

**HOUSE BILL NO. 448**

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-SECOND LEGISLATURE - SECOND SESSION

**BY REPRESENTATIVES CRAWFORD, Morgan, Porter, Kerttula, Hudson, Green, Hayes, Halcro, Guess, Wilson, Meyer, Croft, Berkowitz, Lancaster, Dyson**

**Introduced: 2/19/02**

**Referred: Labor and Commerce, Judiciary**

**A BILL**

**FOR AN ACT ENTITLED**

1 **"An Act relating to establishing a data base of residential telephone customers who do**  
2 **not wish to receive telephone solicitations, providing that the data base be compiled at**  
3 **no cost to the customers, requiring telephone solicitors to purchase the data base, and**  
4 **requiring paid solicitors to register; and providing for an effective date."**

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

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

7 (b) A local exchange telecommunications company and a company that  
8 provides a telephone directory on behalf of a local exchange telecommunications  
9 company shall provide for the identification in the telephone directory of those  
10 residential customers who do not wish to receive telephone solicitations. The local  
11 exchange telecommunications company may **not** impose a [REASONABLE] charge  
12 for identification in the directory. [THE CHARGE SHALL BE BASED ON THE  
13 COST OF PROVIDING THE IDENTIFICATION AND IS SUBJECT TO THE

## 1 APPROVAL OF THE REGULATORY COMMISSION OF ALASKA.]

2 \* **Sec. 2.** AS 45.50.475(c) is repealed and reenacted to read:

3 (c) The attorney general shall establish and provide for the operation of a data  
 4 base that compiles a list of telephone numbers of residential subscribers who do not  
 5 wish to receive telephone solicitations. A residential subscriber's notice of objection  
 6 shall be effective until withdrawn by the subscriber. The data base may be operated  
 7 by the attorney general or by another entity under contract with the attorney general.  
 8 The charge for the data base shall be based on the state's cost of providing the  
 9 identification and the administrative costs of maintaining the data base and may  
 10 include the cost of reimbursing local exchange telecommunications companies for  
 11 costs of providing the identification. Information contained in the data base  
 12 established under this subsection shall be used only for the purpose of compliance  
 13 with this section or in a proceeding or action. The information contained in the data  
 14 base is not open to public inspection or disclosure. To implement this subsection, the  
 15 attorney general shall adopt regulations that specify

16 (1) the methods by which each residential subscriber may give notice  
 17 to the attorney general or its contractor of the residential subscriber's

18 (A) objection to receiving telephone solicitations; or

19 (B) revocation of such notice;

20 (2) the effect of a change of telephone number on a notice of objection;

21 (3) the methods by which objections and revocations shall be collected  
 22 and added to the data base;

23 (4) the methods by which a person or entity desiring to make telephone  
 24 solicitations may obtain access to the data base to avoid calling the telephone numbers  
 25 of residential subscribers included in the data base;

26 (5) the fees for access to or for paper or electronic copies of the data  
 27 base established under this section; and

28 (6) any other matter relating to the data base that the attorney general  
 29 considers desirable.

30 \* **Sec. 3.** AS 45.50.475(f) is amended to read:

31 (f) Local exchange telecommunications companies shall inform residential

1 customers of the provisions of this section. Notification **shall** [MAY] be made by

2 (1) annual inserts in the billing statements mailed to residential  
3 customers; **and** [OR]

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

6 \* **Sec. 4.** AS 45.50.475 is amended by adding a new subsection to read:

7 (h) A person required to register under AS 45.63.010 shall purchase the  
8 appropriate data base from the attorney general or from an entity with which the  
9 attorney general has entered into a contract.

10 \* **Sec. 5.** AS 45.63.010(b) is amended to read:

11 (b) To register under (a) of this section, a person shall file with the department

12 (1) a notice of intent to engage in a solicitation campaign; a separate  
13 notice of intent shall be filed for each solicitation campaign;

14 (2) an irrevocable consent appointing the department the person's agent  
15 for the receipt of service of process in a court action or other proceeding against the  
16 person, or the successor in interest of the person, for a violation of this chapter; [AND]

17 (3) **a request and payment for the appropriate data base compiled**  
18 **under AS 45.50.475(c) of the telephone numbers of residential subscribers who**  
19 **do not wish to receive telephone solicitation; and**

20 (4) **a signed statement that the person has read and will comply with**  
21 **this chapter and the regulations adopted under this chapter.**

22 \* **Sec. 6.** AS 45.63.010 is amended by adding a new subsection to read:

23 (f) A paid solicitor shall register with the Department of Law at least 30 days  
24 before making telephone solicitations for a solicitation campaign.

25 \* **Sec. 7.** AS 45.63.100 is amended by adding a new paragraph to read:

26 (7) "paid solicitor" means a person who is paid to make telephonic  
27 solicitations on behalf of another person who is not the person's employer; an  
28 employee of a person selling or attempting to sell property or services is not a paid  
29 solicitor for the person's employer; an employee of a paid solicitor who makes  
30 telephonic contact with buyers is not required to register individually as a telephonic  
31 seller.

1     \* **Sec. 8.** The uncodified law of the State of Alaska is amended by adding a new section to  
2 read:

3           TRANSITIONAL PROVISIONS: REGULATIONS. Notwithstanding sec. 9 of this  
4 Act, the attorney general may proceed to adopt regulations necessary to implement  
5 AS 45.50.475(c), as amended by sec. 2 of this Act. The regulations take effect under  
6 AS 44.62 (Administrative Procedure Act), but not before the effective date of sec. 2 of this  
7 Act.

8     \* **Sec. 9.** Sections 1 - 5 of this Act take effect January 1, 2003.

9     \* **Sec. 10.** Section 8 of this Act takes effect immediately under AS 01.10.070(c).