
SENATE BILL 5341

State of Washington

57th Legislature

2001 Regular Session

By Senators Finkbeiner, Horn, Winsley, McCaslin, Morton, Hale, Johnson and McDonald

Read first time 01/19/2001. Referred to Committee on Economic Development & Telecommunications.

1 AN ACT Relating to prerecorded telephone messages; amending RCW
2 19.158.110; adding a new section to chapter 19.158 RCW; and
3 prescribing penalties.

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
10 the solicitation is being made, the property, goods, or services
11 being 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
17 again by the commercial telephone solicitor or wants to have his

1 or her name and individual telephone number removed from the
2 telephone lists used by the commercial telephone solicitor:

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

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

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

16 (a) Annual inserts in the billing statements mailed to
17 residential customers; or

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

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

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

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

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

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

34 (a) "Prerecorded telephone message" means an unsolicited
35 recorded telephone message without an introduction by an
36 unrecorded voice informing the receiver of the: (i) Identity and

1 telephone number of the caller and (ii) option to immediately
2 discontinue the call.

3 (b) "Prerecorded telephone message" does not include a recorded
4 message disseminated with the prior consent of the receiver or a
5 recorded message related to public health, safety, or welfare.

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

10 (3) The legislature finds that the practices covered by this
11 section are matters vitally affecting the public interest for the
12 purpose of applying the consumer protection act, chapter 19.86
13 RCW. A violation of this section is not reasonable in relation to
14 the development and preservation of business and is an unfair or
15 deceptive act in trade or commerce and an unfair method of
16 competition for the purpose of applying the consumer protection
17 act, chapter 19.86 RCW. In addition to any other penalties or
18 remedies available under this chapter or chapter 19.86 RCW, a
19 person injured by a violation of this section may bring an action
20 for recovery of liquidated damages in the amount of one thousand
21 dollars per violation, plus court costs and attorneys' fees.

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

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