HOUSE OF REPRESENTATIVES TWENTY-FOURTH LEGISLATURE, 2007 STATE OF HAWAII

H.B. NO. 1834

1

A BILL FOR AN ACT

RELATING TO TELEPHONE SOLICITATIONS.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1	SECTION 1. The Hawaii Revised Statutes is amended by
2	adding a new chapter to be appropriately designated and to read
3	as follows:
4	"CHAPTER
5	HAWAII NO-CALL LIST ACT
6	§ -1 Definitions. Unless the context otherwise requires:
7	"Hawaii no-call list" means the database of Hawaii
8	residential subscribers that have given notice under rules
9	adopted by the director of commerce and consumer affairs of the
10	subscribers' objection to receiving telephone solicitations.
11	"Telephone solicitation" means any voice or telefacsimile
12	communication over a telephone line for the purpose of
13	encouraging the purchase or rental of, or investment in,
14	property, goods, or services. "Telephone solicitation" does not
15	include communications of the following types:
16	(1) To any residential subscriber with that subscribers'
17	prior express invitation or permission;



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1	(2)	By or on behalf of any person or entity with whom a
2		residential subscriber has an established business
3		relationship;
4	(3)	Made for the sole purpose of urging support for or
5		opposition to a political candidate or ballot issue;
6		or
7	(4)	Made for the sole purpose of conducting political
8		polls or soliciting the expression of opinions, ideas,
9		or votes.
10	ş -	2 Unlawful to make telephone solicitations to
11	subscribe	rs on the Hawaii no-call list. (a) No person shall
12	make or c	ause to be made any telephone solicitation to the
13	telephone	line of any residential subscriber in this State who
14	has added	the subscriber's telephone number and zip code to the
15	Hawaii no	-call list.
16	(b)	No person who makes a telephone solicitation to the
17	telephone	line of any residential subscriber in this State shall
18	make a te	lephone solicitation unless the person obtains updated
19	copies of	the Hawaii no-call list within thirty days after the
20	beginning	of every calendar quarter, after June 30, 2008, or

21 upon the initial availability and accessibility of the Hawaii 22 no-call list, whichever is earlier.



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§ -3 Establishment and operation of a Hawaii no-call
 list. (a) The Hawaii no-call list program is hereby created
 for the purpose of establishing a database to use when verifying
 residential subscribers in this State who have given notice of
 the subscribers' objection to receiving telephone solicitations.
 The program shall be administered by the department of commerce
 and consumer affairs.

8 (b) No later than January 1, 2008, the department shall 9 create and maintain an internet website and current database 10 containing the Hawaii no-call list. The list shall be available 11 on-line at the Hawaii no-call list web site to a person desiring 12 to make telephone solicitations, if the person has registered 13 with the website.

14 (c) The department may contract with a private entity to 15 maintain the website and database containing the Hawaii no-call 16 list.

17 § -4 Penalties. Any person who violates this chapter
18 shall be deemed to have engaged in an unfair or deceptive act or
19 practice in the conduct of any trade or commerce within the
20 meaning of section 480-2(a).

21 § -5 Rules. The department shall adopt rules under
22 chapter 91 to enforce this chapter. The department shall not



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1 charge any fees for residential subscribers who wish to have 2 their telephone numbers placed on the Hawaii no-call list. The 3 department shall charge reasonable fees for persons making 4 telephone solicitations to residents of this State, which shall 5 be deposited into the general fund."

6 SECTION 2. There is appropriated out of the general
7 revenues of the State of Hawaii the sum of \$, or so
8 much thereof as may be necessary for fiscal year 2007-2008, for
9 development of the internet website and database for the Hawaii
10 no-call list.

11 The sum appropriated shall be expended by the department of 12 commerce and consumer affairs for the purposes of this Act.

13 SECTION 3. This Act shall take effect upon its approval.

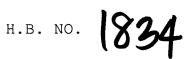
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INTRODUCED BY: Kirk Caldwell

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Report Title: Phone Solicitation

Description:

Prohibits phone solicitors from placing calls to residents who are registered on a no-call list. Establishes a website and database containing the no-call list.

