

2 **ESHB 2688** - S AMD  
3 By Senator Prentice

4 ADOPTED 3/4/94

5 Strike everything after the enacting clause and insert the  
6 following:

7 "**Sec. 1.** RCW 19.138.010 and 1986 c 283 s 1 are each amended to  
8 read as follows:

9 The legislature finds and declares that advertising, sales, and  
10 business practices of certain (~~travel charter or tour operators~~)  
11 sellers of travel have worked financial hardship upon the people of  
12 this state; that the travel business has a significant impact upon the  
13 economy and well-being of this state and its people; that problems have  
14 arisen regarding certain (~~segments of the travel charter or tour~~  
15 ~~operator business~~) sales of travel; and that the public welfare  
16 requires (~~regulation~~) registration of (~~travel charter or tour~~  
17 ~~operators~~) sellers of travel in order to eliminate unfair advertising,  
18 sales and business practices. The legislature further finds it  
19 necessary to establish standards that will safeguard the people against  
20 financial hardship and to encourage fair dealing and prosperity in the  
21 travel business.

22 NEW SECTION. **Sec. 2.** Unless the context clearly requires  
23 otherwise, the definitions in this section apply throughout this  
24 chapter.

25 (1) "Department" means the department of licensing.

26 (2) "Director" means the director of licensing or the director's  
27 designee.

28 (3) "Seller of travel" means a person, firm, or corporation both  
29 inside and outside the state of Washington, who transacts business with  
30 Washington consumers, including, but not limited to, travel agencies,  
31 who sell, provide, furnish contracts for, arrange, or advertise, either  
32 directly or indirectly, by any means or method, to arrange or book any  
33 travel services including travel reservations or accommodations,  
34 tickets for domestic or foreign travel by air, rail, ship, bus, or  
35 other medium of transportation or hotel or other lodging accommodation

1 and vouchers or coupons to be redeemed for future travel or  
2 accommodations for a fee, commission, or other valuable consideration.

3 (a) "Seller of travel" includes a travel agent and any person who  
4 is an independent contractor or outside agent for a travel agency or  
5 other seller of travel whose principal duties include consulting with  
6 and advising persons concerning travel arrangements or accommodations  
7 in the conduct or administration of its business. If a seller of  
8 travel is employed by a seller of travel who is registered under this  
9 chapter, the employee need not also be registered.

10 (b) "Seller of travel" does not include:

11 (i) An air carrier;

12 (ii) An owner or operator of a vessel including an ocean common  
13 carrier as defined in 46 U.S.C. App. 1702(18), an owner or charterer of  
14 a vessel that is required to establish its financial responsibility in  
15 accordance with the requirements of the federal maritime commission, 46  
16 U.S.C. App. 817 (e), and a steamboat company as defined in RCW  
17 84.12.200 whether or not operating over and upon the waters of this  
18 state;

19 (iii) A motor carrier;

20 (iv) A rail carrier;

21 (v) A charter party carrier of passengers as defined in RCW  
22 81.70.020;

23 (vi) An auto transportation company as defined in RCW 81.68.010;

24 (vii) A hotel or other lodging accommodation;

25 (viii) An affiliate of any person or entity described in (i)  
26 through (vii) of this subsection (3)(b) that is primarily engaged in  
27 the sale of travel services provided by the person or entity. For  
28 purposes of this subsection (3)(b)(viii), an "affiliate" means a person  
29 or entity owning, owned by, or under common ownership, with "owning,"  
30 "owned," and "ownership" referring to equity holdings of at least  
31 eighty percent.

32 (4) "Travel services" includes transportation by air, sea, or rail  
33 ground transportation, hotel or any lodging accommodations, or package  
34 tours, whether offered or sold on a wholesale or retail basis.

35 (5) "Advertisement" includes, but is not limited to, a written or  
36 graphic representation in a card, brochure, newspaper, magazine,  
37 directory listing, or display, and oral, written, or graphic  
38 representations made by radio, television, or cable transmission that  
39 relates to travel services.

1        NEW SECTION.    **Sec. 3.** No person, firm, or corporation may act or  
2 hold itself out as a seller of travel unless, prior to engaging in the  
3 business of selling or advertising to sell travel services, the person,  
4 firm, or corporation registers with the director under this chapter and  
5 rules adopted under this chapter.

