
HOUSE BILL 2785

State of Washington 61st Legislature 2010 Regular Session

By Representatives Hudgins, Morris, Hasegawa, Wallace, and Kenney

Read first time 01/14/10. Referred to Committee on Technology, Energy & Communications.

1 AN ACT Relating to theft of electronic devices; and adding a new
2 chapter to Title 19 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) "Issuing company" means the company that provided the personal
7 electronic device to the consumer, the company providing service to the
8 personal electronic device, or the company that tracks or uses data
9 from a device owned by a consumer.

10 (2) "Personal electronic device" means a privately owned wireless
11 or portable electronic handheld piece of equipment that includes, but
12 is not limited to, existing and emerging mobile communications systems
13 and smart technologies, portable electronic book reading devices,
14 portable internet devices, and personal digital assistants. "Personal
15 electronic device" also includes any current or emerging wireless
16 handheld technologies or portable information technology systems that
17 may be used for word processing, wireless internet access, or image
18 capture or recording. "Personal electronic device" may also include

1 those electronic devices designed and sold with the intention of
2 establishing an ongoing relationship with a vendor, such as a
3 subscription to content or access.

4 NEW SECTION. **Sec. 2.** (1) Except as provided in subsection (2) of
5 this section, an issuing company may not sell content in connection
6 with a personal electronic device to a consumer that is not the owner
7 of the personal electronic device if the issuing company knows that:

8 (a) There is a dispute concerning the ownership of the personal
9 electronic device; and

10 (b) The personal electronic device used to belong to someone other
11 than the consumer who is attempting to purchase content for the
12 personal electronic device.

13 (2) This section does not apply to:

14 (a) An issuing company that attempts in good faith to contact at
15 least three times the owner of the personal electronic device as
16 indicated in the registration information associated with the personal
17 electronic device; or

18 (b) A relative or spouse of the owner of the personal electronic
19 device that attempts to purchase content for the personal electronic
20 device.

21 NEW SECTION. **Sec. 3.** (1) Within thirty days of receipt of proof
22 of the consumer's ownership of the personal electronic device and a
23 copy of a police report filed by the consumer, evidencing the
24 consumer's claim to be a victim of theft under chapter 9A.56 RCW, an
25 issuing company shall deactivate or disable the personal electronic
26 device, if feasible, so that the personal electronic device is
27 inoperable.

28 (2) The issuing company may decline to deactivate or disable a
29 consumer's personal electronic device if, in the exercise of good faith
30 and reasonable judgment after consulting with the law enforcement
31 agency that assisted the consumer in preparing the police report, the
32 issuing company believes the personal electronic device was not stolen.

33 (3) If the consumer recovers the personal electronic device after
34 reporting it stolen, the consumer must notify the issuing company and
35 law enforcement within five days of recovering the device.

1 (4) In order to facilitate the exercise of a consumer's right to
2 request that their personal electronic device be deactivated or
3 disabled, all police and sheriff's departments in Washington state
4 shall provide to the consumer, at the consumer's request, a copy of any
5 police report, filed by the consumer, evidencing the consumer's claim
6 to be a victim of theft under chapter 9A.56 RCW.

7 (5) An issuing company may not be held liable if, due to
8 misrepresentation by the consumer, the issuing company deactivates or
9 disables a personal electronic device possessed by a person that is, in
10 fact, the rightful owner of the electronic device.

11 (6) A consumer that misrepresents material facts in a police report
12 filed pursuant to this chapter may be liable for perjury under chapter
13 9A.72 RCW.

14 (7) Nothing in this section may be construed to require a law
15 enforcement agency to investigate reports claiming theft of a personal
16 electronic device.

17 NEW SECTION. **Sec. 4.** This act may be known and cited as the
18 consumer protection act for electronic devices.

19 NEW SECTION. **Sec. 5.** Sections 1 through 4 of this act constitute
20 a new chapter in Title 19 RCW.

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