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HOUSE BILL 2968

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State of Washington

61st Legislature

2010 Regular Session

By Representative Hudgins

Read first time 01/19/10. Referred to Committee on Technology, Energy & Communications.

1 AN ACT Relating to loss 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.** An issuing company may not sell content in  
5 connection with a personal electronic device to a consumer that is not  
6 the owner of the personal electronic device if the issuing company  
7 receives a notarized statement from the owner of the personal  
8 electronic device attesting that the personal electronic device has  
9 been lost.

10 NEW SECTION. **Sec. 3.** (1) Within thirty days of receipt of proof  
11 of the consumer's ownership of the personal electronic device and a  
12 copy of a police report filed by the consumer, evidencing the  
13 consumer's claim to be a victim of theft under chapter 9A.56 RCW, an  
14 issuing company shall:

15 (a) Deactivate or disable the personal electronic device, if  
16 feasible, so that the personal electronic device is inoperable; and

17 (b) Cease providing content in connection with the personal  
18 electronic device.

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

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

30 (4) An issuing company may not be held liable if, due to  
31 misrepresentation by the consumer, the issuing company deactivates or  
32 disables a personal electronic device possessed by a person that is, in  
33 fact, the rightful owner of the electronic device.

34 (5) A consumer that misrepresents material facts in a police report  
35 filed pursuant to this chapter may be liable for perjury under chapter  
36 9A.72 RCW.

1           (6) Nothing in this section may be construed to require a law  
2 enforcement agency to investigate reports claiming theft of a personal  
3 electronic device.

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

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

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