

HB

109

CS FOR HOUSE BILL NO. 109(JUD)

IN THE LEGISLATURE OF THE STATE OF ALASKA

NINETEENTH LEGISLATURE - SECOND SESSION

BY THE HOUSE JUDICIARY COMMITTEE

**Offered:
Referred:**

Sponsor(s): REPRESENTATIVES BROWN, Navarre, B.Davis

A BILL

FOR AN ACT ENTITLED

1 **"An Act relating to telephone solicitations, advertisements, and directory listings."**

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

3 *** Section 1. AS 45.50.471(b) is amended by adding a new paragraph to read:**

4 (41) failing to comply with AS 45.50.475.

5 *** Sec. 2. AS 45.50 is amended by adding a new section to read:**

6 **Sec. 45.50.475. UNLAWFUL, UNWANTED TELEPHONE**

7 **ADVERTISEMENTS AND SOLICITATIONS. (a) A person is in violation of**

8 **AS 45.50.471(b)(41) if the person**

9 (1) engages in the telephone solicitation of a residential telephone
10 customer of a telecommunications company and the customer is identified in the
11 telephone directory as not wishing to receive telephone solicitations; or

12 (2) originates a telephone call using an automated or recorded message
13 as a telephonic advertisement or solicitation.

14 (b) A local exchange telecommunications company and a company that
15 provides a telephone directory on behalf of a local exchange telecommunications

1 company shall provide for the identification in the telephone directory of those
2 residential customers who do not wish to receive telephone solicitations. A residential
3 customer who requests to be so identified shall pay for the cost of the identification.

4 (c) A local exchange telecommunications company shall, upon request, provide
5 to a person who engages in telephone solicitation a list of all telephone numbers
6 identified in the telephone directory as residential customers who do not wish to
7 receive telephone solicitations. If possible and if requested by the person who engages
8 in telephone solicitation, this list shall be provided in computer readable format. The
9 local exchange telephone company may impose a reasonable charge for the list.

10 (d) Local exchange telecommunications companies shall inform residential
11 customers of the provisions of this section. Notification may be made by

12 (1) annual inserts in the billing statements mailed to residential
13 customers; or

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

16 (e) In this section,

17 (1) "charitable organization" has the meaning given in AS 45.68.900;

18 (2) "customer" means a residential telephone customer of a
19 telecommunications company;

20 (3) "telephone solicitation"

21 (A) means the solicitation by a person by telephone of a
22 customer at the residence of the customer for the purpose of encouraging the
23 customer to purchase property, goods, or services, or make a donation;

24 (B) does not include

25 (i) calls made in response to a request or inquiry by the
26 called customer or communications made during a call made by the
27 customer;

28 (ii) calls made by a charitable organization, a public
29 agency, or volunteers on behalf of the charitable organization or public
30 agency to members of the organization or agency or to persons who,
31 within the last 24 months, have made a donation to the organization or

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agency or expressed an interest in making a donation;

(iii) calls limited to polling or soliciting the expression of ideas, opinions, or votes;

(iv) business-to-business calls; or

(v) a person soliciting business from prospective purchasers who have, within the last 24 months, purchased from the person making the solicitation or from the business enterprise for which the person is calling but only if the person or business enterprise has not received a written request from the prospective purchaser asking that telephone solicitations cease; the person or business enterprise is presumed to have received a written request no later than 10 days after the prospective purchaser mailed it, properly addressed and with the appropriate postage.

* Sec. 3. AS 45.50.472 is repealed.

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HOUSE COMMITTEE REPORT

(7)

Date Referred: May 4, 1995

FURTHER REFERRALS:

Date of Committee Action: 2/14/96

The JUDICIARY Committee considered:

HB 109

HOUSE BILL NO. 109

TELEPHONE DIRECTORY LISTING/SOLICITATIONS

"An Act relating to telephone directory listings and solicitations."

recommends it be replaced with the following committee substitute CSHB 109 (JUD)

[the same title
[] a new title

[] additional referral to _____ Committee
[] attached amendment(s)

ADOPTS: JUD Letter of Intent

ATTACHES NEW FISCAL NOTE(S): (Dept)

APPROVES PREVIOUS: (Dept/Date)

[] fiscal note(s) _____ [] fiscal note(s) _____

[zero fiscal note(s) Law Comm [] zero fiscal note(s) _____
ere (APUC)

SIGNING WITH RECOMMENDATIONS	DP	DNP	NR	AM
<i>[Signature]</i>	✓			
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CHAIR'S SIGNATURE Brian Porter

Alaska State Legislature



House of Representatives
House Judiciary Committee

State Capitol, Room 120
Juneau, Alaska 99801-1182
(907) 465-4990

House Judiciary Committee Letter of Intent for CSHB 109 (JUD)

CSHB 109 was passed out by the House Judiciary Committee on February 14, 1996. The committee's intent is that this bill, which makes it a violation of Alaska's consumer protection laws to telephonically solicit residential telephone users under some circumstances, not result in liability for local exchange telecommunication companies for such violations.

DATED: 2-15-96

By: Brian D. Porter
Brian Porter, Chairman House Judiciary Committee

2/14/96

HOUSE LETTER OF INTENT

BY: HOUSE JUDICIARY COMMITTEE

TO: CSHB 109 (), "F" version dated 2/9/96

This Act does not make local exchange telecommunication companies liable for violations by telephone solicitors.

CS FOR HOUSE BILL NO. 109()
IN THE LEGISLATURE OF THE STATE OF ALASKA
NINETEENTH LEGISLATURE - SECOND SESSION

BY

Offered:
Referred:

Sponsor(s): REPRESENTATIVES BROWN, Navarre, B.Davis

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6 Sec. 45.50.475. UNLAWFUL, UNWANTED TELEPHONE
7 ADVERTISEMENTS AND SOLICITATIONS. (a) A person is in violation of
8 AS 45.50.471(b)(41) if the person

9 (1) engages in the telephone solicitation of a residential telephone
10 customer of a telecommunications company and the customer is identified in the
11 telephone directory as not wishing to receive telephone solicitations; or

12 (2) uses an automated or recorded message as a telephonic
13 advertisement or solicitation.

14 (b) A local exchange telecommunications company and a company that
15 provides a telephone directory on behalf of a local exchange telecommunications

1 company shall provide for the identification in the telephone directory of those
2 residential customers who do not wish to receive telephone solicitations.

