

2 SSB 5132 - S AMD 144

3 By Senator Finkbeiner

4

5 On page 4, after line 6, insert the following:

6 "(5) The definitions in this subsection apply throughout this
7 section unless the context clearly requires otherwise.

8 (a) "Commercial telephone solicitor" means a person who makes a
9 commercial telephone solicitation.

10 (b) "Commercial telephone solicitation" means:

11 (i) The unsolicited initiation of a telephone call by a person to
12 a telephone customer and conversation for the purpose of encouraging a
13 person to purchase property, goods, or services;

14 (ii) Other communication with a person where:

15 (A) A free gift, award, or prize is offered to a purchaser who has
16 not previously purchased from the person initiating the communication;

17 (B) A telephone call response is invited; and

18 (C) The salesperson intends to complete a sale or enter into an
19 agreement to purchase during the course of the telephone call; or

20 (iii) Other communication with a person which misrepresents the
21 price, quality, or availability of property, goods, or services and
22 which invites a response by telephone or which is followed by a call to
23 the person by a salesperson.

24 (c) "Commercial telephone solicitation" does not include:

25 (i) Calls made in response to a request or inquiry by the called
26 party. This includes calls regarding an item that has been purchased
27 by the called party from the company or organization during a period
28 not longer than twelve months before the telephone contact;

29 (ii) Calls made by organizations registered under chapter 19.09
30 RCW;

31 (iii) Calls limited to polling or soliciting the expression of
32 ideas, opinions, or votes;

33 (iv) Calls made by a person primarily soliciting the sale of
34 newspapers or periodicals;

35 (v) Business-to-business contacts; or

36 (vi) Calls made by a person soliciting:

1 (A) Without the intent to complete or obtain provisional acceptance
2 of a sale during the telephone solicitation;

3 (B) Who does not make the major sales presentation during the
4 telephone solicitation; and

5 (C) Who only makes the major sales presentation or arranges for the
6 major sales presentation to be made at a later face-to-face meeting
7 between the salesperson and the purchaser.

8 (d) "Other communication" means a written or oral notification or
9 advertisement transmitted through any means."

EFFECT: For purposes of the do not call list, the twenty-four exceptions to the definition of "commercial telephone solicitor" are removed and replaced with six: (1) Calls made in response to a request by the customer, including calls concerning an item that has been purchased during the last twelve months; (2) calls made by charitable and nonprofit organizations; (3) calls limited to polling or soliciting the expression of ideas, opinions, or votes; (4) calls soliciting the sale of newspapers or periodicals; (5) calls that are business-to-business contacts; and (6) calls arranging face-to-face sales meetings.

--- END ---