
HOUSE BILL 1103

State of Washington

69th Legislature

2025 Regular Session

By Representatives Shavers and Ryu

Prefiled 12/19/24.

1 AN ACT Relating to expanding protections against unwanted
2 telephone calls and text messages for cellular users; and amending
3 RCW 80.36.390, 19.190.010, and 19.190.060.

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

5 **Sec. 1.** RCW 80.36.390 and 2023 c 103 s 3 are each amended to
6 read as follows:

7 (1) ~~((a) As used in this section, "telephone))~~ The definitions in
8 this subsection apply throughout this section unless the context
9 clearly requires otherwise.

10 (a) "Person" means an individual, firm, association,
11 organization, corporation, partnership, joint venture, sole
12 proprietorship, or any other business entity.

13 (b) (i) "Telephone solicitation" means the unsolicited initiation
14 of a telephone call by a commercial or nonprofit company or
15 organization to a person for the purpose of encouraging the person to
16 purchase property, goods, or services, wrongfully obtaining anything
17 of value, or soliciting donations of money, property, goods, or
18 services.

19 ~~((b))~~ (ii) "Telephone solicitation" does not include:

20 ~~((i))~~ (A) Calls made in response to a request or inquiry by the
21 called party. This includes calls regarding an item that has been

1 purchased by the called party from the company or organization during
2 a period not longer than 12 months prior to the telephone contact;

3 ~~((iii))~~ (B) Calls made by a not-for-profit organization, as
4 defined by 26 U.S.C. Sec. 501 of the federal internal revenue code,
5 to its own list of bona fide or active members of the organization;

6 ~~((iii))~~ (C) Calls made by a membership or labor organization to
7 its own list of bona fide or active members of the organization;

8 ~~((iv))~~ (D) Calls limited to polling or soliciting the
9 expression of ideas, opinions, or votes; or

10 ~~((v))~~ (E) Business-to-business ~~((contacts))~~ sales where:

11 (I) The purchaser business intends to resell the property or
12 goods purchased; or

13 (II) The purchaser business intends to use the property or goods
14 purchased in a recycling, reuse, remanufacturing, or manufacturing
15 process.

16 (c) "Telephone call" means any communication made through a
17 telephone that uses a live person, artificial voice, or recorded
18 message.

19 (d) "Telephone solicitor" means a commercial or nonprofit company
20 or organization engaged in telephone solicitation.

21 (2) (a) For purposes of this section, each individual real estate
22 agent or insurance agent who maintains a separate list from other
23 individual real estate or insurance agents shall be treated as a
24 company or organization.

25 (b) For purposes of this section, an organization as defined in
26 RCW 29A.04.086 or 29A.04.097 and organized pursuant to chapter 29A.80
27 RCW shall not be considered a commercial or nonprofit company or
28 organization.

29 (3) A person making a telephone solicitation must identify him or
30 herself and the company or organization on whose behalf the
31 solicitation is being made and the purpose of the call within the
32 first 30 seconds of the telephone call.

33 (4) ~~((As used in this section, "telephone solicitor" means a~~
34 ~~commercial or nonprofit company or organization engaged in telephone~~
35 ~~solicitation.~~

36 ~~(5))~~ If the telephone solicitor is requesting a donation or gift
37 of money, the telephone solicitor must ask the called party whether
38 they want to continue the call, end the call, or be removed from the
39 solicitor's telephone lists.

1 (~~(6)~~) (5) If, at any time during the telephone contact, the
2 called party states or indicates they want to end the call, the
3 telephone solicitor must end the call within 10 seconds.

4 (~~(7)~~) (6) If, at any time during the telephone contact, the
5 called party states or indicates that he or she does not want to be
6 called again by the telephone solicitor or wants to have his or her
7 name, individual telephone number, or other contact information
8 removed from the telephone lists used by the telephone solicitor:

9 (a) The telephone solicitor shall inform the called party that
10 his or her contact information will be removed from the telephone
11 solicitor's telephone lists for at least one year;

12 (b) The telephone solicitor shall end the call within 10 seconds;

13 (c) The telephone solicitor shall not make any additional
14 telephone solicitation of the called party at any telephone number
15 that the called party has requested be removed from the solicitor's
16 telephone lists for a period of at least one year; and

17 (d) The telephone solicitor shall not sell or give the called
18 party's name, telephone number, and other contact information to
19 another company or organization: PROVIDED, That the telephone
20 solicitor may return the list, including the called party's name,
21 telephone number, and other contact information to the company or
22 organization from which it received the list.

