

# SENATE BILL REPORT

## SB 5174

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As of January 29, 2001

**Title:** An act relating to commercial telephone solicitation.

**Brief Description:** Establishing a do not call list.

**Sponsors:** Senators Finkbeiner, Roach, Rossi, Kline, Hewitt, Snyder, Jacobsen, Oke, McAuliffe, Winsley, Stevens, Shin, Eide, Carlson, Honeyford and Hale.

**Brief History:**

**Committee Activity:** Economic Development & Telecommunications: 1/30/01.

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### SENATE COMMITTEE ON ECONOMIC DEVELOPMENT & TELECOMMUNICATIONS

**Staff:** William Bridges (786-7424)

**Background:** State law requires commercial telephone solicitors to register with the Department of Licensing and comply with the Commercial Telephone Solicitation Act. Among other things, the act requires every solicitor to maintain a do-not-call list. When a consumer tells a solicitor to place his or her name and telephone number on the list, the solicitor cannot call the consumer for one year.

Federal law also requires commercial telephone solicitors to maintain do-not-call lists. Under the Telephone Consumer Protection Act, a solicitor must honor its do-not-call list for ten years.

No federal or state law creates a nationwide do-not-call list for telephone solicitations. Some states, however, have created statewide do-not-call lists. Some states, like Oregon and Georgia, have contracted with private vendors to establish and operate the lists. Other states, like Missouri and Idaho, require government agencies to operate the lists. And at least one state, Maine, requires solicitors to consult the do-not-call list maintained by the Direct Marketing Association.

**Summary of Bill:** The Attorney General of Washington must establish and operate a do-not-call list of residential telephone numbers. The Attorney General may contract with a private vendor to establish and operate the list.

Consumers may list their phone numbers for free. However, solicitors must pay a reasonable fee, to be determined by the Attorney General, to obtain a written or electronic version of the list. The list is to be periodically transmitted to a national telephone preference service for the purpose of removing individuals from national telemarketing lists.

No commercial telephone solicitor may call a number on the list more than ten business days after it has been listed. A violation of this prohibition is a violation of the Consumer

Protection Act, which provides for fines, treble damages, court costs, and attorneys' fees. In addition, a consumer may opt to sue for \$1,000 damages, court costs, and attorneys' fees.

The Attorney General and the Washington Utilities and Transportation Commission (WUTC) must publicize the do-not-call program within existing resources. In addition, the WUTC must require telecommunications companies to inform residential customers of the do-not-call program, either by bill inserts or publication in local phone books.

**Appropriation:** None.

**Fiscal Note:** Available.

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