

SENATE BILL REPORT

SHB 1185

As Reported By Senate Committee On:
Financial Institutions, Housing & Consumer Protection, March 29, 2005

Title: An act relating to use and disclosure of personal wireless numbers.

Brief Description: Prohibiting disclosure of personal wireless numbers.

Sponsors: 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).

Brief History: Passed House: 3/09/05, 96-0.

Committee Activity: Financial Institutions, Housing & Consumer Protection: 3/17/05, 3/29/05 [DPA, DNP].

SENATE COMMITTEE ON FINANCIAL INSTITUTIONS, HOUSING & CONSUMER PROTECTION

Majority Report: Do pass as amended.

Signed by Senators Fairley, Chair; Berkey, Vice Chair; Franklin, Keiser, Prentice and Spanel.

Minority Report: Do not pass.

Signed by Senators Brandland, Delvin and Schmidt.

Staff: Joyce Ahlering (360-786-7486)

Background: The use of telemarketing for commercial solicitation has increased in recent years. As a result, federal and state laws have sought to protect consumers from unsolicited telemarketing. For example, the 1991 federal Telephone Consumer Protection Act (TCPA) prohibits the use of automatic dialers or pre-recorded messages to make telemarketing calls.

In 2003, the Federal Communications Commission added to the TCPA by creating a national Do-Not-Call Registry. Individuals can place their home and wireless phone numbers on the registry, and telemarketers must avoid calling those numbers.

Although Washington law prohibits commercial electronic text messaging to wireless phones and pagers, it does not prohibit telemarketers from making unsolicited calls to wireless phones.

Summary of Amended Bill: Wireless telephone companies are not to publish subscriber phone numbers in any directories unless subscriber consent is given. There are some exceptions to this consent requirement, such as providing a wireless phone number to a 911 response agency or to a wireless billing agent.

If a company does not comply with the subscriber consent requirement, it is subject to a fine of up to 500 dollars. In addition, the Office of the Attorney General is authorized to send a letter of warning and pursue actions if companies do not comply with the requirement. Finally, an individual whose cell phone number has been released without consent is authorized to bring a civil action and receive damages of at least 500 dollars per violation.

Amended Bill Compared to Original Bill: The wireless provider's form verifying subscriber consent to publish a subscriber phone number must be a separate document or located on a separate screen or web page.

Appropriation: None.

Fiscal Note: Not requested.

Committee/Commission/Task Force Created: No.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Testimony For: Wireless service contracts often include, in fine print, the right to publish subscriber contact information. Consumers need legislative protections against this practice.

Testimony Against: Some people, such as small business owners, prefer to have their wireless phone numbers available in a directory. Furthermore, stringent state-by-state regulation of the national wireless industry is administratively burdensome for companies.

Who Testified: PRO: Representative Morrell, prime sponsor; Lauren Moughon, American Association of Retired People of Washington.

CON: Barb Young, Sprint PCS; Steve Gano, Cingular Wireless; Russell Sarazen, T-Mobile USA.