6        (1) The registration number must be conspicuously posted in the  
7 place of business and must be included in all advertisements. Any  
8 corporation which issues a class of equity securities registered under  
9 section 12 of the securities exchange act of 1934, and any subsidiary,  
10 the majority of voting stock of which is owned by such corporation  
11 including any wholly owned subsidiary of such corporation are not  
12 required to include company registration numbers in advertisements.

13        (2) The director shall issue duplicate registrations upon payment  
14 of a nominal duplicate registration fee to valid registration holders  
15 operating more than one office.

16        (3) No registration is assignable or transferable.

17        (4) If a registered seller of travel sells his or her business,  
18 when the new owner becomes responsible for the business, the new owner  
19 must comply with all provisions of this chapter, including  
20 registration.

21        NEW SECTION.    **Sec. 4.** An application for registration as a seller  
22 of travel shall be submitted in the form prescribed by rule by the  
23 director, and shall contain but not be limited to the following:

24        (1) The name, address, and telephone number of the seller of  
25 travel;

26        (2) Proof that the seller of travel holds a valid business license  
27 in the state of its principal state of business;

28        (3) A registration fee in an amount determined under RCW 43.24.086;

29        (4) The name, address, and social security numbers of all employees  
30 who sell travel and are covered by the seller of travel's registration.  
31 This subsection shall not apply to the out-of-state employees of a  
32 corporation that issues a class of equity securities registered under  
33 section 12 of the securities exchange act of 1934, and any subsidiary,  
34 the majority of voting stock of which is owned by the corporation;

35        (5) A report prepared and signed by a licensed public accountant or  
36 certified public accountant or other report, approved by the director,  
37 that verifies that the seller of travel maintains a trust account or  
38 other approved account at a federally insured institution located in

1 the state of Washington, the location and number of that trust account  
2 or other approved account, and verifying that the account is maintained  
3 and used as required by section 8 of this act. The director, by rule,  
4 may permit alternatives to the report that provides for at least the  
5 same level of verification.

6 NEW SECTION. **Sec. 5.** (1) Each seller of travel shall renew its  
7 registration on or before July 1 of every other year or as otherwise  
8 determined by the director.

9 (2) Renewal of a registration is subject to the same provisions  
10 covering issuance, suspension, and revocation of a registration  
11 originally issued.

12 (3) The director may refuse to renew a registration for any of the  
13 grounds set out under section 6 of this act, and where the past conduct  
14 of the applicant affords reasonable grounds for belief that the  
15 applicant will not carry out the applicant's duties in accordance with  
16 law and with integrity and honesty. The director shall promptly notify  
17 the applicant in writing by certified mail of its intent to refuse to  
18 renew the registration. The registrant may, within twenty-one days  
19 after receipt of that notice or intent, request a hearing on the  
20 refusal. The director may permit the registrant to honor commitments  
21 already made to its customers, but no new commitments may be incurred,  
22 unless the director is satisfied that all new commitments are  
23 completely bonded or secured to insure that the general public is  
24 protected from loss of money paid to the registrant. It is the  
25 responsibility of the registrant to contest the decision regarding  
26 conditions imposed or registration denied through the process  
27 established by the administrative procedure act, chapter 34.05 RCW.

28 NEW SECTION. **Sec. 6.** (1) The director may deny, suspend, or  
29 revoke the registration of a seller of travel if the director finds  
30 that the applicant:

31 (a) Was previously the holder of a registration issued under this  
32 chapter, and the registration was revoked for cause and never reissued  
33 by the director, or the registration was suspended for cause and the  
34 terms of the suspension have not been fulfilled;

35 (b) Has been found guilty of a felony within the past five years  
36 involving moral turpitude, or of a misdemeanor concerning fraud or

1 conversion, of suffers a judgment in a civil action involving willful  
2 fraud, misrepresentation, or conversion;

3 (c) Has made a false statement of a material fact in an application  
4 under this chapter or in data attached to it;

5 (d) Has violated this chapter or failed to comply with a rule  
6 adopted by the director under this chapter;

7 (e) Has failed to display the registration as provided in this  
8 chapter;

9 (f) Has published or circulated a statement with the intent to  
10 deceive, misrepresent, or mislead the public;

11 (g) Has committed a fraud or fraudulent practice in the operation  
12 and conduct of a travel agency business, including, but not limited to,  
13 intentionally misleading advertising; or

14 (h) Has aided or abetted a person, firm, or corporation that they  
15 know has not registered in this state in the business of conducting a  
16 travel agency or other sale of travel.

