
HOUSE BILL 2479

State of Washington

60th Legislature

2008 Regular Session

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

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1 AN ACT Relating to disclosure of wireless numbers; amending RCW
2 19.250.010; and adding a new section to chapter 19.250 RCW.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

4 **Sec. 1.** RCW 19.250.010 and 2005 c 322 s 1 are each amended to read
5 as follows:

6 (1) A radio communications service company, as defined in RCW
7 80.04.010, or any direct or indirect affiliate or agent of a provider,
8 or any person in the business of compiling, marketing, selling,
9 maintaining, or otherwise sharing the phone number of any subscriber
10 for commercial purposes, shall not include the phone number of any
11 subscriber for inclusion in any directory of any form, nor shall it
12 sell the contents of any directory database, without first obtaining
13 the express, opt-in consent of that subscriber. The subscriber's
14 consent must be obtained either in writing or electronically, and a
15 receipt must be provided to the subscriber. The consent shall be a
16 separate document or located on a separate screen or web page that has
17 the sole purpose of authorizing a radio communications service company
18 to include the subscriber's phone number in a publicly available
19 directory assistance database. In obtaining the subscriber's consent,

1 the person or provider shall unambiguously disclose that, by
2 consenting, the subscriber agrees to have the subscriber's phone number
3 sold or licensed as part of a list of subscribers and that the phone
4 number may be included in a publicly available directory assistance
5 database. The person or provider must also disclose that by consenting
6 to be included in the directory, the subscriber may incur additional
7 charges for receiving unsolicited calls or text messages.

8 (2) A subscriber who provides express, opt-in consent pursuant to
9 subsection (1) of this section may revoke that consent at any time. A
10 radio communications service company, person, or provider shall comply
11 with the subscriber's request to opt out within a reasonable period of
12 time, not to exceed sixty days.

13 (3) A subscriber shall not be charged for opting not to be listed
14 in the directory.

15 (4) This section does not apply to the provision of telephone
16 numbers, for the purposes indicated, to:

17 (a) Any law enforcement agency, fire protection agency, public
18 health agency, public environmental health agency, city or county
19 emergency services planning agency, or private for-profit corporation
20 operating under contract with, and at the direction of, one or more of
21 these agencies, for the exclusive purpose of responding to a 911 call
22 or communicating an imminent threat to life or property. Information
23 or records provided to a private for-profit corporation pursuant to (b)
24 of this subsection shall be held in confidence by that corporation and
25 by any individual employed by or associated with that corporation.
26 Such information or records shall not be open to examination for any
27 purpose not directly connected with the administration of the services
28 specified in this subsection;

29 (b) A lawful process issued under state or federal law;

30 (c) A telecommunications company providing service between service
31 areas for the provision of telephone services to the subscriber between
32 service areas, or to third parties for the limited purpose of providing
33 billing services;

34 (d) A telecommunications company to effectuate a customer's request
35 to transfer the customer's assigned telephone number from the
36 customer's existing provider of telecommunications services to a new
37 provider of telecommunications services;

1 (e) The utilities and transportation commission pursuant to its
2 jurisdiction and control over telecommunications companies; and

3 (f) A sales agent to provide the subscriber's cell phone numbers to
4 the cellular provider for the limited purpose of billing and customer
5 service.

6 (5) Every knowing violation of this section is punishable by a fine
7 of up to fifty thousand dollars for each violation.

8 (6) The attorney general may bring actions to enforce compliance
9 with this section. For the first violation by any company or
10 organization of this section, the attorney general may notify the
11 company with a letter of warning that the section has been violated.

12 (7) No telecommunications company, nor any official or employee of
13 a telecommunications company, shall be subject to criminal or civil
14 liability for the release of customer information as authorized by this
15 section.

16 (8) For the purposes of this section, "subscriber" means a person
17 who subscribes to radio communications services, radio paging, or
18 cellular communications service.

19 NEW SECTION. Sec. 2. A new section is added to chapter 19.250 RCW
20 to read as follows:

21 Any person in the business of compiling, marketing, selling,
22 maintaining, or otherwise sharing the phone number of any subscriber
23 for commercial purposes, who has maintained a directory before the
24 effective date of this act, must within thirty days either:

25 (1) Secure the express, opt-in consent of each subscriber listed in
26 the directory as specified in RCW 19.250.010; or

27 (2) Remove the phone numbers of any subscribers who have not
28 provided their express, opt-in consent.

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