
SENATE BILL 5174

State of Washington

57th Legislature

2001 Regular Session

By Senators Finkbeiner, Roach, Rossi, Kline, Hewitt, Snyder, Jacobsen, Oke, McAuliffe, Winsley, Stevens, Shin, Eide, Carlson, Honeyford and Hale

Read first time 01/12/2001. Referred to Committee on Economic Development & Telecommunications.

1 AN ACT Relating to commercial telephone solicitation; amending RCW
2 19.158.110; adding a new section to chapter 19.158 RCW; creating a new
3 section; and prescribing penalties.

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

5 NEW SECTION. **Sec. 1.** The legislature finds that: (1) Protecting
6 the well-being, tranquility, and privacy of the home is of significant
7 concern to many citizens; and (2) for many people, unwanted commercial
8 telephone solicitations constitute an invasion of the well-being,
9 tranquility, and privacy of the home. The legislature intends,
10 therefore, to assist citizens in protecting the well-being,
11 tranquility, and privacy of their homes by creating a process through
12 which residential telephone subscribers can choose to be free from
13 unwanted commercial telephone solicitations.

14 NEW SECTION. **Sec. 2.** A new section is added to chapter 19.158 RCW
15 to read as follows:

16 (1) The attorney general shall provide for the establishment and
17 operation of a public listing of residential telephone numbers whose
18 subscribers have affirmatively requested not to receive commercial

1 telephone solicitations. The attorney general may contract with a
2 private vendor to establish, operate, and maintain such registry in
3 accordance with the requirements of this section. The attorney general
4 and the utilities and transportation commission shall make reasonable
5 efforts, within existing resources, to publicize the availability of
6 the public listing and the method or methods by which residential
7 telephone subscribers may have their telephone numbers placed on the
8 list. The listing shall be available for inspection by the public in
9 written and electronic form. The listing shall be periodically
10 transmitted to a national telephone preference service for the purpose
11 of removing individuals from national telemarketing lists.

12 (2) No fee may be charged to residential telephone subscribers for
13 placing their numbers on the list. A reasonable fee, as determined by
14 the attorney general, may be charged to inspect the list in written or
15 electronic form.

16 (3) It is unlawful and a violation of this section for any person
17 to make a commercial telephone solicitation call to any residential
18 telephone number that: (a) Is contained on the public listing under
19 subsection (1) of this section; and (b) has been on the list for at
20 least ten business days prior to the making of the commercial telephone
21 solicitation.

22 (4) In addition to any other penalties or remedies available under
23 this chapter or chapter 19.86 RCW, a person injured by a violation of
24 subsection (3) of this section may bring an action for recovery of
25 liquidated damages in the amount of one thousand dollars per violation,
26 plus court costs and attorneys' fees.

27 **Sec. 3.** RCW 19.158.110 and 1989 c 20 s 11 are each amended to read
28 as follows:

29 (1) Within the first minute of the telephone call, a commercial
30 telephone solicitor or salesperson shall:

31 (a) Identify himself or herself, the company on whose behalf the
32 solicitation is being made, the property, goods, or services being
33 sold; and

34 (b) Terminate the telephone call within ten seconds if the
35 purchaser indicates he or she does not wish to continue the
36 conversation.

37 (2) If at any time during the telephone contact, the purchaser
38 states or indicates that he or she does not wish to be called again by

1 the commercial telephone solicitor or wants to have his or her name and
2 individual telephone number removed from the telephone lists used by
3 the commercial telephone solicitor:

4 (a) The commercial telephone solicitor shall not make any
5 additional commercial telephone solicitation of the called party at
6 that telephone number within a period of at least one year; and

7 (b) The commercial telephone solicitor shall not sell or give the
8 called party's name and telephone number to another commercial
9 telephone solicitor: PROVIDED, That the commercial telephone
10 solicitor may return the list, including the called party's name and
11 telephone number, to the company or organization from which it received
12 the list.

13 (3) The utilities and transportation commission shall by rule
14 ensure that telecommunications companies inform their residential
15 customers of the provisions of this section and section 2 of this act.
16 The notification may be made by:

17 (a) Annual inserts in the billing statements mailed to residential
18 customers; or

19 (b) Conspicuous publication of the notice in the consumer
20 information pages of local telephone directories.

21 (4) If a sale or an agreement to purchase is completed, the
22 commercial telephone solicitor must inform the purchaser of his or her
23 cancellation rights as enunciated in this chapter, state the
24 registration number issued by the department of licensing, and give the
25 street address of the seller.

26 (5) If, at any time prior to sale or agreement to purchase, the
27 commercial telephone solicitor's registration number is requested by
28 the purchaser, it must be provided.

29 (6) All oral disclosures required by this section shall be made in
30 a clear and intelligible manner.

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