17 (2) If the seller of travel is found in violation of this chapter  
18 or in violation of the consumer protection act, chapter 19.86 RCW, by  
19 the entry of a judgment or by settlement of a claim, the director may  
20 revoke the registration of the seller of travel, and the director may  
21 reinstate the registration at the director's discretion.

22 NEW SECTION. **Sec. 7.** The department, in cooperation with the  
23 travel industry and the office of the attorney general shall examine  
24 the establishment of a cost recovery fund, surety bond, or other  
25 requirement to indemnify industry consumers. The department shall  
26 report to the legislature by December 1, 1994, concerning legislation  
27 to establish one or all of these procedures.

28 NEW SECTION. **Sec. 8.** (1) Within five business days of receipt, a  
29 seller of travel shall deposit all sums received from a person or  
30 entity, for travel services offered by the seller of travel, in a trust  
31 account or other approved account maintained in a federally insured  
32 financial institution located in Washington state. Exempted are  
33 airline sales made by a seller of travel, when payments for the airline  
34 tickets are made through the airline reporting corporation either by  
35 cash or credit card sale.

36 (2) The trust account or other approved account required by this  
37 section shall be established and maintained for the benefit of any

1 person or entity paying money to the seller of travel. The seller of  
2 travel shall not in any manner encumber the amounts in trust and shall  
3 not withdraw money from the account except the following amounts may be  
4 withdrawn at any time:

5 (a) Partial or full payment for travel services to the entity  
6 directly providing the travel service;

7 (b) Refunds as required by this chapter;

8 (c) The amount of the sales commission;

9 (d) Interest earned and credited to the trust account or other  
10 approved account; or

11 (e) Remaining funds of a purchaser once all travel services have  
12 been provided or once tickets or other similar documentation binding  
13 upon the ultimate provider of the travel services have been provided.

14 (3) At the time of registration, the seller of travel shall file  
15 with the department the account number and the name of the financial  
16 institution at which the trust account or other approved account is  
17 held as set forth in section 4 of this act. The seller of travel shall  
18 notify the department of any change in the account number or location  
19 within one business day of the change.

20 (4) The director, by rule, may allow for the use of other types of  
21 funds or accounts only if the protection for consumers is no less than  
22 that provided by this section.

23 (5) The seller of travel need not comply with the requirements of  
24 this section if all of the following apply, except as exempted in  
25 subsection (1) of this section:

26 (a) The payment is made by credit card;

27 (b) The seller of travel does not deposit, negotiate, or factor the  
28 credit card charge or otherwise seek to obtain payment of the credit  
29 card charge to any account over which the seller of travel has any  
30 control; and

31 (c) If the charge includes transportation, the carrier that is to  
32 provide the transportation processes the credit card charge, or if the  
33 charge is only for services, the provider of services processes the  
34 credit card charges.

35 (6) If the seller of travel maintains its principal place of  
36 business in another state and maintains a trust account or other  
37 approved account in that state consistent with the requirement of this  
38 section, and if that seller of travel has transacted business within  
39 the state of Washington in an amount exceeding five million dollars for

1 the preceding year, the out-of-state trust account or other approved  
2 account may be substituted for the in-state account required under this  
3 section.

4 NEW SECTION. **Sec. 9.** A seller of travel shall perform its duties  
5 reasonably and with ordinary care in providing travel services.

6 **Sec. 10.** RCW 19.138.030 and 1986 c 283 s 3 are each amended to  
7 read as follows:

8 A (~~travel charter or tour operator~~) seller of travel shall not  
9 advertise that air, sea, or land transportation either separately or in  
10 conjunction with other services is or may be available unless he or she  
11 has, prior to (~~such~~) the advertisement, (~~received written~~  
12 ~~confirmation with a carrier for the transportation advertised~~)  
13 determined that the product advertised was available at the time the  
14 advertising was placed. This determination can be made by the seller  
15 of travel either by use of an airline computer reservation system, or  
16 by written confirmation from the vendor whose program is being  
17 advertised.

18 It is the responsibility of the seller of travel to keep written or  
19 printed documentation of the steps taken to verify that the advertised  
20 offer was available at the time the advertising was placed. These  
21 records are to be maintained for at least two years after the placement  
22 of the advertisement.

