

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

By Representative Irwin

NOT ADOPTED 04/19/2017

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

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

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

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

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

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

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5 On page 3, beginning on line 31 of the striking amendment,
6 after "**Sec. 7.**" strike all material through "2018" on page 4, line 6
7 and insert "Sections 1 through 4 of this act take effect March 1,
8 2019, if upon that date the utilities and transportation commission
9 determines both of the following: 1) that the federal government has
10 not established BIAS customer protections standards substantially
11 equivalent to the levels of protection provided in this act; and 2)
12 that broadband internet access service has not been classified as an
13 information service by the federal communications commission and
14 there has been no other federal action granting either the federal
15 trade commission or the federal communications commission authority
16 to bring an enforcement action against broadband internet access
17 service providers for the provision of broadband internet access
18 service under section 5 of the federal trade commission act of 1914,
19 as amended (15 U.S.C. Sec. 45), or under the Communications Act of
20 1934, as amended. The utilities and transportation commission must
21 provide notice of the effective date of sections 1 through 4 of this
22 act to affected parties, the chief clerk of the house of
23 representatives, the secretary of the senate, the office of the code
24 reviser, and others as deemed appropriate by the utilities and
25 transportation commission."

26

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

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30 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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