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HOUSE BILL 1103

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State of Washington

69th Legislature

2025 Regular Session

By Representative Shavers

Prefiled 12/19/24.

1 AN ACT Relating to expanding protections against unwanted  
2 telephone calls and text messages for cellular users; and amending  
3 RCW 80.36.390, 19.190.010, and 19.190.060.

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

5 **Sec. 1.** RCW 80.36.390 and 2023 c 103 s 3 are each amended to  
6 read as follows:

7 (1) ~~((a) As used in this section, "telephone))~~ The definitions in  
8 this subsection apply throughout this section unless the context  
9 clearly requires otherwise.

10 (a) "Person" means an individual, firm, association,  
11 organization, corporation, partnership, joint venture, sole  
12 proprietorship, or any other business entity.

13 (b) (i) "Telephone solicitation" means the unsolicited initiation  
14 of a telephone call by a commercial or nonprofit company or  
15 organization to a person for the purpose of encouraging the person to  
16 purchase property, goods, or services, wrongfully obtaining anything  
17 of value, or soliciting donations of money, property, goods, or  
18 services.

19 ~~((b))~~ (ii) "Telephone solicitation" does not include:

20 ~~((i))~~ (A) Calls made in response to a request or inquiry by the  
21 called party. This includes calls regarding an item that has been

1 purchased by the called party from the company or organization during  
2 a period not longer than 12 months prior to the telephone contact;

3 ~~((iii))~~ (B) Calls made by a not-for-profit organization, as  
4 defined by 26 U.S.C. Sec. 501 of the federal internal revenue code,  
5 to its own list of bona fide or active members of the organization;

6 ~~((iii))~~ (C) Calls made by a membership or labor organization to  
7 its own list of bona fide or active members of the organization;

8 ~~((iv))~~ (D) Calls limited to polling or soliciting the  
9 expression of ideas, opinions, or votes; or

10 ~~((v))~~ (E) Business-to-business ~~((contacts))~~ sales where:

11 (I) The purchaser business intends to resell the property or  
12 goods purchased; or

13 (II) The purchaser business intends to use the property or goods  
14 purchased in a recycling, reuse, remanufacturing, or manufacturing  
15 process.

16 (c) "Telephone call" means any communication made through a  
17 telephone that uses a live person, artificial voice, or recorded  
18 message.

19 (d) "Telephone solicitor" means a commercial or nonprofit company  
20 or organization engaged in telephone solicitation.

21 (2) (a) For purposes of this section, each individual real estate  
22 agent or insurance agent who maintains a separate list from other  
23 individual real estate or insurance agents shall be treated as a  
24 company or organization.

25 (b) For purposes of this section, an organization as defined in  
26 RCW 29A.04.086 or 29A.04.097 and organized pursuant to chapter 29A.80  
27 RCW shall not be considered a commercial or nonprofit company or  
28 organization.

29 (3) A person making a telephone solicitation must identify him or  
30 herself and the company or organization on whose behalf the  
31 solicitation is being made and the purpose of the call within the  
32 first 30 seconds of the telephone call.

33 (4) ~~((As used in this section, "telephone solicitor" means a~~  
34 ~~commercial or nonprofit company or organization engaged in telephone~~  
35 ~~solicitation.~~

36 ~~(5))~~ If the telephone solicitor is requesting a donation or gift  
37 of money, the telephone solicitor must ask the called party whether  
38 they want to continue the call, end the call, or be removed from the  
39 solicitor's telephone lists.

1       (~~(6)~~) (5) If, at any time during the telephone contact, the  
2 called party states or indicates they want to end the call, the  
3 telephone solicitor must end the call within 10 seconds.

4       (~~(7)~~) (6) If, at any time during the telephone contact, the  
5 called party states or indicates that he or she does not want to be  
6 called again by the telephone solicitor or wants to have his or her  
7 name, individual telephone number, or other contact information  
8 removed from the telephone lists used by the telephone solicitor:

9       (a) The telephone solicitor shall inform the called party that  
10 his or her contact information will be removed from the telephone  
11 solicitor's telephone lists for at least one year;

12       (b) The telephone solicitor shall end the call within 10 seconds;

13       (c) The telephone solicitor shall not make any additional  
14 telephone solicitation of the called party at any telephone number  
15 that the called party has requested be removed from the solicitor's  
16 telephone lists for a period of at least one year; and

17       (d) The telephone solicitor shall not sell or give the called  
18 party's name, telephone number, and other contact information to  
19 another company or organization: PROVIDED, That the telephone  
20 solicitor may return the list, including the called party's name,  
21 telephone number, and other contact information to the company or  
22 organization from which it received the list.

