

SHB 1816 - S AMD 309

By Senators Kastama, Zarelli

ADOPTED 04/13/2009

1 Strike everything after the enacting clause and insert the
2 following:

3 "Sec. 1. RCW 19.250.005 and 2008 c 271 s 2 are each amended to
4 read as follows:

5 The definitions in this section apply throughout this chapter
6 unless the context clearly requires otherwise.

7 (1) "Directory" or "directory form" means a categorized list or
8 compilation of phone numbers, or a single phone number, in written,
9 audio, electronic, digital, or any other format.

10 (2) "Directory provider" means any person in the business of
11 marketing, selling, or sharing the phone number of any subscriber in
12 directory form for commercial purposes.

13 ~~((+2))~~ (3) "Radio communications service company" has the same
14 meaning as in RCW 80.04.010.

15 ~~((+3))~~ (4) "Reverse phone number search services" means a service
16 that provides the name of a subscriber associated with a phone number
17 when the phone number is supplied.

18 ~~((+4))~~ (5) "Subscriber" means a person who resides in the state of
19 Washington and subscribes to radio communications services, radio
20 paging, or cellular communications service with a Washington state area
21 code.

22 ~~((+5))~~ (6) "Wireless phone number" means a phone number unique to
23 the subscriber that permits the subscriber to receive radio
24 communications, radio paging, or cellular communications from others.

25 **Sec. 2.** RCW 19.250.030 and 2008 c 271 s 5 are each amended to read
26 as follows:

27 (1) A subscriber ~~((who provides express, opt-in consent under RCW~~
28 ~~19.250.010 and 19.250.020 may revoke that consent)) may request that a
29 directory provider or a radio communications service company remove~~

1 their wireless phone number from a directory of any form at any time.
2 A radio communications service company (~~(and)~~) or a directory provider
3 shall, at no cost to the subscriber, comply with the subscriber's
4 request to (~~(opt-out)~~) remove their wireless phone number from a
5 directory of any form within a reasonable period of time, not to exceed
6 sixty days for printed directories and not to exceed thirty days for
7 online or other directories.

8 (2) At the subscriber's request, a provider of a reverse phone
9 number search service must allow a subscriber to perform a reverse
10 phone number search free of charge to determine whether the
11 subscriber's wireless phone number is listed in the reverse phone
12 number search service. If the subscriber finds that his or her
13 wireless phone number is contained in the reverse phone number search
14 service, the subscriber may (~~(opt-out-of-having)~~) request that his or
15 her wireless phone number (~~(included-in)~~) be removed from the reverse
16 phone number search service at any time. The provider of the reverse
17 phone number search service must, at no cost to the subscriber, comply
18 with the subscriber's request (~~(to-opt-out)~~) within a reasonable period
19 of time, not to exceed thirty days.

20 (~~((3) A subscriber shall not be charged for opting out of having~~
21 ~~his or her wireless phone number listed in a directory or reverse phone~~
22 ~~number search service.))~~)

23 **Sec. 3.** RCW 19.250.070 and 2008 c 271 s 9 are each amended to read
24 as follows:

25 (~~(This chapter does not apply to the provision of wireless phone~~
26 ~~numbers, for the purposes indicated, to:))~~)

27 (1) The provision or maintenance of a subscriber's wireless phone
28 number is not prohibited by this chapter when the number is provided or
29 maintained by:

30 (a) Any law enforcement agency, fire protection agency, public
31 health agency, public environmental health agency, city or county
32 emergency services planning agency, or (~~(private-for-profit)~~)
33 corporation operating under contract with, and at the direction of, one
34 or more of these agencies, (~~(for the exclusive purpose of responding to~~
35 ~~a 911 call or communicating an imminent threat to life or property.~~
36 ~~Information or records provided to a private for-profit corporation~~
37 ~~pursuant to subsection (2) of this section must be held in confidence~~

1 by that corporation and by any individual employed by or associated
2 with that corporation. Such information or records are not open to
3 examination for any purpose not directly connected with the
4 administration of the services specified in this subsection)) when
5 carrying out official duties;

