
HOUSE BILL 2221

State of Washington

56th Legislature

1999 Regular Session

By Representatives Hurst, Lambert, Constantine, O'Brien, Rockefeller, Ogden and Edwards

Read first time 02/22/1999. Referred to Committee on Judiciary.

1 AN ACT Relating to personal information acquired by merchants;
2 adding a new section to chapter 9.73 RCW; and prescribing penalties.

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

4 NEW SECTION. **Sec. 1.** A new section is added to chapter 9.73 RCW
5 to read as follows:

6 (1) No merchant, without giving notice to the purchaser, may sell,
7 trade, or transfer to any third person information which concerns the
8 purchaser and which is gathered in connection with the sale, rental, or
9 exchange of tangible personal property to the purchaser at the
10 merchant's place of business. Notice required by this section shall be
11 made at least by the prominent posting of a sign or signs in as many
12 locations as necessary to ensure that they are likely to be seen by
13 those patronizing the business. The sign shall inform a purchaser of
14 his or her right to make a request under this section and the
15 merchant's obligation to comply with that request. If requested by the
16 purchaser not to sell, trade, or transfer such information, the
17 merchant shall not do so. No merchant may sell, trade, or transfer any
18 information gathered solely as the result of any customer payment by

1 personal check, credit card, or where the merchant records the
2 customer's driver's license number.

3 (2) This section does not apply to the electronic transfer of
4 information necessary to confirm a credit or debit transaction when a
5 purchaser chooses to use a form of payment other than cash.

6 (3) For the purposes of this section "merchant" means any person or
7 entity engaged in the sale of goods in Washington state.

8 (4) Any merchant offering point of service financial benefits in
9 return for the provision of personal information shall permit consumers
10 to remain anonymous if they have concerns about their privacy.

11 (5) Any merchant who violates this section is liable for damages in
12 an amount determined by the trier of fact payable to the purchaser
13 whose personal information was sold or otherwise disclosed in violation
14 of this chapter. In addition, such purchaser may recover reasonable
15 attorneys' fees and costs.

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