23       (~~(8)~~) (7) A telephone solicitor shall not place calls to any  
24 person which will be received before 8:00 a.m. or after 8:00 p.m. at  
25 the call recipient's local time.

26       (~~(9)~~) (8) No person may initiate, or cause to be initiated, a  
27 telephone solicitation to a telephone number registered on the do not  
28 call registry maintained by the federal government pursuant to  
29 telephone consumer protection act, 47 U.S.C. Sec. 227 and related  
30 regulations, as currently enacted or subsequently amended. This  
31 subsection applies to all telephone solicitation intended to be  
32 received by telephone customers within the state.

33       (~~(10)~~) (9) It is unlawful for a person to initiate, or cause to  
34 be initiated, a telephone solicitation that violates 47 U.S.C. Sec.  
35 227(e)(1), as currently written or as subsequently amended or  
36 interpreted by the federal government. This subsection applies to all  
37 telephone solicitation intended to be received by telephone customers  
38 within the state.

1       (~~(11)~~) (10) A violation of subsection (3), (4), (5), (6), (7),  
2 (8), or (9) (~~(, or (10))~~) of this section is punishable by a fine of  
3 up to \$1,000 for each violation.

4       (~~(12)~~) (11) The attorney general may bring actions to enforce  
5 compliance with this section. The legislature finds that the  
6 practices covered by this section are matters vitally affecting the  
7 public interest for the purpose of applying the consumer protection  
8 act, chapter 19.86 RCW. A violation of this section is not reasonable  
9 in relation to the development and preservation of business and is an  
10 unfair or deceptive act in trade or commerce and an unfair method of  
11 competition for the purpose of applying the consumer protection act,  
12 chapter 19.86 RCW.

13       (~~(13)~~) (12) A person aggrieved by repeated violations of this  
14 section may bring a civil action in superior court to enjoin future  
15 violations, to recover damages, or both. The court shall award  
16 damages of at least \$1,000 for each individual violation of this  
17 section. If the aggrieved person prevails in a civil action under  
18 this subsection, the court shall award the aggrieved person  
19 reasonable attorneys' fees and cost of the suit.

20       (~~(14)~~) (13) The utilities and transportation commission shall  
21 by rule ensure that telecommunications companies inform their  
22 residential customers of the provisions of this section. The  
23 notification may be made by (a) annual notice in the billing  
24 statements sent to residential customers, or (b) conspicuous  
25 publication of the notice in the consumer information pages of local  
26 telephone directories.

27       **Sec. 2.** RCW 19.190.010 and 2005 c 378 s 1 are each amended to  
28 read as follows:

29       The definitions in this section apply throughout this chapter  
30 unless the context clearly requires otherwise.

31       (1) "Assist the transmission" means actions taken by a person to  
32 provide substantial assistance or support which enables any person to  
33 formulate, compose, send, originate, initiate, or transmit a  
34 commercial electronic mail message or a commercial electronic text  
35 message when the person providing the assistance knows or consciously  
36 avoids knowing that the initiator of the commercial electronic mail  
37 message or the commercial electronic text message is engaged, or  
38 intends to engage, in any practice that violates the consumer  
39 protection act. "Assist the transmission" does not include any of the

1 following: (a) Activities of an electronic mail service provider or  
2 other entity who provides intermediary transmission service in  
3 sending or receiving electronic mail, or provides to users of  
4 electronic mail services the ability to send, receive, or compose  
5 electronic mail; or (b) activities of any entity related to the  
6 design, manufacture, or distribution of any technology, product, or  
7 component that has a commercially significant use other than to  
8 violate or circumvent this section.

9 (2) "Commercial electronic mail message" means an electronic mail  
10 message sent to a person for the purpose of (~~promoting~~) encouraging  
11 the person to purchase real property, goods, or services (~~for sale~~  
12 ~~or lease~~), wrongfully obtaining anything of value, or soliciting  
13 donations of money, property, goods, or services. It does not mean an  
14 electronic mail message to which an interactive computer service  
15 provider has attached an advertisement in exchange for free use of an  
16 electronic mail account, when the sender has agreed to such an  
17 arrangement.

