

SENATE BILL REPORT

SB 5271

As of February 18, 2019

Title: An act relating to disclosing personal wireless service charges or fees.

Brief Description: Concerning the disclosure of personal wireless service charges or fees.

Sponsors: Senators Hunt and Rolfes.

Brief History:

Committee Activity: Environment, Energy & Technology: 2/05/19.

Brief Summary of Bill

- Requires the Utilities and Transportation Commission establish by rule, requirements for any personal wireless service provider to clearly disclose on consumer billing statements a description of services associated with each monthly fee, under certain conditions.

SENATE COMMITTEE ON ENVIRONMENT, ENERGY & TECHNOLOGY

Staff: Angela Kleis (786-7469)

Background: Utilities and Transportation Commission. The Utilities and Transportation Commission (UTC) is a three-member commission appointed by the Governor and confirmed by the Senate. The UTC regulates the rates, services, facilities, and practices of utilities and transportation services.

Washington Consumer Protection Act. The Washington Consumer Protection Act (CPA) declares that unfair and deceptive practices in trade or commerce are illegal. The CPA allows a person injured by an unfair or deceptive practice to bring a private cause of action for damages. The Office of the Attorney General may investigate and prosecute claims under the CPA on behalf of the state or individuals in the state.

Federal Communications Commission. The Federal Communications Commission (FCC) regulates interstate and international communication in promotion of several purposes, including development and provision of services at reasonable rates and promotion of safety of life and property through communications use. The FCC's Truth-In-Billing Policy

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requires telephone service providers to provide certain information on consumer billing statements including plain language descriptions of service charges and full descriptions of charges in telephone company's bills.

Definitions. "Personal wireless services" means commercial mobile services, unlicensed wireless services, and common carrier wireless exchange access services, as defined by federal laws and regulations.

Summary of Bill: The UTC must by rule require, at a minimum, any personal wireless service provider to clearly disclose in writing on a consumer billing statement:

- a description of the service associated with each monthly charge or fee, for the first four months after the time of sale; and
- a description of the service associated with each monthly charge or fee, for the first three months after any service charge change.

Failure to disclose service charges as required by the UTC constitutes an unfair or deceptive act in trade or commerce in violation of the CPA.

Appropriation: None.

Fiscal Note: Available.

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

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

Staff Summary of Public Testimony: PRO: Cell phone providers should disclose costs and descriptions of the costs. You should know what you are going to have to pay for your monthly bill.

CON: The bill addresses concerns and information that is already available to consumers. We are unsure the state can regulate billing statements.

Persons Testifying: PRO: Senator Sam Hunt, Prime Sponsor.

CON: Mike Ennis, Association of Washington Business.

Persons Signed In To Testify But Not Testifying: No one.