

FINAL BILL REPORT

ESB 6427

C 43 L 92

SYNOPSIS AS ENACTED

Brief Description: Declaring when goods mailed without authority become gifts.

SPONSORS: Senators Murray and Skratek

SENATE COMMITTEE ON COMMERCE & LABOR

HOUSE COMMITTEE ON COMMERCE & LABOR

BACKGROUND:

"Negative option" selling refers to the practice of providing and charging someone for a product when that person has failed to return a card or to take some other action refusing such delivery.

It is suggested that this type of selling misleads consumers into paying for products they do not want and is inherently unfair and deceptive.

Current state law provides that unless otherwise agreed, when unsolicited goods are mailed to a person, the person may keep the goods without paying for them. "Unsolicited," however, is not specifically defined to include goods received under a negative option plan. The law does not cover unsolicited services.

SUMMARY:

If unsolicited goods or services are provided to a person, the person may accept the goods or services as gifts. Goods or services are considered unsolicited unless the person specifically requested, in an affirmative manner, receipt under the terms offered. Goods or services are not considered to have been requested if the person failed to respond to an invitation to purchase them. A violation of the act is a violation of the Consumer Protection Act.

VOTES ON FINAL PASSAGE:

Senate	46	0
House	97	0

EFFECTIVE: June 11, 1992