23 (~~(8)~~) (7) A telephone solicitor shall not place calls to any
24 person which will be received before 8:00 a.m. or after 8:00 p.m. at
25 the call recipient's local time.

26 (~~(9)~~) (8) No person may initiate, or cause to be initiated, a
27 telephone solicitation to a telephone number registered on the do not
28 call registry maintained by the federal government pursuant to
29 telephone consumer protection act, 47 U.S.C. Sec. 227 and related
30 regulations, as currently enacted or subsequently amended. This
31 subsection applies to all telephone solicitation intended to be
32 received by telephone customers within the state.

33 (~~(10)~~) (9) It is unlawful for a person to initiate, or cause to
34 be initiated, a telephone solicitation that violates 47 U.S.C. Sec.
35 227(e)(1), as currently written or as subsequently amended or
36 interpreted by the federal government. This subsection applies to all
37 telephone solicitation intended to be received by telephone customers
38 within the state.

1 (~~(11)~~) (10) A violation of subsection (3), (4), (5), (6), (7),
2 (8), or (9) (~~(, or (10))~~) of this section is punishable by a fine of
3 up to \$1,000 for each violation.

4 (~~(12)~~) (11) The attorney general may bring actions to enforce
5 compliance with this section. The legislature finds that the
6 practices covered by this section are matters vitally affecting the
7 public interest for the purpose of applying the consumer protection
8 act, chapter 19.86 RCW. A violation of this section is not reasonable
9 in relation to the development and preservation of business and is an
10 unfair or deceptive act in trade or commerce and an unfair method of
11 competition for the purpose of applying the consumer protection act,
12 chapter 19.86 RCW.

13 (~~(13)~~) (12) A person aggrieved by repeated violations of this
14 section may bring a civil action in superior court to enjoin future
15 violations, to recover damages, or both. The court shall award
16 damages of at least \$1,000 for each individual violation of this
17 section. If the aggrieved person prevails in a civil action under
18 this subsection, the court shall award the aggrieved person
19 reasonable attorneys' fees and cost of the suit.

20 (~~(14)~~) (13) The utilities and transportation commission shall
21 by rule ensure that telecommunications companies inform their
22 residential customers of the provisions of this section. The
23 notification may be made by (a) annual notice in the billing
24 statements sent to residential customers, or (b) conspicuous
25 publication of the notice in the consumer information pages of local
26 telephone directories.

27 **Sec. 2.** RCW 19.190.010 and 2005 c 378 s 1 are each amended to
28 read as follows:

29 The definitions in this section apply throughout this chapter
30 unless the context clearly requires otherwise.

31 (1) "Assist the transmission" means actions taken by a person to
32 provide substantial assistance or support which enables any person to
33 formulate, compose, send, originate, initiate, or transmit a
34 commercial electronic mail message or a commercial electronic text
35 message when the person providing the assistance knows or consciously
36 avoids knowing that the initiator of the commercial electronic mail
37 message or the commercial electronic text message is engaged, or
38 intends to engage, in any practice that violates the consumer
39 protection act. "Assist the transmission" does not include any of the

1 following: (a) Activities of an electronic mail service provider or
2 other entity who provides intermediary transmission service in
3 sending or receiving electronic mail, or provides to users of
4 electronic mail services the ability to send, receive, or compose
5 electronic mail; or (b) activities of any entity related to the
6 design, manufacture, or distribution of any technology, product, or
7 component that has a commercially significant use other than to
8 violate or circumvent this section.

9 (2) "Commercial electronic mail message" means an electronic mail
10 message sent to a person for the purpose of (~~promoting~~) encouraging
11 the person to purchase real property, goods, or services (~~for sale~~
12 ~~or lease~~), wrongfully obtaining anything of value, or soliciting
13 donations of money, property, goods, or services. It does not mean an
14 electronic mail message to which an interactive computer service
15 provider has attached an advertisement in exchange for free use of an
16 electronic mail account, when the sender has agreed to such an
17 arrangement.

