
SUBSTITUTE HOUSE BILL 3326

State of Washington

60th Legislature

2008 Regular Session

By House Technology, Energy & Communications (originally sponsored by Representatives Simpson, Hudgins, Pedersen, Kenney, and Ormsby)

READ FIRST TIME 02/05/08.

1 AN ACT Relating to requiring publishers or distributors of
2 commercial telephone directories to provide persons a means to avoid
3 receiving commercial telephone directories; adding a new chapter to
4 Title 19 RCW; and prescribing penalties.

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

6 NEW SECTION. **Sec. 1.** The definitions in this section apply
7 throughout this chapter unless the context clearly requires otherwise.

8 (1) "Commercial directory" means a printed directory compiled for
9 a fee containing telephone numbers, advertisements, and other
10 commercial listings that are published and distributed to homes,
11 businesses, and other locations in Washington.

12 (2) "Distributor" means a business that delivers commercial
13 directories to homes, businesses, and other locations.

14 (3) "Publisher" means a business that produces commercial
15 directories.

16 NEW SECTION. **Sec. 2.** (1)(a) A publisher must offer to each
17 recipient of a commercial directory an opportunity to opt out of
18 receiving future commercial directories.

1 (b) A publisher must develop opt out procedures and provide clear
2 instructions to recipients regarding how they may opt out. Opt out
3 instructions must be printed on the front or back page of the
4 commercial directory. Recipients may notify publishers of their
5 preference to opt out electronically, by telephone, or by mail.

6 (2) Publishers shall provide the appropriate distributor with a
7 list of addresses of recipients who have requested to opt out prior to
8 distribution of the corresponding commercial directory.

9 (3) A distributor shall be in violation of this chapter if the
10 distributor delivers a commercial directory to a recipient whose
11 address appears on list of addresses of recipients who have requested
12 to opt out from receiving future commercial directories provided by the
13 publisher.

14 (4) A publisher shall be in violation of this chapter if (a) the
15 publisher knowingly omits an address from the list of addresses of
16 recipients who have requested to opt out from receiving future
17 commercial directories; and (b) a commercial directory that is produced
18 by that publisher is delivered by the distributor to that address.

19 (5) It is a class 2 civil infraction as provided under RCW 7.80.120
20 for a distributor to deliver a commercial directory to a recipient
21 after receiving from the publisher opt out notification for the
22 commercial directory for that recipient as described under this
23 section.

24 (6) It is a class 2 civil infraction as provided under RCW 7.80.120
25 for a publisher to knowingly omit an address from the list of addresses
26 of recipients who have requested to opt out and a commercial directory
27 is delivered to that address by the distributor.

28 NEW SECTION. **Sec. 3.** Sections 1 and 2 of this act constitute a
29 new chapter in Title 19 RCW.

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