23 **Sec. 11.** RCW 19.138.040 and 1986 c 283 s 4 are each amended to  
24 read as follows:

25 At or prior to the time of full or partial payment for air, sea, or  
26 land transportation or any other services offered by the seller of  
27 travel (~~charter or tour operator~~) in conjunction with (~~such~~) the  
28 transportation, the seller of travel (~~charter or tour operator~~) shall  
29 furnish to the person making the payment a written statement  
30 conspicuously setting forth the following information:

31 (1) The name and business address and telephone number of the  
32 (~~travel charter or tour operator~~) seller of travel.

33 (2) The amount paid, the date of such payment, the purpose of the  
34 payment made, and an itemized statement of the balance due, if any.

35 (3) The (~~location and~~) registration number of the (~~trust account~~  
36 ~~or bond~~) seller of travel required by this chapter.

1 (4) The name of the ((carrier)) vendor with whom the ((travel  
2 ~~charter or tour operator~~)) seller of travel has contracted to provide  
3 ((the transportation, the type of equipment contracted, and the date,  
4 time, and place of each departure: PROVIDED, That the information  
5 required in this subsection may be provided at the time of final  
6 payment)) travel arrangements for a consumer and all pertinent  
7 information relating to the travel as known by the seller of travel at  
8 the time of booking. The seller of travel will make known further  
9 details as soon as received from the vendor. All information will be  
10 provided with final documentation.

11 (5) The conditions, if any, upon which the contract between the  
12 ((travel charter or tour operator)) seller of travel and the passenger  
13 may be canceled, and the rights and obligations of all parties in the  
14 event of ((such)) cancellation.

15 (6) A statement in eight-point boldface type in substantially the  
16 following form:

17 "If transportation or other services are canceled by the ((travel  
18 ~~charter or tour operator~~)) seller of travel, all sums paid to the  
19 ((travel charter or tour operator)) seller of travel for services not  
20 performed in accordance with the contract between the ((travel charter  
21 or tour operator)) seller of travel and the ((passenger)) purchaser  
22 will be refunded within ((fourteen)) thirty days ((after the  
23 cancellation by the travel charter or tour operator to the passenger or  
24 the party who contracted for the passenger unless mutually acceptable  
25 alternative travel arrangements are provided)) of receiving the funds  
26 from the vendor with whom the services were arranged, or if the funds  
27 were not sent to the vendor, the funds shall be returned within  
28 fourteen days after cancellation by the seller of travel to the  
29 purchaser unless the purchaser requests the seller of travel to apply  
30 the money to another travel product and/or date."

31 **Sec. 12.** RCW 19.138.050 and 1986 c 283 s 5 are each amended to  
32 read as follows:

33 (1) If the transportation or other services contracted for are  
34 canceled ((the travel charter or tour operator)), or if the money is to  
35 be refunded for any reason, the seller of travel shall ((return))  
36 refund to the ((passenger within fourteen days after the cancellation  
37 all moneys paid for services not performed in accordance with the  
38 contract unless mutually acceptable alternative travel arrangements are



1 provided)) person with whom it contracts for travel services, the money  
2 due the person within thirty days of receiving the funds from the  
3 vendor with whom the services were arranged. If the funds were not  
4 sent to the vendor and remain in the possession of the seller of  
5 travel, the funds shall be refunded within fourteen days.

6 (2) Any material misrepresentation with regard to the  
7 transportation and other services offered shall be deemed to be a  
8 cancellation necessitating the refund required by this section.

9 (3) When travel services are paid to a vendor and charged to a  
10 consumer's credit card by the seller of travel, and the arrangements  
11 are subsequently canceled by the consumer, the vendor, or the seller of  
12 travel, any refunds to the consumer's credit card must be applied for  
13 within ten days from the date of cancellation.

14 (4) The seller of travel shall not be obligated to refund any  
15 cancellation penalties imposed by the vendor with whom the services  
16 were arranged if these penalties were disclosed in the statement  
17 required under RCW 19.138.040.

18 NEW SECTION. Sec. 13. The director has the following powers and  
19 duties:

20 (1) To adopt, amend, and repeal rules to carry out the purposes of  
21 this chapter;

22 (2) To issue and renew registrations under this chapter and to deny  
23 or refuse to renew for failure to comply with this chapter;

24 (3) To suspend or revoke a registration for a violation of this  
25 chapter;

26 (4) To establish fees;

27 (5) Upon receipt of a complaint, to inspect and audit the books and  
28 records of a seller of travel. The seller of travel shall immediately  
29 make available to the director those books and records as may be  
30 requested at the seller of travel's place of business or at a location  
31 designated by the director. For that purpose, the director shall have  
32 full and free access to the office and places of business of the seller  
33 of travel during regular business hours; and

34 (6) To do all things necessary to carry out the functions, powers,  
35 and duties set forth in this chapter.

