

SENATE BILL NO. 239

IN THE LEGISLATURE OF THE STATE OF ALASKA

NINETEENTH LEGISLATURE - SECOND SESSION

BY SENATOR RIEGER

Introduced: 1/26/96

Referred: L&C, FIN

A BILL

FOR AN ACT ENTITLED

1 **"An Act relating to telephone advertisements, solicitations, 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 SOLICITATION. (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) uses an automated or recorded message as a telephone
13 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.

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

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

10 (1) annual inserts in the billing statements mailed to residential
11 customers; or

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

14 (e) In this section,

15 (1) "customer" means a residential telephone customer of a
16 telecommunications company;

17 (2) "telephone solicitation"

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

21 (B) does not include

22 (i) calls made in response to a request or inquiry by the
23 called customer or communications made during a call made by the
24 customer;

25 (ii) calls made by a charitable organization, a public
26 agency, or volunteers on behalf of the charitable organization or public
27 agency to members of the organization or agency or to persons who
28 have made a donation to the organization or agency or expressed an
29 interest in making a donation;

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

- 1 (iv) business-to-business calls; or
2 (v) a person soliciting business from prospective
3 purchasers who have previously purchased from the person making the
4 solicitation or from the business enterprise for which the person is
5 calling but only if the person or business enterprise has not received a
6 written request from the prospective purchaser asking that telephone
7 solicitations cease; the person or business enterprise is presumed to
8 have received a written request no later than 10 days after the
9 prospective purchaser mailed it, properly addressed and with the
10 appropriate postage.
11 * **Sec. 3.** AS 45.50.472 is repealed.