

# FINAL BILL REPORT

## SHB 1185

---

C 322 L 05

Synopsis as Enacted

**Brief Description:** Prohibiting disclosure of personal wireless numbers.

**Sponsors:** By House Committee on Technology, Energy & Communications (originally sponsored by Representatives Morrell, Haler, Morris, Tom, Green, Jarrett, Clibborn, Moeller, Upthegrove, Pettigrew, Chase, Flannigan, Cody, Newhouse, Wallace, Hasegawa, Quall, Linville, Simpson, B. Sullivan, Sells, Lantz, Schual-Berke, Appleton, Campbell, Darneille, Dickerson, Armstrong, Kenney, Condotta, Kagi, Ormsby, Hunt, McIntire, Haigh and Kilmer).

**House Committee on Technology, Energy & Communications**

**Senate Committee on Financial Institutions, Housing & Consumer Protection**

### **Background:**

In 1991, Congress enacted the Telephone Consumer Protection Act (TCPA), which specifically prohibits the use of automatic dialers or pre-recorded messages to make telemarketing calls to telephones.

In 2003, the Federal Communications Commission (FCC) revised its rules implementing the TCPA and established a national Do-Not-Call Registry, which allows individuals to place their home and wireless phone numbers in the registry. Under the Do-Not-Call Registry, telemarketers are required to search the registry every three months and to avoid calling individuals who have included their number in the registry. Washington does not maintain its own do-not-call list, but Washington residents may register for the Do-Not-Call Registry.

Washington law prohibits the sending of unsolicited commercial electronic text messages to wireless phones or pagers. It does not, however, prohibit telemarketers from making unsolicited calls to wireless phones.

Directory service using 4-1-1 is not available for wireless service. Washington law does not restrict wireless telephone companies from including a subscriber's wireless phone number in a public directory.

### **Summary:**

Wireless telephone companies must obtain express opt-in consent from a subscriber before publishing his or her wireless phone number in a directory. Consent must be obtained in writing or electronically, and a receipt must be provided to the subscriber. In addition, the subscriber's consent must be obtained in a separate document or located on a separate screen or web page that has the sole purpose of authorizing a wireless telephone company to include the subscriber's phone number in the directory. In obtaining consent, the provider must

disclose to the subscriber that he or she bears the responsibility for paying for any additional cost incurred as the result of receiving unsolicited calls.

A subscriber may revoke his or her consent at any time. If the subscriber revokes his or her consent, the telephone company must comply with the subscriber's request within a reasonable period of time, not to exceed 60 days. In addition, the subscriber may not be charged for choosing not to be listed in the directory.

Non-consensual disclosure of a subscriber's wireless phone number is permissible under certain, limited circumstances:

- to law enforcement, fire protection, public health, or city or county emergency service planning agencies for purposes of responding to a 911 call or communicating imminent threat to life or property;
- to a sales agent for providing cell phone numbers to the cellular provider for billing and customer service;
- through a lawful process under state or federal law;
- to a telephone company to facilitate service between service areas;
- to a third party for billing purposes;
- to a telephone company to transfer a telephone number from one provider to a new provider; and
  - to the Washington Utilities and Transportation Commission (WUTC) pursuant to its jurisdiction and control over telephone companies.

The Attorney General may bring an action to enforce compliance. Knowing violations are punishable by a fine of up to \$50,000 for each violation. For first violations, the Attorney General may send a letter of warning.

**Votes on Final Passage:**

House	96	0	
Senate	45	0	(Senate amended)
House	95	0	(House concurred)

**Effective:** July 24, 2005