3 (c) A local exchange telecommunications company shall, upon request, provide
4 to a person who engages in telephone solicitation a list of all telephone numbers
5 identified in the telephone directory as residential customers who do not wish to
6 receive telephone solicitations. If possible and if requested by the person who engages
7 in telephone solicitation, this list shall be provided in computer readable format.

8 (d) Local exchange telecommunications companies shall inform residential
9 customers of the provisions of this section. Notification may be made by

10 (1) annual inserts in the billing statements mailed to residential
11 customers; or

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

14 (e) In this section,

15 (1) "customer" means a residential telephone customer of a
16 telecommunications company;

17 (2) "telephone solicitation"

18 (A) means the solicitation by a person by telephone of a
19 customer at the residence of the customer for the purpose of encouraging the
20 customer to purchase property, goods, or services, or make a donation;

21 (B) does not include

22 (i) calls made in response to a request or inquiry by the
23 called customer or communications made during a call made by the
24 customer;

25 (ii) calls made by a charitable organization, a public
26 agency, or volunteers on behalf of the charitable organization or public
27 agency to members of the organization or agency or to persons who
28 have made a donation to the organization or agency or expressed an
29 interest in making a donation;

30 (iii) calls limited to polling or soliciting the expression
31 of ideas, opinions, or votes;

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(iv) business-to-business calls; or

(v) a person soliciting business from prospective purchasers who have previously purchased from the person making the solicitation or from the business enterprise for which the person is calling but only if the person or business enterprise has not received a written request from the prospective purchaser asking that telephone solicitations cease; the person or business enterprise is presumed to have received a written request no later than 10 days after the prospective purchaser mailed it, properly addressed and with the appropriate postage.

* Sec. 3. AS 45.50.472 is repealed.

SENATE BILL NO. 239

IN THE LEGISLATURE OF THE STATE OF ALASKA

NINETEENTH LEGISLATURE - SECOND SESSION

BY SENATOR RIEGER

Introduced: 1/26/96

Referred: L&C, FIN

A BILL

FOR AN ACT ENTITLED

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9 customers of the provisions of this section. Notification may be made by

10 (1) annual inserts in the billing statements mailed to residential
11 customers; or

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

14 (e) In this section,

15 (1) "customer" means a residential telephone customer of a
16 telecommunications company;

17 (2) "telephone solicitation"

18 (A) means the solicitation by a person by telephone of a
19 customer at the residence of the customer for the purpose of encouraging the
20 customer to purchase property, goods, or services, or make a donation;

21 (B) does not include

22 (i) calls made in response to a request or inquiry by the
23 called customer or communications made during a call made by the
24 customer;

25 (ii) calls made by a charitable organization, a public
26 agency, or volunteers on behalf of the charitable organization or public
27 agency to members of the organization or agency or to persons who
28 have made a donation to the organization or agency or expressed an
29 interest in making a donation;

30 (iii) calls limited to polling or soliciting the expression
31 of ideas, opinions, or votes;

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* Sec. 3. AS 45.50.472 is repealed.

~~Alaska Telephone Association~~

4341 B Street, Suite 304
Anchorage, AK 99503
(907)563-4000
FAX (907)562-3776

Duane C. Durand
President

James Rowe
Executive Director

February 14, 1996

Hon. Brian Porter, Chairman
House Judiciary Committee
Alaska State House of Representatives
State Capitol, Room 118
Juneau, Alaska 99811-1182

RE: HB 109

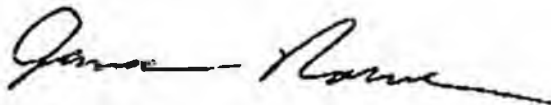
Dear Rep. Porter:

Thank you for your attention regarding HB 109. Since the committee hearing on Monday, I have been in contact with the bill's sponsor and she has agreed to offer amending language that clarifies some of the concerns of the members of the Alaska Telephone Association.

Rep. Brown has provided me with legislative intent language that makes it clear that local exchange companies will not be liable for violations of solicitors. She has also shared language that would amend the bill by specifically placing the cost of special listing on the requesting customers and by explicitly stating that solicitors requesting lists will pay for them. Both of these items are important to us so that we know our subscribers will not be burdened with increased rates.

I hope that the House Judiciary Committee will support this bill as amended.

Very Truly Yours,



James Rowe

cc: Rep. Kay Brown

Alaska Telephone Association

4341 B Street, Suite 304
Anchorage, AK 99503
(907)563-4000
FAX (907)562-3778

Duane C. Durand
President

James Rowe
Executive Director

February 12, 1996

Hon. Brian Porter, Chairman
House Judiciary Committee
Alaska State House of Representatives
State Capitol, Room 118
Juneau, Alaska 99811-1182

Dear Rep. Porter:

Having spoken with your office this morning, I confirmed that HB 109, an Act Relating to Telephone Listings and Solicitations, will be heard before the Judiciary Committee this afternoon. This legislation is intended to protect residential telephone subscribers from unwanted solicitation by having their names distinctly listed in the directory and identified as not wishing to obtain telephone solicitations.

The Alaska Telephone Association opposes this bill since it puts a burden on local telephone companies to notify and poll customers for their preference. This significant effort will must be paid for by all the customers, even those who prefer to continue to received solicitations. It also tends to curtail commerce and proposes a legal remedy for an simple inconvenience that can be more effectively dealt with by the called party by hanging up the telephone.

Additionally, how will prosecution of solicitors from Outside be effective and since most solicitations are not done from telephone directories, but from purchased lists, how will the sales person know that the residential customer is keyed in a directory as desiring no soliciting phone calls?

Thank you for the opportunity to share the views of the 22 local exchange carriers in the state with this committee.

Very Truly Yours,



James Rowe



600 Telephone Avenue • Anchorage, Alaska • 99503-6091 • 907 564-1380 • Fax 907 563-2688

EXECUTIVE OFFICES

February 12, 1996

Hon. Brian Porter, Chairman
House Judiciary Committee
Alaska State House of Representatives
State Capitol, Room 118
Juneau, Alaska 99811-1182

Dear Rep. Porter:

I have reviewed H.B. 109, An Act relating to telephone directory listings and solicitations, which I understand will be heard in Judiciary Committee today. I understand the problem this bill is intended to address, that of unwanted telephone solicitations, and am generally sympathetic. Unfortunately, H.B. 109 will be, in my opinion, ineffective in addressing the problem.

