

CERTIFICATION OF ENROLLMENT

**SUBSTITUTE HOUSE BILL 1185**

Chapter 322, Laws of 2005

59th Legislature  
2005 Regular Session

PERSONAL WIRELESS NUMBERS--DISCLOSURE

EFFECTIVE DATE: 7/24/05

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

FRANK CHOPP

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**Speaker of the House of Representatives**

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

BRAD OWEN

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**President of the Senate**

Approved May 9, 2005.

CHRISTINE GREGOIRE

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**Governor of the State of Washington**

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.

RICHARD NAFZIGER

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**Chief Clerk**

FILED

May 9, 2005 - 3:08 p.m.

**Secretary of State  
State of Washington**

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**SUBSTITUTE HOUSE BILL 1185**

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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, 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)

READ FIRST TIME 02/21/05.

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

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

4            NEW SECTION.    **Sec. 1.** A new section is added to Title 19 RCW to  
5 read 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 shall not include the phone number of any subscriber for inclusion in  
9 any directory of any form, nor shall it sell the contents of any  
10 directory data base, without first obtaining the express, opt-in  
11 consent of that subscriber. The subscriber's consent must be obtained  
12 either in writing or electronically, and a receipt must be provided to  
13 the subscriber. The consent shall be a separate document or located on  
14 a separate screen or web page that has the sole purpose of authorizing  
15 a radio communications service company to include the subscriber's  
16 phone number in a publicly available directory assistance data base.  
17 In obtaining the subscriber's consent, the provider shall unambiguously  
18 disclose that, by consenting, the subscriber agrees to have the  
19 subscriber's phone number sold or licensed as part of a list of

1 subscribers and that the phone number may be included in a publicly  
2 available directory assistance data base. The provider must also  
3 disclose that by consenting to be included in the directory, the  
4 subscriber may incur additional charges for receiving unsolicited calls  
5 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:

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

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

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

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

1 (f) A sales agent to provide the subscriber's cell phone numbers to  
2 the cellular provider for the limited purpose of billing and customer  
3 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.

Passed by the House April 18, 2005.

Passed by the Senate April 13, 2005.

Approved by the Governor May 9, 2005.

Filed in Office of Secretary of State May 9, 2005.