
**Technology, Energy &
Communications Committee**

HB 1185

Brief Description: Prohibiting disclosure of personal wireless numbers.

Sponsors: Representatives Morrell, Haler, Morris, Tom, Green, Jarrett, Clibborn, Moeller, Upthegrove, Pettigrew, Chase, Flannigan, Cody, Newhouse, Wallace, Hasegawa, Quall, Linville, Simpson, B. Sullivan, Sells, Lantz, Schual-Berke, Appleton, Campbell, Darneille, Dickerson, Armstrong, Kenney, Condotta, Kagi, Ormsby, Hunt, McIntire, Haigh and Kilmer.

Brief Summary of Bill

- Requires a wireless telephone company to obtain a subscriber's written, opt-in consent before publishing their wireless phone number in a directory.

Hearing Date: 2/3/05

Staff: Kara Durbin (786-7133).

Background:

In 1991, Congress enacted the Telephone Consumer Protection Act (TCPA), which specifically prohibits the use of automatic dialers or pre-recorded messages to make telemarketing calls to telephones.

In 2003, the Federal Communications Commission (FCC) revised its rules implementing the TCPA and established a national Do-Not-Call Registry, which allows individuals to place their home and wireless phone numbers in the registry. Under the Do-Not-Call Registry, telemarketers are required to search the registry every three months and to avoid calling individuals who have included their number in the registry. Washington does not maintain its own do not call list, but Washington residents may register for the Do-Not-Call registry.

Washington law prohibits the sending of unsolicited commercial electronic text messages to wireless phones or pagers. It does not, however, prohibit telemarketers from making unsolicited calls to wireless phones.

Currently, 411 directory service is not available for wireless service. Existing law does not restrict wireless telephone companies from including a subscriber's wireless phone number in a public directory.

Summary of Bill:

Wireless telephone companies must obtain express, written opt-in consent from a subscriber before publishing their wireless phone number in a directory. The subscriber's consent must be obtained in writing and must clearly and conspicuously disclose to the subscriber that he or she bears the responsibility for paying for any additional cost incurred as the result of receiving unsolicited calls.

A subscriber may revoke his or her consent at any time. If the subscriber revokes his or her consent, the telephone company must comply with the subscriber's request within a reasonable period of time, not to exceed 60 days. In addition, the subscriber may not be charged for choosing not to be listed in the directory.

Non-consensual disclosure of a subscriber's wireless phone number is permissible under certain, limited circumstances:

- To law enforcement, fire protection, public health, or city or county emergency service planning agencies for purposes of responding to a 911 call or communicating imminent threat to life or property;
- Through a lawful process under state or federal law;
- To a telephone company to facilitate service between service areas;
- To a telephone company for billing purposes;
- To a telephone company to transfer a telephone number from one provider to a new provider; and
- To the Washington Utilities and Transportation Commission pursuant to its jurisdiction and control over telephone companies.

An aggrieved person may bring a civil action against a telephone company who violates the laws relating to disclosure of wireless phone numbers. The court shall award damages of at least \$500 for each individual violation. If the aggrieved person prevails in a civil action, the court shall also award reasonable attorneys' fees and cost of the suit. The attorney general may also bring an enforcement action under this act.

Appropriation: None.

Fiscal Note: Not requested.

Effective Date: The bill takes effect 90 days after adjournment of session in which bill is passed.