The bill would require ATU and other local exchange companies (or other companies producing telephone directories) to survey customers and provide identification in the directory of those customers who do not wish to receive telephone solicitations. This would be an extremely costly process to accomplish. Additionally, as the customer base changes rapidly through the year, it would also be inaccurate after a relatively short period of time.

The committee should also be aware that few telephone solicitation firms get their numbers from the telephone directory. They use either random dial programs or obtain lists of specific groups of consumers, i.e., those who have made purchases of men's clothing from Nordstroms within the past year; those who have purchased fishing licenses, etc. That being the case, H.B. 109 would, again, have no impact.

In summary, H.B. 109 would require telephone companies and other publishers to expend significant sums on a process that would not impact telephone solicitations. Consumers, in the end, would pay more and still receive unwanted solicitations.

I appreciate the opportunity to comment on this proposal. Should you wish to discuss the matter further, I am available at your convenience.

Sincerely,


Gordon Parker
Director, Carrier Relations & Public Policy

GP/mk

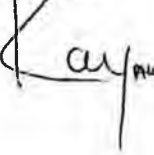
Representative Kay Brown

ALASKA STATE LEGISLATURE

Legislative Information Office
716 W. 4th Ave., #420
Anchorage, AK 99501-2133
(907) 258-8162

During Session
State Capitol
Juneau, Alaska 99801-1182
(907) 465-4998

TO: Representative Brian Porter
Chair, House Judiciary Committee

FROM: Representative Kay Brown 

DATE: February 1, 1996

RE: Request for hearing on HB 109

I respectfully request a hearing be scheduled for CSHB 109 (L&C) at your earliest convenience. This legislation would require telephone utilities to offer customers an opportunity to avoid telemarketing solicitations. This bill has a zero fiscal note. An amended version of HB 109 was passed out of the House Labor and Commerce Committee in May of 1995.

Passage of this bill would relieve many Alaskans from being interrupted in the privacy of their home from unwanted or unsolicited phone sales. The increased use of telephone solicitation has become an annoyance to many people.

Attached is a copy of the sponsor statement and sectional analysis. A fiscal note for 1996 to reflect the amended version of the bill has been prepared by APUC and is in the process of being submitted; it continues to reflect a zero fiscal impact.

Attachment

DISTRICT 15

Downtown • Fairview • Northstar • Ronig • South Addition • Spenard

Rep. Kay Brown

SPONSOR STATEMENT

CSHB 109 (L&C)

An Act relating to telephone directory listings and solicitations

The multi-billion dollar telemarketing industry has created a situation in which every telephone subscriber in Alaska is potentially part of a captive market. The rapid expansion of telemarketing has created a need for enhanced protection of our privacy rights.

CSHB 109 (L&C)

- *Would require telephone utilities to offer customers an opportunity to avoid telemarketing solicitations. In a practical and economic manner, it resolves shortcomings in federal regulation.*

This legislation would make it clear that a citizen's right to individual privacy includes the right to be protected from abusive or annoying misuse of telephones.

SECTIONAL ANALYSIS

CSHB 109 (L&C)

An Act relating to telephone directory listings and solicitations.

Section 1.

Amends AS 45.50.471(b) to add the new unlawful unwanted telephone solicitation provisions in AS 45.50.475. Makes a violation of the provisions in this bill an "unlawful act and practice" under the unfair trade practices and consumer protection statute. The penalty is up to \$5,000 per violation.

Section 2.

(a) makes it unlawful to solicit by telephone if the party is identified in the telephone directory as not wishing to receive telephone solicitation.

(b) local exchange telecommunications companies and companies that provide telephone directories shall provide for identification in the directory of those parties who do not wish to be solicited by telephone.

(c) local exchange telecommunications companies shall provide to the phone solicitors, if requested, a telephone list of residential customers not wishing to receive telephone solicitations.

(d) local exchange telecommunications companies shall inform subscribers by inserts in billing statements or advertising in the consumer information pages of the directory of the availability of the "no solicitation" service.

(e) defines terms of the bill and makes exemptions for charitable organizations, opinion polling, responding to inquiries, business to business calls and follow ups on previous purchases.

A M E N D M E N T

Page 1, line 6

After "TELEPHONE"

Insert: "ADVERTISEMENTS AND" SOLICITATION.

Page 1, line 7 (technical)

Delete: "AS 45.50.471(b) (38)"

Insert: "AS 45.50.471(b)(41)"

Page 1, line 7

After "if the person"

Insert: "(1)"

Page 1, line 10

After "solicitations"

Delete "."

Insert "; or" "(2) uses an automated or recorded message as a telephone advertisement or solicitation."

Page 2, line 20

After "customer" Insert: "or communications made during a call made by the customer;"

Page 3, line 1

After "calling" Insert: "but only if the person or business enterprise has not received a written request from the prospective purchaser asking that telephone solicitations cease; the person or business enterprise is presumed to have received a written request no later than 10 days after the prospective purchaser mailed it, properly addressed and with the appropriate postage."

Page 3

Insert: "Section 3. AS 45.50.472 is repealed."

This amendment makes a technical change relating to statute reference and incorporates minor differences between HB 109 and SB 239 (introduced by Senator Rieger on January 26, 1996). I concur with Senator Rieger's modifications and believe his ideas improve the legislation.

FISCAL NOTE

STATE OF ALASKA
1996 LEGISLATIVE SESSION

BILL NO. CSHB 109 (L&C)

ANALYSIS CONTINUATION:

available for enforcement purposes if there is a large enough number of violations to warrant enforcement. At this point we believe that, once there is sufficient directory identification of those who do not wish to receive telephone solicitations, the number of violations will have a fiscal impact for the Department of Law.



Don't Call Us, Or We'll Sue You

by Edwin N. Lavergne

That's right...consumers can now bring civil actions against companies that make certain telephone solicitations. So, if you use a telephone or fax machine to solicit the purchase or rental of any goods or services, read on. You may be subject to one or more of the following new Federal Communications Commission (FCC) restrictions:

- Most businesses are required to maintain do-not-call lists.
- Most telephone solicitations to residences are prohibited before 8 a.m. or after 9 p.m.
- Autodialers may not be used to make calls to emergency lines, health-care facilities, and a variety of other locations.
- Significant restrictions are imposed on the use of fax machines and pre-recorded voice messages.

