
HOUSE BILL 1252

State of Washington

60th Legislature

2007 Regular Session

By Representatives Hunter, Buri, McIntire, Springer, Rodne, Kagi, Fromhold, Kirby, Hinkle, Jarrett, McCoy, B. Sullivan, Appleton, Takko, Newhouse, Miloscia, Blake, Kenney, Dickerson, Haigh, P. Sullivan, Darneille, Moeller, Schual-Berke, Eddy, Santos and Rolfes

Read first time 01/15/2007. Referred to Committee on Technology, Energy & Communications.

1 AN ACT Relating to establishing restrictions on prerecorded
2 telephone calls; amending RCW 80.36.400; and prescribing penalties.

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

4 **Sec. 1.** RCW 80.36.400 and 1986 c 281 s 2 are each amended to read
5 as follows:

6 (1) ~~((As used in this section:))~~ The definitions in this subsection
7 apply throughout this section unless the context clearly requires
8 otherwise.

9 (a) ~~((An))~~ "Automatic dialing and announcing device" ~~((is))~~ means
10 a device which automatically dials telephone numbers and plays a
11 recorded message once a connection is made.

12 (b) ~~((Commercial solicitation means the unsolicited initiation of~~
13 ~~a telephone conversation for the purpose of encouraging a person to~~
14 ~~purchase property, goods, or services.))~~ "Caller" means an individual,
15 corporation, limited liability company, partnership, unincorporated
16 association, or the entity that attempts to contact, or contacts, a
17 subscriber in the state by using a telephone or telephone line.

18 (c) "Subscriber" means a person who has subscribed to

1 telecommunications service from a telecommunications company, or other
2 persons living or residing with the subscribing person.

3 ~~(2) ((No person may use))~~ A caller may not use or connect to a
4 telecommunications line an automatic dialing and announcing device
5 ~~((for purposes of commercial solicitation. This section applies to all~~
6 ~~commercial solicitation intended to be received by telephone customers~~
7 ~~within the state.~~

8 ~~(3) A violation of this section is a violation of chapter 19.86~~
9 ~~RCW. It shall be presumed that))~~ unless: (a) The subscriber has
10 knowingly or voluntarily requested, consented to, permitted, or
11 authorized receipt of the message; or (b) the message is immediately
12 preceded by a live operator who discloses who is paying for the message
13 at the beginning of the call and obtains the subscriber's consent
14 before the message is delivered.

15 (3) Subsection (2) of this section does not apply to the following:

16 (a) Messages from school districts to students, parents, or
17 employees;

18 (b) Messages to subscribers with whom the caller has a current
19 business or personal relationship; or

20 (c) Messages advising employees of work schedules.

21 (4) The legislature finds that the practices covered by this
22 section are matters vitally affecting the public interest for the
23 purpose of applying the consumer protection act, chapter 19.86 RCW. A
24 violation of this section is not reasonable in relation to the
25 development and preservation of business and is an unfair or deceptive
26 act in trade or commerce and an unfair method of competition for the
27 purpose of applying the consumer protection act, chapter 19.86 RCW.
28 Damages to the recipient ((of commercial solicitations made)) for
29 receiving a recorded message using an automatic dialing and announcing
30 device are five hundred dollars per violation.

31 ~~((+4))~~ (5) Nothing in this section shall be construed to prevent
32 the Washington utilities and transportation commission from adopting
33 additional rules regulating automatic dialing and announcing devices.

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