

SENATE BILL REPORT

SB 5339

As of January 29, 2001

Title: An act relating to telephone solicitation by use of automatic dialing devices.

Brief Description: Preventing telephone solicitation by automatic dialing devices.

Sponsors: Senators Finkbeiner, Horn, Hale, McCaslin, Morton, Winsley, Johnson, Stevens, McDonald, Hewitt, Carlson, Long, Swecker and Kline.

Brief History:

Committee Activity: Economic Development & Telecommunications: 1/30/01.

SENATE COMMITTEE ON ECONOMIC DEVELOPMENT & TELECOMMUNICATIONS

Staff: William Bridges (786-7424)

Background: ADADs are computer based devices that automatically dial telephone numbers and play prerecorded messages. Autodialers are devices that can dial telephone numbers that are either stored in memory or produced by using a random or sequential number generator.

State law generally prohibits commercial solicitations by ADADs. Commercial solicitations are unsolicited calls for the purpose of encouraging persons to buy property, goods or services. ADADs may be used for commercial solicitations if a human operator first identifies the caller and seeks the consumer's permission to play a recorded message.

The ADAD law presumes that persons will suffer damages of \$500 per violation of the law. A violation of the ADAD law is also a violation of the Consumer Protection Act, which provides for fines, treble damages, court costs, and attorneys' fees.

In addition to the state ADAD law, federal law prohibits anyone from using an autodialer to call (1) emergency telephone services, (2) guest or patient rooms of hospitals or elderly homes, (3) wireless telephone services, and (4) services where called parties are charged for receiving calls. Consumers may enforce the prohibition by contacting their state's attorney general or by personally suing in state court for the greater of actual damages or \$500.

Summary of Bill: The prohibition against ADADs is expanded to include solicitations for donations of money, property, goods, or services.

In addition to remedies provided by the Consumer Protection Act, a consumer may opt to sue for \$1,000 damages, court costs, and attorneys' fees.

The Washington Utilities and Transportation Commission must require telecommunications companies to inform residential customers of the new ADAD requirements, either by bill inserts or publication in local phone books.

Appropriation: None.

Fiscal Note: Requested on January 29, 2001.

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