

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2007

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SENATE BILL 591

Short Title: Option to Stop Delivery of Phone Books. (Public)

Sponsors: Senators Cowell; Atwater, Berger of Franklin, Graham, Hunt, Kinnaird, Malone, Nesbitt, Snow, and Stevens.

Referred to: Commerce, Small Business and Entrepreneurship.

March 12, 2007

A BILL TO BE ENTITLED
AN ACT TO PROVIDE THE OPTION OF HAVING DELIVERY OF LOCAL
TELEPHONE DIRECTORIES TO NORTH CAROLINA RESIDENTS STOPPED,
TO REQUIRE PUBLIC NOTIFICATION OF THIS OPTION PRINTED ON THE
FRONT OF LOCAL TELEPHONE DIRECTORIES, TO ENCOURAGE THE
ANNUAL COLLECTION OF DISCARDED TELEPHONE DIRECTORIES FOR
RECYCLING, AND TO REQUIRE PUBLISHERS OF THESE DIRECTORIES TO
USE THIRTY PERCENT POSTCONSUMER RECYCLED CONTENT.

The General Assembly of North Carolina enacts:

SECTION 1. Chapter 75 of the General Statutes is amended by adding a new Article to read:

"Article 6.

"Option to Stop Delivery of Local Telephone Directories.

"§ 75-120. Local telephone directories; option to stop delivery.

(a) A person, firm, or corporation engaged in the business of publishing and delivering local telephone directories to North Carolina residents shall prominently and conspicuously print in bold-faced type all of the following information on the front covers of the directory:

(1) A statement that reads "IF YOU NO LONGER WISH TO RECEIVE THIS DIRECTORY, PLEASE CALL THE FOLLOWING NUMBER, WRITE TO THE FOLLOWING ADDRESS, OR E-MAIL THE FOLLOWING E-MAIL ADDRESS:"

(2) A toll-free number, a mailing address, and an e-mail address and Internet Web site for the business that a resident may use to provide verbal, written, or electronic notice to the business that the resident no longer wishes to receive the directory and requests to be entered into the 'Do Not Receive' Registry.

1 **(b)** A person, firm, or corporation engaged in the business of publishing and
2 delivering local telephone directories shall include in its Internet Web site its e-mail
3 address under subsection (a) of this section and information that is prominently and
4 conspicuously placed on how a resident can enter its name, or verify that its name has
5 been entered, into the 'Do Not Receive' Registry.

6 **(c)** A person, firm, or corporation engaged in the business of publishing and
7 delivering local telephone directories shall not distribute a local telephone directory to a
8 resident who notifies the business that the resident no longer wishes to receive the
9 directory pursuant to subsection (a) of this section, shall enter the name of each such
10 resident into its 'Do Not Receive' Registry, and shall not remove the name unless the
11 business receives notice from the resident to remove the resident's name from the
12 Registry.

13 **(d)** The Attorney General or a district attorney of the county in which the
14 violation occurred may institute a civil action in district court against a person, firm, or
15 corporation engaged in the business of publishing and delivering local telephone
16 directories that violates this section or to prevent a violation of this section. A civil
17 penalty may be assessed in the amount of two hundred fifty dollars (\$250.00) for each
18 violation.

19 **(e)** In any action pursuant to subsection (c) of this section, it shall be a defense
20 that the defendant delivered a telephone directory to a resident in error.

21 **(f)** As used in this section, the following definitions apply:

22 **(1)** Deliver. – To deliver to a resident by means of personal delivery.
23 'Deliver' does not include delivery by the United States postal service
24 or by a commercial courier or a commercial package delivery service
25 that allows customers to track the status of their shipments by
26 destination, date, and time of delivery.

27 **(2)** 'Do Not Receive' Registry. – The registry created and maintained by a
28 person, firm, or corporation engaged in the business of publishing and
29 delivering local telephone directories that consists of those residents
30 that do not wish to receive a telephone directory from the business.

31 **(3)** Local telephone directory. – A publication that lists by alphabetical
32 category and publishes the names, addresses, and telephone numbers
33 of telephone customers or the advertisements, products, or services of
34 businesses or professional firms.

35 **(4)** Resident. – Any person or entity that has a mailing address in this
36 State."

37 **SECTION 2.** Part 2A of Article 9 of Chapter 130A of the General Statutes is
38 amended by adding a new section to read:

39 **"§ 130A-309.09E. Annual collection of discarded local telephone directories**
40 **encouraged; recycled content of telephone directories required.**

41 **(a)** Each person, firm, or corporation engaged in the business of publishing and
42 delivering local telephone directories and units of local government are encouraged to
43 provide for the collection of discarded telephone directories for recycling by providing
44 once-a-year drop-off centers at convenient locations. When a unit of local government

1 provides for the collection of discarded telephone directories, any person, firm, or
2 corporation engaged in the business of publishing and delivering local telephone
3 directories that delivers telephone directories to residents of that unit of government is
4 encouraged to assist the unit of local government in all of the following ways:

5 (1) Coordinate with that unit of local government to provide information
6 to educate the public on currently available opportunities to recycle
7 discarded telephone directories.

8 (2) Provide grants to that unit of local government for its collection of
9 discarded telephone directories for recycling.

10 (b) If more than one person, firm, or corporation delivers local telephone
11 directories to residents of a unit of local government that provides for the collection of
12 discarded telephone directories, these persons, firms, or corporations are encouraged to
13 coordinate their collection activities and provide their proportionate share of grants
14 under subsection (a) of this section.

15 (c) Each publisher of local telephone directories for distribution in North
16 Carolina shall publish telephone directories that consist of no less than thirty percent
17 (30%) postconsumer recycled content.

18 (d) The definitions for 'deliver', 'local telephone directory', and 'resident' under
19 G.S. 75-120 apply to this section."

20 **SECTION 4.** This act becomes effective October 1, 2007, and applies to
21 local telephone directories, as defined in G.S. 75-120, as enacted by Section 1 of this
22 act, that are published on or after that date.