
HOUSE BILL 1816

State of Washington 61st Legislature 2009 Regular Session

By Representatives Morrell, Bailey, Eddy, Rodne, Crouse, and Hudgins

Read first time 01/29/09. Referred to Committee on Technology, Energy & Communications.

1 AN ACT Relating to changing provisions related to wireless phone
2 numbers used by directory providers; amending RCW 19.250.030,
3 19.250.070, and 19.250.050; and repealing RCW 19.250.020 and
4 19.250.060.

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

6 **Sec. 1.** RCW 19.250.030 and 2008 c 271 s 5 are each amended to read
7 as follows:

8 (1) A subscriber (~~who provides express, opt in consent under RCW~~
9 ~~19.250.010 and 19.250.020 may revoke that consent~~) may request that a
10 directory provider remove their wireless phone number at any time. A
11 radio communications service company and a directory provider shall
12 comply with the subscriber's request to (~~opt out~~) remove their
13 wireless phone number within a reasonable period of time, not to exceed
14 sixty days for printed directories and not to exceed thirty days for
15 online directories.

16 (2) At the subscriber's request, a provider of a reverse phone
17 number search service must allow a subscriber to perform a reverse
18 phone number search free of charge to determine whether the
19 subscriber's wireless phone number is listed in the reverse phone

1 number search service. If the subscriber finds that his or her
2 wireless phone number is contained in the reverse phone number search
3 service, the subscriber may (~~(opt out of having))~~ request that his or
4 her wireless phone number (~~(included in))~~ be removed from the reverse
5 phone number search service at any time. The provider of the reverse
6 phone number search service must comply with the subscriber's request
7 (~~(to opt out))~~ within a reasonable period of time, not to exceed thirty
8 days.

9 (3) A subscriber shall not be charged for (~~(opting out of having))~~
10 requesting that his or her wireless phone number (~~(listed in))~~ be
11 removed from a directory or reverse phone number search service.

12 **Sec. 2.** RCW 19.250.070 and 2008 c 271 s 9 are each amended to read
13 as follows:

14 This chapter does not apply to the provision of wireless phone
15 numbers, for the purposes indicated, to:

16 (1) Any law enforcement agency, fire protection agency, public
17 health agency, public environmental health agency, city or county
18 emergency services planning agency, or private for-profit corporation
19 operating under contract with, and at the direction of, one or more of
20 these agencies, for the exclusive purpose of responding to a 911 call
21 or communicating an imminent threat to life or property. Information
22 or records provided to a private for-profit corporation pursuant to
23 subsection (2) of this section must be held in confidence by that
24 corporation and by any individual employed by or associated with that
25 corporation. Such information or records are not open to examination
26 for any purpose not directly connected with the administration of the
27 services specified in this subsection;

28 (2) A lawful process issued under state or federal law;

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

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

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

3 (6) A sales agent to provide the subscriber's wireless phone
4 numbers to the radio communications service company for the limited
5 purpose of billing and customer service;

6 ~~(7) ((A directory provider that has undertaken a reasonable
7 investigation pursuant to RCW 19.250.020 and is unable to determine
8 whether the phone number is a wireless phone number;~~

9 ~~(8) A directory provider that publishes a subscriber's wireless
10 phone number in a directory that is obtained directly from a radio
11 communications service company and that radio communications service
12 company has obtained the required express, opt-in consent for including
13 in any directory the subscriber's wireless phone number as specified in
14 RCW 19.250.010;~~

15 ~~(9) A person that publishes a subscriber's wireless phone number in
16 a directory where the subscriber pays a fee to have the number
17 published for commercial purposes;~~

18 ~~(10)) A person that publishes a subscriber's wireless phone number
19 that was ported from listed wireline service to wireless service within
20 the previous fifteen months; and~~

21 ~~((11))~~ (8) A consumer reporting agency as defined in RCW
22 19.182.010 for use as a unique identifier of a consumer in a consumer
23 report as defined in RCW 19.182.010.

24 **Sec. 3.** RCW 19.250.050 and 2008 c 271 s 7 are each amended to read
25 as follows:

26 (1) Every knowing violation of RCW 19.250.010 is punishable by a
27 fine of not less than two thousand dollars and no more than fifty
28 thousand dollars for each violation. ~~((Including a wireless phone
29 number in a directory without a subscriber's express, opt-in consent
30 pursuant to RCW 19.250.020))~~ Failure to remove a wireless phone number
31 within a reasonable period of time as required in RCW 19.250.030 is a
32 violation of this chapter and is punishable by a fine of up to fifty
33 thousand dollars ~~((unless the directory provider first conducted a
34 reasonable investigation as required in RCW 19.250.020 and was unable
35 to determine if the published number was a wireless phone number)).~~

36 (2) The attorney general may bring actions to enforce compliance
37 with this section. For the first violation by any company,

1 organization, or person under this chapter, the attorney general may
2 notify the company, organization, or person with a letter of warning
3 that this chapter has been violated.

4 (3) A telecommunications company or directory provider, or any
5 official or employee of a telecommunications company or directory
6 provider, is not subject to criminal or civil liability for the release
7 of customer information as authorized by this chapter.

8 NEW SECTION. **Sec. 4.** The following acts or parts of acts are each
9 repealed:

10 (1) RCW 19.250.020 (Reasonable investigation required--Consent) and
11 2008 c 271 s 4; and

12 (2) RCW 19.250.060 (Directories maintained before June 12, 2008--
13 Application of section) and 2008 c 271 s 8.

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