

# FINAL BILL REPORT

## 2SHB 2479

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Synopsis as Enacted

**Brief Description:** Requiring subscribers' consent to disclosure of wireless phone numbers.

**Sponsors:** By House Committee on Appropriations (originally sponsored by Representatives Morrell, Bailey, Cody, Pedersen, Appleton, Sells, Lantz, Hasegawa, Ormsby, Conway, Condotta, Hurst, McIntire, Roberts, Kenney, Haigh, Schual-Berke, Campbell, VanDeWege, Rolfes, Kagi, Chase, Lias, Simpson, Barlow, Ericks, Green, Kelley and McDonald).

**House Committee on Technology, Energy & Communications**

**House Committee on Appropriations**

**Senate Committee on Consumer Protection & Housing**

### **Background:**

In 2005 legislation was enacted that prohibited wireless telephone companies from publishing a subscriber's wireless phone number in a directory without first obtaining the subscriber's express, opt-in consent. Consent must be obtained in writing or electronically, and a receipt must be provided to the subscriber. The subscriber may revoke his or her consent at any time, and the company must comply with the subscriber's request within a reasonable period of time. In addition, the subscriber may not be charged for choosing not to be listed in the directory.

These restrictions were limited to wireless telephone companies and did not restrict third parties from including a subscriber's wireless phone number in a public directory.

### **Summary:**

The restrictions on including wireless phone numbers in a directory are extended to cover "directory providers." A directory provider is defined as any person in the business of marketing, selling, or sharing the phone number of any subscriber for commercial purposes.

Reasonable Investigation. Before including any phone number in a directory, a directory provider must undertake an ongoing, reasonable investigation to determine whether the number is a wireless number. A directory provider is presumed to have undertaken a reasonable investigation if the directory provider compares the phone number against a commercially available list of wireless numbers or ported numbers at least every 30 days. The directory provider also must use up-to-date, available technology when conducting its investigation.

If the investigation reveals that the number is a wireless phone number, the directory provider may not include the number in a directory, unless the subscriber of the wireless phone number

has given his or her express, opt-in consent or unless an exception applies. Providers of reverse lookup services are exempt from these opt-in requirements.

Pre-existing Directories. A directory provider that has maintained a directory before the effective date of this act must within 30 days either: (1) secure the express, opt-in consent of each subscriber in the directory; or (2) remove the wireless phone numbers of any subscribers who have not provided their express, opt-in consent. These restrictions do not apply to the following: (1) a directory provider that has conducted a reasonable investigation and is unable to determine whether the number is a wireless number; (2) a person who publishes a wireless phone number in a directory where the subscriber pays a fee to have the number published for commercial purposes; (3) a person who publishes a wireless phone number in a directory that is obtained directly from a radio communications service company where the radio communications service company has already obtained express, opt-in consent; (4) a person who publishes a subscriber's phone number that was ported from listed wireline service to wireless service within the previous 15 months; and (5) providers of reverse phone number search services.

Reverse Phone Number Search Services. Providers of reverse phone number search services must allow a subscriber to perform a reverse phone number search for free to determine whether the subscriber's wireless number is contained in the provider's directory or database.

Subscribers may opt-out of having their wireless number included in a reverse phone number search service at any time. A violation of this requirement is a violation of the Consumer Protection Act.

Penalties. If a directory provider includes a wireless phone number in a directory without the subscriber's express opt-in consent, the directory provider may be fined up to \$50,000 for violating the act. However, a directory provider has not violated the act if it includes a wireless number in a directory after it undertook a reasonable investigation and was unable to determine whether the number was a wireless number.

**Votes on Final Passage:**

House	92	3	
Senate	48	0	(Senate amended)
House	94	0	(House concurred)

**Effective:** June 12, 2008