6 ((+2) A) (b) A person carrying out a lawful order or process
7 issued under state or federal law;

8 ((+3)) (c) A telecommunications company providing service between
9 service areas for the provision of telephone services to the subscriber
10 between service areas, or to third parties for the limited purpose of
11 providing billing services;

12 ((+4)) (d) A telecommunications company to effectuate a customer's
13 request to transfer the customer's assigned telephone number from the
14 customer's existing provider of telecommunications services to a new
15 provider of telecommunications services;

16 ((+5)) (e) The utilities and transportation commission pursuant to
17 its jurisdiction and control over telecommunications companies;

18 ((+6)) (f) A sales agent to provide the subscriber's wireless
19 phone numbers to the radio communications service company for the
20 limited purpose of billing and customer service;

21 ((+7) A directory provider that has undertaken a reasonable
22 investigation pursuant to RCW 19.250.020 and is unable to determine
23 whether the phone number is a wireless phone number;

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

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

33 ((+10)) (i) A person ((that publishes a subscriber's wireless
34 phone number that was)) who ported the number from listed wireline
35 service to wireless service within the previous fifteen months; ((and

36 (+11) A consumer reporting agency as defined in RCW 19.182.010 for
37 use as a unique identifier of a consumer in a consumer report as
38 defined in RCW 19.182.010))

1 (j) A person for uses permitted or authorized under the federal
2 fair credit reporting act (15 U.S.C. Sec. 1681(b)), or for uses
3 permitted or authorized under Title V of the Gramm-Leach-Bliley Act (15
4 U.S.C. Sec. 6801, et seq.); and

5 (k) A person in comprehensive reports or public records when the
6 public record is not altered from its original form. For purposes of
7 this subsection, a comprehensive report means law enforcement
8 investigations, risk and security analysis for employment or vendor
9 evaluation, legal research and case management, legal compliance
10 analysis, and academic research.

11 (2) The provision of a subscriber's wireless phone number is not
12 prohibited by this chapter when the number is provided to any law
13 enforcement agency, fire protection agency, public health agency,
14 public environmental health agency, city or county emergency services
15 planning agency, or corporation operating under contract with, and at
16 the direction of, one or more of these agencies, when carrying out
17 official duties. Information or records provided to a corporation
18 pursuant to this section must be held in confidence by that corporation
19 and by any individual employed by or associated with that corporation.
20 Such information or records are not open to examination for any purpose
21 not directly connected with carrying out an agency's official duties.

22 **Sec. 4.** RCW 19.250.050 and 2008 c 271 s 7 are each amended to read
23 as follows:

24 (1) Every knowing violation of RCW 19.250.010 is punishable by a
25 fine of not less than two thousand dollars and no more than fifty
26 thousand dollars for each violation.

27 (2) Including a wireless phone number in a directory without a
28 subscriber's express, opt-in consent pursuant to RCW 19.250.020 is a
29 violation of this chapter and is punishable by a fine of up to fifty
30 thousand dollars unless the directory provider first conducted a
31 reasonable investigation as required in RCW 19.250.020 and was unable
32 to determine if the published number was a wireless phone number.

33 ~~((+2))~~ (3) Failure to remove a wireless phone number from a
34 directory of any form within a reasonable period of time as required in
35 RCW 19.250.030 is a violation of this chapter and is punishable by a
36 fine of up to fifty thousand dollars.

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

6 ~~((+3))~~ (5) A telecommunications company or directory provider, or
7 any official or employee of a telecommunications company or directory
8 provider, is not subject to criminal or civil liability for the release
9 of customer information as authorized by this chapter.

10 NEW SECTION. **Sec. 5.** RCW 19.250.060 (Directories maintained
11 before June 12, 2008--Application of section) and 2008 c 271 s 8 are
12 each repealed."

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13 On page 1, line 2 of the title, after "providers;" strike the
14 remainder of the title and insert "amending RCW 19.250.005, 19.250.030,
15 19.250.070, and 19.250.050; repealing RCW 19.250.060; and prescribing
16 penalties."

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