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**Technology, Energy & Communications  
Committee**

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**HB 1816**

**Brief Description:** Regarding wireless phone numbers used by directory providers.

**Sponsors:** Representatives Morrell, Bailey, Eddy, Rodne, Crouse and Hudgins.

**Brief Summary of Bill**

- Removes provisions requiring directory providers to conduct an investigation and obtain a subscriber's opt-in consent before including the subscriber's wireless phone number in a directory.
- Provides that wireless telephone companies and directory providers must remove a subscriber's wireless phone number from a directory upon request.

**Hearing Date:** 2/11/09

**Staff:** Kara Durbin (786-7133)

**Background:**

In 2005 the Legislature enacted a provision that restricted wireless telephone companies from publishing a subscriber's wireless phone number in a directory without first obtaining the subscriber's opt-in consent. Subscribers may not be charged for choosing not to be listed in a directory. These restrictions were limited to wireless telephone companies and did not restrict third parties from including a subscriber's wireless phone number in a directory.

In 2008 similar restrictions were extended to directory providers. Directory providers may not include a Washington resident's phone number in a directory of any form without first undertaking a reasonable investigation as to whether that phone number is a wireless phone number. An investigation is presumed to be reasonable if the directory provider compares the phone number every 30 days against either: (1) a commercially available list of central office code assignment records offered through the North American Numbering Plan (NANP) or other

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similar service; or (2) a commercially available list of intermodal ports of telephone numbers. If an investigation reveals that a phone number is a wireless phone number, the directory provider cannot include the number in a directory without first obtaining the subscriber's opt-in consent.

A provider of a reverse phone number search service must allow a subscriber to perform a reverse phone number search free of charge to determine whether the subscriber's wireless phone number is listed. If the subscriber's wireless phone number is listed in a reverse phone number search service, the subscriber may opt-out of having their number included in the reverse phone number search service. The subscriber cannot be charged for opting out of having their wireless phone number listed.

Any violation of these reverse phone number search service provisions is a violation of the Consumer Protection Act.

Any provider of a directory maintained before June 12, 2008, must secure opt-in consent from each subscriber listed in the directory or remove the wireless phone numbers of any subscribers who have not provided opt-in consent. This requirement does not apply to:

- a directory provider if it cannot be determined upon reasonable investigation whether the phone number is a wireless phone number;
- a directory provider that has obtained the number from a wireless telephone company that already secured opt-in consent from the subscriber; or
- a person that publishes a subscriber's wireless phone number that was ported from listed wireline service to wireless service within the previous 15 months.

The Attorney General may bring an action to enforce compliance with any of these provisions. The Attorney General may send a warning letter for a first violation.

A wireless telephone company that lists a wireless phone number in a directory without obtaining the subscriber's opt-in consent is punishable by a fine of at least \$2,000, but no more than \$50,000 for each violation.

A directory provider that lists a wireless phone number in a directory without obtaining the subscriber's opt-in consent is punishable by a fine of up to \$50,000, unless a reasonable investigation was conducted and the directory provider was unable to determine whether the phone number was a wireless phone number.

### **Summary of Bill:**

Directory providers are no longer required to conduct a reasonable investigation as to whether a phone number is a wireless phone number before including a phone number in a directory, nor must they obtain opt-in consent from a subscriber before listing a subscriber's wireless phone number in a directory. Provisions requiring directory providers to secure opt-in consent for directories in existence before June 12, 2008, are repealed.

Directory providers and wireless telephone companies must remove a subscriber's wireless phone number from a directory upon request. The wireless phone number must be removed within a reasonable period of time, not to exceed 60 days for printed directories and 30 days for

online directories. Failure to remove a wireless phone number within a reasonable period of time is punishable by a fine of up to \$50,000.

**Appropriation:** None.

**Fiscal Note:** Not requested.

**Effective Date:** The bill takes effect 90 days after adjournment of the session in which the bill is passed.