



**RULE-MAKING ORDER**  
(RCW 34.05.360)

**CR-103** (10/1/89)  
*RP*

Agency: *Department of Licensing* <sup>*RP*</sup>

Permanent Rule  
 Emergency Rule

(1) Date of adoption: July 31, 1990

(2) Purpose: To regulate the telephone solicitation of prearrangement contracts by cemetery authorities for the protection of the public.

(3) Citation of existing rules affected by this order:  
Repealed:  
Amended:  
Suspended:

(4) Authority for adoption:  
Statute: RCW 68.05.105(1) and (2)  
Other Authority:

(5.1) **PERMANENT RULE ONLY**  
Pursuant to notice filed as WSR 90.13.105 on June 21, 1990 (date).  
Describe any changes other than editing from proposed to adopted version:  
The references to various statutes were deleted as they were not intended to be part of the rule. Subsection 8 was deleted as it only referred to policy matters regarding the implementation of the rule.

(5.2) **EMERGENCY RULE ONLY**  
Pursuant to RCW 34.05.350 the agency for good cause finds:  
 (a) That immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.  
 (b) That state or federal law or federal rule or a federal deadline for state receipt of federal funds requires immediate adoption of a rule.  
  
Reasons for this finding:

(5.3) Any other findings required by other provisions of law as precondition to adoption or effectiveness of rule?  
 Yes  No If yes, explain:

(6) Effective date of rule:  
**Permanent Rules**                      **Emergency Rules**  
 31 days after filing                       Immediately  
 Other (specify) \_\_\_\_\_ \*                       Later (specify) \_\_\_\_\_  
\*(If less than 31 days after filing, specific finding in 5.3 under RCW 34.05.380(3) is required)

**CODE REVISER USE ONLY**  
  
CODE REVISER'S OFFICE  
STATE OF WASHINGTON  
FILED  
  
AUG 16 1990  
  
TIME: 2:47 <sup>*PM*</sup>  
WSR: 90-17-023

NAME (TYPE OR PRINT)  
*B. DAVID DARY*  
SIGNATURE  
*[Signature]*  
TITLE  
*CHAIRMAN*  
DATE  
*7/31/90*

NEW SECTION

WAC 98-14-200 TELEPHONE SOLICITATION. (1) The use of telephones for solicitation of prearrangements is prevalent. This form of communication offers unique benefits, but entails special risk and poses potential for abuse. The board finds that any impropriety in telephone solicitation is a matter vitally affecting the public interest. For the general welfare of the public and in order to protect the integrity of the cemetery industry, the use of telephones in solicitation of prearrangements must be defined by the board.

## (2) Definitions:

(a) "Telephone solicitor" means any person who engages in telephone solicitation on behalf of a holder of a certificate of authority to operate.

(b) "Telephone solicitation" means an unsolicited telephone call to a person and conversation for the purpose of inducing the person to make cemetery prearrangements made without previous invitation, expressed or implied, by the person called.

## (3) Time limits:

(a) No licensee may knowingly cause a telephone solicitation to be made to any person more often than once in every six months.

(b) A telephone solicitor shall not place calls which will be received before 8:00 a.m. or after 9:00 p.m.

(4) Unfair/deceptive practices. A telephone solicitor may not engage in any conduct the natural consequence of which is to harass, intimidate, or torment any person in connection with the telephone call.

(5) Identification. Within the first thirty seconds of the telephone call, a telephone solicitor or salesperson shall:

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

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

(6) Termination of contact. If at any time during the telephone contact, the purchaser states or indicates that he or she does not wish to be called again by the telephone solicitor or wants to have his or her name and individual telephone number removed from the telephone lists used by the telephone solicitor, the telephone solicitor shall not make any additional telephone solicitation of the called party at that telephone number within a period of at least one year.

(7) Enforcement. In the event that the board discerns a pattern of violation of these standards the board may act against the licensee's prearrangement license as provided by Title 68 RCW.