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**SUBSTITUTE HOUSE BILL 1185**

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**State of Washington**

**59th Legislature**

**2005 Regular Session**

**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)

READ FIRST TIME 02/21/05.

1 AN ACT Relating to use and disclosure of personal wireless numbers;  
2 adding a new section to Title 19 RCW; and prescribing penalties.

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

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

6 (1) A radio communications service company, as defined in RCW  
7 80.04.010, or any direct or indirect affiliate or agent of a provider,  
8 shall not include the phone number of any subscriber for inclusion in  
9 any directory of any form, nor shall it sell the contents of any  
10 directory data base, without first obtaining the express, opt-in  
11 consent of that subscriber. The subscriber's consent must be obtained  
12 either in writing or electronically, and a receipt must be provided to  
13 the subscriber. In obtaining the subscriber's consent, the provider  
14 shall unambiguously disclose that, by consenting, the subscriber agrees  
15 to have the subscriber's phone number sold or licensed as part of a  
16 list of subscribers and that the phone number may be included in a  
17 publicly available directory assistance data base. The provider must  
18 also disclose that by consenting to be included in the directory, the

1 subscriber may incur additional charges for receiving unsolicited calls  
2 or text messages.

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

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

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

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

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

25 (c) A telecommunications company providing service between service  
26 areas for the provision of telephone services to the subscriber between  
27 service areas, or to third parties for the limited purpose of providing  
28 billing services;

29 (d) A telecommunications company to effectuate a customer's request  
30 to transfer the customer's assigned telephone number from the  
31 customer's existing provider of telecommunications services to a new  
32 provider of telecommunications services;

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

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

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

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

7           (7) A person aggrieved by a violation of this section may bring a  
8 civil action in superior court to enjoin future violations, to recover  
9 damages, or both. The court shall award damages of at least five  
10 hundred dollars for each individual violation of this section. If the  
11 aggrieved person prevails in a civil action under this subsection, the  
12 court shall award the aggrieved person reasonable attorneys' fees and  
13 cost of the suit.

14           (8) No telecommunications company, nor any official or employee of  
15 a telecommunications company, shall be subject to criminal or civil  
16 liability for the release of customer information as authorized by this  
17 section.

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