

HOUSE BILL NO. 226

IN THE LEGISLATURE OF THE STATE OF ALASKA
TWENTY-SEVENTH LEGISLATURE - FIRST SESSION

BY REPRESENTATIVE KAWASAKI

Introduced: 4/4/11

Referred: Labor and Commerce, Judiciary

A BILL

FOR AN ACT ENTITLED

1 **"An Act prohibiting certain automated telephone solicitations."**

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

3 * **Section 1.** The uncodified law of the State of Alaska is amended by adding a new section
4 to read:

5 SHORT TITLE. This Act may be known as the Robo-call Prohibition Act.

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

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

8 (1) [REPEALED

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

13 (2) [(3)] engages in the telephone solicitation of a customer who has
14 previously communicated to the telephone solicitor, or to the business enterprise or
15 charitable organization for which the person is calling, the customer's desire not to

1 receive telephone solicitations to that number;

2 (3) [OR (4)] originates a telephone call using an automated or recorded
3 message as a telephonic advertisement or a telephone solicitation; or

4 (4) uses an automated telephone system, device, or facsimile
5 machine for the selection and dialing of telephone numbers and playing of
6 recorded messages if a message is completed to the dialed number for the
7 purpose of

8 (A) offering goods or services for sale;

9 (B) conveying information on goods or services in soliciting
10 sales or purchases

11 (C) soliciting information;

12 (D) gathering data or statistics; or

13 (E) promoting a political campaign or any use related to a
14 political campaign.

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

16 (d) A person who employs individuals to engage in telephone solicitations is
17 not liable for a violation of (a)(1) and (2) [(a)(1) - (3)] of this section if the person
18 establishes that

19 (1) the person has adopted and implemented written procedures and
20 policies to comply with (a)(1) and (2) [(a)(1) - (3)] of this section, including
21 corrective actions if appropriate;

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

24 (3) the call that violated (a)(1) and (2) [(a)(1) - (3)] of this section was
25 made contrary to the procedures and policies established by the person; and

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

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

29 (e) An individual who solicits a telephone customer in violation of (a)(1) and
30 (2) [(a)(1) - (3)] of this section is not liable for the violation if the individual
31 establishes that the individual did not intend to make the call in violation of this

1 section and did not recklessly disregard information or policies and procedures that
2 would have avoided the improper call.

3 * **Sec. 5.** AS 45.50.475 is amended by adding a new subsection to read:

4 (h) A person is not liable for a violation of (a)(4) of this section if the person
5 uses

6 (1) an automated telephone system, device, or facsimile machine for
7 the purposes of

8 (A) informing purchasers of the receipt, availability for
9 delivery, delay in delivery, or other pertinent information on the status of any
10 purchased goods or services;

11 (B) responding to an inquiry initiated by any person; or

12 (C) providing any other pertinent information when there is a
13 pre-existing business relationship; or

14 (2) an automated telephone system or device if the person obtains the
15 permission of the called party by a live operator before the recorded message is
16 delivered.