

1 5132-S AMS FINK S2121.1

2 **SSB 5132** - S AMD 143
3 By Senator Finkbeiner

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5 On page 2, line 14, after "section and" strike "section 2" and
6 insert "sections 2 and 5"

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10 On page 4, after line 19, insert the following:

11 "NEW SECTION. **Sec. 4.** A new section is added to chapter 19.158
12 RCW to read as follows:

13 (1) A commercial telephone solicitor, when engaging in commercial
14 telephone solicitation, shall provide caller identification information
15 that is required by a caller identification service if such service is
16 available.

17 (2) A commercial telephone solicitor, when engaging in commercial
18 telephone solicitation, shall not circumvent or interfere with the
19 capability of a caller identification service to deliver the
20 solicitor's name, number, or location.

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

26 NEW SECTION. **Sec. 5.** A new section is added to chapter 19.158 RCW
27 to read as follows:

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

30 (a) "Prerecorded telephone message" means an unsolicited recorded
31 telephone message without an introduction by an unrecorded voice
32 informing the receiver of the: (i) Identity and telephone number of
33 the caller and (ii) option to immediately discontinue the call.

1 (b) "Prerecorded telephone message" does not include the following:
2 (i) A recorded message disseminated with the prior consent of the
3 receiver; (ii) a recorded message related to public health, safety, or
4 welfare, including, but not limited to, noncommercial recorded messages
5 disseminated by libraries, schools, and entities conducting
6 epidemiological studies; and (iii) a recorded message, that is not a
7 commercial telephone solicitation, disseminated to a person with whom
8 the caller has had a business relationship within the past twelve
9 months.

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

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

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

20 Renumber the remaining section consecutively and correct any
21 internal references accordingly.

22 On page 4, line 20, after "**Sec. 4.**" strike "This act takes" and
23 insert "Sections 2 and 3 of this act take"

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