
SENATE BILL 6123

State of Washington

52nd Legislature

1992 Regular Session

By Senator A. Smith

Read first time 01/16/92. Referred to Committee on Law & Justice.

1 AN ACT Relating to sports collectibles; adding a new chapter to
2 Title 19 RCW; and prescribing penalties.

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

4 NEW SECTION. **Sec. 1.** The collecting of sports memorabilia is
5 a hobby that has grown dramatically in the past ten years. Many
6 people, and in particular many children, are entering the sports
7 collectible market for the first time. Autographed items and other
8 items believed to be authentic often command a premium price far in
9 excess of the original value of the item. Without a method to protect
10 the public from the sale of counterfeit sports collectibles, the
11 opportunity for fraud in such sales is great.

12 Therefore, the legislature finds that sales of sports collectibles
13 by unscrupulous sports collectible dealers who make false claims of
14 authenticity threatens the legitimate business and hobby of sports

1 memorabilia collecting, and that a requirement that sellers certify the
2 authenticity of more expensive items is necessary to protect the
3 public.

4 NEW SECTION. **Sec. 2.** Unless the context clearly requires
5 otherwise, the definitions in this section apply throughout this
6 chapter.

7 (1) "Authentic" means that an item is the actual item that it is
8 represented to be.

9 (2) "Autographed" means bearing the actual signature of a sports
10 personality, signed by such individual's own hand.

11 (3) "Collectible" means a sports item including, but not limited
12 to, a photograph, book, ticket, plaque, sports program, item of sports
13 equipment or clothing, or other sports memorabilia sold or offered for
14 sale in or from this state by a dealer to a consumer for fifty dollars
15 or more.

16 (4) "Consumer" means any natural person who purchases a collectible
17 from a dealer for personal, family, or household purposes.

18 (5) "Dealer" means any person, including an auctioneer, who is in
19 the business of selling or offering for sale in or from this state any
20 collectible to consumers. "Dealer" does not include a person making a
21 casual or isolated sale as defined in RCW 82.04.040.

22 (6) "Description" means any written or verbal representation,
23 including but not limited to a representation contained in an
24 advertisement, invoice, catalog, flyer, sign, brochure, or other
25 commercial or promotional material. Such term shall also include a
26 representation contained in a prepared script and made for the purpose
27 of selling a collectible in a radio or television broadcast to the
28 public in or from this state.

1 (7) "Person" means any natural person, partnership, corporation,
2 company, trust, association, or other entity, however organized.

3 NEW SECTION. **Sec. 3.** Whenever a dealer, in selling or
4 offering to sell in or from this state a collectible to a consumer,
5 provides a description of such collectible as being autographed or
6 authentic, or both, the dealer shall furnish to the consumer at the
7 time of sale a certificate of authenticity. Such certificate of
8 authenticity shall be in writing, dated, and signed by such dealer or
9 authorized agent. The certificate shall be in at least ten-point
10 boldface type and shall contain the dealer's true legal name and street
11 address. Each certificate of authenticity shall:

12 (1) Describe the collectible and the name of the sports personality
13 who autographed it and specify the purchase price;

14 (2) Contain an express warranty, which shall be presumed to be part
15 of the basis of the bargain, of the authenticity of the collectible.
16 Such warranty shall not be negated or limited because the dealer in the
17 certificate does not use formal words such as "warranty," or
18 "guarantee," or because such dealer does not have a specific intention
19 or authorization to make a warranty or because any statement relevant
20 to the collectible is, or purports to be, or is capable of being,
21 merely the dealer's opinion. The warranty shall state that the dealer
22 will make a full cash refund upon request within ninety days of the
23 sale;

24 (3) If the description includes a claim that the collectible is
25 autographed, state the place, and date, when the sports personality
26 autographed the collectible, if known; however, if either such place or
27 date, or both, is not known, the certificate shall contain an explicit
28 statement to the effect; and

1 (4) Specify whether the collectible is offered as one of a limited
2 edition and, if so:

3 (a) How the collectible and the edition is numbered; and

4 (b) The size of the edition and the size of any prior or
5 anticipated future edition.

6 NEW SECTION. **Sec. 4.** (1) No dealer shall represent that a
7 collectible is autographed if it was signed other than by the sports
8 personality in his or her own hand.

9 (2) No dealer shall sell or offer for sale in or from this state a
10 collectible to any consumer unless, at the location where the sale
11 occurs, in close proximity to the merchandise, the dealer places a
12 conspicuous sign that reads:

13 **SALE OF SPORTS MEMORABILIA**
14 WASHINGTON STATE LAW REQUIRES THAT A DEALER WHO SELLS TO A
15 CONSUMER ANY SPORTS MEMORABILIA DESCRIBED AS BEING AUTHENTIC OR
16 PERSONALLY AUTOGRAPHED, FOR FIFTY DOLLARS OR MORE, MUST PROVIDE
17 A WRITTEN CERTIFICATE OF AUTHENTICITY AT THE TIME OF SALE.

18 (3) Any dealer engaged in a mailorder or telephone order business
19 who sells or offers for sale in or from this state a collectible to any
20 consumer shall include in any advertisement relating to any such item
21 the disclosure required by subsection (2) of this section. With
22 respect to a written advertisement, such disclosure shall be made in
23 type of conspicuous size.

24 NEW SECTION. **Sec. 5.** The sale of collectibles is a matter
25 affecting the public interest for the purpose of applying chapter 19.86
26 RCW. The sale of collectibles in violation of the requirements of this

1 chapter is not reasonable in relation to the development and
2 preservation of business. A violation of this chapter constitutes an
3 unfair or deceptive act or practice in trade or commerce for the
4 purpose of applying chapter 19.86 RCW. Any person injured by a
5 violation of this chapter shall have a civil action for damages under
6 RCW 19.86.090.

7 NEW SECTION. **Sec. 6.** Sections 1 through 5 of this act shall
8 constitute a new chapter in Title 19 RCW.