

CERTIFICATION OF ENROLLMENT

SUBSTITUTE HOUSE BILL 1816

61st Legislature
2009 Regular Session

Passed by the House April 20, 2009
Yeas 91 Nays 1

Speaker of the House of Representatives

Passed by the Senate April 13, 2009
Yeas 45 Nays 0

President of the Senate

Approved

Governor of the State of Washington

CERTIFICATE

I, Barbara Baker, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is **SUBSTITUTE HOUSE BILL 1816** as passed by the House of Representatives and the Senate on the dates hereon set forth.

Chief Clerk

FILED

**Secretary of State
State of Washington**

SUBSTITUTE HOUSE BILL 1816

AS AMENDED BY THE SENATE

Passed Legislature - 2009 Regular Session

State of Washington 61st Legislature 2009 Regular Session

By House Technology, Energy & Communications (originally sponsored by Representatives Morrell, Bailey, Eddy, Rodne, Crouse, and Hudgins)

READ FIRST TIME 02/18/09.

1 AN ACT Relating to changing provisions related to wireless phone
2 numbers used by directory providers; amending RCW 19.250.005,
3 19.250.030, 19.250.070, and 19.250.050; repealing RCW 19.250.060; and
4 prescribing penalties.

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

6 **Sec. 1.** RCW 19.250.005 and 2008 c 271 s 2 are each amended to read
7 as follows:

8 The definitions in this section apply throughout this chapter
9 unless the context clearly requires otherwise.

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

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

16 ((+2)) (3) "Radio communications service company" has the same
17 meaning as in RCW 80.04.010.

18 ((+3)) (4) "Reverse phone number search services" means a service

1 that provides the name of a subscriber associated with a phone number
2 when the phone number is supplied.

3 ~~((4))~~ (5) "Subscriber" means a person who resides in the state of
4 Washington and subscribes to radio communications services, radio
5 paging, or cellular communications service with a Washington state area
6 code.

7 ~~((5))~~ (6) "Wireless phone number" means a phone number unique to
8 the subscriber that permits the subscriber to receive radio
9 communications, radio paging, or cellular communications from others.

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

12 (1) A subscriber ~~((who provides express, opt-in consent under RCW~~
13 ~~19.250.010 and 19.250.020 may revoke that consent))~~ may request that a
14 directory provider or a radio communications service company remove
15 their wireless phone number from a directory of any form at any time.
16 A radio communications service company ~~((and))~~ or a directory provider
17 shall, at no cost to the subscriber, comply with the subscriber's
18 request to ~~((opt-out))~~ remove their wireless phone number from a
19 directory of any form within a reasonable period of time, not to exceed
20 sixty days for printed directories and not to exceed thirty days for
21 online or other directories.

22 (2) At the subscriber's request, a provider of a reverse phone
23 number search service must allow a subscriber to perform a reverse
24 phone number search free of charge to determine whether the
25 subscriber's wireless phone number is listed in the reverse phone
26 number search service. If the subscriber finds that his or her
27 wireless phone number is contained in the reverse phone number search
28 service, the subscriber may ~~((opt-out-of-having))~~ request that his or
29 her wireless phone number ~~((included-in))~~ be removed from the reverse
30 phone number search service at any time. The provider of the reverse
31 phone number search service must, at no cost to the subscriber, comply
32 with the subscriber's request ~~((to opt-out))~~ within a reasonable period
33 of time, not to exceed thirty days.

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

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

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

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

8 (a) Any law enforcement agency, fire protection agency, public
9 health agency, public environmental health agency, city or county
10 emergency services planning agency, or ~~((private—for-profit))~~
11 corporation operating under contract with, and at the direction of, one
12 or more of these agencies, ~~((for the exclusive purpose of responding to
13 a 911 call or communicating an imminent threat to life or property.
14 Information or records provided to a private for-profit corporation
15 pursuant to subsection (2) of this section must be held in confidence
16 by that corporation and by any individual employed by or associated
17 with that corporation. Such information or records are not open to
18 examination for any purpose not directly connected with the
19 administration of the services specified in this subsection))~~ when
20 carrying out official duties;

21 ~~((2) A))~~ (b) A person carrying out a lawful order or process
22 issued under state or federal law;

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

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

31 ~~((5))~~ (e) The utilities and transportation commission pursuant to
32 its jurisdiction and control over telecommunications companies;

33 ~~((6))~~ (f) A sales agent to provide the subscriber's wireless
34 phone numbers to the radio communications service company for the
35 limited purpose of billing and customer service;

36 ~~((7) A directory provider that has undertaken a reasonable
37 investigation pursuant to RCW 19.250.020 and is unable to determine
38 whether the phone number is a wireless phone number;~~

1 ~~(8))~~ (g) A directory provider ~~((that publishes a subscriber's~~
2 ~~wireless phone number in))~~ via a directory that is obtained directly
3 from a radio communications service company and that radio
4 communications service company has obtained the required express, opt-
5 in consent for including in any directory the subscriber's wireless
6 phone number as specified in RCW 19.250.010;

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

10 ~~((10))~~ (i) A person ~~((that publishes a subscriber's wireless~~
11 ~~phone number that was))~~ who ported the number from listed wireline
12 service to wireless service within the previous fifteen months; ~~((and~~
13 ~~(11) A consumer reporting agency as defined in RCW 19.182.010 for~~
14 ~~use as a unique identifier of a consumer in a consumer report as~~
15 ~~defined in RCW 19.182.010))~~

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

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

26 (2) The provision of a subscriber's wireless phone number is not
27 prohibited by this chapter when the number is provided to any law
28 enforcement agency, fire protection agency, public health agency,
29 public environmental health agency, city or county emergency services
30 planning agency, or corporation operating under contract with, and at
31 the direction of, one or more of these agencies, when carrying out
32 official duties. Information or records provided to a corporation
33 pursuant to this section must be held in confidence by that corporation
34 and by any individual employed by or associated with that corporation.
35 Such information or records are not open to examination for any purpose
36 not directly connected with carrying out an agency's official duties.

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

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

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

12 ~~((+2))~~ (3) Failure to remove a wireless phone number from a
13 directory of any form within a reasonable period of time as required in
14 RCW 19.250.030 is a violation of this chapter and is punishable by a
15 fine of up to fifty thousand dollars.

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

21 ~~((+3))~~ (5) A telecommunications company or directory provider, or
22 any official or employee of a telecommunications company or directory
23 provider, is not subject to criminal or civil liability for the release
24 of customer information as authorized by this chapter.

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

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