

SENATE BILL NO. 40

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

BY SENATOR MEYER

Introduced: 1/19/11

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.** 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5 (1) [REPEALED

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

10 (2) [(3)] engages in the telephone solicitation of a customer who has
11 previously communicated to the telephone solicitor, or to the business enterprise or
12 charitable organization for which the person is calling, the customer's desire not to
13 receive telephone solicitations to that number;

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

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

5 **(A) offering goods or services for sale;**

6 **(B) conveying information on goods or services in soliciting**
 7 **sales or purchases;**

8 **(C) soliciting information;**

9 **(D) gathering data or statistics; or**

10 **(E) promoting a political campaign or any use related to a**
 11 **political campaign.**

12 * **Sec. 2.** AS 45.50.475 is amended by adding a new subsection to read:

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

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

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

20 (B) responding to an inquiry initiated by the person receiving
 21 the automated communication; or

22 (C) informing the recipient of a matter involving public safety;

23 or

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