

CS FOR SENATE BILL NO. 239(L&C)

IN THE LEGISLATURE OF THE STATE OF ALASKA

NINETEENTH LEGISLATURE - SECOND SESSION

BY THE SENATE LABOR AND COMMERCE COMMITTEE

Offered: 2/7/96
Referred: Finance

Sponsor(s): SENATOR RIEGER

A BILL

FOR AN ACT ENTITLED

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

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

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

5 (41) failing to comply with AS 45.50.475.

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

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

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

13 (2) uses an automated or recorded message as a telephone advertisement
14 or solicitation; or

15 (3) uses an automated message to solicit by telephone the opinion of an

1 individual at a residential telephone if the customer is identified in the telephone
2 directory as not wishing to receive telephone solicitations.

3 (b) A local exchange telecommunications company and a company that provides
4 a telephone directory on behalf of a local exchange telecommunications company shall
5 provide for the identification in the telephone directory of those residential customers
6 who do not wish to receive telephone solicitations.

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

12 (d) When providing a telephone number at the request of a caller, a telephone
13 company that provides a directory assistance service shall advise the caller if the
14 customer is identified in the telephone directory as a residential customer who does not
15 wish to receive telephone solicitations.

16 (e) Local exchange telecommunications companies shall inform residential
17 customers of the provisions of this section. Notification may be made by

18 (1) annual inserts in the billing statements mailed to residential
19 customers; or

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

22 (f) In this section,

23 (1) "customer" means a residential telephone customer of a
24 telecommunications company;

25 (2) "telephone solicitation"

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

29 (B) does not include

30 (i) calls made in response to a request or inquiry by the
31 called customer or communications made during a call made by the
32 customer;

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(ii) calls made by a charitable organization, a public agency, or volunteers on behalf of the charitable organization or public agency to members of the organization or agency or to persons who, within the last 24 months, have made a donation to the organization or agency or expressed an interest in making a donation;

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

(iv) business-to-business calls; or

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

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