

SENATE BILL REPORT

SB 5721

As of February 21, 2005

Title: An act relating to publishing advertisements for sellers of travel.

Brief Description: Regulating advertising of travel services.

Sponsors: Senators Keiser, Kohl-Welles and Regala.

Brief History:

Committee Activity: Labor, Commerce, Research & Development: 2/15/05.

SENATE COMMITTEE ON LABOR, COMMERCE, RESEARCH & DEVELOPMENT

Staff: John Dziedzic (786-7784)

Background: Before 1996, travel charters and tour operators were required to register with the Department of Licensing (DOL), and to comply with certain disclosure, refund and advertising provisions. A statute adopted in 1994, which became effective January 1, 1996, revised those provisions, added new responsibilities, including a trust account requirement, and expanded the scope of the law to apply to all sellers of travel, including travel agencies.

A seller of travel may not advertise a travel service unless the seller of travel has verified that the service is available at the time of the advertisement, and must include their registration number on all advertisements that include a prices or dates of travel. The seller of travel must maintain records of the steps taken to verify the availability of the advertised service for one year.

Summary of Bill: Newspapers, magazines, billboards, and other advertising media are prohibited from publishing an advertisement for a travel service offered by a seller of travel unless the seller of travel is registered with DOL.

If the person submitting an advertisement for travel services is not a registered seller of travel, a publisher will not be liable for damages resulting from publication of the advertisement, if the publisher acted in good faith and without knowledge that the person submitting the advertisement was not registered.

Appropriation: None.

Fiscal Note: Not requested.

Committee/Commission/Task Force Created: No.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Testimony For: Washington's sellers of travel law is considered model legislation, but it has a loophole: there is no mechanism to force travel advertisers to comply with the requirement to

include their registration numbers on advertisements that refer to prices or travel dates. Travel advertisement publishers should be encouraged to not ignore this requirement.

Testimony Against: The bill as proposed does not recognize that there are several categories of businesses (e.g. cruise lines, airlines, hotels) that may advertise for travel services, but are exempt from the registration requirements of the current sellers of travel law. The onus for enforcing compliance with the law should not fall on newspapers and other publishers. There is no precedent for extending liability to publishers.

Who Testified: PRO: Steve Danishek, TMA Travel.

CON: Joe Daniels, Holland America Cruise Lines; Rowland Thompson, Allied Daily Newspapers of WA.