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SENATE BILL 6814

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State of Washington

59th Legislature

2006 Regular Session

By Senators Poulsen, Finkbeiner and Kline

Read first time 01/25/2006. Referred to Committee on Water, Energy & Environment.

1 AN ACT Relating to automatic dialing and announcing devices;  
2 amending RCW 80.36.400; adding a new section to chapter 80.36 RCW;  
3 creating a new section; and prescribing penalties.

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

5 NEW SECTION. **Sec. 1.** Protecting the well-being, tranquility, and  
6 privacy of the home is of the highest order in a free and civilized  
7 society, and the efficient conduct of private businesses and government  
8 operations are of significant government interest. The legislature  
9 finds that automatic calling and announcing devices uniquely intrude  
10 into these interests.

11 NEW SECTION. **Sec. 2.** A new section is added to chapter 80.36 RCW  
12 to read as follows:

13 (1) As used in this section:

14 (a) An "automatic dialing and announcing device" is a device which  
15 automatically dials telephone numbers and plays a recorded message once  
16 a connection is made.

17 (b) "Message" means any communication, regardless of its content,  
18 that is not a commercial solicitation as defined in RCW 80.36.400.

1 (2) No person may use an automatic dialing and announcing device  
2 before 9:00 a.m. or after 9:00 p.m. without written or electronic  
3 consent from the recipient.

4 (3) This section does not apply to emergency messages from  
5 government agencies.

6 (4) This section applies to all calls intended to be received by  
7 telephone customers within the state.

8 (5) Any recipient may bring an action against a person who has  
9 violated this section for the amount of one thousand dollars per  
10 violation. This action is in addition to any other remedy relating to  
11 a violation of this section.

12 **Sec. 3.** RCW 80.36.400 and 1986 c 281 s 2 are each amended to read  
13 as follows:

14 (1) As used in this section:

15 (a) An "automatic dialing and announcing device" is a device which  
16 automatically dials telephone numbers and plays a recorded message once  
17 a connection is made.

18 (b) "Commercial solicitation" means the unsolicited initiation of  
19 a telephone conversation for the purpose of encouraging a person to  
20 purchase property, goods, or services.

21 (2) No person may use an automatic dialing and announcing device  
22 for purposes of commercial solicitation. This section applies to all  
23 commercial solicitation intended to be received by telephone customers  
24 within the state.

25 (3) A violation of this section is a violation of chapter 19.86  
26 RCW. It shall be presumed that damages to the recipient of commercial  
27 solicitations made using an automatic dialing and announcing device are  
28 (~~five hundred~~) one thousand dollars per violation.

29 (4) Nothing in this section shall be construed to prevent the  
30 Washington utilities and transportation commission from adopting  
31 additional rules regulating automatic dialing and announcing devices.

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