

HOUSE BILL REPORT

HB 3326

As Reported by House Committee On:
Technology, Energy & Communications

Title: An act relating to requiring publishers or distributors of commercial telephone directories to provide persons a means to avoid receiving commercial telephone directories.

Brief Description: Requiring publishers or distributors of commercial telephone directories to provide persons a means to avoid receiving commercial telephone directories.

Sponsors: Representatives Simpson, Hudgins, Pedersen, Kenney and Ormsby.

Brief History:

Committee Activity:

Technology, Energy & Communications: 2/5/08 [DPS].

Brief Summary of Substitute Bill

- Provides commercial directory recipients with the ability to opt-out of receiving future commercial directories.
- Provides a penalty for distributing a commercial directory after receiving an opt-out notification from a commercial directory recipient.

HOUSE COMMITTEE ON TECHNOLOGY, ENERGY & COMMUNICATIONS

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 8 members: Representatives McCoy, Chair; Eddy, Vice Chair; Hudgins, Hurst, Kelley, Morris, Takko and Van De Wege.

Minority Report: Without recommendation. Signed by 4 members: Representatives Crouse, Ranking Minority Member; McCune, Assistant Ranking Minority Member; Hankins and Herrera.

Staff: Scott Richards (786-7156).

Background:

The Utilities and Transportation Commission

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

The Utilities and Transportation Commission (UTC) is responsible for regulating in the public interest, as provided by the public service laws, the rates, services, facilities, and practices of all persons engaging within this state in the business of supplying any utility service or commodity to the public for compensation. Current UTC regulations require local exchange companies to regularly publish a telephone directory for each local exchange it serves, listing the name, address (unless omission is requested), and primary telephone number for each customer who can be called in that local exchange, and for whom subscriber list information has been provided.

There are no provisions in state statute requiring local exchange companies to publish a telephone directory used for commercial purposes.

Summary of Substitute Bill:

Opt-out Notification Requirements

A publisher must offer recipients of a commercial directory an opportunity to opt-out of receiving future commercial directories. A publisher must develop opt-out procedures, provide clear instructions on how to opt-out of receiving future commercial directories, and print those instructions on the front or back page of the commercial directory. A publisher must provide the appropriate distributor with a list of addresses of recipients who have requested to opt-out prior to distribution of the corresponding commercial directory.

A recipient may notify publishers of their preference to opt-out electronically, by telephone, or by mail.

Opt-out Violations

A distributor has committed a violation if the distributor delivers a commercial directory to a recipient who has requested to opt-out from receiving future commercial directories provided by the publisher.

A publisher is in violation of this act if (a) the publisher knowingly omits an address from the list of addresses of recipients who have requested to opt-out from receiving future commercial directories; and (b) a commercial directory that is produced by that publisher is delivered by the distributor to that address.

Penalties

Each violation of the opt-out provisions is a class 2 civil infraction, equal to \$100.

Definitions

The term "commercial directory" means a printed directory compiled for a fee containing telephone numbers, advertisements, and other commercial listings that are published and distributed to homes, business, and other locations.

The term "distributor" means a business that delivers commercial directories to homes, businesses, and other locations.

The term "publisher" means a business that produces commercial directories.

Substitute Bill Compared to Original Bill:

The definition of "commercial directory" is modified and definitions for "publisher" and "distributor" are included.

The substitute bill specifies how distributors and publishers may be in violation of this act.

The penalty for violating the opt-out notification requirements result is a class 2 civil infraction, equal to \$100, for the following:

- if a distributor delivers a commercial directory to a recipient after receiving from the publisher opt-out notification for the commercial directory for that recipient; or
- if a publisher knowingly omits an address from the list of addresses of recipients who have requested to opt-out and a commercial directory is delivered to that address by the distributor.

Appropriation: None.

Fiscal Note: Not requested.

Effective Date of Substitute Bill: The bill takes effect 90 days after adjournment of session in which bill is passed.

Staff Summary of Public Testimony:

(In support) This bill was prompted by constituent concerns about receiving commercial phone books that they no longer need and wanted a way to opt-out of receiving them. For people that are no longer using these directories, they are a waste of paper and energy. This bill allows people to opt-out of receiving commercial directories. There is an excess of commercial phone directory distribution in this state. Many people no longer want this type of phone books delivered to them.

(Concerns) This bill discriminates against one particular paper product out of the many paper products that we receive at home every day. There are many types of unwanted advertisements and paper products received at your homes that need to be addressed as well.

(Opposed) None.

Persons Testifying: (In support) Representative Simpson, prime sponsor; and Lee Kus.

(Concerns) Tom Walker, Qwest.

Persons Signed In To Testify But Not Testifying: None.