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SENATE BILL 5696

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State of Washington

62nd Legislature

2011 Regular Session

By Senators Prentice, Benton, Hobbs, and Keiser

Read first time 02/07/11. Referred to Committee on Financial Institutions, Housing & Insurance.

1 AN ACT Relating to clarifying that prepaid wireless services are  
2 not intended to be considered as gift cards or gift certificates; and  
3 amending RCW 19.240.010.

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

5 **Sec. 1.** RCW 19.240.010 and 2004 c 168 s 2 are each amended to read  
6 as follows:

7 The definitions in this section apply throughout this chapter  
8 unless the context clearly requires otherwise.

9 (1) "Artistic and cultural organization" has the same meaning as in  
10 RCW 82.04.4328.

11 (2) "Charitable organization" means an organization exempt from tax  
12 under section 501(c)(3) of the internal revenue code of 1986 (26 U.S.C.  
13 Sec. 501(c)(3)).

14 (3) "Fund-raising activity" has the same meaning as in RCW  
15 82.04.3651.

16 (4)(a) "Gift card" means a record as described in subsection (5) of  
17 this section in the form of a card, or a stored value card or other  
18 physical medium, containing stored value primarily intended to be  
19 exchanged for consumer goods and services.

1        (b) "Gift card" does not include prepaid telephone calling cards or  
2 prepaid commercial mobile radio services as defined in 47 C.F.R. 20.3.

3        (5)(a) "Gift certificate" means an instrument evidencing a promise  
4 by the seller or issuer of the record that consumer goods or services  
5 will be provided to the bearer of the record to the value or credit  
6 shown in the record and includes gift cards.

7        (b) "Gift certificate" does not include prepaid telephone calling  
8 cards or prepaid commercial mobile radio services as defined in 47  
9 C.F.R. 20.3.

10       (6) "Bearer" means a person with a right to receive consumer goods  
11 and services under the terms of a gift certificate, without regard to  
12 any fee, expiration date, or dormancy or inactivity charge.

13       (7) "Issue" means to sell or otherwise provide a gift certificate  
14 to any person, and includes reloading or adding value to an existing  
15 gift certificate.

16       (8) "Stored value" has the same meaning as the term "closed loop  
17 stored value device" defined in RCW 19.230.010.

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