
SENATE BILL 5866

State of Washington

61st Legislature

2009 Regular Session

By Senators Kohl-Welles, Franklin, Kline, and Keiser

Read first time 02/05/09. Referred to Committee on Labor, Commerce & Consumer Protection.

1 AN ACT Relating to protecting consumers in the event of a product
2 recall or safety warning; and adding a new 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) "Children's product" means a product including, but not limited
7 to, a full-size crib, nonfull-size crib, toddler bed, bed, car seat,
8 high chair, booster chair, hook-on chair, bath seat, gate or other
9 enclosure for confining a child or infant, play yard, stationary
10 activity center, carrier, stroller, walker, swing, or toy or play
11 equipment that meets the following criteria:

12 (a) The product is designed or intended for the care of, or use by,
13 any child under the age of twelve; and

14 (b) The product is designed or intended to come into contact with
15 the child while the product is used.

16 (2) "Product" means an item used by a consumer including, but not
17 limited to, a children's product, motor vehicles, boats, food,
18 medicine, cosmetics, and environmental products.

1 (3) "Retailer" means any business selling a product that has not
2 been used or has not been previously owned. "Retailer" does not
3 include a consignment, secondhand, or similar store; however, if the
4 consignment, secondhand, or other similar store sells a new product
5 that is subject to a product recall or safety warning, section 2 of
6 this act applies.

7 NEW SECTION. **Sec. 2.** If a product warning or recall is issued and
8 available through <http://www.recalls.gov> or its successor web site, the
9 retailer shall provide notice to its customers by posting a copy of the
10 actual recall notice, including posting the notice or a link to the
11 notice on the retailer's web site.

12 (1) The notice must be posted within five business days of becoming
13 available on <http://www.recalls.gov> or its successor web site.

14 (2) The notice must remain conspicuously posted for a minimum of
15 thirty days.

16 (3) The product for which the warning or recall is issued may not
17 be knowingly sold.

18 NEW SECTION. **Sec. 3.** The legislature finds that the practices
19 covered by this section are matters vitally affecting the public
20 interest for the purpose of applying the consumer protection act,
21 chapter 19.86 RCW. A violation of this section is not reasonable in
22 relation to the development and preservation of business and is an
23 unfair or deceptive act in trade or commerce and an unfair method of
24 competition for the purpose of applying the consumer protection act,
25 chapter 19.86 RCW.

26 NEW SECTION. **Sec. 4.** This chapter may be known and cited as the
27 product safety recall act.

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

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