

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 55

BY STATE AFFAIRS COMMITTEE

AN ACT

1 RELATING TO THE IDAHO TELEPHONE SOLICITATION ACT; AMENDING SECTION
2 48-1003A, IDAHO CODE, TO REMOVE AN EXCEPTION, TO REMOVE CERTAIN DEFINI-
3 TIONS, TO PROVIDE THAT IT IS NOT A VIOLATION OF THE PROVISIONS OF THIS
4 SECTION FOR A TELEPHONE SOLICITATION TO BE MADE BY OR ON BEHALF OF A
5 BUSINESS HAVING AN EXISTING OR ESTABLISHED BUSINESS RELATIONSHIP WITH
6 AN IDAHO RESIDENTIAL SUBSCRIBER IF THE TELEPHONE SUBSCRIBER HAS NOT
7 STATED THAT HE DOES NOT WISH TO RECEIVE SOLICITATIONS FROM OR ON BEHALF
8 OF SUCH BUSINESS AND TO MAKE TECHNICAL CORRECTIONS.
9

10 Be It Enacted by the Legislature of the State of Idaho:

11 SECTION 1. That Section 48-1003A, Idaho Code, be, and the same is hereby
12 amended to read as follows:

13 48-1003A. NO TELEPHONE SOLICITATION CONTACT LIST.

14 (1) (a) Any Idaho residential, mobile or telephonic paging device tele-
15 phone subscriber desiring to be placed on the Idaho "no telephone solici-
16 tation contact" list, indicating that the subscriber does not wish to
17 receive telephone solicitations, may be placed upon such list through a
18 procedure approved by the attorney general.

19 (b) Notwithstanding any other provision of this chapter, a national
20 "do-not-call" registry established and maintained by the federal trade
21 commission, pursuant to 16 CFR 310.4(b)(1)(iii)(B), may serve as the
22 Idaho "no telephone solicitation contact" list provided by this chap-
23 ter. The attorney general may provide to the federal trade commission,
24 for inclusion in the national "do-not-call" registry, the telephone
25 numbers of Idaho residents that are on the Idaho "no telephone sollicita-
26 tion contact" list.

27 (2) It is a violation of the provisions of this chapter for a telephone
28 solicitor to make or cause to be made any telephone solicitation, as defined
29 by section 48-1002(11)(a), Idaho Code, to any telephone number which is as-
30 signed by a telephone company to an Idaho resident listed on the Idaho "no
31 telephone solicitation contact" list when that telephone number has been on
32 such list for at least three (3) months prior to the date the telephone solici-
33 tation is made.

34 (3) Section 48-1006, Idaho Code, notwithstanding, any violation of the
35 provisions of this section shall subject the person violating the terms of
36 the provisions of this section to a civil penalty, to be imposed by the dis-
37 trict court, as follows: for the first violation, not to exceed five hundred
38 dollars (\$500); for the second violation, not to exceed two thousand five
39 hundred dollars (\$2,500); for the third and subsequent violations, not to
40 exceed five thousand dollars (\$5,000) per violation. Penalties received un-
41 der the provisions of this section shall be expended pursuant to legislative
42 appropriation.

- 1 (4) This section is not applicable to telephone solicitations:
2 (a) To a telephone subscriber's commercial or business telephone num-
3 ber;
4 (b) ~~(i) Where an established business relationship exists, as defined~~
5 ~~in subsection (3) of section 48-1002, Idaho Code, between the~~
6 ~~telephone solicitor and the telephone subscriber; provided how-~~
7 ~~ever, the established and existing business relationship excep-~~
8 ~~tion shall not apply between a telephone company and a telephone~~
9 ~~subscriber under this section unless the telephone subscriber~~
10 ~~shall have previously consented to receive a telephone sollicita-~~
11 ~~tion from such company or its agent;~~
12 ~~(ii) For purposes of this section, "telephone company" means a~~
13 ~~person providing telecommunications services to the public, or~~
14 ~~any segment thereof, for compensation, by wire, cable, radio,~~
15 ~~lightwaves, cellular signal or other means. "Telecommunications~~
16 ~~services" means the conveyance of voice, data, sign, signal, writ-~~
17 ~~ing, sound, messages or other information at any frequency over~~
18 ~~any part of the electromagnetic spectrum and the subscriber has~~
19 ~~not stated to the telephone solicitor that he does not wish to re-~~
20 ~~ceive telephone solicitations made by or on behalf of the business~~
21 ~~with whom the established business relationship exists;~~
22 (c) By a minor seeking to sell a good or service, pursuant to a telephone
23 solicitation, for a charitable purpose or organization.
24 (5) The attorney general shall advise telephone subscribers who reg-
25 ister with his office under the provisions of this section of all self-help
26 measures available to them to reduce unwanted telephone solicitations.