18 (3) "Commercial electronic text message" means an electronic text
19 message sent to (~~promote~~) a person for the purpose of encouraging
20 the person to purchase real property, goods, or services (~~for sale~~
21 ~~or lease~~), wrongfully obtaining anything of value, or soliciting
22 donations of money, property, goods, or services.

23 (4) "Electronic mail address" means a destination, commonly
24 expressed as a string of characters, to which electronic mail may be
25 sent or delivered.

26 (5) "Electronic mail message" means an electronic message sent to
27 an electronic mail address and a reference to an internet domain,
28 whether or not displayed, to which an electronic mail message can be
29 sent or delivered.

30 (6) "Electronic text message" means a text message sent to a
31 cellular telephone or pager equipped with short message service or
32 any similar capability, whether the message is initiated as a short
33 message service message or as an electronic mail message.

34 (7) "Initiate the transmission" refers to the action by the
35 original sender of an electronic mail message or an electronic text
36 message, not to the action by any intervening interactive computer
37 service or wireless network that may handle or retransmit the
38 message, unless such intervening interactive computer service assists
39 in the transmission of an electronic mail message when it knows, or
40 consciously avoids knowing, that the person initiating the

1 transmission is engaged, or intends to engage, in any act or practice
2 that violates the consumer protection act.

3 (8) "Interactive computer service" means any information service,
4 system, or access software provider that provides or enables computer
5 access by multiple users to a computer server, including specifically
6 a service or system that provides access to the internet and such
7 systems operated or services offered by libraries or educational
8 institutions.

9 (9) "Internet" means collectively the myriad of computer and
10 telecommunications facilities, including equipment and operating
11 software, that comprise the interconnected worldwide network of
12 networks that employ the transmission control protocol/internet
13 protocol, or any predecessor or successor protocols to such protocol,
14 to communicate information of all kinds by wire or radio.

15 (10) "Internet domain name" refers to a globally unique,
16 hierarchical reference to an internet host or service, assigned
17 through centralized internet naming authorities, comprising a series
18 of character strings separated by periods, with the right-most string
19 specifying the top of the hierarchy.

20 (11) "Person" means an individual, corporation, business trust,
21 estate, trust, partnership, limited liability company, association,
22 organization, joint venture, government, governmental subdivision,
23 agency or instrumentality, public corporation, or any other legal or
24 commercial entity.

25 (12) "Personally identifying information" means an individual's:
26 (a) Social security number; (b) driver's license number; (c) bank
27 account number; (d) credit or debit card number; (e) personal
28 identification number; (f) automated or electronic signature; (g)
29 unique biometric data; (h) account passwords; or (i) any other piece
30 of information that can be used to access an individual's financial
31 accounts or to obtain goods or services.

32 (13) "Web page" means a location, with respect to the world wide
33 web, that has a single uniform resource locator or other single
34 location with respect to the internet.

35 **Sec. 3.** RCW 19.190.060 and 2003 c 137 s 3 are each amended to
36 read as follows:

37 (1) No person conducting business in the state may initiate or
38 assist in the transmission of an electronic commercial text message
39 to a telephone number assigned to a Washington resident for cellular

1 telephone or pager service that is equipped with short message
2 capability or any similar capability allowing the transmission of
3 text messages.

4 (2) No person may initiate or assist in the transmission of an
5 electronic text message to a telephone number assigned to a
6 Washington resident for cellular telephone service that is registered
7 on the do not call registry maintained by the federal government
8 pursuant to the telephone consumer protection act, Title 47 U.S.C.
9 Sec. 227 and related regulations, as currently enacted or
10 subsequently amended. This subsection applies to all electronic text
11 messages intended to be received by telephone customers within the
12 state.

13 (3) The legislature finds that the practices covered by this
14 section are matters vitally affecting the public interest for the
15 purpose of applying the consumer protection act, chapter 19.86 RCW. A
16 violation of this section is not reasonable in relation to the
17 development and preservation of business and is an unfair or
18 deceptive act in trade or commerce and an unfair method of
19 competition for the purpose of applying the consumer protection act,
20 chapter 19.86 RCW.

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