

SENATE BILL REPORT

SB 6123

AS OF JANUARY 24, 1992

Brief Description: Regulating the sale of sports collectibles.

SPONSORS: Senator A. Smith

SENATE COMMITTEE ON LAW & JUSTICE

Staff: Ben Barnes (786-7465)

Hearing Dates: January 29, 1992

BACKGROUND:

The collecting of sports memorabilia is a hobby that has grown dramatically in the past ten years. Autographed sports items and other items believed to be authentic often command a premium price far in excess of the original value of the item. It is not unusual for consumers to pay hundreds or even thousands of dollars for autographed collectibles. In fact, the sale of autographed sports collectibles at sports memorabilia shows, through mail and catalog sales, at private businesses, and through cable television shopping shows is now reportedly a \$1.5 billion-a-year industry.

Since the purchase of autographed sports memorabilia has increased at an astronomical pace, the sale of forged autographs is rapidly becoming a serious consumer protection issue. All too often consumers are easy prey for unscrupulous dealers selling unauthentic autographed sports collectibles. If such collectibles prove not to be authentic, consumers wind up with virtually worthless purchases and frequently with little or no legal recourse.

It is recommended that a method to protect the public from the sale of counterfeit sports collectibles be provided.

SUMMARY:

This bill applies to any sale to a consumer of an autographed sports item of \$50 or more by a dealer of sports memorabilia.

A dealer is required to furnish a written certificate of authenticity to the consumer whenever he/she, in selling or offering for sale a collectible, provides a description of the collectible as being personally autographed by a sports personality. The certificate must be dated, signed by the dealer or his/her authorized agent, and contain the dealer's true legal name and street address. The certificate must also 1) contain an express warranty of the authenticity of the autographed collectible; 2) describe the collectible and the

name of the sports personality who autographed it as well as the purchase price; 3) state the place and date where the personality autographed the collectible, if known; and 4) specify whether the collectible is offered as one of a limited edition.

A dealer is expressly prohibited from representing to a consumer that a collectible is autographed if it was signed by other than the sports personality in his or her own hand. In addition, a dealer is required to disclose, by a conspicuous sign at the location where the sale occurs, that the consumer is entitled to receive a written certificate of authenticity by law. Mail-order and telephone order businesses must also provide such statutory disclosure in their advertisements.

A violation of the provisions of this bill constitutes a violation of the Unfair Business Practices Act (Chapter 19.86 RCW). Private and public enforcement remedies are provided.

Appropriation: none

Revenue: none

Fiscal Note: requested January 23, 1992