
HOUSE BILL 2702

State of Washington

60th Legislature

2008 Regular Session

By Representatives Rodne, Morris, Hurst, Haler, McDonald, Goodman, VanDeWege, Ericks, and Kelley; by request of Attorney General

Read first time 01/16/08. Referred to Committee on Technology, Energy & Communications.

1 AN ACT Relating to disclosure of personal wireless numbers; and
2 amending RCW 19.250.010.

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, or selling the
9 phone number associated with radio communications service of any
10 subscriber for commercial purposes, shall not include the phone number
11 associated with radio communications service of any subscriber for
12 inclusion in any directory of any form, nor shall it sell the contents
13 of any directory database, without first obtaining the express, opt-in
14 consent of that subscriber. The subscriber's consent must be obtained
15 either in writing or electronically, and a (~~receipt~~) confirmation of
16 consent must be provided to the subscriber either by United States mail
17 or electronically. The consent shall be a separate document or located
18 on a separate screen or web page that has the sole purpose of
19 authorizing (~~a radio communications service company~~) the person or

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

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

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

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

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

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

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

37 (d) A telecommunications company to effectuate a customer's request

1 to transfer the customer's assigned telephone number from the
2 customer's existing provider of telecommunications services to a new
3 provider of telecommunications services;

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

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

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

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

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

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