

CERTIFICATION OF ENROLLMENT

**SUBSTITUTE HOUSE BILL 1816**

Chapter 401, Laws of 2009

61st Legislature  
2009 Regular Session

PHONE NUMBER DIRECTORIES--WIRELESS PHONE NUMBERS

EFFECTIVE DATE: 07/26/09

Passed by the House April 20, 2009  
Yeas 91 Nays 1

FRANK CHOPP

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**Speaker of the House of Representatives**

Passed by the Senate April 13, 2009  
Yeas 45 Nays 0

BRAD OWEN

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**President of the Senate**

Approved May 7, 2009, 2:45 p.m.

CHRISTINE GREGOIRE

\_\_\_\_\_  
**Governor of the State of Washington**

CERTIFICATE

I, Barbara Baker, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is **SUBSTITUTE HOUSE BILL 1816** as passed by the House of Representatives and the Senate on the dates hereon set forth.

BARBARA BAKER

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**Chief Clerk**

FILED

May 8, 2009

**Secretary of State  
State of Washington**

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**SUBSTITUTE HOUSE BILL 1816**

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AS AMENDED BY THE SENATE

Passed Legislature - 2009 Regular Session

**State of Washington                      61st Legislature                      2009 Regular Session**

**By** House Technology, Energy & Communications (originally sponsored by Representatives Morrell, Bailey, Eddy, Rodne, Crouse, and Hudgins)

READ FIRST TIME 02/18/09.

1            AN ACT Relating to changing provisions related to wireless phone  
2 numbers used by directory providers; amending RCW 19.250.005,  
3 19.250.030, 19.250.070, and 19.250.050; repealing RCW 19.250.060; and  
4 prescribing penalties.

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

6            **Sec. 1.** RCW 19.250.005 and 2008 c 271 s 2 are each amended to read  
7 as follows:

8            The definitions in this section apply throughout this chapter  
9 unless the context clearly requires otherwise.

10            (1) "Directory" or "directory form" means a categorized list or  
11 compilation of phone numbers, or a single phone number, in written,  
12 audio, electronic, digital, or any other format.

13            (2) "Directory provider" means any person in the business of  
14 marketing, selling, or sharing the phone number of any subscriber in  
15 directory form for commercial purposes.

16            ((+2)) (3) "Radio communications service company" has the same  
17 meaning as in RCW 80.04.010.

18            ((+3)) (4) "Reverse phone number search services" means a service

1 that provides the name of a subscriber associated with a phone number  
2 when the phone number is supplied.

3 ~~((4))~~ (5) "Subscriber" means a person who resides in the state of  
4 Washington and subscribes to radio communications services, radio  
5 paging, or cellular communications service with a Washington state area  
6 code.

7 ~~((5))~~ (6) "Wireless phone number" means a phone number unique to  
8 the subscriber that permits the subscriber to receive radio  
9 communications, radio paging, or cellular communications from others.

10 **Sec. 2.** RCW 19.250.030 and 2008 c 271 s 5 are each amended to read  
11 as follows:

12 (1) A subscriber ~~((who provides express, opt in consent under RCW~~  
13 ~~19.250.010 and 19.250.020 may revoke that consent))~~ may request that a  
14 directory provider or a radio communications service company remove  
15 their wireless phone number from a directory of any form at any time.  
16 A radio communications service company ~~((and))~~ or a directory provider  
17 shall, at no cost to the subscriber, comply with the subscriber's  
18 request to ~~((opt-out))~~ remove their wireless phone number from a  
19 directory of any form within a reasonable period of time, not to exceed  
20 sixty days for printed directories and not to exceed thirty days for  
21 online or other directories.

22 (2) At the subscriber's request, a provider of a reverse phone  
23 number search service must allow a subscriber to perform a reverse  
24 phone number search free of charge to determine whether the  
25 subscriber's wireless phone number is listed in the reverse phone  
26 number search service. If the subscriber finds that his or her  
27 wireless phone number is contained in the reverse phone number search  
28 service, the subscriber may ~~((opt-out-of-having))~~ request that his or  
29 her wireless phone number ~~((included-in))~~ be removed from the reverse  
30 phone number search service at any time. The provider of the reverse  
31 phone number search service must, at no cost to the subscriber, comply  
32 with the subscriber's request ~~((to-opt-out))~~ within a reasonable period  
33 of time, not to exceed thirty days.

