Mosaix, Inc. (con); Dave Horn, Attorney General's office.