

# HOUSE BILL ANALYSIS

## HB 2672

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**Title:** An act relating to commercial telephone solicitation.

**Brief Description:** Creating a telephone solicitation no sales call list.

**Sponsors:** Representatives Radcliff, Keiser, Ruderman, O'Brien and Esser.

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### HOUSE COMMITTEE ON TECNOLOGY, TELECOMMUNICATIONS AND ENERGY

**Meeting Date:** January 25, 2000.

**Staff:** Julia Harmatz (786-7135)

**Background:**

Washington prohibits certain telemarketing acts. As per the statutes, it is unlawful for a commercial telephone solicitor to call a residence before 8:00 a.m. and no later than 9:00 p.m. The solicitor may not harass, intimidate, or torment any person in connection with the telephone call.

*Duties and Prohibited Acts of Solicitors 19.158.110 RCW*

When calling, commercial telephone solicitors are required to identify themselves; terminate the phone call within ten seconds if the party called so desires; remove the party's name from the call list for one year if requested to do so, as well as not sell that name (if the name can be returned to the company that provided the list); inform the party of his or her cancellation rights if a purchase were made; and ensure that all oral disclosures are clear and intelligible.

*Washington Utilities and Transportation Commission*

The commission requires by rule that telecommunications companies inform residential customers of the duties of commercial telephone solicitors.

*Registration Required*

Telephone solicitors are required to register with the Department of Licensing and maintain a valid registration. Failure to register may result in a penalty of not more than five thousand dollars (\$5,000).

*Consumer Protection Act*

The attorney general may restrain prohibited acts under the scope of the Consumer Protection Act (19.86 RCW). In the discretion of the court, a prevailing party may recover the costs of the action, actual damages, attorneys fees, and potentially trebled damages not more than ten thousand dollars (\$10,000).

**I-695:** At this time, many of the legal consequences to Initiative 695 remain unclear.

**Summary of Bill:**

A person who does not want to receive unsolicited commercial telephone calls may register and be placed on the attorney general's no sales call list.

*Attorney General*

The attorney general will establish a *no sales call* list comprised of the names and telephone numbers of Washington state residents who do not want to receive commercial telephone solicitation calls. The attorney general will maintain the list, update the list twice yearly, and provide the list to commercial telephone solicitors.

*Cost*

Residents will pay no more than \$10.00 to register annually and that fee will be no more than the cost to create and administer the list. The most recent list will be provided to telephone solicitors at a fee determined by the attorney general.

**Appropriation:** None.

**Fiscal Note:** Requested January 19, 2000.

**Effective Date of Bill:** Ninety days after adjournment of session in which bill is passed.