18 (3) "Commercial electronic text message" means an electronic text  
19 message sent to (~~promote~~) a person for the purpose of encouraging  
20 the person to purchase real property, goods, or services (~~for sale~~  
21 ~~or lease~~), wrongfully obtaining anything of value, or soliciting  
22 donations of money, property, goods, or services.

23 (4) "Electronic mail address" means a destination, commonly  
24 expressed as a string of characters, to which electronic mail may be  
25 sent or delivered.

26 (5) "Electronic mail message" means an electronic message sent to  
27 an electronic mail address and a reference to an internet domain,  
28 whether or not displayed, to which an electronic mail message can be  
29 sent or delivered.

30 (6) "Electronic text message" means a text message sent to a  
31 cellular telephone or pager equipped with short message service or  
32 any similar capability, whether the message is initiated as a short  
33 message service message or as an electronic mail message.

34 (7) "Initiate the transmission" refers to the action by the  
35 original sender of an electronic mail message or an electronic text  
36 message, not to the action by any intervening interactive computer  
37 service or wireless network that may handle or retransmit the  
38 message, unless such intervening interactive computer service assists  
39 in the transmission of an electronic mail message when it knows, or  
40 consciously avoids knowing, that the person initiating the

1 transmission is engaged, or intends to engage, in any act or practice  
2 that violates the consumer protection act.

3 (8) "Interactive computer service" means any information service,  
4 system, or access software provider that provides or enables computer  
5 access by multiple users to a computer server, including specifically  
6 a service or system that provides access to the internet and such  
7 systems operated or services offered by libraries or educational  
8 institutions.

9 (9) "Internet" means collectively the myriad of computer and  
10 telecommunications facilities, including equipment and operating  
11 software, that comprise the interconnected worldwide network of  
12 networks that employ the transmission control protocol/internet  
13 protocol, or any predecessor or successor protocols to such protocol,  
14 to communicate information of all kinds by wire or radio.

15 (10) "Internet domain name" refers to a globally unique,  
16 hierarchical reference to an internet host or service, assigned  
17 through centralized internet naming authorities, comprising a series  
18 of character strings separated by periods, with the right-most string  
19 specifying the top of the hierarchy.

20 (11) "Person" means an individual, corporation, business trust,  
21 estate, trust, partnership, limited liability company, association,  
22 organization, joint venture, government, governmental subdivision,  
23 agency or instrumentality, public corporation, or any other legal or  
24 commercial entity.

25 (12) "Personally identifying information" means an individual's:  
26 (a) Social security number; (b) driver's license number; (c) bank  
27 account number; (d) credit or debit card number; (e) personal  
28 identification number; (f) automated or electronic signature; (g)  
29 unique biometric data; (h) account passwords; or (i) any other piece  
30 of information that can be used to access an individual's financial  
31 accounts or to obtain goods or services.

32 (13) "Web page" means a location, with respect to the world wide  
33 web, that has a single uniform resource locator or other single  
34 location with respect to the internet.

35 **Sec. 3.** RCW 19.190.060 and 2003 c 137 s 3 are each amended to  
36 read as follows:

37 (1) No person conducting business in the state may initiate or  
38 assist in the transmission of an electronic commercial text message  
39 to a telephone number assigned to a Washington resident for cellular

1 telephone or pager service that is equipped with short message  
2 capability or any similar capability allowing the transmission of  
3 text messages.

4 (2) No person may initiate or assist in the transmission of an  
5 electronic text message to a telephone number assigned to a  
6 Washington resident for cellular telephone service that is registered  
7 on the do not call registry maintained by the federal government  
8 pursuant to the telephone consumer protection act, Title 47 U.S.C.  
9 Sec. 227 and related regulations, as currently enacted or  
10 subsequently amended. This subsection applies to all electronic text  
11 messages intended to be received by telephone customers within the  
12 state.

13 (3) The legislature finds that the practices covered by this  
14 section are matters vitally affecting the public interest for the  
15 purpose of applying the consumer protection act, chapter 19.86 RCW. A  
16 violation of this section is not reasonable in relation to the  
17 development and preservation of business and is an unfair or  
18 deceptive act in trade or commerce and an unfair method of  
19 competition for the purpose of applying the consumer protection act,  
20 chapter 19.86 RCW.

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