"It's late and I already told you not to call"

Under the new regulations, telemarketers are prohibited from calling any residence before 8 a.m. or after 9 p.m. local time. When they do call, telemarketers must disclose their name as well as the name, and the telephone number or address of the company on whose behalf the call is being made.

In addition, businesses must maintain company specific "do-not-call" lists which contain the names and telephone numbers of residential sub-

scribers who do not want to receive telemarketing calls. These lists must be maintained in accordance with specific FCC recordkeeping, training, and disclosure requirements. And telemarketers must adopt a written policy designed to ensure that consumers can selectively halt unwanted calls.

Even more restrictions

The regulations impose even more restrictions on telemarketers that use artificial voice or prerecorded messages. Generally speaking, commercial businesses are prohibited from

calling restrictions. But, there are exceptions.

Businesses that call persons with whom they have a "business relationship," can use artificial voice or pre-recorded messages. This means, for example, that your local telephone company can use an autodialer with a recorded message to market its Caller ID and Call Waiting services.

Exceptions (and exceptions to the exceptions)

Significantly, not all telemarketers are subject to the new FCC restrictions. Tax-exempt organizations, (schools, churches, charities, etc.) are free to ignore most of the FCC's rules. Consequently, your college alma mater can call you, month after month, and ask for contributions even if you indicate that you do not want to be called again.

Similarly, an entity which has an "established business relationship" with the party it calls is exempt from many of the FCC's restrictions. However, if the relationship is terminated, the exemption is no longer applicable.

To illustrate, assume that ABC Corporation does not make "cold calls," but rather, uses the telephone to solicit business from its existing customers. Because ABC has an established business relationship with

using artificial voice or prerecorded messages to solicit consumers at home, *even if* they maintain do-not-call lists, properly identify themselves, and comply with time-of-day



CONTINUED

everyone it calls, it is not required to maintain a do-not-call list. But, if during a telephone solicitation, one of ABC's customers asks the company to stop calling, the FCC will consider ABC's business relationship with that customer to be terminated and, consequently, ABC is prohibited from calling the customer again. Thus, as a practical matter, ABC will need to maintain some type of in-house do-not-call list to ensure that objecting customers are no longer solicited.

*Telemarketers
are generally satisfied
with the regulations
and are thankful
that the FCC opted
to utilize company
specific do-not-call lists
rather than a national
do-not-call data base.*

Just the fax

The regulations impose even more onerous restrictions on the use of facsimile machines. Among other things, businesses cannot send any advertisement via facsimile without the recipient's prior express invitation or permission.

Outbound fax providers are up in arms. One group argues that "prior express permission" should be considered granted if the intended recipient of a fax received advance notification that the fax will be sent and is given a toll-free number to call if he does not want to receive the fax.

Complications and changes

The regulations are deceptively complicated. Whether specific re-

quirements, prohibitions, or exemptions apply to your business depends on who you are, who you are soliciting, and how your solicitation is communicated.

In an effort to alleviate some of the ambiguities in the law, the FCC is expected to modify and clarify its regulations in the coming months. Among other things, the FCC will consider:

- Whether marketers should only be required to provide their address or telephone number *upon request*.
- Whether a specific exemption from the regulatory prohibitions should be adopted for debt collection calls.
- Whether, if approved in advance, solicitations during otherwise prescribed hours should be permitted.
- Whether there should be some time limit on how long marketers are required to retain the names and telephone numbers of persons on their do-not-call lists. Current rules require that such information be kept indefinitely.

The FCC has tried to develop cost effective regulations which safeguard both telemarketers and consumers. Telemarketers are generally satisfied with the regulations and are thankful that the FCC opted to utilize company specific do-not-call lists rather than a national do-not-call data base which could have cost hundreds of millions of dollars to develop and maintain.

It will be interesting to see what consumers think. One of Congress' objectives in enacting the telemarketing law was to reduce the number of unwanted telephone solicitations we all receive everyday. But, with all of the exemptions and exceptions incorporated into the law, it is questionable whether the federal government's new oversight of the telemarketing industry will have a noticeable impact. Only time will tell. □

Laverne practices law at Ginsburg, Feldman and Bress, Washington, D.C. He can be reached at 202-637-9191. Jay S. Newman, Esq., contributed to this article.

quire intent to harm. — Wilful misconduct means volitional action taken either with a knowledge that serious injury to another will possibly result, or with wanton and reckless disregard of the possible results. *Aetna Cas. & Sur. Co. v. Marion Equip. Co.*, 894 P.2d 664 (Alaska 1995).

Because the insured was found by a jury

to have acted with reckless disregard of the plaintiff's interests and safety, the insured's injurious behavior is properly termed wilful misconduct. Consequently, this section forbids the indemnity the insurer seeks. *Aetna Cas. & Sur. Co. v. Marion Equip. Co.*, 894 P.2d 664 (Alaska 1995).

Chapter 50. Competitive Practices and Regulation of Competition.

Article

3. Unfair Trade Practices and Consumer Protection (§§ 45.50.471, 45.50.477)

4. Monopolies: Restraint of Trade (§§ 45.50.572, 45.50.592)

Article 3. Unfair Trade Practices and Consumer Protection.

Section

471. Unlawful acts and practices

477. Use of titles relating to industrial hygiene

Sec. 45.50.471. Unlawful acts and practices. (a) Unfair methods of competition and unfair or deceptive acts or practices in the conduct of trade or commerce are declared to be unlawful.

