HOUSE BILL REPORT HB 2479

As Reported by House Committee On:

Technology, Energy & Communications

Title: An act relating to disclosure of wireless numbers.

Brief Description: Requiring subscribers' consent to disclosure of wireless phone numbers.

Sponsors: Representatives Morrell, Bailey, Cody, Pedersen, Appleton, Sells, Lantz, Hasegawa, Ormsby, Conway, Condotta, Hurst, McIntire, Roberts, Kenney, Haigh, Schual-Berke, Campbell, VanDeWege, Rolfes, Kagi, Chase, Liias, Simpson, Barlow, Ericks, Green, Kelley and McDonald.

Brief History:

Committee Activity:

Technology, Energy & Communications: 1/16/08, 1/22/08 [DPS].

Brief Summary of Substitute Bill

Extends the wireless phone directory restrictions in current law that apply to
wireless phone companies to cover any person in the primary business of
marketing, selling, and sharing wireless phone numbers for commercial purposes.

HOUSE COMMITTEE ON TECHNOLOGY, ENERGY & COMMUNICATIONS

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 8 members: Representatives McCoy, Chair; Eddy, Vice Chair; Hudgins, Hurst, Kelley, Morris, Takko and Van De Wege.

Minority Report: Without recommendation. Signed by 4 members: Representatives Crouse, Ranking Minority Member; McCune, Assistant Ranking Minority Member; Hankins and Herrera.

Staff: Kara Durbin (786-7133).

Background:

In 2005 the Legislature passed Substitute House Bill 1185 which prohibited wireless telephone companies from publishing a subscriber's wireless phone number in a directory

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This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

without first obtaining the subscriber's express, opt-in consent. Consent must be obtained in writing or electronically, and a receipt must be provided to the subscriber. The subscriber may revoke his or her consent at any time, and the company must comply with the subscriber's request within a reasonable period of time. In addition, the subscriber may not be charged for choosing not to be listed in the 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 public directory.

Summary of Substitute Bill:

The restrictions on including wireless phone numbers in a directory are extended to cover any person in the primary business of marketing, selling, and sharing the phone number of any subscriber for commercial purposes.

Any person in the business of marketing, selling, and sharing the phone number of any subscriber for commercial purposes, who has maintained a directory before the effective date of this act, must within 30 days either: (1) secure the express, opt-in consent of each subscriber in the directory; or (2) remove the phone numbers of any subscribers who have not provided their express, opt-in consent.

A "subscriber" is defined as a person who subscribes to radio communications services, radio paging, or cellular communications service.

These restrictions do not apply to the following:

- a person who publishes a subscriber's phone number in a directory where the subscriber pays a fee to have the number published for commercial purposes;
- a person who publishes a subscriber's phone number in a directory that is obtained directly from a radio communications service company where the radio communications service company has already obtained express, opt-in consent; or
- a person who publishes a subscriber's phone number that was ported from listed wireline service to wireless service within the previous 15 months.

Substitute Bill Compared to Original Bill:

The substitute bill limits the restrictions in the bill to those persons in the primary business of marketing, selling, and sharing the phone number of a subscriber for commercial purposes. The substitute bill exempts the following from the restrictions in the bill: (1) a person who publishes a subscriber's phone number in a directory where the subscriber pays a fee to have the number published for commercial purposes; (2) a person who publishes a subscriber's phone number in a directory that is obtained directly from a radio communications service company where the radio communications service company has already obtained express, opt-in consent; and (3) a person who publishes a subscriber's phone number that was ported from listed wireline service to wireless service within the previous 15 months. The substitute bill also makes technical corrections.

Appropriation: None.

Fiscal Note: Available on original bill. Revised fiscal note requested on January 22, 2008.

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

Staff Summary of Public Testimony:

(In support) A person's private wireless number should be kept private. When we passed the original legislation in 2005, we did not anticipate that a third party could compile wireless phone numbers from other sources and then sell those phone numbers. We do not want domestic violence victims or seniors to have their phone numbers exploited.

(In support with amendment) We supported the legislation in 2005 and believe the same standard should apply to third parties. We support this bill, provided that amendatory language is offered to cover phone numbers that have been published in the yellow pages or phone numbers that have already been included in a wireless company's directory.

(With concerns) Our company does not sell cell phone numbers, but we do deliver products on cell phones and personal digital assistants (PDAs). Our customers sign for service and provide consent at that time, but not in the same format that is prescribed in existing law.

(Opposed) Our company focuses on providing protection and safety services. We are not against regulation in this area, but we do oppose this bill. Our system is used frequently by parents to look up an unknown phone number or learn more information about a potential nanny. Some customers use our system to track down old friends. We do not sell our phone numbers to other companies. Our data comes from a variety of public record sources. This is a very complex issue and we want to be part of the solution.

Persons Testifying: (In support) Representative Morrell, prime sponsor.

(In support with amendment) Dan Youmans, AT&T.

(With concerns) Scott Hazelgrove, Yahoo!

(Opposed) Ed Petersen, Intelius and Ryan Pennington, MWW Group.

Persons Signed In To Testify But Not Testifying: None.

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