2200-S AMH IRWI SMIL 062

**SHB 2200** - H AMD TO AMD (H-2719.1/17) **566**

By Representative Irwin

**NOT ADOPTED 04/19/2017**

 On page 1, line 16 of the striking amendment, after "person" insert "or entity when"

 On page 1, beginning on line 19 of the striking amendment, after "information"" strike all material through "device" on line 32 and insert "or "customer PI" means personally identifiable sensitive information consisting of a customer's social security number, health information, information pertaining to children, financial information, precise geolocation information, or web browsing history or application usage history of a customer that includes any of the foregoing information listed in this definition that a BIAS provider acquires through its provision of BIAS"

 On page 2, beginning on line 1 of the striking amendment, after "means" strike all material through "notification" on line 3 and insert "a customer's affirmative, express consent"

 On page 2, beginning on line 4 of the striking amendment, after "(1)" strike all material through "act" on page 3, line 13, and insert "A BIAS provider may not sell customer proprietary information to third parties for their own purposes except with the opt-in approval of the customer.

(2) A BIAS provider must provide customers with access to a mechanism to grant or withdraw any opt-in approval for the BIAS provider to sell their customer proprietary information"

 Renumber the remaining sections consecutively and correct any internal references accordingly.

 On page 3, beginning on line 31 of the striking amendment, after "**Sec.** **7.**" strike all material through "2018" on page 4, line 6 and insert "Sections 1 through 4 of this act take effect March 1, 2019, if upon that date the utilities and transportation commission determines both of the following: 1) that the federal government has not established BIAS customer protections standards substantially equivalent to the levels of protection provided in this act; and 2) that broadband internet access service has not been classified as an information service by the federal communications commission and there has been no other federal action granting either the federal trade commission or the federal communications commission authority to bring an enforcement action against broadband internet access service providers for the provision of broadband internet access service under section 5 of the federal trade commission act of 1914, as amended (15 U.S.C. Sec. 45), or under the Communications Act of 1934, as amended. The utilities and transportation commission must provide notice of the effective date of sections 1 through 4 of this act to affected parties, the chief clerk of the house of representatives, the secretary of the senate, the office of the code reviser, and others as deemed appropriate by the utilities and transportation commission."

 Renumber the remaining sections consecutively and correct any internal references accordingly.

 On page 4, line 7, after "through" strike "7" and insert "4"

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|  |  EFFECT:   Specifies that a BIAS provider may be a person or entity. Modifies the definition of "customer proprietary information." Limits the restricted activities to the sale of customer proprietary information to third parties for their own purposes. Specifies that the method to change approval is for the purpose of granting or withdrawing approval. Changes the effective date to March 1, 2019 and makes the effective date contingent upon the status of certain federal actions. Removes:* the specification of when customer approval must be solicited and obtained;
* the prohibition on conditioning or terminating service;
* the restrictions on financial waivers;
* the new rulemaking authority of the Utilities and Transportation Commission; and
* the contingent expiration date.
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