(b) The terms "unfair methods of competition" and "unfair or deceptive acts or practices" include, but are not limited to, the following acts:

(1) fraudulently conveying or transferring goods or services by representing them to be those of another;

(2) falsely representing or designating the geographic origin of goods or services;

(3) causing a likelihood of confusion or misunderstanding as to the source, sponsorship, or approval, or another person's affiliation, connection, or association with or certification of goods or services;

(4) representing that goods or services have sponsorship, approval, characteristics, ingredients, uses, benefits, or quantities that they do not have or that a person has a sponsorship, approval, status, affiliation, or connection that the person does not have;

(5) representing that goods are original or new if they are deteriorated, altered, reconditioned, reclaimed, used, secondhand, or seconds;

(6) representing that goods or services are of a particular standard, quality, or grade, or that goods are of a particular style or model, if they are of another;

(7) disparaging the goods, services, or business of another by false or misleading representation of fact;

(8) advertising goods or services with intent not to sell them as advertised;

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(9) advertising goods or services with intent not to supply reasonable expectable public demand, unless the advertisement prominently discloses a limitation of quantity;

(10) making false or misleading statements of fact concerning the reasons for, existence of, or amounts of price reductions;

(11) engaging in any other conduct creating a likelihood of confusion or of misunderstanding and which misleads, deceives or damages a buyer or a competitor in connection with the sale or advertisement of goods or services;

(12) using or employing deception, fraud, false pretense, false promise, misrepresentation, or knowingly concealing, suppressing, or omitting a material fact with intent that others rely upon the concealment, suppression or omission in connection with the sale or advertisement of goods or services whether or not a person has in fact been misled, deceived or damaged;

(13) failing to deliver to the customer at the time of an installment sale of goods or services, a written order, contract, or receipt setting out the name and address of the seller and the name and address of the organization that the seller represents, and all of the terms and conditions of the sale, including a description of the goods or services, which shall be stated in readable, clear, and unambiguous language;

(14) representing that an agreement confers or involves rights, remedies or obligations which it does not confer or involve, or which are prohibited by law;

(15) knowingly making false or misleading statements concerning the need for parts, replacement, or repair service;

(16) misrepresenting the authority of a salesman, representative or agent to negotiate the final terms of a consumer transaction;

(17) basing a charge for repair in whole or in part on a guaranty or warranty rather than on the actual value of the actual repairs made or work to be performed on the item without stating separately the charges for the work and the charge for the guaranty or warranty, if any;

(18) disconnecting, turning back or resetting the odometer of a vehicle to reduce the number of miles indicated;

(19) using a chain referral sales plan by inducing or attempting to induce a consumer to enter into a contract by offering a rebate, discount, commission, or other consideration, contingent upon the happening of a future event, on the condition that the consumer either sells, or gives information or assistance for the purpose of leading to a sale by the seller of the same or related goods;

(20) selling or offering to sell a right of participation in a chain distributor scheme;

(21) selling, falsely representing or advertising meat, fish or poultry which has been frozen as fresh food;

(22) failing to comply with AS 45.02.350;

(23) failing to comply with AS 45.45.130 — 45.45.240;

(24) counseling, consulting or arranging for future services relating to the disposition of a body upon death whereby certain personal property, not including cemetery lots and markers, will be furnished or the professional services of a funeral director or embalmer will be furnished, unless the person receiving money or property deposits the money or property, and money or property is received, within five days of its receipt, in a trust in a financial institution whose deposits are insured by an instrumentality of the federal government designating the institution as the trustee as a separate trust in the name only of the person on whose behalf the arrangements are made with a provision that the money or property may only be applied to the purchase of designated merchandise or services and should the money or property deposited and any accrued interest not be used for the purposes intended on the death of the person on whose behalf the arrangements are made, all money or property in the trust shall become part of that person's estate; upon demand by the person on whose behalf the arrangements are made, all money or property in the trust including accrued interest, shall be paid to that person; this paragraph does not prohibit the charging of a separate fee for consultation, counseling or arrangement services if the fee is disclosed to the person making the arrangement; any arrangement under this paragraph which would constitute a contract of insurance under AS 21 is subject to the provisions of AS 21;

(25) failing to comply with the terms of AS 45.50.800 — 45.50.850 (Alaska Gasoline Products Leasing Act);

(26) failing to comply with AS 45.30 relating to mobile home warranties; and mobile home parks;

(27) failing to comply with AS 14.48.060(b)(13);

(28) dealing in hearing aids and failing to comply with AS 08.55;

(29) violating AS 45.45.910(a), (b), or (c);

(30) failing to comply with AS 45.50.473;

(31) violating the provisions of AS 45.45.400;

(32) knowingly selling a reproduction of a piece of art or handicraft that was made by a resident of the state unless the reproduction is clearly labeled as a reproduction; in this paragraph, "reproduction" means a copy of an original if the copy is

(A) substantially the same as the original; and

(B) not made by the person who made the original;

(33) violating AS 08.66.010 — 08.66.090 (motor vehicle dealers);

(34) violating AS 08.66.200 — 08.66.350 (motor vehicle buyers' agents);

(35) violating AS 45.63 (telephonic solicitations);

(36) violating AS 45.68 (charitable solicitations);

(37) violating AS 45.50.474 (on board promotions);

(38) referring a person to a dentist or a dental practice that has paid or will pay a fee for the referral unless the person making the referral discloses at the time the referral is made that the dentist or dental practice has paid or will pay a fee based on the referral;

(39) advertising that a person can receive a referral to a dentist or a dental practice without disclosing in the advertising that the dentist or dental practice to which the person is referred has paid or will pay a fee based on the referral if, in fact, the dentist or dental practice to which the person is referred has paid or will pay a fee based on the referral.

(40) violating AS 45.50.477(a) — (c).

(c) The unlawful acts and practices listed in (b) of this section are in addition to and do not limit the types of unlawful acts and practices actionable at common law or under other state statutes.

(d) [Repealed, § 21 ch 166 SLA 1978.] (§ 2 ch 246 SLA 1970; am § 1 ch 53 SLA 1974; am § 1 ch 138 SLA 1974; am § 1 ch 183 SLA 1975; am § 2 ch 146 SLA 1976; am § 3 ch 197 SLA 1976; am § 3 ch 234 SLA 1976; am § 21 ch 166 SLA 1978; am § 12 ch 131 SLA 1986; am § 2 ch 59 SLA 1990; am § 3 ch 82 SLA 1990; am § 1 ch 92 SLA 1992; am § 2 ch 118 SLA 1992; am § 6 ch 10 SLA 1993; am § 3 ch 60 SLA 1993; am § 4 ch 109 SLA 1994; am § 2 ch 22 SLA 1995; am § 1 ch 69 SLA 1995)

Revisor's notes. — Paragraph (b)(24) was enacted as (b)(23) and paragraph (b)(25) was enacted as (b)(22); renumbered in 1976. Paragraph (b)(28) was enacted as (b)(27); renumbered in 1986. Paragraphs (b)(24) and (25) were enacted as (b)(23) and (b)(22), respectively; renumbered in 1976. Paragraph (b)(28) was enacted as (b)(27); renumbered in 1986. Paragraph (b)(30) was enacted as (b)(29); renumbered in 1990. Paragraph (b)(32) was enacted as (b)(31); renumbered in 1992, at which time "AS 45.45.400" was substituted for

"AS 45.45.410" to correct a manifest error in § 2, ch. 118, SLA 1992. Paragraphs (b)(35) and (36) were enacted as (b)(33) and (34), respectively; renumbered in 1993. Paragraph (b)(40) was enacted as (b)(38); renumbered in 1995.

