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**SENATE BILL 5211**

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**State of Washington**

**63rd Legislature**

**2013 Regular Session**

**By** Senators Hobbs, Eide, Kline, Ranker, Hatfield, Harper, Billig, Hasegawa, Kohl-Welles, Shin, Keiser, Frockt, Rolfes, Hill, Conway, and Nelson

Read first time 01/23/13. Referred to Committee on Commerce & Labor.

1 AN ACT Relating to social networking accounts and profiles; adding  
2 new sections to chapter 49.44 RCW; and prescribing penalties.

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

4 NEW SECTION. **Sec. 1.** A new section is added to chapter 49.44 RCW  
5 to read as follows:

6 (1) It shall be unlawful for any person, firm, corporation, or the  
7 state of Washington, its political subdivisions, or municipal  
8 corporations to require, directly or indirectly, as a condition of  
9 employment or continued employment, that any employee or prospective  
10 employee submit any password or other related account information in  
11 order to gain access to the employee's or prospective employee's  
12 account or profile on a social networking web site or to demand access  
13 in any manner to an employee's or prospective employee's account or  
14 profile on a social networking web site. For the purposes of this  
15 subsection, "social networking web site" means an internet-based  
16 service that allows individuals to construct a public or semipublic  
17 profile within a system created by the service; create a list of other  
18 users with whom they share a connection within the system; and view and

1 navigate their list of connections and those made by others within the  
2 system.

3 (2) Nothing in this section shall prohibit an employer from  
4 obtaining information about an employee or prospective employee that is  
5 in the public domain or that is otherwise obtained in compliance with  
6 this section.

7 NEW SECTION. **Sec. 2.** A new section is added to chapter 49.44 RCW  
8 to read as follows:

9 In a civil action alleging a violation of section 1 of this act,  
10 the court may:

11 (1) Award a penalty in the amount of five hundred dollars to a  
12 prevailing employee or prospective employee in addition to any award of  
13 actual damages;

14 (2) Award reasonable attorneys' fees and costs to the prevailing  
15 employee or prospective employee; and

16 (3) Pursuant to RCW 4.84.185, award any prevailing party against  
17 whom an action has been brought for a violation of section 1 of this  
18 act reasonable expenses and attorneys' fees upon final judgment and  
19 written findings by the trial judge that the action was frivolous and  
20 advanced without reasonable cause.

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