
OLR Bill Analysis

sSB 107

AN ACT CONCERNING DELIVERY OF THE YELLOW PAGES PHONE BOOK.

SUMMARY:

This bill requires certain yellow pages phone book distributors to distribute the books through the U.S. Postal Service, unless a resident or business requests or expressly accepts delivery by another means. It applies to businesses that:

1. are primarily responsible for arranging the yellow pages' publication and distribution,
2. arrange for the unsolicited delivery of over four tons of yellow pages phone books annually in the state, and
3. have income at least partially derived from advertising in the books.

It does not include (1) individuals whose role is limited to driving and physically delivering the books or (2) membership organizations that deliver yellow pages phone books to their members.

Under the bill, a "yellow pages phone book" is a printed telephone directory that (1) consists primarily of a list of business names and telephone numbers and (2) contains advertising for at least some of those businesses with text or graphic elements that exceed having the business' name and telephone number in boldface type and color highlighting.

The bill also specifies that several of the law's requirements related to telephone directories also apply to yellow pages phone books, as defined above. These include:

1. requirements that massage therapists, new home construction

contractors, and pesticide application businesses, include their license or registration numbers in telephone directory advertisements;

2. exceptions for advertisements by professional bondsman and surety bail bond agents or insurers in telephone directories in correctional institutions, police stations, or court houses;
3. provisions regulating the use of telephone directories to prepare telemarketing solicitation lists; and
4. allowances for advertisements by attorneys and health care professionals in telephone directories.

EFFECTIVE DATE: October 1, 2014

BACKGROUND

Related Case

The constitutionality of laws limiting the yellow pages' distribution has been raised in federal court. In *Dex Media v. City of Seattle* (696 F3d. 952 (9th Cir. 2012)), the court ruled that yellow pages phone books are entitled to full protection under the First Amendment and therefore laws regulating them are subject strict scrutiny. Under this reasoning, the *Dex* court struck down a Seattle ordinance that, among other things, required yellow pages publishers to obtain permits and pay a fee for each directory distributed in the city.

COMMITTEE ACTION

Energy and Technology Committee

Joint Favorable Substitute

Yea 16 Nay 7 (03/18/2014)