

CERTIFICATION OF ENROLLMENT

HOUSE BILL 1867

Chapter 213, Laws of 2011

62nd Legislature
2011 Regular Session

GIFT CERTIFICATES AND CARDS--PREPAID WIRELESS SERVICES

EFFECTIVE DATE: 07/22/11

Passed by the House March 1, 2011
Yeas 94 Nays 3

FRANK CHOPP

Speaker of the House of Representatives

Passed by the Senate April 12, 2011
Yeas 47 Nays 0

BRAD OWEN

President of the Senate

Approved April 29, 2011, 4:13 p.m.

CHRISTINE GREGOIRE

Governor of the State of Washington

CERTIFICATE

I, Barbara Baker, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is **HOUSE BILL 1867** as passed by the House of Representatives and the Senate on the dates hereon set forth.

BARBARA BAKER

Chief Clerk

FILED

April 29, 2011

**Secretary of State
State of Washington**

HOUSE BILL 1867

Passed Legislature - 2011 Regular Session

State of Washington 62nd Legislature 2011 Regular Session

By Representatives Kelley, Rivers, Kirby, and Stanford

Read first time 02/07/11. Referred to Committee on Business & Financial Services.

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.

Passed by the House March 1, 2011.

Passed by the Senate April 12, 2011.

Approved by the Governor April 29, 2011.

Filed in Office of Secretary of State April 29, 2011.