34 ~~((3) A subscriber shall not be charged for opting out of having~~  
35 ~~his or her wireless phone number listed in a directory or reverse phone~~  
36 ~~number search service.))~~

1       **Sec. 3.** RCW 19.250.070 and 2008 c 271 s 9 are each amended to read  
2 as follows:

3       ~~((This chapter does not apply to the provision of wireless phone  
4 numbers, for the purposes indicated, to:))~~

5       (1) The provision or maintenance of a subscriber's wireless phone  
6 number is not prohibited by this chapter when the number is provided or  
7 maintained by:

8       (a) Any law enforcement agency, fire protection agency, public  
9 health agency, public environmental health agency, city or county  
10 emergency services planning agency, or ~~((private — for-profit))~~  
11 corporation operating under contract with, and at the direction of, one  
12 or more of these agencies, ~~((for the exclusive purpose of responding to  
13 a 911 call or communicating an imminent threat to life or property.  
14 Information or records provided to a private for-profit corporation  
15 pursuant to subsection (2) of this section must be held in confidence  
16 by that corporation and by any individual employed by or associated  
17 with that corporation. — Such information or records are not open to  
18 examination — for — any — purpose — not — directly — connected — with — the  
19 administration — of — the — services — specified — in — this — subsection))~~ when  
20 carrying out official duties;

21       ~~((2) — A))~~ (b) A person carrying out a lawful order or process  
22 issued under state or federal law;

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

27       ~~((4))~~ (d) A telecommunications company to effectuate a customer's  
28 request to transfer the customer's assigned telephone number from the  
29 customer's existing provider of telecommunications services to a new  
30 provider of telecommunications services;

31       ~~((5))~~ (e) The utilities and transportation commission pursuant to  
32 its jurisdiction and control over telecommunications companies;

33       ~~((6))~~ (f) A sales agent to provide the subscriber's wireless  
34 phone numbers to the radio communications service company for the  
35 limited purpose of billing and customer service;

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

1       ~~(8)~~) (g) A directory provider (~~(that publishes a subscriber's~~  
2 ~~wireless phone number in)~~) via a directory that is obtained directly  
3 from a radio communications service company and that radio  
4 communications service company has obtained the required express, opt-  
5 in consent for including in any directory the subscriber's wireless  
6 phone number as specified in RCW 19.250.010;

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

10       ~~((10))~~ (i) A person (~~(that publishes a subscriber's wireless~~  
11 ~~phone number that was)~~) who ported the number from listed wireline  
12 service to wireless service within the previous fifteen months; ~~(and~~  
13 ~~(11) A consumer reporting agency as defined in RCW 19.182.010 for~~  
14 ~~use as a unique identifier of a consumer in a consumer report as~~  
15 ~~defined in RCW 19.182.010)~~)

16       (j) A person for uses permitted or authorized under the federal  
17 fair credit reporting act (15 U.S.C. Sec. 1681(b)), or for uses  
18 permitted or authorized under Title V of the Gramm-Leach-Bliley Act (15  
19 U.S.C. Sec. 6801, et seq.); and

20       (k) A person in comprehensive reports or public records when the  
21 public record is not altered from its original form. For purposes of  
22 this subsection, a comprehensive report means law enforcement  
23 investigations, risk and security analysis for employment or vendor  
24 evaluation, legal research and case management, legal compliance  
25 analysis, and academic research.

26       (2) The provision of a subscriber's wireless phone number is not  
27 prohibited by this chapter when the number is provided to any law  
28 enforcement agency, fire protection agency, public health agency,  
29 public environmental health agency, city or county emergency services  
30 planning agency, or corporation operating under contract with, and at  
31 the direction of, one or more of these agencies, when carrying out  
32 official duties. Information or records provided to a corporation  
33 pursuant to this section must be held in confidence by that corporation  
34 and by any individual employed by or associated with that corporation.  
35 Such information or records are not open to examination for any purpose  
36 not directly connected with carrying out an agency's official duties.

1       **Sec. 4.** RCW 19.250.050 and 2008 c 271 s 7 are each amended to read  
2 as follows:

3       (1) Every knowing violation of RCW 19.250.010 is punishable by a  
4 fine of not less than two thousand dollars and no more than fifty  
5 thousand dollars for each violation.

6       (2) Including a wireless phone number in a directory without a  
7 subscriber's express, opt-in consent pursuant to RCW 19.250.020 is a  
8 violation of this chapter and is punishable by a fine of up to fifty  
9 thousand dollars unless the directory provider first conducted a  
10 reasonable investigation as required in RCW 19.250.020 and was unable  
11 to determine if the published number was a wireless phone number.

12       ~~((+2))~~ (3) Failure to remove a wireless phone number from a  
13 directory of any form within a reasonable period of time as required in  
14 RCW 19.250.030 is a violation of this chapter and is punishable by a  
15 fine of up to fifty thousand dollars.

16       (4) The attorney general may bring actions to enforce compliance  
17 with this section. For the first violation by any company,  
18 organization, or person under this chapter, the attorney general may  
19 notify the company, organization, or person with a letter of warning  
20 that this chapter has been violated.

21       ~~((+3))~~ (5) A telecommunications company or directory provider, or  
22 any official or employee of a telecommunications company or directory  
23 provider, is not subject to criminal or civil liability for the release  
24 of customer information as authorized by this chapter.

25       NEW SECTION. **Sec. 5.** RCW 19.250.060 (Directories maintained  
26 before June 12, 2008--Application of section) and 2008 c 271 s 8 are  
27 each repealed.

Passed by the House April 20, 2009.

Passed by the Senate April 13, 2009.

Approved by the Governor May 7, 2009.

Filed in Office of Secretary of State May 8, 2009.