

JAN 23 2014

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# A BILL FOR AN ACT

RELATING TO SOLID WASTE MANAGEMENT.

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

1           SECTION 1. The legislature finds that more and more people  
2 are getting telephone or address information electronically and  
3 that fewer and fewer people are using printed yellow pages-type  
4 phone books. The legislature further finds that printed yellow  
5 pages-type phone books are a nuisance to those who do not want  
6 them and that these unwanted yellow pages-type phone books then  
7 end up in the waste stream. In most counties, the waste stream  
8 ends up in landfills.

9           The purpose of this Act is to establish an opt-in system  
10 where individuals who want the yellow pages-type phone books  
11 will need to indicate that to the yellow pages-type phone book  
12 publisher.

13           SECTION 2. Chapter 342G, Hawaii Revised Statutes, is  
14 amended by adding a new part to be appropriately designated and  
15 to read as follows:

16                           **"PART . YELLOW PAGES OPT-IN**

17           **§342G- Definitions.** For purposes of this part:



1 "Display advertising" means business advertising that  
2 includes text or non-textual graphic elements.

3 "Distribute" or "distribution" means the delivery of  
4 printed yellow pages-type phone books to the addresses of  
5 residents and businesses within the State; provided that  
6 distribution shall not include the delivery of printed telephone  
7 directories that are not yellow pages-type phone books by  
8 telecommunications providers providing local exchange service in  
9 the State or membership organizations to their members or to  
10 others who have affirmatively requested delivery.

11 "Distributor" means a person or entity engaged in the  
12 business of arranging for the distribution of printed yellow  
13 pages-type phone books within the State, including persons or  
14 entities that arrange for the publication and distribution of  
15 yellow pages-type phone books; provided that the term does not  
16 include individuals whose sole role in distribution is limited  
17 to making deliveries to residential or business addresses.

18 "Membership organization" means an organization that is  
19 organized and operated primarily or exclusively for the purpose  
20 of providing services or benefits to a designated and  
21 identifiable group of members.



1 "Telephone directory" means a publication that consists  
2 primarily of a listing of names and telephone numbers.

3 "Yellow pages-type phone book" means a telephone directory  
4 with listings of names and telephone numbers in which  
5 individuals or businesses have paid to be included or in which  
6 display advertising comprises more than five per cent of the  
7 print content as measured in square inches on the page. Yellow  
8 pages-type phone books typically have listings divided into  
9 categories.

10 **§342G- Distributor registration required; fee.** (a)

11 Every distributor of printed telephone directories operating  
12 within the State shall register annually with the office using  
13 forms prescribed by the coordinator and shall notify the office  
14 of any change in previously submitted information within thirty  
15 days of the change. No distributor shall distribute printed  
16 telephone directories within the State without a current and  
17 valid registration pursuant to this part.

18 (b) Each annual registration pursuant to this part shall  
19 be accompanied by a registration fee of \$100. Fees and fines  
20 collected under this section shall be deposited into the  
21 environmental management special fund created by section 342G-63



1 and shall be expended by the department for the purpose of  
2 administering the requirements of this part.

3       **§342G- Registration nontransferable.** Registration under  
4 this part shall be nontransferable, including between successors  
5 in interest.

6       **§342G- Distributor's annual reports.** (a) Every  
7 distributor registered pursuant to this part shall include with  
8 the distributor's initial registration and each annual renewal,  
9 an accurate annual report describing the quantity in numbers of  
10 units as well as in weight of printed yellow pages-type phone  
11 books distributed annually within the State during the previous  
12 calendar year. The director may specify additional information  
13 to be included in the report by rules adopted pursuant to  
14 chapter 91.

15       (b) Failure to submit a complete and accurate annual  
16 report as required by this section constitutes a violation of  
17 this part and shall invalidate a distributor's registration.

18       **§342G- Opt-in requirements.** (a) Starting January 1,  
19 2016, no distributor shall distribute a printed yellow pages-  
20 type phone book to any individual or business that has not  
21 specifically requested to receive such a printed yellow pages-  
22 type phone book within the past four years.



1 (b) A request from any individual or business to receive a  
2 printed yellow pages-type phone book shall be in writing or in  
3 electronic form approved by the department and shall be valid  
4 for four years.

5 (c) The department shall investigate complaints received  
6 by the department.

7 **§342G- Recyclable content.** The content of all yellow  
8 pages-type phone books and any materials included within yellow  
9 pages-type phone books at the time of delivery shall be  
10 recyclable within the county of delivery.

11 **§342G- Powers and duties of the director.** In addition  
12 to any other powers and duties authorized by law, the director  
13 shall:

14 (1) Adopt, amend, or repeal rules in accordance with  
15 chapter 91 for the purpose of carrying out the  
16 requirements of this part;

17 (2) Enforce this part and any rules adopted pursuant to  
18 this part, including assessing fines or imposing  
19 penalties;

20 (3) Invalidate the registration of a distributor for a  
21 violation of this part or of the rules of the  
22 director;



- 1 (4) Investigate any person or entity and hold
- 2 administrative hearings in accordance with chapter 91
- 3 for suspected violations of this part;
- 4 (5) Impose penalties authorized by this part or the rules
- 5 of the director; and
- 6 (6) Delegate all functions, except rulemaking authority,
- 7 to the coordinator or any other person for the
- 8 administration of this part.

9 **§342G- Civil penalty.** Any person who fails to comply  
10 with this part shall be subject to a civil penalty of not more  
11 than \$100 per violation; provided that the distribution of a  
12 printed yellow pages-type phone book to an individual or  
13 business pursuant to a written request submitted within the  
14 previous four years by a previous occupant of the address  
15 occupied by the complainant shall not constitute a violation of  
16 this part. The director is authorized to initiate legal action  
17 as necessary to enforce this part.

18 **§342G- Exemption.** The director may, by rule adopted  
19 pursuant to chapter 91, specify criteria for exemption of a  
20 distributor from the requirements of this part; provided that  
21 the criteria for an exemption shall require a distributor to  
22 demonstrate to the satisfaction of the director that the



1 distributor has an effective system in place to assure the  
2 distribution of yellow pages-type phone books only to those  
3 individuals and businesses that affirmatively request delivery."

4 SECTION 3. This Act does not affect rights and duties that  
5 matured, penalties that were incurred, and proceedings that were  
6 begun before its effective date.

7 SECTION 4. This Act shall take effect upon its approval.  
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# S.B. NO. 3014

**Report Title:**

Yellow Pages-type Phone Book; Opt-in; Distribution

**Description:**

Establishes a registration fee for distributors of telephone directories. Beginning January 1, 2016, prohibits distributors of telephone directories from distributing yellow page-type phone books to individuals or businesses that do not specifically request them.

*The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.*

