
**Consumer Protection & Business
Committee**

HB 1103

Brief Description: Expanding protections against unwanted telephone calls and text messages for cellular users.

Sponsors: Representatives Shavers, Ryu, Simmons, Wylie, Nance, Fosse and Reeves.

Brief Summary of Bill

- Prohibits any person from initiating or assisting in the transmission of an electronic text message to a telephone number of a Washington resident on the federal Do Not Call registry.
- Aligns the exemption for business-to-business contacts under the Telephone Solicitation Act (TSA) with the exemption under the Commercial Telephone Solicitation Act.
- Defines "person" under the TSA, which expands regulations to different types of businesses and organizations.
- Modifies the definitions of "commercial electronic mail message" and "commercial electronic text message" under the Commercial Electronic Mail Act.

Hearing Date: 1/15/25

Staff: Megan Mulvihill (786-7304).

Background:

Solicitation using a telephone or electronic message, such as email or text messages, are

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

regulated primarily under three statutes: the Telephone Solicitation Act of 1986 (TSA), the Commercial Telephone Solicitation Act of 1989 (CTSA), and the Commercial Electronic Mail Act (CEMA).

Telephone Solicitation Act.

Under the TSA, telephone solicitation means the unsolicited initiation of a telephone call by a commercial or nonprofit company or organization to a person for the purpose of: (1) encouraging the person to purchase property, goods, or services; (2) wrongfully obtaining anything of value; or (3) soliciting donations of money, property, goods, or services.

Exemptions include business-to-business contacts, as well as calls made:

- in response to a request or inquiry by the called party;
- by a nonprofit organization to its own list of bona fide or active members;
- by a membership or labor organization to its own list of bona fide or active members; or
- limited to polling or soliciting the expression of ideas, opinions, or votes.

Under the TSA, telephone solicitors have regulations that must be complied with to not be in violation, including identifying him or herself and the company or organization they are calling on behalf of, and only calling between the hours of 8:00 a.m. and 8:00 p.m. In addition, it is unlawful for a person to initiate a telephone solicitation to a telephone number registered on the federal Do Not Call registry (registry), and this applies to all telephone solicitation intended to be received by telephone customers within the state.

Commercial Telephone Solicitation Act.

Under the CTSA, "commercial telephone solicitation" means:

- an unsolicited telephone call, initiated by one other than an exempted person, for the purpose of encouraging a person to purchase or invest in property, goods, or services, or wrongfully obtaining anything of value;
- other communication with a person where:
 - a free gift, award, or prize is offered to a purchaser who has not previously purchased from the person initiating the communication; and
 - a telephone call response is invited; and
 - the caller intends to complete a sale or enter into an agreement to purchase during the course of the telephone call; and
- other communication with a person which misrepresents the price, quality, or availability of property, goods, or services and which invites a response by telephone or which is followed by a call to the person.

The CTSA exempts a list of different persons from the definition of commercial telephone solicitation, including business-to-business sales where: (1) the purchaser business intends to resell the property or goods purchased; or (2) the purchaser business intends to use the property or goods purchased in a recycling, reuse, remanufacturing, or manufacturing process.

Commercial Electronic Mail Act.

Under the CEMA, "commercial electronic mail message" is defined as an electronic mail

message sent for the purpose of promoting real property, goods, or services for sale or lease. "Commercial electronic text message" means an electronic text message sent to promote real property, goods, or services for sale or lease.

Federal Do Not Call Registry.

The registry is a list of telephone numbers that informs registered telemarketers what numbers not to call. Anyone can add their personal telephone number to the registry, but the registry does not block telephone calls or prevent persons making illegal calls. Certain entities making political, charitable, debt collection, informational, and surveying calls are still permitted to call numbers on the registry. The registry also does not provide protections for business or organization phone numbers. However, the registry does apply to text messages.

Summary of Bill:

Telephone Solicitation Act.

A definition of person is added to the TSA and is defined to mean an individual, firm, association, organization, corporation, partnership, joint venture, sole proprietorship, or any other business entity.

The exemption for business-to-business contacts is modified to business-to-business sales where: (1) the purchaser business intends to resell the property or goods purchased; or (2) the purchaser business intends to use the property or goods purchased in a recycling, reuse, remanufacturing, or manufacturing process.

Commercial Electronic Mail Act.

The definition for "commercial electronic mail message" is modified to mean "an electronic mail message sent to a person for the purpose of: (1) encouraging the person to purchase real property, goods, or services; (2) wrongfully obtaining anything of value; or (3) soliciting donations of money, property, goods, or services." The definition for "commercial electronic text message" is also modified to mean "an electronic text message sent to a person for the purpose of: (1) encouraging the person to purchase real property, goods, or services; (2) wrongfully obtaining anything of value; or (3) soliciting donations of money, property, goods, or services."

No person may initiate or assist in the transmission of an electronic text message to a telephone number assigned to a Washington resident for cellular telephone service that is registered on the registry. Application of this prohibition applies to all electronic text messages intended to be received by telephone customers within the state.

Appropriation: None.

Fiscal Note: Available.

Effective Date: The bill takes effect 90 days after adjournment of the session in which the bill is

passed.