

SENATE BILL REPORT

SB 5636

As of February 24, 1999

Title: An act relating to commercial telephone solicitation.

Brief Description: Creating a public listing of residential telephone numbers whose subscribers have affirmatively requested not to receive commercial telephone solicitations.

Sponsors: Senators Finkbeiner, Brown, Patterson, Kline, Kohl-Welles, Oke, Eide, Rasmussen and McAuliffe.

Brief History:

Committee Activity: Energy, Technology & Telecommunications: 2/25/99.

SENATE COMMITTEE ON ENERGY, TECHNOLOGY & TELECOMMUNICATIONS

Staff: Andrea McNamara (786-7483)

Background: Current state law requires commercial telephone solicitors calling residents of Washington to register with the Department of Licensing and comply with the state commercial telephone solicitation act. The act prohibits commercial solicitation calls before 8:00 a.m. and after 9:00 p.m. and requires callers to abide by certain guidelines during solicitations.

Citizens often raise concerns about the number of commercial telephone solicitations they receive at home, especially in the evening hours, and express their desire to avoid such calls altogether.

Both federal law and Washington's law require commercial telephone solicitors to remove a person from their telemarketing lists who requests during a call not to be called again by the solicitor. The Direct Marketing Association also maintains a free service to allow consumers to be removed from national telemarketing lists.

Some states, including Georgia and Kentucky, have recently taken a different approach to assisting citizens avoid telemarketing calls, including the creation of state-specific "do not call" lists.

Summary of Bill: Legislative findings and intent are added to the telephone solicitation laws regarding the Legislature's desire to assist citizens in protecting the tranquility and privacy of their homes by allowing them to choose to be free from unwanted commercial telephone solicitations.

The Attorney General is required to maintain a public listing of residential telephone numbers whose subscribers have affirmatively requested not to receive commercial telephone solicitations.

It is a violation of the Consumer Protection Act for any person to make a commercial telephone solicitation to any number listed on the list. A person injured by a violation of the act may also seek liquidated damages in the amount of \$100 per violation.

Telephone customers may place their names on the list at no charge, and the list must be available for inspection by the public in written and electronic form. The Attorney General may charge a reasonable fee for inspecting the list in written or electronic form.

The Attorney General and the Utilities and Transportation Commission are directed to make reasonable efforts within existing resources to publicize the availability of the public listing and how customers may have their numbers added to the list. The Attorney General must also periodically transmit the list to a national telephone preference service for the purpose of removing individuals from national telemarketing lists.

Appropriation: None.

Fiscal Note: Available.

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