

**SENATE BILL NO. 294**

IN THE LEGISLATURE OF THE STATE OF ALASKA  
TWENTY-FOURTH LEGISLATURE - SECOND SESSION

BY SENATOR ELTON

Introduced: 2/14/06

Referred: Labor and Commerce, Resources

**A BILL**

**FOR AN ACT ENTITLED**

1 **"An Act requiring the hunting and fishing license applications and registration and**  
2 **drawing applications to include an opportunity for refusal of telephone solicitation, and**  
3 **making telephone solicitations in violation of the refusal an unlawful act or practice**  
4 **under the Act defining unfair trade practices and consumer protection."**

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

6 \* **Section 1.** AS 16.05 is amended by adding a new section to read:

7 **Sec. 16.05.332. Opportunity for applicant to refuse telephone solicitation**  
8 **calls.** (a) The applications and forms for hunting and fishing licenses and registration  
9 and drawing applications must include an opportunity for the applicant to indicate a  
10 desire to not receive telephone solicitation calls. A person who expresses this desire on  
11 an application or form for a hunting or fishing license or registration or drawing  
12 application is protected from unwanted telephone solicitation under AS 45.50.475.

13 (b) If the department compiles a list of applicants for hunting and fishing  
14 licenses and registration and drawing applications and make that compilation available

1 to the public, the department shall indicate on the list the names of the applicants who,  
2 under (a) of this section, have selected to not receive telephone solicitation calls.

3 \* **Sec. 2.** AS 45.50.475(a) is amended to read:

4 (a) A person is in violation of AS 45.50.471(b)(41) if the person

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

8 (2) engages in the telephone solicitation of a customer whose  
9 telephone number has been registered with the national do not call registry for the  
10 minimum amount of time required by the national do not call registry before the date  
11 the call is made;

12 (3) engages in the telephone solicitation of a customer who has  
13 previously communicated to the telephone solicitor, or to the business enterprise or  
14 charitable organization for which the person is calling, the customer's desire not to  
15 receive telephone solicitations to that number; [OR]

16 (4) **engages in the telephone solicitation, based on or using a list**  
17 **described in AS 16.05.332(b), of a residential telephone customer who has**  
18 **previously expressed the desire to not receive telephone solicitations under**  
19 **AS 16.05.332(a); or**

20 (5) originates a telephone call using an automated or recorded message  
21 as a telephonic advertisement or a telephone solicitation.

22 \* **Sec. 3.** AS 45.50.475(d) is amended to read:

23 (d) A person who employs individuals to engage in telephone solicitations is  
24 not liable for a violation of **(a)(1) - (4)** [(a)(1) - (3)] of this section if the person  
25 establishes that

26 (1) the person has adopted and implemented written procedures and  
27 policies to comply with **(a)(1) - (4)** [(a)(1) - (3)] of this section, including corrective  
28 actions if appropriate;

29 (2) the person has trained its personnel in the procedures and policies  
30 established under (1) of this subsection;

31 (3) the call that violated **(a)(1) - (4)** [(a)(1) - (3)] of this section was

1 made contrary to the procedures and policies established by the person; and

2 (4) the call that violated (a)(1) - (4) [(a)(1) - (3)] of this section was  
3 made as a result of a good faith error.

4 \* **Sec. 4.** AS 45.50.475(e) is amended to read:

5 (e) An individual who solicits a telephone customer in violation of (a)(1) - (4)  
6 [(a)(1) - (3)] of this section is not liable for the violation if the individual establishes  
7 that the individual did not intend to make the call in violation of this section and did  
8 not recklessly disregard information or policies and procedures that would have  
9 avoided the improper call.