36 NEW SECTION. Sec. 14. (1) A nonresident seller of travel  
37 soliciting business or selling travel in the state of Washington, by

1 mail, telephone, or otherwise, either directly or indirectly, is  
2 deemed, absent any other appointment, to have appointed the director to  
3 be the seller of travel's true and lawful attorney upon whom may be  
4 served any legal process against that nonresident arising or growing  
5 out of a transaction involving travel services. That solicitation  
6 signifies the nonresident's agreement that process against the  
7 nonresident that is served as provided in this chapter is of the same  
8 legal force and validity as if served personally on the nonresident  
9 seller of travel.

10 (2) Service of process upon a nonresident seller of travel shall be  
11 made by leaving a copy of the process with the director. The fee for  
12 the service of process shall be determined by the director by rule.  
13 That service is sufficient service upon the nonresident if the  
14 plaintiff or plaintiff's attorney of record sends notice of the service  
15 and a copy of the process by certified mail before service or  
16 immediately after service to the defendant at the address given by the  
17 nonresident in a solicitation furnished by the nonresident, and the  
18 sender's post office receipt of sending and the plaintiff's or  
19 plaintiff's attorney's affidavit of compliance with this section are  
20 returned with the process in accordance with Washington superior court  
21 civil rules. Notwithstanding the foregoing requirements, however, once  
22 service has been made on the director as provided in this section, in  
23 the event of failure to comply with the requirement of notice to the  
24 nonresident, the court may order that notice be given that will be  
25 sufficient to apprise the nonresident.

26 NEW SECTION. **Sec. 15.** The director, in the director's discretion,  
27 may:

28 (1) Annually, or more frequently, make public or private  
29 investigations within or without this state as the director deems  
30 necessary to determine whether a registration should be granted,  
31 denied, revoked, or suspended, or whether a person has violated or is  
32 about to violate this chapter or a rule adopted or order issued under  
33 this chapter, or to aid in the enforcement of this chapter or in the  
34 prescribing of rules and forms of this chapter;

35 (2) Publish information concerning a violation of this chapter or  
36 a rule adopted or order issued under this chapter; and

37 (3) Investigate complaints concerning practices by sellers of  
38 travel for which registration is required by this chapter.

1        NEW SECTION.    **Sec. 16.**    For the purpose of an investigation or  
2 proceeding under this chapter, the director or any officer designated  
3 by the director may administer oaths and affirmations, subpoena  
4 witnesses, compel their attendance, take evidence, and require the  
5 production of any books, papers, correspondence, memoranda, agreements,  
6 or other documents or records which the director deems relevant or  
7 material to the inquiry.

8        NEW SECTION.    **Sec. 17.**    If it appears to the director that a person  
9 has engaged in an act or practice constituting a violation of this  
10 chapter or a rule adopted or order issued under this chapter, the  
11 director may, in the director's discretion, issue an order directing  
12 the person to cease and desist from continuing the act or practice.  
13 Reasonable notice of an opportunity for a hearing shall be given. The  
14 director may issue a temporary order pending the hearing, which shall  
15 remain in effect until ten days after the hearing is held and which  
16 shall become final if the person to whom the notice is addressed does  
17 not request a hearing within fifteen days after the receipt of the  
18 notice.

19        NEW SECTION.    **Sec. 18.**    The attorney general, a county prosecuting  
20 attorney, the director, or any person may, in accordance with the law  
21 of this state governing injunctions, maintain an action in the name of  
22 this state to enjoin a person or entity selling travel services for  
23 which registration is required by this chapter without registration  
24 from engaging in the practice until the required registration is  
25 secured. However, the injunction shall not relieve the person or  
26 entity selling travel services without registration from criminal  
27 prosecution therefor, but the remedy by injunction shall be in addition  
28 to any criminal liability.

