

SENATE BILL REPORT

SB 6814

As of January 30, 2006

Title: An act relating to automatic dialing and announcing devices.

Brief Description: Regulating automatic dialing and announcing devices.

Sponsors: Senators Poulsen, Finkbeiner and Kline.

Brief History:

Committee Activity: Water, Energy & Environment.

SENATE COMMITTEE ON WATER, ENERGY & ENVIRONMENT

Staff: William Bridges (786-7424)

Background: An "automatic dialing and announcing device" (ADAD) is a computerized machine that automatically dials telephone numbers and plays a prerecorded message.

ADAD Messages That Are Commercial Solicitations Are Prohibited by State Law.

Unsolicited ADAD calls to encourage the buying of property, goods, or services are prohibited. The penalty is \$500 per violation. It is also a violation of the Consumer Protection Act, which provides for fines, treble damages, court costs, and attorneys' fees.

Certain ADAD Messages That Are Not Commercial Solicitations Are Regulated by the Utilities Commission.

The Washington Utilities & Transportation Commission regulates non-commercial ADAD messages sent by utilities. The Commission allows such calls only between 8:00 a.m. and 9:00 p.m., and only if the recorded message states who is calling, the telephone number of the caller, and the nature of the call. Emergency messages delivered by government agencies are exempted. Administrative penalties include fines not to exceed \$1,000.

Federal Law and Prerecorded Messages. Among other things, federal law prohibits calls using prerecorded voice messages to residential telephone numbers except in the following cases: (1) emergency calls; (2) calls made with prior consent; (3) non-commercial calls; (4) calls by, or on behalf of, tax-exempt non-profit organizations; or (5) calls to whom the caller has an established business relationship. 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: Regulating Non-Commercial ADAD Calls. ADAD messages that are not commercial solicitations may not be used before 9:00 a.m. or after 9:00 p.m. without written or electronic consent from the recipient. An exception is allowed for emergency messages from government agencies. Violators may be sued for \$1,000 per violation.

Increasing Remedies for ADAD Calls That Are Commercial Solicitations. The remedy for violations concerning ADADs used for commercial solicitations is raised from \$500 to \$1,000 per violation.

Appropriation: None.

Fiscal Note: Not Requested.

Committee/Commission/Task Force Created: No.

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