RCW 19.158.020 Definitions. The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Commercial telephone solicitation" means:

(a) An unsolicited telephone call, initiated by one other than a person described under subsection (2)(b)(i) through (xi) of this section, for the purpose of encouraging a person to purchase or invest in property, goods, or services, or wrongfully obtaining anything of value;

(b) Other communication with a person where:

(i) A free gift, award, or prize is offered to a purchaser who has not previously purchased from the person initiating the communication; and

(ii) A telephone call response is invited; and

(iii) The caller intends to complete a sale or enter into an agreement to purchase during the course of the telephone call;

(c) Other communication with a person which misrepresents the price, quality, or availability of property, goods, or services and which invites a response by telephone or which is followed by a call to the person;

(d) For purposes of this section, "other communication" means a written or oral notification or advertisement transmitted through any means.

(2)(a) A "commercial telephone solicitor" is any person who engages in commercial telephone solicitation, including service bureaus.

(b) A "commercial telephone solicitor" does not include any of the following:

(i) A person engaging in commercial telephone solicitation where the solicitation is an isolated transaction and not done in the course of a pattern of repeated transactions of like nature;

(ii) A person making calls for religious, charitable, political, or other noncommercial purposes;

(iii) A person soliciting business solely from purchasers who have previously purchased from the business enterprise for which the person is calling;

(iv) A person soliciting:

(A) Without the intent to complete or obtain provisional acceptance of a sale during the telephone solicitation; and

(B) Who does not make the major sales presentation during the telephone solicitation; and

(C) Who only makes the major sales presentation or arranges for the major sales presentation to be made at a later face-to-face meeting between the salesperson and the purchaser;

(v) A person selling a security which is exempt from registration under RCW 21.20.310;

(vi) A person licensed under RCW 18.85.101 when the solicited transaction is governed by that law;

(vii) A person registered under RCW 18.27.060 when the solicited transaction is governed by that law;

(viii) A person licensed under chapter 48.17 RCW when the solicited transaction is governed by that law;

(ix) Any person soliciting the sale of a franchise who is registered under RCW 19.100.140;

(x) A person primarily soliciting the sale of a newspaper of general circulation, a magazine or periodical, or contractual plans, including book or record clubs: (A) Under which the seller provides

the consumer with a form which the consumer may use to instruct the seller not to ship the offered merchandise; and (B) which is regulated by the federal trade commission trade regulation concerning "use of negative option plans by sellers in commerce";

(xi) Any supervised financial institution or parent, subsidiary, or affiliate thereof. As used in this section, "supervised financial institution" means any commercial bank, trust company, savings and loan association, mutual savings banks, credit union, industrial loan company, personal property broker, consumer finance lender, commercial finance lender, or insurer, provided that the institution is subject to supervision by an official or agency of this state or the United States;

(xii) A person soliciting the sale of a prearrangement funeral service contract registered under RCW 18.39.240 and 18.39.260;

(xiii) A person licensed to enter into prearrangement contracts under RCW 68.05.155 when acting subject to that license;

(xiv) A person soliciting the sale of services provided by a cable television system operating under authority of a franchise or permit;

(xv) A person or affiliate of a person whose business is regulated by the utilities and transportation commission or the federal communications commission;

(xvi) A person soliciting the sale of agricultural products, as defined in RCW 20.01.010 where the purchaser is a business;

(xvii) An issuer or subsidiary of an issuer that has a class of securities that is subject to section 12 of the securities exchange act of 1934 (15 U.S.C. Sec. 78l) and that is either registered or exempt from registration under paragraph (A), (B), (C), (E), (F), (G), or (H) of subsection (g) of that section;

(xviii) A commodity broker-dealer as defined in RCW 21.30.010 and registered with the commodity futures trading commission;

(xix) A business-to-business sale where:

(A) The purchaser business intends to resell the property or goods purchased; or

(B) The purchaser business intends to use the property or goods purchased in a recycling, reuse, remanufacturing or manufacturing process;

(xx) A person licensed under RCW 19.16.110 when the solicited transaction is governed by that law;

(xxi) A person soliciting the sale of food intended for immediate delivery to and immediate consumption by the purchaser;

(xxii) A person soliciting the sale of food fish or shellfish when that person is licensed pursuant to the provisions of Title 77 RCW.

(3) "Free gift, award, or prize" means a gratuity which the purchaser believes of a value equal to or greater than the value of the specific product, good, or service sought to be sold to the purchaser by the seller.

(4) "Person" includes any individual, firm, association, corporation, partnership, joint venture, sole proprietorship, or any other business entity.

(5) "Purchaser" means a person who is solicited to become or does become obligated to a commercial telephone solicitor.

(6) "Salesperson" means any individual employed, appointed, or authorized by a commercial telephone solicitor, whether referred to by the commercial telephone solicitor as an agent, representative, or

independent contractor, who attempts to solicit or solicits a sale on behalf of the commercial telephone solicitor.

(7) "Seller" means any person who contracts with any service bureau to purchase commercial telephone solicitation services.

(8) "Service bureau" means a commercial telephone solicitor who contracts with any person to provide commercial telephone solicitation services.

(9) "Telephone call" includes any communication made through a telephone that uses a live person, artificial voice, or recorded message.

(10) "Unsolicited" means to initiate contact for the purpose of attempting to sell a person property, goods, or services, where such person provided no previous express interest in purchasing, investing in, or obtaining information regarding the property, goods, or services attempted to be sold. [2025 c 58 s 1004. Prior: 2023 c 103 s 4; 2003 c 39 s 12; 1989 c 20 s 3.]

Explanatory note—2025 c 58: See note following RCW 1.16.050.

Findings—Intent—2023 c 103: See note following RCW 80.36.400.