
HOUSE BILL 2611

State of Washington

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By Representatives Lysen, Casada, Romero, Kenney, Berkey, Sullivan, Wood, Linville, Hunt, Kagi, Dickerson, Darneille, McDermott, Haigh, O'Brien, Chase, Fromhold, Voloria, Cody, Lovick, Upthegrove, Orcutt, Kirby, McIntire, Miloscia, Nixon, Campbell, Santos, Schual-Berke and Conway

Read first time 01/22/2002. Referred to Committee on Technology, Telecommunications & Energy.

1 AN ACT Relating to commercial telephone solicitation; amending RCW
2 19.158.110; adding new sections to chapter 19.158 RCW; prescribing
3 penalties; and providing an effective date.

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

5 **Sec. 1.** RCW 19.158.110 and 1989 c 20 s 11 are each amended to read
6 as follows:

7 (1) Within the first minute of the telephone call, a commercial
8 telephone solicitor or salesperson shall:

9 (a) Identify himself or herself, the company on whose behalf the
10 solicitation is being made, the property, goods, or services being
11 sold; and

12 (b) Terminate the telephone call within ten seconds if the
13 purchaser indicates he or she does not wish to continue the
14 conversation.

15 (2) If at any time during the telephone contact, the purchaser
16 states or indicates that he or she does not wish to be called again by
17 the commercial telephone solicitor or wants to have his or her name and
18 individual telephone number removed from the telephone lists used by
19 the commercial telephone solicitor:

1 (a) The commercial telephone solicitor shall not make any
2 additional commercial telephone solicitation of the called party at
3 that telephone number within a period of at least one year; and

4 (b) The commercial telephone solicitor shall not sell or give the
5 called party's name and telephone number to another commercial
6 telephone solicitor: PROVIDED, That the commercial telephone
7 solicitor may return the list, including the called party's name and
8 telephone number, to the company or organization from which it received
9 the list.

10 (3) The utilities and transportation commission shall by rule
11 ensure that telecommunications companies inform their residential
12 customers of the provisions of this section and section 2 of this act.
13 The notification may be made by:

14 (a) Annual inserts in the billing statements mailed to residential
15 customers; or

16 (b) Conspicuous publication of the notice in the consumer
17 information pages of local telephone directories.

18 (4) If a sale or an agreement to purchase is completed, the
19 commercial telephone solicitor must inform the purchaser of his or her
20 cancellation rights as enunciated in this chapter, state the
21 registration number issued by the department of licensing, and give the
22 street address of the seller.

23 (5) If, at any time prior to sale or agreement to purchase, the
24 commercial telephone solicitor's registration number is requested by
25 the purchaser, it must be provided.

26 (6) All oral disclosures required by this section shall be made in
27 a clear and intelligible manner.

28 NEW SECTION. Sec. 2. A new section is added to chapter 19.158 RCW
29 to read as follows:

30 (1)(a) The attorney general's office must provide for the
31 establishment and operation of a list of telephone numbers of persons
32 who object to receiving commercial telephone solicitations. The list
33 will be called the no call list. The attorney general may contract
34 with a private vendor to establish and maintain the no call list.

35 (b) The no call list must be updated quarterly, and be provided to
36 licensed commercial telephone solicitors in written or electronic form
37 for a fee to be determined by the attorney general. Each licensed
38 telephone solicitor must obtain the most current no call list from the

1 attorney general and must pay the fee before doing business in this
2 state.

3 (c) The attorney general may charge a person up to three dollars
4 for placing a telephone number on the list. A reasonable fee as
5 determined by the attorney general may be charged to a person to
6 inspect or obtain the list.

7 (d) Persons wishing to have their phone numbers placed on the list
8 must notify the attorney general's office. A listing shall be
9 effective for two years, after which the person may renew the listing
10 for successive two-year periods by notifying the attorney general's
11 office and paying the required fee. The attorney general shall
12 determine the notification requirements.

13 (e) All fees collected by the attorney general under this section,
14 and civil penalties and attorneys' fees collected by the attorney
15 general in enforcing this section, shall be deposited in the commercial
16 telephone solicitation account created in section 3 of this act, and
17 used solely for the administration of this section.

18 (2) No commercial telephone solicitor may make a commercial
19 telephone solicitation to any telephone number more than sixty days
20 after the number appears on the current no call list.

21 (3) A telephone solicitation made to a number on the no call list
22 is not a violation of this section if the telephone solicitation is an
23 isolated occurrence made by a person who has in place adequate
24 procedures to comply with this section.

25 (4) The legislature finds that the practices covered by this
26 section are matters vitally affecting the public interest for the
27 purpose of applying the consumer protection act, chapter 19.86 RCW. A
28 violation of this section is not reasonable in relation to the
29 development and preservation of business and is an unfair or deceptive
30 act in trade or commerce and an unfair method of competition for the
31 purpose of applying the consumer protection act, chapter 19.86 RCW. In
32 addition to any other penalties or remedies available under this
33 chapter or chapter 19.86 RCW, a person injured by a violation of
34 subsection (2) of this section may bring an action for recovery of
35 liquidated damages in the amount of one thousand dollars per violation,
36 plus court costs and attorneys' fees.

37 (5) The attorney general may adopt rules, create forms, and issue
38 orders necessary to carry out the provisions of this section.

1 NEW SECTION. **Sec. 3.** A new section is added to chapter 19.158 RCW
2 to read as follows:

3 The commercial telephone solicitation account is created in the
4 custody of the state treasurer. All moneys received by the attorney
5 general under section 2 of this act and civil penalties and attorneys'
6 fees collected by the attorney general in enforcing section 2 of this
7 act shall be deposited in the commercial telephone solicitation account
8 and used solely for the administration of section 2 of this act. Only
9 the attorney general or his or her designee may authorize expenditures
10 from the account. The account is subject to allotment procedures under
11 chapter 43.88 RCW, but no appropriation is required for expenditures.

12 NEW SECTION. **Sec. 4.** This act takes effect January 1, 2003.

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