

CS FOR SENATE BILL NO. 239(FIN)

IN THE LEGISLATURE OF THE STATE OF ALASKA

NINETEENTH LEGISLATURE - SECOND SESSION

BY THE SENATE FINANCE COMMITTEE

Offered: 2/23/96

Referred: Rules

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) originates a telephone call using an automated or recorded message
14 as a telephonic advertisement 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. The local exchange
7 telecommunications company may impose a reasonable charge for identification in the
8 directory. The charge shall be based on the cost of providing the identification and
9 subject to the approval of the Alaska Public Utilities Commission.

10 (c) A local exchange telecommunications company shall, upon request, provide
11 to a person who engages in telephone solicitation a list of all telephone numbers
12 identified in the telephone directory as residential customers who do not wish to receive
13 telephone solicitations. If possible and if requested by the person who engages in
14 telephone solicitation, this list shall be provided in computer readable format. The local
15 exchange telecommunications company may impose a reasonable charge for the list. The
16 charge shall be based on the cost of providing the list and subject to the approval of the
17 Alaska Public Utilities Commission.

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

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

24 (1) annual inserts in the billing statements mailed to residential
25 customers; or

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

28 (f) In this section,

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

30 (2) "customer" means a residential telephone customer of a
31 telecommunications company;

32 (3) "telephone solicitation"

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

4 (B) does not include

5 (i) calls made in response to a request or inquiry by the
6 called customer or communications made during a call made by the
7 customer;

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

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

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

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

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