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**SUBSTITUTE HOUSE BILL 1497**

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**State of Washington**

**67th Legislature**

**2022 Regular Session**

**By** House Consumer Protection & Business (originally sponsored by Representatives Mosbrucker, Chandler, Peterson, Dent, Schmick, Steele, Pollet, Eslick, and Young)

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 or  
10 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)~~) 30 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 (4) If the telephone solicitor is requesting a donation or gift  
17 of money, the telephone solicitor must ask the called party whether  
18 they want to continue the call, end the call, or be removed from the  
19 solicitor's telephone lists.

20 (5) If, at any time during the telephone contact, the called  
21 party states or indicates they want to end the call, the telephone  
22 solicitor must end the call within 10 seconds.

23 (6) If, at any time during the telephone contact, the called  
24 party states or indicates that he or she does not (~~(wish)~~) want to be  
25 called again by the (~~(company or organization)~~) telephone solicitor  
26 or wants to have his or her name (~~(and)~~), individual telephone  
27 number, or other contact information removed from the telephone lists  
28 used by the (~~(company or organization making the telephone~~  
29 solicitation, then) telephone solicitor:

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

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

34 (c) The (~~(company or organization)~~) telephone solicitor shall not  
35 make any additional telephone solicitation of the called party at  
36 (~~(that telephone number)~~) any telephone number associated with that  
37 party within a period of at least one year; and

38 (~~(b)~~) (d) The (~~(company or organization)~~) telephone solicitor  
39 shall not sell or give the called party's name (~~(and)~~), telephone  
40 number, and other contact information to another company or

1 organization: PROVIDED, That the (~~company or organization~~)  
2 telephone solicitor may return the list, including the called party's  
3 name (~~and~~), telephone number, and other contact information to the  
4 company or organization from which it received the list.

5 (~~(4)~~) (7) A telephone solicitor shall not place calls to any  
6 person which will be received before 8:00 a.m. or after 5:00 p.m. at  
7 the call recipient's local time.

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

11 (~~(5)~~) (9) The attorney general may bring actions to enforce  
12 compliance with this section. For the first violation by any  
13 (~~company or organization~~) telephone solicitor of this section, the  
14 attorney general shall notify the (~~company~~) telephone solicitor  
15 with a letter of warning that the section has been violated.

16 (~~(6)~~) (10) A person aggrieved by repeated violations of this  
17 section may bring a civil action in superior court to enjoin future  
18 violations, to recover damages, or both. The court shall award  
19 damages of at least one hundred dollars for each individual violation  
20 of this section. If the aggrieved person prevails in a civil action  
21 under this subsection, the court shall award the aggrieved person  
22 reasonable attorneys' fees and cost of the suit.

23 (~~(7)~~) (11) The utilities and transportation commission shall by  
24 rule ensure that telecommunications companies inform their  
25 residential customers of the provisions of this section. The  
26 notification may be made by (a) annual inserts in the billing  
27 statements mailed to residential customers, or (b) conspicuous  
28 publication of the notice in the consumer information pages of local  
29 telephone directories.

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

32 In addition to the unprofessional conduct described in RCW  
33 18.235.130, the director of the department of licensing may take  
34 disciplinary action for any of the following conduct, acts, or  
35 conditions:

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

38 (2) A commercial telephone solicitor shall not place calls to any  
39 (~~residence~~) person which will be received before 8:00 a.m. or after

1 ((9:00)) 5:00 p.m. at the ((purchaser's)) call recipient's local  
2 time.

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

6 (4) A person making a telephone solicitation must identify him or  
7 herself and the company or organization on whose behalf the  
8 solicitation is being made and the purpose of the call within the  
9 first 30 seconds of the telephone call.

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

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

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

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

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

24 ~~(b) Terminate the telephone call within ten seconds if the~~  
25 ~~purchaser indicates he or she does not wish to continue the~~  
26 ~~conversation)) A person making a telephone solicitation must identify~~  
27 him or herself and the company or organization on whose behalf the  
28 solicitation is being made and the purpose of the call within the  
29 first 30 seconds of the telephone call.

30 (2) If, at any time during the telephone contact, the called  
31 party states or indicates that he or she wants to end the call, the  
32 telephone solicitor must end the call within 10 seconds.

33 (3) If at any time during the telephone contact, the  
34 ((purchaser)) called party states or indicates that he or she does  
35 not ((wish)) want to be called again by the commercial telephone  
36 solicitor or wants to have his or her name ((and)), individual  
37 telephone number, or other contact information removed from the  
38 telephone lists used by the commercial telephone solicitor:

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

4       (b) The commercial telephone solicitor shall end the call within  
5 10 seconds;

6       (c) The commercial telephone solicitor shall not make any  
7 additional commercial telephone solicitation of the called party at  
8 (~~that~~) any telephone number associated with that party within a  
9 period of at least one year; and

10       (~~(b)~~) (d) The commercial telephone solicitor shall not sell or  
11 give the called party's name (~~and~~) telephone number, or other  
12 contact information to another commercial telephone solicitor:  
13 PROVIDED, That the commercial telephone solicitor may return the  
14 list, including the called party's name (~~and~~) telephone number,  
15 and other contact information to the company or organization from  
16 which it received the list.

17       (~~(3)~~) (4) A commercial telephone solicitor shall not place  
18 calls to any person which will be received before 8:00 a.m. or after  
19 5:00 p.m. at the call recipient's local time.

20       (5) The utilities and transportation commission shall by rule  
21 ensure that telecommunications companies inform their residential  
22 customers of the provisions of this section. The notification may be  
23 made by:

24       (a) Annual inserts in the billing statements mailed to  
25 residential customers; or

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

28       (~~(4)~~) (6) If a sale or an agreement to purchase is completed,  
29 the commercial telephone solicitor must inform the purchaser of his  
30 or her cancellation rights as enunciated in this chapter, state the  
31 registration number issued by the department of licensing, and give  
32 the street address of the seller.

33       (~~(5)~~) (7) If, at any time prior to sale or agreement to  
34 purchase, the commercial telephone solicitor's registration number is  
35 requested by the purchaser, it must be provided.

36       (~~(6)~~) (8) All oral disclosures required by this section shall  
37 be made in a clear and intelligible manner.

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

1       The office of the attorney general shall provide and maintain a  
2 web page informing the public of the laws and regulations governing  
3 telephone solicitation, including the provisions of this chapter and  
4 RCW 80.36.390, and the legal rights of those who receive telephone  
5 solicitations; and provide information on how members of the public  
6 may file a complaint for violations of the laws and regulations  
7 governing telephone solicitation.

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