
Technology, Telecommunications & Energy Committee

SSB 6447

Brief Description: Establishing a do not call list.

Sponsors: Senate Committee on Labor, Commerce & Financial Institutions (originally sponsored by Senators Kastama, Finkbeiner, Jacobsen, Shin, Franklin, Costa, Oke and Winsley).

Brief Summary of Substitute Bill

- Requires the Department of Licensing to establish a do not call list for those who do not wish to receive commercial telephone solicitations.
- Creates the commercial telephone solicitation account to receive fees paid by telephone solicitors and penalties recovered for violations as the revenue source to support the program.

Hearing Date: 2/28/02

Staff: Pam Madson (786-7166).

Background:

Commercial telephone solicitors must register with the Department of Licensing and must comply with the state Commercial Telephone Solicitation Act.

Upon receiving an unsolicited commercial sales call, the person receiving the call may ask to be removed from the calling list used by the telephone solicitor and the solicitor may not make any further commercial solicitation calls to the person at that number for one year. The commercial telephone solicitor may not sell or give the number to another company or organization. Civil and criminal penalties may be imposed for violation of these provisions.

The Federal Communications Commission (FCC) rules require that telephone solicitors calling residential numbers keep a record of individuals who do not wish to receive any further calls. Under the Telephone Consumer Protection Act, a solicitor must honor its do not call list for 10 years.

There is no federally required national do not call list for telephone solicitations. However, the Federal Trade Commission has recently proposed the creation of a national do not call registry as part of a broader proposal to change telemarketing sales rules.

Individuals may voluntarily register with the Telephone Preference Service of the Direct Marketing Association. The Service commercially publishes lists of consumers who do not wish to receive solicitation calls. The list may be used by telephone solicitors who wish to remove these numbers from their calling lists to avoid potential violations and resulting penalties.

Summary of Bill:

Do Not Call List: The Department of Licensing (DOL) is required to establish and maintain a do not call list and may contract with a private vendor to establish and maintain the list. Beginning July 1, 2003, consumers wishing to have their phone numbers placed on the do-not-call list must notify DOL. Consumers may list their phone numbers for two years at a time. There is no charge for listing a number or for obtaining a written or electronic copy of the list. The list is to be updated and distributed to commercial telephone solicitors on a quarterly basis.

The Washington Utilities and Transportation Commission must ensure by rule that telephone companies inform their residential customers of the do not call list provisions.

Unlawful Conduct: No commercial telephone solicitor may make a solicitation call to any number more than 60 days after the number appears on the list. A call is not considered a violation of the do not call provisions if the solicitor demonstrates: (1) That written procedures have been established and implemented, and that employees have been trained in procedures that comply with the do not call list requirements; (2) that the numbers on the solicitor's calling list do not include numbers on the current do not call list; and (3) that the call was made inadvertently.

Revenue to Operate and Maintain the List: The DOL must establish an annual fee charged to registered commercial telephone solicitors. This fee is to be set in an amount which will cover the costs of administering and enforcing the do not call list provisions and of distributing the list quarterly. Moneys from civil penalties or attorneys fees are deposited in the account, and these funds are to be used to support DOL's activities relating to the do not call lists.

Dedicated Fund: All moneys collected by the DOL for fees and penalties are deposited into a dedicated account known as the commercial telephone solicitation account. Moneys in this account may be used only to administer the program. Expenditures need not be appropriated.

Enforcement: Provision of the law are enforced by the Attorney General. A violation of this law is also a violation of the consumer protection act. A consumer can bring an action against an individual telephone solicitor and may recover \$1,000 per violation.

Rules to implement: The DOL may adopt rules to implement this bill.

Appropriation: None.

Fiscal Note: Available.

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