

SHB 1185 - S COMM AMD

By Committee on Financial Institutions, Housing & Consumer
Protection

ADOPTED 04/13/2005

1 Strike everything after the enacting clause and insert the
2 following:

3 "NEW SECTION. **Sec. 1.** A new section is added to Title 19 RCW to
4 read as follows:

5 (1) A radio communications service company, as defined in RCW
6 80.04.010, or any direct or indirect affiliate or agent of a provider,
7 shall not include the phone number of any subscriber for inclusion in
8 any directory of any form, nor shall it sell the contents of any
9 directory data base, without first obtaining the express, opt-in
10 consent of that subscriber. The subscriber's consent must be obtained
11 either in writing or electronically, and a receipt must be provided to
12 the subscriber. The consent shall be a separate document or located on
13 a separate screen or web page that has the sole purpose of authorizing
14 a radio communications service company to include the subscriber's
15 phone number in a publicly available directory assistance data base.
16 In obtaining the subscriber's consent, the provider shall unambiguously
17 disclose that, by consenting, the subscriber agrees to have the
18 subscriber's phone number sold or licensed as part of a list of
19 subscribers and that the phone number may be included in a publicly
20 available directory assistance data base. The provider must also
21 disclose that by consenting to be included in the directory, the
22 subscriber may incur additional charges for receiving unsolicited calls
23 or text messages.

24 (2) A subscriber who provides express consent pursuant to
25 subsection (1) of this section may revoke that consent at any time. A
26 radio communications service company shall comply with the subscriber's
27 request to opt out within a reasonable period of time, not to exceed
28 sixty days.

29 (3) A subscriber shall not be charged for opting not to be listed
30 in the directory.

1 (4) This section does not apply to the provision of telephone
2 numbers, for the purposes indicated, to:

3 (a) Any law enforcement agency, fire protection agency, public
4 health agency, public environmental health agency, city or county
5 emergency services planning agency, or private for-profit corporation
6 operating under contract with, and at the direction of, one or more of
7 these agencies, for the exclusive purpose of responding to a 911 call
8 or communicating an imminent threat to life or property. Information
9 or records provided to a private for-profit corporation pursuant to (b)
10 of this subsection shall be held in confidence by that corporation and
11 by any individual employed by or associated with that corporation.
12 Such information or records shall not be open to examination for any
13 purpose not directly connected with the administration of the services
14 specified in this subsection;

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

16 (c) A telecommunications company providing service between service
17 areas for the provision of telephone services to the subscriber between
18 service areas, or to third parties for the limited purpose of providing
19 billing services;

20 (d) A telecommunications company to effectuate a customer's request
21 to transfer the customer's assigned telephone number from the
22 customer's existing provider of telecommunications services to a new
23 provider of telecommunications services;

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

26 (f) A sales agent to provide the subscriber's cell phone numbers to
27 the cellular provider for the limited purpose of billing and customer
28 service.

29 (5) Every knowing violation of this section is punishable by a fine
30 of up to five hundred dollars for each violation.

31 (6) The attorney general may bring actions to enforce compliance
32 with this section. For the first violation by any company or
33 organization of this section, the attorney general may notify the
34 company with a letter of warning that the section has been violated.

35 (7) A person aggrieved by a violation of this section may bring a
36 civil action in superior court to enjoin future violations, to recover
37 damages, or both. The court shall award damages of at least five
38 hundred dollars for each individual violation of this section. If the

1 aggrieved person prevails in a civil action under this subsection, the
2 court shall award the aggrieved person reasonable attorneys' fees and
3 cost of the suit.

4 (8) No telecommunications company, nor any official or employee of
5 a telecommunications company, shall be subject to criminal or civil
6 liability for the release of customer information as authorized by this
7 section."

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8 On page 1, at the beginning of line 2 of the title, strike the
9 remainder of the title and insert "adding a new section to Title 19
10 RCW; and prescribing penalties."

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