29        NEW SECTION.    **Sec. 19.**    A person or business that violates an  
30 injunction issued under this chapter shall pay a civil penalty, as  
31 determined by the court, of not more than twenty-five thousand dollars,  
32 that shall be paid to the department. For the purpose of this section,  
33 the superior court issuing an injunction shall retain jurisdiction and  
34 the cause shall be continued, and in such cases the attorney general  
35 acting in the name of the state may petition for the recovery of civil  
36 penalties.

1        NEW SECTION.    **Sec. 20.**    The director or individuals acting on the  
2 director's behalf are immune from suit in any action, civil or  
3 criminal, based on disciplinary proceedings or other official acts  
4 performed in the course of their duties in the administration and  
5 enforcement of this chapter.

6        NEW SECTION.    **Sec. 21.**    (1) The director may assess against a  
7 person or organization that violates this chapter, or a rule adopted  
8 under this chapter, a civil penalty of not more than one thousand  
9 dollars for each violation.

10        (2) The person or organization shall be afforded the opportunity  
11 for a hearing, upon request made to the director within thirty days  
12 after the date of issuance of the notice of assessment. The hearing  
13 shall be conducted in accordance with chapter 34.05 RCW.

14        (3) A civil penalty shall be imposed by the court for each  
15 violation of this chapter in an amount not less than five hundred  
16 dollars nor more than two thousand dollars per violation.

17        (4) If a person fails to pay an assessment after it has become a  
18 final and unappealable order, or after the court has entered final  
19 judgment in favor of the state, the director may recover the amount  
20 assessed by action in the appropriate superior court. In the action,  
21 the validity and appropriateness of the final order imposing the  
22 penalty shall not be subject to review.

23        NEW SECTION.    **Sec. 22.**    The director may assess against a person or  
24 organization that violates this chapter, or a rule adopted under this  
25 chapter, the full amount of restitution as may be necessary to restore  
26 to a person an interest in money or property, real or personal, that  
27 may have been acquired by means of an act prohibited by or in violation  
28 of this chapter.

29        NEW SECTION.    **Sec. 23.**    In order to maintain or defend a lawsuit,  
30 a seller of travel must be registered with the department as required  
31 by this chapter and rules adopted under this chapter.

32        NEW SECTION.    **Sec. 24.**    (1) Each person who knowingly violates this  
33 chapter or who knowingly gives false or incorrect information to the  
34 director, attorney general, or county prosecuting attorney in filing  
35 statements required by this chapter, whether or not the statement or

1 report is verified, is guilty of a gross misdemeanor punishable under  
2 chapter 9A.20 RCW.

3 (2) A person who violates this chapter or who gives false or  
4 incorrect information to the director, attorney general, or county  
5 prosecuting attorney in filing statements required by this chapter,  
6 whether or not the statement or report is verified, is guilty of a  
7 misdemeanor punishable under chapter 9A.20 RCW.

8 NEW SECTION. **Sec. 25.** The administrative procedure act, chapter  
9 34.05 RCW, shall, wherever applicable, govern the rights, remedies, and  
10 procedures respecting the administration of this chapter.

11 NEW SECTION. **Sec. 26.** All information, documents, and reports  
12 filed with the director under this chapter are matters of public record  
13 and shall be open to public inspection, subject to reasonable  
14 regulation. The director may make public, on a periodic or other  
15 basis, the information as may be necessary or appropriate in the public  
16 interest concerning the registration, reports, and information filed  
17 with the director or any other matters to the administration and  
18 enforcement of this chapter.

19 NEW SECTION. **Sec. 27.** The legislature finds that the practices  
20 governed by this chapter are matters vitally affecting the public  
21 interest for the purpose of applying the consumer protection act,  
22 chapter 19.86 RCW. Any violation of this chapter is not reasonable in  
23 relation to the development and preservation of business and is an  
24 unfair and deceptive act or practice and unfair method of competition  
25 in the conduct of trade or commerce in violation of RCW 19.86.020.  
26 Remedies provided by chapter 19.86 RCW are cumulative and not  
27 exclusive.

28 NEW SECTION. **Sec. 28.** In addition to any other penalties or  
29 remedies under chapter 19.86 RCW, a person who is injured by a  
30 violation of this chapter may bring an action for recovery of actual  
31 damages, including court costs and attorneys' fees. No provision in  
32 this chapter shall be construed to limit any right or remedy provided  
33 under chapter 19.86 RCW.



1 19.138.070, and 19.138.080; prescribing penalties; and providing an  
2 effective date."

--- END ---