

# SENATE BILL REPORT

## SB 5919

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As of June 28, 2017

**Title:** An act relating to consumer protection of internet privacy.

**Brief Description:** Concerning consumer protection of internet privacy.

**Sponsors:** Senators Ranker, Fain, Miloscia, Rivers, Rossi, Billig, Carlyle, Brown, Rolfes, Frockt, Hasegawa, Conway, Warnick, Darneille, Pedersen, Keiser, Zeiger, Baumgartner, Cleveland, Chase, Kuderer, Takko, McCoy, Hunt, Nelson, Saldaña, Fortunato, Lias, Short, Mullet, Palumbo, Wellman, Hobbs, Pearson and Sheldon.

**Brief History:**

**Committee Activity:** Energy, Environment & Telecommunications: 6/29/17.

**Brief Summary of Bill**

- Prohibits telecommunications and internet service providers from collecting customers' personal information without written approval.
- Makes collection of a customer's personal information without permission and refusal to provide service on the grounds that the customer did not authorize collection of personal information a violation of the Consumer Protection Act.

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### SENATE COMMITTEE ON ENERGY, ENVIRONMENT & TELECOMMUNICATIONS

**Staff:** Jan Odano (786-7486)

**Background:** "Telecommunications" means the transmission of information by wire, radio, optical cable, electromagnetic, or other similar means. Telecommunications and internet service providers may obtain a right of way permit or franchise to do business. A franchise is a special privilege to use public rights-of-way.

A "telecommunications company" includes persons or entities operating or managing any facilities used to provide telecommunications for hire, sale, or resale to the general public within the state.

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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.*

Under the Consumer Protection Act (CPA), unfair or deceptive acts in trade or commerce are unlawful. The CPA may be enforced by private legal action or through a civil action by the Office of the Attorney General. A person injured by a violation of the CPA may seek actual damages, costs, and reasonable attorneys' fees. The court may triple the amount of damages awarded up to \$25,000. The Attorney General may bring an action under the CPA to restrain and prevent unfair and deceptive acts and practices.

**Summary of Bill:** Telecommunications or internet service providers, under a franchise agreement, right-of-way agreement, or other contract with the state or a political subdivision of the state, are prohibited from collecting personal information from a customer resulting for the use of the internet services without written approval from the customer. A telecommunications or internet service provider may not refuse service based on the grounds that the customer has not authorized collection of personal information.

It is a violation of the CPA for a telecommunications or internet service provider to collect personal information from a customer without the customer's consent or to refuse to provide service on the grounds that the consumer did not approve collection of his or her personal information.

**Appropriation:** None.

**Fiscal Note:** Not requested.

**Creates Committee/Commission/Task Force that includes Legislative members:** No.

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