

Offered: 1/26/90
Referred: Judiciary

6-1023E

Original sponsor(s): REP. HOFFMAN, Boucher

1 IN THE HOUSE BY THE STATE AFFAIRS COMMITTEE
2 CS FOR HOUSE BILL NO. 232 (State Affairs)
3 IN THE LEGISLATURE OF THE STATE OF ALASKA
4 SIXTEENTH LEGISLATURE - SECOND SESSION
5 A BILL

6 For an Act entitled: "An Act relating to junk telephone calls, the use of
7 automatic dialing and announcing devices, and the use
8 of facsimile devices for commercial solicitation."

9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

10 * Section 1. AS 45.50.472(b) is amended to read:

11 (b) In this section

12 (1) "automatic dialing and announcing device" means equip-
13 ment that dials programmed telephone numbers and plays a recorded
14 message when the call is answered;

15 (2) "junk telephone call" means a telephone call made for
16 the purpose of advertising through the use of a recorded advertise-
17 ment.

18 * Sec. 2. AS 45.50.472(c) is repealed and reenacted to read:

19 (c) A violation of this section constitutes a violation of
20 AS 45.50.471 - 45.50.561. A person who receives a communication in
21 violation of this section is presumed to have suffered an ascertain-
22 able loss of money or property under AS 45.50.531 and is entitled to
23 recover actual damages or \$200, whichever is greater, under that
24 section.

25 * Sec. 3. AS 45.50.472 is amended by adding a new subsection to read:

26 (d) A person may not use an automatic dialing and announcing
27 device to call an unlisted, unpublished, emergency, or toll free long
28 distance number.

29 * Sec. 4. AS 45.50 is amended by adding a new section to read:

1 Sec. 45.50.475. COMMERCIAL SOLICITATION BY MEANS OF A FACSIMILE
2 DEVICE. (a) A person may not make a transmission to a facsimile
3 device for commercial solicitation. This section applies to all
4 commercial solicitation intended to be received by a facsimile device
5 within the state.

6 (b) A violation of this section constitutes a violation of
7 AS 45.50.471 - 45.50.561. A person who receives a commerci-
8 solicitation in violation of this section is presumed to have suffered an
9 ascertainable loss of money or property under AS 45.50.531 and is
10 entitled to recover actual damages or \$200, whichever is greater,
11 under that section.

12 (c) This section does not prohibit the Alaska Public Utilities
13 Commission from adopting additional regulations concerning trans-
14 missions to facsimile devices.

15 (d) In this section

16 (1) "commercial solicitation" means the unsolicited elec-
17 tronic or telephonic transmission to a facsimile device to encourage a
18 person or persons to purchase property, goods, or services;

19 (2) "facsimile device" is a device that is capable of
20 receiving and copying on to paper reasonable reproductions or facsimi-
21 les of documents and photographs that have been transmitted electroni-
22 cally or telephonically over telecommunication lines.