

**CS FOR HOUSE BILL NO. 109(JUD)**

IN THE LEGISLATURE OF THE STATE OF ALASKA

NINETEENTH LEGISLATURE - SECOND SESSION

BY THE HOUSE JUDICIARY COMMITTEE

Offered: 2/15/96

Referred: Rules

Sponsor(s): REPRESENTATIVES BROWN, Navarre, B.Davis

**A BILL**

**FOR AN ACT ENTITLED**

1 "An Act relating to telephone solicitations, advertisements, and directory listings."

2 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

3 \* Section 1. AS 45.50.471(b) is amended by adding a new paragraph to read:

4 (41) failing to comply with AS 45.50.475.

5 \* Sec. 2. AS 45.50 is amended by adding a new section to read:

6 Sec. 45.50.475. UNLAWFUL, UNWANTED TELEPHONE  
7 ADVERTISEMENTS AND SOLICITATIONS. (a) A person is in violation of  
8 AS 45.50.471(b)(41) if the person

9 (1) engages in the telephone solicitation of a residential telephone  
10 customer of a telecommunications company and the customer is identified in the  
11 telephone directory as not wishing to receive telephone solicitations; or

12 (2) originates a telephone call using an automated or recorded message  
13 as a telephonic advertisement or solicitation.

14 (b) A local exchange telecommunications company and a company that  
15 provides a telephone directory on behalf of a local exchange telecommunications

1 company shall provide for the identification in the telephone directory of those  
2 residential customers who do not wish to receive telephone solicitations. A residential  
3 customer who requests to be so identified shall pay for the cost of the identification.

4 (c) A local exchange telecommunications company shall, upon request, provide  
5 to a person who engages in telephone solicitation a list of all telephone numbers  
6 identified in the telephone directory as residential customers who do not wish to  
7 receive telephone solicitations. If possible and if requested by the person who engages  
8 in telephone solicitation, this list shall be provided in computer readable format. The  
9 local exchange telephone company may impose a reasonable charge for the list.

10 (d) Local exchange telecommunications companies shall inform residential  
11 customers of the provisions of this section. Notification may be made by

12 (1) annual inserts in the billing statements mailed to residential  
13 customers; or

14 (2) conspicuous publication of the notice in the consumer information  
15 pages of local telephone directories.

16 (e) In this section,

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

18 (2) "customer" means a residential telephone customer of a  
19 telecommunications company;

20 (3) "telephone solicitation"

21 (A) means the solicitation by a person by telephone of a  
22 customer at the residence of the customer for the purpose of encouraging the  
23 customer to purchase property, goods, or services, or make a donation;

24 (B) does not include

25 (i) calls made in response to a request or inquiry by the  
26 called customer or communications made during a call made by the  
27 customer;

28 (ii) calls made by a charitable organization, a public  
29 agency, or volunteers on behalf of the charitable organization or public  
30 agency to members of the organization or agency or to persons who,  
31 within the last 24 months, have made a donation to the organization or

1 agency or expressed an interest in making a donation;

2 (iii) calls limited to polling or soliciting the expression  
3 of ideas, opinions, or votes;

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

5 (v) a person soliciting business from prospective  
6 purchasers who have, within the last 24 months, purchased from the  
7 person making the solicitation or from the business enterprise for which  
8 the person is calling but only if the person or business enterprise has  
9 not received a written request from the prospective purchaser asking  
10 that telephone solicitations cease; the person or business enterprise is  
11 presumed to have received a written request no later than 10 days after  
12 the prospective purchaser mailed it, properly addressed and with the  
13 appropriate postage.

14 \* **Sec. 3.** AS 45.50.472 is repealed.