

SENATE BILL REPORT

SB 6374

As of February 15, 2008

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

Brief Description: Regarding disclosure of personal wireless numbers.

Sponsors: Senators Oemig, Stevens, Kohl-Welles, Rasmussen and Sheldon; by request of Attorney General.

Brief History:

Committee Activity: Consumer Protection & Housing: 1/29/08.

SENATE COMMITTEE ON CONSUMER PROTECTION & HOUSING

Staff: Vanessa Firnhaber-Baker (786-7471)

Background: Wireless telephone companies may not publish their customers' wireless phone numbers in any directory unless the customer gives his or her explicit consent in writing or electronically. Further, the consent form must be located on a separate document or web page that has the sole purpose of authorizing publishing the customer's wireless number. The wireless company must provide the customer with a receipt of the consent. The customer may revoke his or her consent at any time.

Any wireless company that violates the consent requirements may be fined up to \$50,000. The Attorney General's Office is charged with enforcement.

Summary of Bill: Any person in the business of compiling, marketing, or selling wireless phone numbers for commercial purposes may not publish any wireless phone number in a directory unless the number's subscriber has given his or her explicit consent in writing or electronically. Further, the consent form must be located on a separate document or web page that has the sole purpose of authorizing publishing the wireless number. The subscriber must be provided with a confirmation of consent in writing or electronically. The subscriber may revoke his or her consent at any time.

Any wireless company that violates the consent requirements may be fined up to \$50,000. The Attorney General's Office is charged with enforcement.

Appropriation: None.

Fiscal Note: Not requested.

Committee/Commission/Task Force Created: No.

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.

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

Staff Summary of Public Testimony: PRO: Cell phone users have a high expectation of privacy; they do not expect that their cell phone number will be disclosed to third parties without their consent. Incoming calls and texts cost the cell phone owner money. Many teenagers and children carry cell phones; publishing their numbers could compromise their safety. Washington has jurisdiction over entities that are purposely doing business in Washington.

CON: Telemarketing calls to cell phones are already prohibited. This bill would be difficult to enforce because of number portability. With number portability it is impossible to tell whether a number is to a land line or cell phone. If a third party directory is gathering the numbers only from public sources, there is no privacy violation. This bill will have the unintended consequences of punishing business who inadvertently include cell phone numbers. This bill may have some first amendment issues. Providers of this sort of content can respond better to the needs of consumers than legislation can.

OTHER: We are working with the Attorney General to include language in the bill that would exempt yellow page providers when a person places an ad that contains a cell phone number.

Persons Testifying: PRO: Kathryn Mcleod, Paula Selis, Washington Attorney General's Office; Steve Gano, AT&T.

CON: Lew McMurrin, Washington Software Association; Ryan Pennington, Intelius; Reese Selberg, Whitepages.com.

OTHER: Steve Gano, AT&T.