

1 HOUSE BILL NO. 461

2 INTRODUCED BY K. WILLIAMS

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4 A BILL FOR AN ACT ENTITLED: "AN ACT REQUIRING TELEPHONE DIRECTORY COMPANIES TO
5 MAINTAIN A DATABASE ALLOWING RESIDENTS TO OPT OUT OF TELEPHONE DIRECTORY DELIVERY;
6 PROHIBITING TELEPHONE DIRECTORY COMPANIES FROM DELIVERING TELEPHONE DIRECTORIES
7 TO RESIDENTS WHO HAVE JOINED AN OPT-OUT DATABASE; PROVIDING A CIVIL PENALTY; AMENDING
8 SECTION 75-10-117, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

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10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

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12 **Section 1.** Section 75-10-117, MCA, is amended to read:13 **"75-10-117. Solid waste management account.** (1) There is a solid waste management account in the
14 state special revenue fund provided for in 17-2-102.

15 (2) There must be deposited in the account:

16 (a) all revenue from the solid waste management fees provided for in 75-10-115; ~~and~~17 (b) all revenue from penalties collected pursuant to [section 5]; and18 ~~(b)(c)~~ money received by the department in the form of legislative appropriations, reimbursements, gifts,
19 federal funds, or appropriations from any source that is intended to be used for the purposes of the account.20 (3) The account may be used by the department only for the administration of 75-2-215, part 2 of this
21 chapter, and this part."

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23 NEW SECTION. **Section 2. Purpose.** The purpose of [sections 2 through 5] is to establish a registry
24 for residents and businesses to opt out of receiving telephone directories and to prohibit telephone directory
25 companies from distributing directories to residents and businesses who do not want to receive directories.

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27 NEW SECTION. **Section 3. Definitions.** As used in [sections 2 through 5], the following definitions
28 apply:

29 (1) (a) "Deliver" means to physically bring to a resident by personal delivery.

30 (b) The term does not include actions by the U.S. Postal Service, a commercial courier, or a commercial

1 package delivery service that allows customers to track the status of shipments by destination, date, or time of
2 delivery.

3 (2) "Resident" means a person who has a mailing address that is not a post-office box number.

4 (3) "Telephone directory" means a publication listing:

5 (a) the names, addresses, and telephone numbers of local businesses by type and containing
6 advertisements promoting those businesses or the products they sell; or

7 (b) the names, addresses, and telephone numbers of individuals or local businesses in alphabetical
8 order.

9 (4) "Telephone directory company" means a business involved in the production and delivery of telephone
10 directories to residents in Montana.

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12 **NEW SECTION. Section 4. Telephone directory distribution.** (1) Telephone directory companies
13 shall:

14 (a) develop an opt-out database that includes the names and addresses of residents who wish to opt
15 out of receiving telephone directories;

16 (b) maintain a toll-free phone number and a website that residents may use to join the opt-out database;
17 and

18 (c) publish in clear print on either the inside or outside of the front or rear cover of a telephone directory
19 delivered after [the effective date of this act] the procedure for joining the opt-out database.

20 (2) (a) After August 31, 2011, telephone directory companies may not deliver telephone directories to
21 residents who have joined an opt-out database for 5 years from the date the individual signed up for the opt-out
22 database.

23 (b) Upon direct request from a resident at the address, the telephone directory company may remove
24 the address from the opt-out database before the expiration of the 5-year period.

25 (3) The number of telephone directories delivered to a multifamily housing development by a telephone
26 directory company may not exceed the total number of units in the building minus the number of units in the
27 building listed in the opt-out database.

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29 **NEW SECTION. Section 5. Violations.** (1) A telephone directory company that violates [section 4] is
30 subject to a civil penalty of not more than \$500.

1 (2) The department of environmental quality or the county attorney of the county in which the violation
2 occurred may petition the district court to impose the civil penalty. Venue for an action to collect a civil penalty
3 pursuant to this section is in the county in which the violation occurred or in the first judicial district.

4 (3) A civil penalty collected under this section must be deposited in the solid waste management account
5 provided for in 75-10-117.

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7 NEW SECTION. Section 6. Codification instruction. [Sections 2 through 5] are intended to be codified
8 as an integral part of Title 30, chapter 14, and the provisions of Title 30, chapter 14, apply to [sections 2 through
9 5].

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11 NEW SECTION. Section 7. Effective date. [This act] is effective on passage and approval.

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