

HOUSE BILL NO. 93

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-SIXTH LEGISLATURE - FIRST SESSION

BY REPRESENTATIVES CHENAULT, Neuman, Harris, Muñoz, Gardner, Gara

Introduced: 1/28/09

Referred: Labor and Commerce

A BILL

FOR AN ACT ENTITLED

1 **"An Act relating to unwanted telephone solicitations on a cellular or mobile telephone**
2 **and making those calls to cellular or mobile telephones registered with the national do**
3 **not call registry violations of the Alaska Unfair Trade Practices and Consumer**
4 **Protection Act."**

5 **BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

6 * **Section 1.** AS 45.50.475(g) is amended to read:

7 (g) In this section,

8 (1) "charitable organization" has the meaning given in AS 45.68.900;

9 (2) "customer" means a telephone customer of a telecommunications
10 company;

11 (3) "national do not call registry" means the data base of telephone
12 numbers of customers who do not wish to receive telephone solicitations established
13 and maintained by the Federal Trade Commission and the Federal Communications
14 Commission;

1 (4) "telephone solicitation"

2 (A) means the solicitation by a person by telephone of a
3 customer at the residence of the customer **or on a customer's cellular or**
4 **mobile telephone** for the purpose of encouraging the customer to purchase
5 property, goods, or services, or make a donation;

6 (B) does not include

7 (i) calls made in response to a request or inquiry by the
8 called customer or communication made during a call made by the
9 customer;

10 (ii) calls made by a charitable organization or
11 volunteers on behalf of the charitable organization to a member of the
12 organization or to a person who, within the last 18 months, has made a
13 donation to the organization or expressed an interest in making a
14 donation, but only if the charitable organization has not received a
15 request from the member or person asking that the telephone
16 solicitations cease;

17 (iii) calls limited to soliciting the expression of ideas,
18 opinions, or votes;

19 (iv) business-to-business calls; or

20 (v) a person soliciting business from prospective
21 purchasers who have, within the last 18 months, purchased from the
22 person making the solicitation or from the business enterprise for which
23 the person is calling but only if the person or business enterprise has
24 not received a request from the prospective purchaser asking that
25 telephone solicitations cease; the person or business enterprise is
26 presumed to have received a written request no later than 10 days after
27 the prospective purchaser mailed it, properly addressed and with the
28 appropriate postage.