

# FINAL BILL REPORT

## SHB 1816

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**C 401 L 09**  
Synopsis as Enacted

**Brief Description:** Regarding wireless phone numbers used by directory providers.

**Sponsors:** House Committee on Technology, Energy & Communications (originally sponsored by Representatives Morrell, Bailey, Eddy, Rodne, Crouse and Hudgins).

**House Committee on Technology, Energy & Communications**  
**Senate Committee on Economic Development, Trade & Innovation**

**Background:**

In 2005 legislation was enacted that restricted wireless telephone companies from publishing a subscriber's wireless phone number in a directory without first obtaining the subscriber's opt-in consent. Subscribers may not be charged for choosing not to be listed in a directory. These restrictions were limited to wireless telephone companies and did not restrict third parties from including a subscriber's wireless phone number in a directory.

In 2008 similar restrictions were extended to directory providers. Directory providers may not include a Washington resident's phone number in a directory of any form without first undertaking a reasonable investigation as to whether that phone number is a wireless phone number. An investigation is presumed to be reasonable if the directory provider compares the phone number every 30 days against either: (1) a commercially available list of central office code assignment records offered through the North American Numbering Plan (NANP) or other similar service; or (2) a commercially available list of intermodal ports of telephone numbers. If an investigation reveals that a phone number is a wireless phone number, the directory provider may not include the number in a directory without first obtaining the subscriber's opt-in consent.

A provider of a reverse phone number search service must allow a subscriber to perform a reverse phone number search free of charge to determine whether the subscriber's wireless phone number is listed. If the subscriber's wireless phone number is listed in a reverse phone number search service, the subscriber may opt-out of including the number in the reverse phone number search service. The subscriber may not be charged for opting out of listing the wireless phone number.

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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.*

Any violation of these reverse phone number search service provisions is a violation of the Consumer Protection Act.

Any provider of a directory maintained before June 12, 2008, must secure opt-in consent from each subscriber listed in the directory or remove the wireless phone numbers of any subscribers who have not provided opt-in consent. This requirement does not apply to:

- a directory provider if the provider cannot determine upon reasonable investigation whether the phone number is a wireless phone number;
- a directory provider that has obtained the number from a wireless telephone company that already secured opt-in consent from the subscriber; or
- a person that publishes a subscriber's wireless phone number that was ported from listed wireline service to wireless service within the previous 15 months.

The Attorney General may bring an action to enforce compliance with any of these provisions. The Attorney General may send a warning letter for a first violation.

A wireless telephone company is listing of a wireless phone number in a directory without obtaining the subscriber's opt-in consent is punishable by a fine of at least \$2,000, but no more than \$50,000 for each violation.

A directory provider's listing of a wireless phone number in a directory without obtaining the subscriber's opt-in consent is punishable by a fine of up to \$50,000, unless a reasonable investigation was conducted and the directory provider was unable to determine whether the phone number was a wireless phone number.

#### **Summary:**

Directory providers and wireless telephone companies must remove a subscriber's wireless phone number from a directory upon request. The wireless phone number must be removed within a reasonable period of time, not to exceed 60 days for printed directories and 30 days for online directories. Failure to remove a wireless phone number within a reasonable period of time is punishable by a fine of up to \$50,000.

The prohibitions on disclosure of wireless phone numbers do not apply to use of phone numbers pursuant to the Fair Credit Reporting Act or the Gramm-Leach-Bliley Act, or to phone numbers in comprehensive reports or public records if the public record is not altered from its original form. The prohibition on disclosure of wireless phone numbers also does not apply when the number is provided to, or maintained by, a law enforcement agency, fire protection agency, public health agency, public environmental agency, or emergency services planning agency, when carrying out official duties.

Provisions requiring a directory provider to secure opt-in consent for directories in existence before June 12, 2008, are repealed.

The term "directory" is defined.

#### **Votes on Final Passage:**

House	97	0	
Senate	45	0	(Senate amended)
House	91	1	(House concurred)

**Effective:** July 26, 2009