CERTIFICATION OF ENROLLMENT

SUBSTITUTE HOUSE BILL 1185

59th Legislature 2005 Regular Session

Passed by the House April 18, 2005 Yeas 95 Nays 0

Speaker of the House of Representatives

Passed by the Senate April 13, 2005 Yeas 45 Nays 0

President of the Senate

Approved

CERTIFICATE

I, Richard Nafziger, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is **SUBSTITUTE HOUSE BILL 1185** as passed by the House of Representatives and the Senate on the dates hereon set forth.

Chief Clerk

FILED

Secretary of State State of Washington

Governor of the State of Washington

SUBSTITUTE HOUSE BILL 1185

AS AMENDED BY THE SENATE

Passed Legislature - 2005 Regular Session

State of Washington 59th Legislature 2005 Regular Session

By House Committee on Technology, Energy & Communications (originally sponsored by Representatives Morrell, Haler, Morris, Tom, Green, Jarrett, Clibborn, Moeller, Upthegrove, Pettigrew, Chase, Cody, Newhouse, Wallace, Hasegawa, Quall, Linville, Flannigan, Simpson, B. Sullivan, Sells, Lantz, Schual-Berke, Appleton, Campbell, Darneille, Dickerson, Armstrong, Kenney, Condotta, Kagi, Ormsby, Hunt, McIntire, Haigh and Kilmer)

READ FIRST TIME 02/21/05.

AN ACT Relating to use and disclosure of personal wireless numbers; 1 2 adding a new section to Title 19 RCW; and prescribing penalties.

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

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NEW SECTION. Sec. 1. A new section is added to Title 19 RCW to 5 read as follows:

(1) A radio communications service company, as defined in RCW 6 80.04.010, or any direct or indirect affiliate or agent of a provider, 7 8 shall not include the phone number of any subscriber for inclusion in any directory of any form, nor shall it sell the contents of any 9 10 directory data base, without first obtaining the express, opt-in consent of that subscriber. The subscriber's consent must be obtained 11 12 either in writing or electronically, and a receipt must be provided to the subscriber. The consent shall be a separate document or located on 13 14 a separate screen or web page that has the sole purpose of authorizing a radio communications service company to include the subscriber's 15 phone number in a publicly available directory assistance data base. 16 In obtaining the subscriber's consent, the provider shall unambiguously 17 disclose that, by consenting, the subscriber agrees to have the 18 19 subscriber's phone number sold or licensed as part of a list of

subscribers and that the phone number may be included in a publicly available directory assistance data base. The provider must also disclose that by consenting to be included in the directory, the subscriber may incur additional charges for receiving unsolicited calls or text messages.

6 (2) A subscriber who provides express consent pursuant to 7 subsection (1) of this section may revoke that consent at any time. A 8 radio communications service company shall comply with the subscriber's 9 request to opt out within a reasonable period of time, not to exceed 10 sixty days.

11 (3) A subscriber shall not be charged for opting not to be listed 12 in the directory.

13 (4) This section does not apply to the provision of telephone 14 numbers, for the purposes indicated, to:

(a) Any law enforcement agency, fire protection agency, public 15 health agency, public environmental health agency, city or county 16 17 emergency services planning agency, or private for-profit corporation operating under contract with, and at the direction of, one or more of 18 these agencies, for the exclusive purpose of responding to a 911 call 19 or communicating an imminent threat to life or property. Information 20 21 or records provided to a private for-profit corporation pursuant to (b) 22 of this subsection shall be held in confidence by that corporation and by any individual employed by or associated with that corporation. 23 24 Such information or records shall not be open to examination for any 25 purpose not directly connected with the administration of the services specified in this subsection; 26

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

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

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

(e) The utilities and transportation commission pursuant to itsjurisdiction and control over telecommunications companies; and

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

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

6 (6) The attorney general may bring actions to enforce compliance 7 with this section. For the first violation by any company or 8 organization of this section, the attorney general may notify the 9 company with a letter of warning that the section has been violated.

10 (7) No telecommunications company, nor any official or employee of 11 a telecommunications company, shall be subject to criminal or civil 12 liability for the release of customer information as authorized by this 13 section.

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