

CERTIFICATION OF ENROLLMENT
ENGROSSED SUBSTITUTE HOUSE BILL 1497

67th Legislature
2022 Regular Session

Passed by the House February 10, 2022
Yeas 90 Nays 5

**Speaker of the House of
Representatives**

Passed by the Senate March 3, 2022
Yeas 47 Nays 0

President of the Senate

Approved

Governor of the State of Washington

CERTIFICATE

I, Bernard Dean, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is **ENGROSSED SUBSTITUTE HOUSE BILL 1497** as passed by the House of Representatives and the Senate on the dates hereon set forth.

Chief Clerk

FILED

**Secretary of State
State of Washington**

ENGROSSED SUBSTITUTE HOUSE BILL 1497

Passed Legislature - 2022 Regular Session

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)

READ FIRST TIME 01/25/22.

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 8:00 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)) 8:00 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 8:00 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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