
HOUSE BILL 1497

State of Washington

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2021 Regular Session

By Representatives Mosbrucker and Chandler

1 AN ACT Relating to commercial telephone solicitation; amending
2 RCW 80.36.390, 19.158.040, and 19.158.110; and adding a new section
3 to chapter 19.158 RCW.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

5 **Sec. 1.** RCW 80.36.390 and 2015 c 53 s 95 are each amended to
6 read as follows:

7 (1) As used in this section, "telephone solicitation" means the
8 unsolicited initiation of a telephone call by a commercial or
9 nonprofit company or organization to a (~~residential telephone~~
10 ~~customer~~) person and conversation for the purpose of encouraging
11 ((a)) the person to purchase property, goods, or services or
12 soliciting donations of money, property, goods, or services.
13 "Telephone solicitation" does not include:

14 (a) Calls made in response to a request or inquiry by the called
15 party. This includes calls regarding an item that has been purchased
16 by the called party from the company or organization during a period
17 not longer than twelve months prior to the telephone contact;

18 (b) Calls made by a not-for-profit organization to its own list
19 of bona fide or active members of the organization;

20 (c) Calls limited to polling or soliciting the expression of
21 ideas, opinions, or votes; or

1 (d) Business-to-business contacts.

2 For purposes of this section, each individual real estate agent
3 or insurance agent who maintains a separate list from other
4 individual real estate or insurance agents shall be treated as a
5 company or organization. For purposes of this section, an
6 organization as defined in RCW 29A.04.086 or 29A.04.097 and organized
7 pursuant to chapter 29A.80 RCW shall not be considered a commercial
8 or nonprofit company or organization.

9 ~~(2) ((A person making a telephone solicitation must identify him
10 or herself and the company or organization on whose behalf the
11 solicitation is being made and the purpose of the call within the
12 first thirty seconds of the telephone call.~~

13 ~~(3))~~ As used in this section, "telephone solicitor" means a
14 commercial or nonprofit company or organization engaged in telephone
15 solicitation.

16 (3) (a) At the beginning of each answered call, a telephone
17 solicitor must:

18 (i) Identify the caller;

19 (ii) Identify the company or organization on whose behalf the
20 solicitation is being made;

21 (iii) State the purpose of the call; and

22 (iv) Ask the called party whether they want to continue the call,
23 end the call, or be removed from the solicitor's telephone lists.

24 (b) The disclosures and question required by this subsection must
25 be conveyed in the listed order immediately after the call recipient
26 answers and completed within 30 seconds.

27 (4) If, at any time during the telephone contact, the called
28 party states or indicates they want to end the call, the telephone
29 solicitor must end the call within 10 seconds.

30 (5) If, at any time during the telephone contact, the called
31 party states or indicates that he or she does not ((wish)) want to be
32 called again by the ((company or organization)) telephone solicitor
33 or wants to have his or her name ((and)), individual telephone
34 number, or other contact information removed from the telephone lists
35 used by the ((company or organization making the telephone
36 solicitation, then)) telephone solicitor:

37 (a) The telephone solicitor shall inform the called party that
38 his or her contact information will be removed from the telephone
39 solicitor's telephone lists for at least one year;

40 (b) The telephone solicitor shall end the call within 10 seconds;

1 (c) The ((company or organization)) telephone solicitor shall not
2 make any additional telephone solicitation of the called party at
3 ((that telephone number)) any telephone number associated with that
4 party within a period of at least one year; and

5 ~~((b))~~ (d) The ((company or organization)) telephone solicitor
6 shall not sell or give the called party's name ~~((and)),~~ telephone
7 number, and other contact information to another company or
8 organization: PROVIDED, That the ~~((company or organization))~~
9 telephone solicitor may return the list, including the called party's
10 name ~~((and)),~~ telephone number, and other contact information to the
11 company or organization from which it received the list.

12 ~~((4))~~ (6) A telephone solicitor shall not place calls to any
13 person which will be received before 8:00 a.m. or after 5:00 p.m. at
14 the call recipient's local time.

15 (7) A violation of subsection ~~((2) or)~~ (3), (4), (5), or (6) of
16 this section is punishable by a fine of up to one thousand dollars
17 for each violation.

18 ~~((5))~~ (8) The attorney general may bring actions to enforce
19 compliance with this section. For the first violation by any
20 ~~((company or organization)) telephone solicitor~~ of this section, the
21 attorney general shall notify the ~~((company)) telephone solicitor~~
22 with a letter of warning that the section has been violated.

23 ~~((6))~~ (9) A person aggrieved by repeated violations of this
24 section may bring a civil action in superior court to enjoin future
25 violations, to recover damages, or both. The court shall award
26 damages of at least one hundred dollars for each individual violation
27 of this section. If the aggrieved person prevails in a civil action
28 under this subsection, the court shall award the aggrieved person
29 reasonable attorneys' fees and cost of the suit.

30 ~~((7))~~ (10) The utilities and transportation commission shall by
31 rule ensure that telecommunications companies inform their
32 residential customers of the provisions of this section. The
33 notification may be made by (a) annual inserts in the billing
34 statements mailed to residential customers, or (b) conspicuous
35 publication of the notice in the consumer information pages of local
36 telephone directories.