Effect of amendments. — The first 1995 amendment, effective August 8, 1995, in subsection (b), added paragraphs (38) and (39).

The second 1995 amendment, effective September 3, 1995, added paragraph (b)(40).

Sec. 45.50.474. Required disclosures in promotions on board cruise ships.

Cross references. — For exception for on-shore excursions sold on board a cruise ship, that was in effect from May 19, 1995

through September 29, 1995, see § 2, ch. 31, SLA 1995 in the Temporary and Special Acts.

Sec. 45.50.477. Use of titles relating to industrial hygiene.
 (a) A person may not use the title "industrial hygienist," the initials "I.H.," another term that includes the phrase "industrial hygiene" or similar words, or represent to the public that the person is an industrial hygienist, unless the person has a baccalaureate or graduate

Sec. 45.50.472. Junk telephone calls. (a) Making a junk telephone call without the prior written consent of the person called is unlawful.

(b) In this section "junk telephone call" means a telephone call made for the purpose of advertising through the use of a recorded advertisement.

(c) The provisions of AS 45.50.481 — 45.50.561 apply to this section. (§ 1 ch 17 SLA 1978)

Sec. 45.50.473. Disclosure of costs of certain telephone services. (a) A person may not provide an alternate operator service without disclosing to the consumer before a charge is incurred the cost of the service provided by the person and the identity of the person providing those services. This section does not affect the power of the Alaska Public Utilities Commission to regulate providers of alternate operator services under AS 42.05 in a manner consistent with this section.

(b) The owner of a place where telephone business from consumers is aggregated, including a hotel, motel, hospital, and pay telephone other than a telephone utility regulated by the Alaska Public Utilities Commission, shall disclose a surcharge added to the cost of local or long distance telephone service before the service is provided. Disclosure may be made by posting the amount of the surcharge on or near the telephone instruments subject to the surcharge or by other reasonable written or oral means.

(c) A violation of this section constitutes an unfair or deceptive act or practice under AS 45.50.471. Notwithstanding AS 45.50.531(a), it is presumed that actual damages to the consumer are equal to the cost of the service provided plus \$200. Additional damages must be proved.

(d) In this section, "alternate operator service" has the meaning given in AS 42.05.325(c). (§ 4 ch 82 SLA 1990)

Cross references. — For legislative findings in connection with the enactment of this section, see § 1, ch. 82, SLA 1990 in the Temporary and Special Acts.

Sec. 45.50.474. Required disclosures in promotions on board cruise ships. A person may not conduct a promotion on board a cruise ship that mentions or features a business in a state port that has paid something of value for the purpose of having the business mentioned or featured, unless the person conducting the promotion clearly and fully discloses orally and in all written materials used in the promotion that the featured businesses have paid to be included in the promotion. A violation of this section constitutes an unfair trade practice under AS 45.50.471. In this section, "cruise ship" means a ship that operates at least 120 days a year anywhere in the world, provides cruises of at least 72 hours in length for ticketed passengers, provides

SB 130

was read the first time and referred to the Finance Committee.

SB 172

SENATE BILL NO. 172 by the Senate Rules Committee by request, entitled:

"An Act eliminating 'monte carlo' nights as an authorized form of charitable gaming; and providing for an effective date."

was read the first time and referred to the Judiciary Committee.

REPORTS OF STANDING COMMITTEES**HCR 19**

The Finance Committee has considered:

HOUSE CONCURRENT RESOLUTION NO. 19

Requesting the Governor to direct the Department of Corrections to establish a task force to study current and future department operations.

and recommends it be replaced with:

CS FOR HOUSE CONCURRENT RESOLUTION NO. 19(FIN)
(same title)

The report was signed by Representative Foster, Co-chair, with the following individual recommendations:

Do pass (6): Foster, Mulder, Martin, Parnell, Kelly, Navarre

The following fiscal note applies to CSHCR 19(FIN):

Fiscal note, House Finance Committee, 5/4/95

HCR 19 was referred to the Rules Committee for placement on the calendar.

HB 109

The Labor & Commerce Committee has considered:

HOUSE BILL NO. 109

"An Act relating to telephone directory listings and solicitations."

and recommends it be replaced with:

CS FOR HOUSE BILL NO. 109(L&C)
(same title)

The report was signed by Representative Kott, Chair, with the following individual recommendations:

Do pass (5): Kott, Rokeberg, Kubina, Porter, Elton

No recommendation (2): Masek, Sanders

The following fiscal note applies to CSHB 109(L&C):

Zero fiscal note, Dept. of Commerce & Economic Development, 5/4/95

HB 109 was referred to the Judiciary Committee.

SB 16

The Resources Committee has considered:

CS FOR SENATE BILL NO. 16(FIN) am

"An Act relating to the University of Alaska and university land, authorizing the University of Alaska to select additional state public domain land, and defining net income from the University of Alaska's endowment trust fund as 'university receipts' subject to prior legislative appropriation."

and recommends it be replaced with:

HOUSE CS FOR CS FOR SENATE BILL NO. 16(RES)
(same title)

The report was signed by Representative Green, Co-chair, with the following individual recommendations:

REPRESENTATIVE PORTER commented that it was his birthday tomorrow and wondered what he was going to get.

Number 347

CHAIRMAN KOTT replied there would be no Labor and Commerce Committee meeting. Hearing no objections to Amendment 1, it was adopted. He added that he planned on ordering a CS and bringing it back before the committee on Wednesday.

Number 348

REPRESENTATIVE PORTER stated that he wouldn't resist moving HB 270, as amended.

Number 350

CHAIRMAN KOTT asked the committee members if they were comfortable with the incorporated language.

Number 353

REPRESENTATIVE ELTON said this was a straight forward amendment. It comes from the "other side." He didn't have a problem with it.

