
SUBSTITUTE HOUSE BILL 2479

State of Washington

60th Legislature

2008 Regular Session

By House Technology, Energy & Communications (originally sponsored by Representatives Morrell, Bailey, Cody, Pedersen, Appleton, Sells, Lantz, Hasegawa, Ormsby, Conway, Condotta, Hurst, McIntire, Roberts, Kenney, Haigh, Schual-Berke, Campbell, VanDeWege, Rolfes, Kagi, Chase, Lias, Simpson, Barlow, Ericks, Green, Kelley, and McDonald)

READ FIRST TIME 01/23/08.

1 AN ACT Relating to disclosure of wireless numbers; amending RCW
2 19.250.010; adding a new section to chapter 19.250 RCW; and creating a
3 new section.

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

5 NEW SECTION. **Sec. 1.** The legislature finds that the right to
6 privacy is a personal and fundamental right protected by Article I,
7 section 7 of the state Constitution. The legislature also finds that,
8 in the vast majority of cases, subscribers pay for both incoming and
9 outgoing calls, and that subscribers purchase cell phone service with
10 an expectation that their numbers will not be made public. Therefore,
11 the legislature recognizes that a subscriber's cell phone number should
12 be kept private, unless that subscriber knowingly provides their
13 express, opt-in consent to have that number made available in a public
14 directory.

15 **Sec. 2.** RCW 19.250.010 and 2005 c 322 s 1 are each amended to read
16 as follows:

17 (1) A radio communications service company, as defined in RCW
18 80.04.010, or any direct or indirect affiliate or agent of a

1 ((~~provider~~)) radio communications service company, or any person in the
2 primary business of marketing, selling, and sharing the phone number of
3 any subscriber for commercial purposes, shall not include the phone
4 number of any subscriber for inclusion in any directory of any form,
5 nor shall it sell the contents of any directory database, without first
6 obtaining the express, opt-in consent of that subscriber. The
7 subscriber's consent must be obtained either in writing or
8 electronically, and a receipt must be provided to the subscriber. The
9 consent shall be a separate document or located on a separate screen or
10 web page that has the sole purpose of authorizing a radio
11 communications service company, person, or direct or indirect affiliate
12 or agent of a radio communications service company to include the
13 subscriber's phone number in a publicly available directory assistance
14 database. In obtaining the subscriber's consent, the ((~~provider~~))
15 radio communications service company, person, or direct or indirect
16 affiliate or agent of a radio communications service company shall
17 unambiguously disclose that, by consenting, the subscriber agrees to
18 have the subscriber's phone number sold or licensed as part of a list
19 of subscribers and that the phone number may be included in a publicly
20 available directory assistance database. The ((~~provider~~)) radio
21 communications service company, person, or direct or indirect affiliate
22 or agent of a radio communications service company must also disclose
23 that by consenting to be included in the directory, the subscriber may
24 incur additional charges for receiving unsolicited calls or text
25 messages.

26 (2) A subscriber who provides express, opt-in consent pursuant to
27 subsection (1) of this section may revoke that consent at any time. A
28 radio communications service company, person, or direct or indirect
29 affiliate or agent of a radio communications service company shall
30 comply with the subscriber's request to opt out within a reasonable
31 period of time, not to exceed sixty days.

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

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

36 (a) Any law enforcement agency, fire protection agency, public
37 health agency, public environmental health agency, city or county
38 emergency services planning agency, or private for-profit corporation

1 operating under contract with, and at the direction of, one or more of
2 these agencies, for the exclusive purpose of responding to a 911 call
3 or communicating an imminent threat to life or property. Information
4 or records provided to a private for-profit corporation pursuant to (b)
5 of this subsection shall be held in confidence by that corporation and
6 by any individual employed by or associated with that corporation.
7 Such information or records shall not be open to examination for any
8 purpose not directly connected with the administration of the services
9 specified in this subsection;

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

11 (c) A telecommunications company providing service between service
12 areas for the provision of telephone services to the subscriber between
13 service areas, or to third parties for the limited purpose of providing
14 billing services;

15 (d) A telecommunications company to effectuate a customer's request
16 to transfer the customer's assigned telephone number from the
17 customer's existing provider of telecommunications services to a new
18 provider of telecommunications services;

19 (e) The utilities and transportation commission pursuant to its
20 jurisdiction and control over telecommunications companies; ~~((and))~~

21 (f) A sales agent to provide the subscriber's ~~((cell))~~ phone
22 numbers to the ~~((cellular provider))~~ radio communications service
23 company for the limited purpose of billing and customer service;

24 (g) A person that publishes a subscriber's phone number in a
25 directory that is obtained directly from a radio communications service
26 company and that radio communications service company has obtained the
27 required express, opt-in consent for including in any directory the
28 subscriber's phone number as specified in RCW 19.250.010(1);

29 (h) A person that publishes a subscriber's phone number in a
30 directory where the subscriber pays a fee to have the number published
31 for commercial purposes; and

32 (i) A person that publishes a subscriber's phone number that was
33 ported from listed wireline service to wireless service within the
34 previous fifteen months.

35 (5) Every knowing violation of this section is punishable by a fine
36 of up to fifty thousand dollars for each violation.

37 (6) The attorney general may bring actions to enforce compliance

1 with this section. For the first violation by any company or
2 organization of this section, the attorney general may notify the
3 company with a letter of warning that the section has been violated.

4 (7) No telecommunications company, nor any official or employee of
5 a telecommunications company, shall be subject to criminal or civil
6 liability for the release of customer information as authorized by this
7 section.

8 (8) For the purposes of this section, "subscriber" means a person
9 who subscribes to radio communications services, radio paging, or
10 cellular communications service.

11 NEW SECTION. Sec. 3. A new section is added to chapter 19.250 RCW
12 to read as follows:

13 (1) Any person in the primary business of marketing, selling, and
14 sharing the phone number of any subscriber for commercial purposes, who
15 has maintained a directory before the effective date of this section,
16 must within thirty days either:

17 (a) Secure the express, opt-in consent of each subscriber listed in
18 the directory as specified in RCW 19.250.010; or

19 (b) Remove the phone numbers of any subscribers who have not
20 provided their express, opt-in consent.

21 (2) This section does not apply to the following:

22 (a) A person that publishes a subscriber's phone number in a
23 directory that is obtained directly from a radio communications service
24 company and that radio communications service company has obtained the
25 required express, opt-in consent for including in any directory the
26 subscriber's phone number as specified in RCW 19.250.010(1);

27 (b) A person that publishes a subscriber's phone number in a
28 directory where the subscriber pays a fee to have the number published
29 for commercial purposes; and

30 (c) A person that publishes a subscriber's phone number that was
31 ported from listed wireline service to wireless service within the
32 previous fifteen months.

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