**1422.E AMS CL S2802.1 - NOT FOR FLOOR USE**

**EHB 1422** - S COMM AMD

By Committee on Commerce & Labor

**ADOPTED 4/14/2015**

Strike everything after the enacting clause and insert the following:

"**Sec.**  RCW 19.160.010 and 1999 c 156 s 1 are each amended to read as follows:

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

(1) "Local telephone directory" means a publication listing telephone numbers for various businesses in a certain geographic area and distributed free of charge to some or all telephone subscribers in that area.

(2) "Local telephone number" means a ((~~telephone number that can be dialed without incurring long distance charges from telephones located within the area covered by the local telephone directory in which the number is listed. The term does not include long distance numbers, toll-free numbers, or 900 exchange numbers listed in a local telephone directory~~)) specific telephone number, area code and prefix, assigned for the purpose of completing local calls between a calling party or station and any other party or station within a designated exchange or all of its designated local calling areas. The term "local telephone number" does not include long distance telephone numbers or any toll-free telephone numbers listed in a local telephone directory.

(3) "Person" means an individual, partnership, limited liability partnership, corporation, or limited liability corporation.

**Sec.**  RCW 19.160.030 and 1999 c 156 s 2 are each amended to read as follows:

((~~No person engaged in the selling, delivery, or solicitation of cut flowers, flower arrangements, or floral products may misrepresent his, her, or its geographic location by:~~

~~(1) Listing a local telephone number in a local telephone directory if:~~

~~(a) Calls to the telephone number are routinely forwarded or otherwise transferred to a business location that is outside the calling area covered by the local telephone directory; and~~

~~(b) The listing fails to conspicuously disclose the locality and state in which the business is located; or~~

~~(2) Listing a business name in a local telephone directory if:~~

~~(a) The name misrepresents the business's geographic location; and~~

~~(b) The listing fails to disclose the locality and state in which the business is located.~~)) (1) For purposes of this section, "floral or ornamental products or services" means floral arrangements, cut flowers, floral bouquets, potted plants, balloons, floral designs, and related products and services.

(2) It is a violation for a provider or vendor of floral or ornamental products or services to misrepresent the geographic location of its business by doing either of the following:

(a) Listing a local telephone number in any advertisement or listing, unless the advertisement or listing identifies the true physical address, including the city, of the provider's or vendor's business; or

(b) Listing a fictitious business name or an assumed business name in any advertisement or listing if both of the following criteria are met:

(i) The name of the business misrepresents the provider's or vendor's geographic location; and

(ii) The advertisement or listing does not identify the true physical address, including the city and state, of the provider's or vendor's business.

(3) A violation of this section is punishable, exclusively, by a fine not to exceed two hundred fifty dollars.

(4) This section does not create or impose any duty or obligation on a person other than a vendor or provider of floral or ornamental products or services.

(5) This section does not apply to any of the following:

(a) A publisher of a telephone directory or other publication or a provider of a directory assistance service publishing or providing information about another business.

(b) An internet web site that aggregates and provides information about other businesses.

(c) An owner or publisher of a print advertising medium providing information about other businesses.

(d) An internet service provider.

(e) An internet service that displays or distributes advertisements for other businesses."

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On page 1, line 2 of the title, after "businesses;" strike the remainder of the title and insert "amending RCW 19.160.010 and 19.160.030; and prescribing penalties."

EFFECT: Mispresentation of geographic location is by (1) listing a local telephone number in any advertisement or listing, unless it identifies the true physical address or (2) listing a fictitious business name in any advertisement or listing if the name misrepresents the geographic location and the advertisement or listing does not identify the true physical address. The amendment also provides an exclusive fine for a violation; removes the requirement that the businesses must display either their business license number or UBI account number on business web sites and all advertising; and provides exceptions to the misrepresentation provisions for telephone directory publishers, web site aggregators, advertising publishers, internet service providers, and internet services displaying and distributing advertisements for other businesses.