Number 355

REPRESENTATIVE KUBINA wondered what games were being played with them changing the amendment. He would like to see this make it to the Finance Committee.

Number 360

REPRESENTATIVE PORTER made a motion to move the CSHB 270(STA) as amended, with accompanying fiscal notes.

Number 362

CHAIRMAN KOTT asked if there was an objection to moving the CSHB 270(STA) as amended. He noted the House Labor and Commerce Committee will work on a new CS in incorporating Amendment 1. I would then become CSHB 270(L&C). Hearing no objection, the CSHB ~~270(L&C)~~ was moved.

HB 109 - TELEPHONE DIRECTORY LISTING/SOLICITATION

Number 369

CHAIRMAN KOTT said the committee would now readdress HB 109.

Number 373

REPRESENTATIVE KAY BROWN testified that HB 109 would address telephone solicitations which are often an annoyance and intrusive. She feels the legislature has broad direction to be concerned about the privacy of Alaskans and to take proactive actions to implement that provision of the constitution. HB 109 provides that a local exchange telephone company would be required to offer the opportunity to identify oneself in the phone book as not wishing to receive solicitations. She said on page 2, line 13, there is a list of actions which would not be covered. This includes: Calls made in response to a request or inquiry by the customer who was called; calls made by a charitable organization, public agency or volunteer; calls limited to polling or soliciting the expression of ideas, opinions or votes; and business to business calls or people seeking business from prior customers. The penalty for a violation would be a finding of an unfair trade practice, covered under Title 45.50, which would only come about should the Attorney General get enough complaints to bring an action. The law would then provide for a civil fine of \$5,000 per violation.

REPRESENTATIVE BROWN distributed an amendment suggested by General Communications, Incorporated (GCI) which would address concerns telemarketers have expressed. She said if they had a computerized list of people not interested in being called, it could be sorted against the other computerized list they're working with. If implemented, this system would not only benefit the privacy of people not wishing to be contacted, but it also would benefit the sellers because they wouldn't be wasting their time calling people who don't intend to purchase in this manner.

Number 416

REPRESENTATIVE BROWN pointed out there was a federal law passed in 1991 or 1992, implemented by the Federal Communication Commission (FCC) in 1992. She does not feel this federal law has cut down on the amount of uninvited solicitations. She has asked phone solicitors who have contacted her, and found several to be unaware of the federal law. They couldn't respond to items required by that law.

Number 428

REPRESENTATIVE KUBINA asked how telemarketers currently obtain lists of numbers, and if it was just from telephone books.

Number 430

REPRESENTATIVE BROWN responded she was not certain of all sources where such lists might be generated.

Number 437

REPRESENTATIVE KUBINA wondered what happened if you distributed numbers of people who didn't want to be solicited. Could those be private numbers?

Number 441

REPRESENTATIVE BROWN stated it would not affect private or unlisted numbers. This was intended to be a kind of compromise so that you could still have a public number listed in the directory, however, it would have a "dot" by the name saying "solicitors, don't call me." People who chose to have unlisted numbers would be relying on the federal law.

Number 452

CHAIRMAN KOTT asked if this affected pollsters.

Number 453

REPRESENTATIVE BROWN said it did not. They are specifically exempted on page 2, lines 21 and 22.

Number 458

CHAIRMAN KOTT commented that he seldom watches TV. However, there was a show regarding telemarketers that caught his eye. If you are solicited, you may ask to be placed on the non call list. As long as you have the person's name, what time it was, and a brief summary of what took place, it would be a violation if they call you again.

Number 467

REPRESENTATIVE BROWN said that is the Telephone Consumer Protection Act. The difficulty there is that every telemarketer in the country could call, each one keeping a separate list. With HB 109 you would be putting people on notice that you don't want these calls and it would be their burden to obtain the lists.

Number 475

CHAIRMAN KOTT said he didn't know anyone who liked to be solicited. He asked if it would be advantageous to have the telephone companies put the dot next to the people who wanted to be called.

Number 480

REPRESENTATIVE BROWN commented this was probably more of a problem in urban areas where there is a big enough market to show

up on some computer sorting where they do it by zip code.
"You're paying for a little bit of privacy protection."

Number 485

CHAIRMAN KOTT noted the staff had advised him he may have problems with the first amendment on this idea; so, he would withdraw that idea.

Number 490

REPRESENTATIVE ROKEBERG asked if she considered expanding the bill to include mail catalogs. He said he had two trees a month arriving at his home.

Number 496

REPRESENTATIVE ELTON asked if a religious organization was a charitable organization. He would hope they were not.

Number 505

REPRESENTATIVE BROWN replied that the things prohibited if you had the "do not call me dot," includes people who are trying to get you to buy something or to make a donation. She said if the religious organization were soliciting donations, this would not be allowed. However, they could ask you to attend services.

Number 511

REPRESENTATIVE PORTER interjected there were additional qualifications. This doesn't allow charitable organizations to call out of hand. You have to be a member of the organization or have made a previous donation or expressed an interest.

Number 514

CHAIRMAN KOTT said he had an amendment distributed by Representative Brown. He would move Amendment 1. He asked if there were any objections. Hearing none, Amendment 1 was adopted. He said this would be adopted in the form of a CS at some point.

Number 520

REPRESENTATIVE PORTER stated he had heard the bill last year and wouldn't feel uncomfortable moving it, as amended.

Number 526

CHAIRMAN KOTT said they had a scheduling problem. In accordance with AS 24.08.035, they could not move the bill without a fiscal note.

Number 527

REPRESENTATIVE BROWN responded they were not informed until Thursday afternoon the bill was going to be heard Friday. This was the reason they had not requested it. They do have a fiscal note for last year's version of the legislation of HB 54. That fiscal note was zero.

CHAIRMAN KOTT stated he wouldn't have a problem moving HB 109 from committee and holding it in committee until they had received the fiscal note. If it is other than zero he would bring the bill back before the committee.

Number 530

REPRESENTATIVE PORTER made the motion to move CSHB 109(L&C) out of committee

Number 533

CHAIRMAN KOTT asked if there were any objections to moving CSHB 109(L&C) with the understanding it would be held in committee until a fiscal note was received. It would then be transmitted to the Chief Clerk. Hearing no objection, the motion carried.

