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SENATE BILL 6314

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State of Washington 57th Legislature

2002 Regular Session

By Senator Prentice

Read first time 01/15/2002. Referred to Committee on Judiciary.

1 AN ACT Relating to choice of law and forum for computer information  
2 agreements; and adding a new chapter to Title 4 RCW.

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

4 NEW SECTION. **Sec. 1.** The definitions in this section apply  
5 throughout this chapter unless the context clearly requires otherwise.

6 (1) "Computer information agreement" means a contract or agreement  
7 that falls within the scope of the uniform computer information  
8 transactions act, whether or not that act actually applies.

9 (2) "Party" means a party to a computer information agreement.

10 (3) "Uniform computer information transactions act" means the  
11 uniform computer information transactions act as approved by the  
12 national conference of commissioners on uniform state laws and enacted  
13 in any jurisdiction, or any substantially similar law enacted in any  
14 jurisdiction.

15 (4) "Washington state party" means a party that is a resident of  
16 this state or has its principal place of business in this state.

17 NEW SECTION. **Sec. 2.** A provision in a computer information  
18 agreement that would result in application of the uniform computer

1 information transactions act to that agreement is voidable by any  
2 party. If the provision is so voided, the agreement will be governed  
3 by the laws of this state if at least one party is a Washington state  
4 party. In an action based on a computer information agreement that  
5 does not contain a choice of law provision, any party may object to the  
6 application of the uniform computer information transactions act to the  
7 agreement. If such an objection is made, the agreement will be  
8 governed by the laws of this state if at least one party is a  
9 Washington state party. A provision in a computer information  
10 agreement that specifies that litigation or another dispute resolution  
11 process is to occur in a state other than this state is voidable by any  
12 party, and the dispute resolution process will take place in this state  
13 if at least one party is a Washington state party. The provisions of  
14 this chapter reflect the fundamental policy of Washington state, and  
15 may not be varied by agreement of the parties.

16 NEW SECTION. **Sec. 3.** Sections 1 and 2 of this act constitute a  
17 new chapter in Title 4 RCW.

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