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HOUSE BILL 1652

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State of Washington

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By Representatives Frockt, Kenney, Reykdal, Rolfes, Probst, Goodman, Maxwell, McCoy, Jacks, Jenkins, Ryu, Kagi, Ladenburg, Stanford, Hasegawa, Fitzgibbon, Blake, Billig, Roberts, Clibborn, Ormsby, Moscoso, Hudgins, and Lias

Read first time 01/28/11. Referred to Committee on Judiciary.

1 AN ACT Relating to electronic impersonation; adding a new section  
2 to chapter 4.24 RCW; and creating a new section.

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

4 NEW SECTION. **Sec. 1.** The legislature finds that electronic  
5 impersonation is on the rise as more people conduct personal business  
6 in an online setting. In some cases, electronic impersonation can  
7 result in damage to a person's reputation or other harmful  
8 repercussions. Therefore, it is the intent of the legislature to  
9 clarify that a person who suffers harm as a result of electronic  
10 impersonation may be able to bring a civil invasion of privacy claim.

11 NEW SECTION. **Sec. 2.** A new section is added to chapter 4.24 RCW  
12 to read as follows:

13 (1) A person who appropriates the reputation, prestige, social, or  
14 commercial standing of another person by impersonation, through an  
15 internet web site or by other electronic means, may be liable in a  
16 civil action based on the common law theory of invasion of privacy.

17 (2) A person who suffers damages or harm as a result of a violation

1 of this section may bring a civil action to recover actual damages.  
2 The court may, in its discretion, award injunctive and declaratory  
3 relief as necessary.

4 (3) This section may not be construed as imposing any liability  
5 upon an internet service provider, computer hardware or software  
6 provider, or web site operator or administrator. However, nothing in  
7 this section is intended to preclude other common law causes of action  
8 against such entities.

9 (4) This section may not be construed as limiting any common law or  
10 statutory privilege or immunity, now or hereafter existing under this  
11 section, of any person regarding any action for damages or injunctive  
12 relief, or as precluding the prosecution under another provision of law  
13 of any person who has violated this section.

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