
SUBSTITUTE SENATE BILL 5341

State of Washington

57th Legislature

2001 Regular Session

By Senate Committee on Economic Development & Telecommunications
(originally sponsored by Senators Finkbeiner, Horn, Winsley,
McCaslin, Morton, Hale, Johnson and McDonald)

READ FIRST TIME 02/15/01.

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

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

5 **Sec. 1.** RCW 19.158.110 and 1989 c 20 s 11 are each amended to read
6 as follows:

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

9 (a) Identify himself or herself, the company on whose behalf
10 the solicitation is being made, the property, goods, or services
11 being sold; and

12 (b) Terminate the telephone call within ten seconds if the
13 purchaser indicates he or she does not wish to continue the
14 conversation.

15 (2) If at any time during the telephone contact, the purchaser
16 states or indicates that he or she does not wish to be called
17 again by the commercial telephone solicitor or wants to have his

1 or her name and individual telephone number removed from the
2 telephone lists used by the commercial telephone solicitor:

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

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

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

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

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

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

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

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

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

32 (1) A commercial telephone solicitor, when engaging in
33 commercial telephone solicitation, shall provide caller
34 identification information that is required by a caller
35 identification service if such service is available.

36 (2) A commercial telephone solicitor, when engaging in

1 commercial telephone solicitation, shall not circumvent or
2 interfere with the capability of a caller identification service
3 to deliver the solicitor's name, number, or location.

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

9 NEW SECTION. **Sec. 3.** A new section is added to chapter 19.158
10 RCW to read as follows:

11 (1) The definitions in this subsection apply throughout this
12 section unless the context clearly requires otherwise.

13 (a) "Prerecorded telephone message" means an unsolicited
14 recorded telephone message without an introduction by an
15 unrecorded voice informing the receiver of the: (i) Identity and
16 telephone number of the caller and (ii) option to immediately
17 discontinue the call.

18 (b) "Prerecorded telephone message" does not include the
19 following: (i) A recorded message disseminated with the prior
20 consent of the receiver; (ii) a recorded message related to public
21 health, safety, or welfare, including, but not limited to,
22 noncommercial recorded messages disseminated by libraries,
23 schools, and entities conducting epidemiological studies; and
24 (iii) a recorded message, that is not a commercial telephone
25 solicitation, disseminated to a person with whom the caller has
26 had a business relationship within the past twelve months.

27 (2) No person initiating a telephone call may use a prerecorded
28 telephone message. This section applies to all prerecorded
29 telephone messages intended to be received by persons within the
30 state.

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

36 (4) Nothing in this section shall be construed to restrict the
37 application of any laws applying to telephone solicitations.

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