Number 537

ADJOURNMENT

There being no further business to come before the House Labor and Commerce Committee, Chairman Kott adjourned the meeting at 5:20 p.m.

HOUSE COMMITTEE REPORT

(7)
Date Referred: January 23, 1995

FURTHER REFERRALS:

Judiciary

Date of Committee Action: 5-1-95

The LABOR AND COMMERCE Committee considered:

HB 109

HOUSE BILL NO. 109

TELEPHONE DIRECTORY LISTING/SOLICITATIONS

"An Act relating to telephone directory listings and solicitations."

recommends it be replaced
with the following committee substitute

CS HB 109 (L&C)

the same title
 a new title

additional referral to _____ Committee

attached amendment(s)

ADOPTS: _____ Letter of Intent

ATTACHES NEW FISCAL NOTE(S): (Dept) _____

APPROVES PREVIOUS: (Dept/Date) _____

fiscal note(s) _____

fiscal note(s) _____

zero fiscal note(s) CEC

zero fiscal note(s) _____

SIGNING WITH RECOMMENDATIONS	DP	DNP	NR	AM
<i>Pete Kost</i>	X			
<i>Nan Kelley</i>	✓			
<i>Beverly Mason</i>			✓	
<i>Jan Sanders</i>			✓	
<i>Bob Kubera</i>	✓			
<i>Brian Porter</i>	✓			
<i>K. C. Ellis</i>	✓			

CHAIR'S SIGNATURE *Pete Kost*

FISCAL NOTE

STATE OF ALASKA
1995 LEGISLATIVE SESSION

BILL NO. HB 109

Revision Date: May 3, 1995
 Title: An Act relating to telephone directory listings
 and solicitations.
 Sponsor: Brown
 Requestor: House Labor & Commerce

Department: Commerce and Economic Development
 BRU: Alaska Public Utilities Commission
 Component: Alaska Public Utilities Commission
 COMPONENT SERIAL NO. 364

Expenditures/Revenues (Thousands of Dollars)

OPERATING EXPENDITURES	FY 96	FY 97	FY 98	FY 99	FY 00	FY 01
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL EXPENDITURES						
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CHANGE IN REVENUES						
---------------------------	--	--	--	--	--	--

FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 General Fund						
1005 GF/Program Receipts						
1006 GF/MHTIA						
Other						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY 95) cost: \$ _____

POSITIONS

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS: (Attach a separate page if necessary)

Prepared by: Don Schroer
 Division: Alaska Public Utilities Commission
 Approved by Commissioner: William L. Hensley
 Agency: Commerce and Economic Development

Phone: 276-6222
 Date: 5/3/95
 Date: 5/3/95

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SPONSOR STATEMENT

HB 109

An act relating to telephone directory listings and solicitations.

The multi-billion dollar telemarketing industry has created a situation in which every telephone subscriber in Alaska is potentially part of a captive market. The rapid expansion of telemarketing has created a need for enhanced protection of our privacy rights.

HB 109

• Would require telephone utilities to offer customers an opportunity to avoid telemarketing solicitations. In a practical and economic manner, resolves shortcomings in federal regulation.

This legislation would make it clear that a citizen's right to individual privacy includes the right to be protected from abusive or annoying misuse of telephones.

SECTIONAL ANALYSIS

HB 109

An act relating to telephone directory listings and solicitations.

Section 1.

Amends AS 45.50.471(b) to add the new unlawful unwanted telephone solicitation provisions in AS 45.50.475. Makes a violation of the provisions in this bill an "unlawful act and practice" under the unfair trade practices and consumer protection statute. The penalty is up to \$5,000 per violation.

Section 2.

(a) makes it unlawful to solicit by telephone if the party is identified in the telephone directory as a party that does not wish to receive telephone solicitations.

(b) local exchange telecommunications companies and companies that provide telephone directories shall provide for the identification in the directory of those parties who do not wish to be solicited by telephone.

(c) telephone subscribers shall be informed by the telecommunications company by inserts in billing statements or advertising in the consumer information pages of the directory of the availability of the "no solicitation" service.

(d) defines terms of the bill and makes exemptions for charitable organizations, opinion polling, responding to inquiries, business to business calls and follow ups on previous purchases.



April 28, 1995

Representative Pete Kott
Alaska State Legislature
House Labor and Commerce Committee
State Capitol (MS 3100)
Juneau, AK 99801-1182

Re: HB 109

Dear Representative Kott:

General Communication, Inc. (GCI) requests that HB 109 be amended in order to facilitate compliance with the provisions of the bill that prohibit telephone solicitation of a person who has been identified in a telephone directory as not wishing to receive solicitations. The amendment is needed because telephone solicitors do not generally use telephone directories as a source of numbers for solicitation.

In GCI's case, we use list of numbers, including random numbers, that have been screened to remove "do not call" numbers. It is not feasible (nor even possible in many cases) to look up the number in a directory. However, if the local telephone company provides a list of the phone numbers of the residential customers who do not wish to receive solicitations, then we can add those numbers to the "do not call" list. This process is generally handled electronically, by computers, so the list should be provided in computer format.

Accordingly, GCI request that the bill be amended by adding another subsection to proposed AS 45.50.475, as follows:

(c) A local exchange telecommunications company shall, upon request, provide to a person who engages in telephone solicitation a list of all telephone numbers identified in the telephone directory as residential customers who do not wish to

Representative Pete Kott
April 28, 1995
Continued, Page 2

receive telephone solicitations. If possible and if requested by the person who engages in telephone solicitation, this list shall be provided in computer-readable format.

Thank you for your assistance in this matter. Please feel free to contact me if you have any questions.

Sincerely,
GENERAL COMMUNICATION, INC.

A handwritten signature in cursive script, appearing to read "James R. Jackson".

James R. Jackson
Regulatory Attorney

cc: Representative Kay Brown

AMENDMENT

Amendment #1

OFFERED IN THE HOUSE

BY REPRESENTATIVE BROWN

TO: HB 109

Page 1, following line 14:

Insert a new subsection to read:

“(c) A local exchange telecommunications company shall, upon request, provide to a person who engages in telephone solicitation a list of all telephone numbers identified in the telephone directory as residential customers who do not wish to receive telephone solicitations. If possible and if requested by the person who engages in telephone solicitation, this list shall be provided in computer-readable format.”

Reletter following subsections accordingly.