37 **Sec. 2.** RCW 19.158.040 and 2002 c 86 s 284 are each amended to
38 read as follows:

1 In addition to the unprofessional conduct described in RCW
2 18.235.130, the director of the department of licensing may take
3 disciplinary action for any of the following conduct, acts, or
4 conditions:

5 (1) It shall be unlawful for any person to engage in unfair or
6 deceptive commercial telephone solicitation.

7 (2) A commercial telephone solicitor shall not place calls to any
8 (~~residence~~) person which will be received before 8:00 a.m. or after
9 (~~9:00~~) 5:00 p.m. at the (~~purchaser's~~) call recipient's local
10 time.

11 (3) A commercial telephone solicitor may not engage in any
12 conduct the natural consequence of which is to harass, intimidate, or
13 torment any person in connection with the telephone call.

14 (4) A commercial telephone solicitor must begin each answered
15 call by identifying the caller, identifying the company or
16 organization on whose behalf the solicitation is being made, stating
17 the purpose of the call, and asking the called party whether they
18 want to continue the call, end the call, or be removed from the
19 solicitor's telephone lists. These disclosures and question must be
20 conveyed in the listed order immediately after the call recipient
21 answers and completed within 30 seconds.

22 (5) A commercial telephone solicitor must end a call within 10
23 seconds if the called party states or indicates they want to end the
24 call.

25 (6) A commercial telephone solicitor must promptly implement a
26 call recipient's statement or indication they do not want to be
27 called again, or want to be removed from the telephone lists used by
28 the company or organization making the telephone solicitation.

29 **Sec. 3.** RCW 19.158.110 and 1989 c 20 s 11 are each amended to
30 read as follows:

31 ~~(1) (Within the first minute of the telephone call, a commercial~~
32 ~~telephone solicitor or salesperson shall:~~

33 ~~(a) Identify himself or herself, the company on whose behalf the~~
34 ~~solicitation is being made, the property, goods, or services being~~
35 ~~sold; and~~

36 ~~(b) Terminate the telephone call within ten seconds if the~~
37 ~~purchaser indicates he or she does not wish to continue the~~
38 ~~conversation)) (a) At the beginning of each answered call, a~~
39 commercial telephone solicitor must:

1 (i) Identify the caller;
2 (ii) Identify the company or organization on whose behalf the
3 solicitation is being made;
4 (iii) State the purpose of the call; and
5 (iv) Ask the called party whether they want to continue the call,
6 end the call, or be removed from the solicitor's telephone lists.
7 (b) The disclosures and question required by this subsection must
8 be conveyed in the listed order immediately after the call recipient
9 answers and completed within 30 seconds.
10 (2) If, at any time during the telephone contact, the called
11 party states or indicates that he or she wants to end the call, the
12 telephone solicitor must end the call within 10 seconds.
13 (3) If at any time during the telephone contact, the
14 (~~purchaser~~) called party states or indicates that he or she does
15 not (~~wish~~) want to be called again by the commercial telephone
16 solicitor or wants to have his or her name (~~and~~), individual
17 telephone number, or other contact information removed from the
18 telephone lists used by the commercial telephone solicitor:
19 (a) The commercial telephone solicitor shall inform the called
20 party that his or her contact information will be removed from the
21 telephone solicitor's telephone lists for at least one year;
22 (b) The commercial telephone solicitor shall end the call within
23 10 seconds.
24 (c) The commercial telephone solicitor shall not make any
25 additional commercial telephone solicitation of the called party at
26 (~~that~~) any telephone number associated with that party within a
27 period of at least one year; and
28 (~~(b)~~) (d) The commercial telephone solicitor shall not sell or
29 give the called party's name (~~and~~), telephone number, or other
30 contact information to another commercial telephone solicitor:
31 PROVIDED, That the commercial telephone solicitor may return the
32 list, including the called party's name (~~and~~), telephone number,
33 and other contact information to the company or organization from
34 which it received the list.
35 (~~(3)~~) (4) A commercial telephone solicitor shall not place
36 calls to any person which will be received before 8:00 a.m. or after
37 5:00 p.m. at the call recipient's local time.
38 (5) The utilities and transportation commission shall by rule
39 ensure that telecommunications companies inform their residential

1 customers of the provisions of this section. The notification may be
2 made by:

3 (a) Annual inserts in the billing statements mailed to
4 residential customers; or

5 (b) Conspicuous publication of the notice in the consumer
6 information pages of local telephone directories.

7 ~~((4))~~ (6) If a sale or an agreement to purchase is completed,
8 the commercial telephone solicitor must inform the purchaser of his
9 or her cancellation rights as enunciated in this chapter, state the
10 registration number issued by the department of licensing, and give
11 the street address of the seller.

12 ~~((5))~~ (7) If, at any time prior to sale or agreement to
13 purchase, the commercial telephone solicitor's registration number is
14 requested by the purchaser, it must be provided.

15 ~~((6))~~ (8) All oral disclosures required by this section shall
16 be made in a clear and intelligible manner.

17 NEW SECTION. **Sec. 4.** A new section is added to chapter 19.158
18 RCW to read as follows:

19 The office of the attorney general shall provide and maintain a
20 web page informing the public of the laws and regulations governing
21 telephone solicitation, including the provisions of this chapter and
22 RCW 80.36.390, and the legal rights of those who receive telephone
23 solicitations; and provide information on how members of the public
24 may file a complaint for violations of the laws and regulations
25 governing telephone solicitation.

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