

# SENATE BILL REPORT

## SSB 6447

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As Passed Senate, February 14, 2002

**Title:** An act relating to the establishment and operation of a do not call list for commercial telephone solicitation.

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

**Sponsors:** Senate Committee on Labor, Commerce & Financial Institutions (originally sponsored by Senators Kastama, Finkbeiner, Jacobsen, Shin, Franklin, Costa, Oke and Winsley).

**Brief History:**

**Committee Activity:** Labor, Commerce & Financial Institutions: 1/31/02, 2/6/02 [DPS].  
Passed Senate: 2/14/02, 47-0.

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### SENATE COMMITTEE ON LABOR, COMMERCE & FINANCIAL INSTITUTIONS

**Majority Report:** That Substitute Senate Bill No. 6447 be substituted therefor, and the substitute bill do pass.

Signed by Senators Prentice, Chair; Keiser, Vice Chair; Benton, Fairley, Franklin, Gardner, Honeyford, Rasmussen, Regala, West and Winsley.

**Staff:** Matthew Adams (786-7784)

**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. About 15 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 Department of Licensing (DOL) must establish and operate a statewide do-not-call list of telephone numbers. The list is to be updated quarterly. Each commercial telephone solicitor registered to do business in the state is required to pay the

department an annual fee to maintain the list. DOL must provide the list to registered commercial telephone solicitors that have paid their fees.

Beginning on July 1, 2003, consumers wishing to have their phone numbers placed on the do-not-call list must notify DOL. Consumers may list their phone numbers for two years at a time. There is no charge for listing a number or for obtaining a written or electronic copy of the list.

No commercial telephone solicitor may call a number on the list more than 60 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.

All fees collected by DOL, and civil penalties and attorneys' fees collected by the Attorney General in enforcing the do-not-call prohibition, must be deposited in an account for the exclusive administration of the do-not-call program. Interest generated from the account goes into the general fund.

The Washington Utilities and Transportation Commission 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:** The bill takes effect on July 1, 2002.

**Testimony For:** The bill will protect personal privacy. It is designed to be free to the consumer, to be easy to use, and to be easy to administer. The bill is based upon a very successful New York program. The Attorney General's Office receives many complaints about telemarketers. A person should own a telephone without having to answer an unwanted solicitation. A statewide do-not-call program will serve the public.

**Testimony Against:** None.

**Testified:** PRO: Senator Jim Kastama, prime sponsor; Alan Rothbun, Dept. of Licensing; Jon Donnellan, Dept. of Licensing; David Horn, Attorney General's Office.