
SUBSTITUTE HOUSE BILL 1212

State of Washington

64th Legislature

2015 Regular Session

By House Business & Financial Services (originally sponsored by Representatives G. Hunt, Goodman, Blake, Wilcox, Lytton, Taylor, Scott, Shea, Young, and McCaslin)

READ FIRST TIME 02/17/15.

1 AN ACT Relating to prohibiting retail businesses from recording
2 consumer identification information during transactions; amending RCW
3 19.192.020; adding a new section to chapter 9.73 RCW; and creating a
4 new section.

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

6 **Sec. 1.** RCW 19.192.020 and 2003 c 89 s 2 are each amended to
7 read as follows:

8 (1) Any provision of a contract between a merchant or retailer
9 and a credit or debit card issuer, financial institution, or other
10 person that prohibits the merchant or retailer from verifying the
11 identity of a customer who offers to pay for goods or services with a
12 credit or debit card by requiring or requesting that the customer
13 present additional identification is void for violation of public
14 policy.

15 (2) Nothing in this section shall be interpreted as ~~((+-(a)))~~
16 compelling merchants or retailers to verify identification ~~((+-(b))~~
17 interfering with the ability of) during a transaction for the
18 purchase or return of goods or services.

19 (3) The owner or manager of a retail store or chain ~~((+-(c)))~~ may
20 make and enforce its own policies regarding verification of
21 identification, except that an owner, manager, or employee may not

1 copy or record a customer's personal information contained on a photo
2 or other identification unless:

3 (a) The information is required to complete the transaction, such
4 as for shipping purposes, check verification, or there is a
5 reasonable need to establish the customer's identity;

6 (b) State or federal law requires the retail store or chain to
7 obtain a consumer's personal information when completing a sale; or

8 (c) There is a reasonable basis supported by specific facts or
9 circumstances to conclude that the consumer's personal information is
10 necessary for prevention of fraud, theft, identity theft, or other
11 criminal activity.

12 (4) The prohibitions in subsection (3) of this section do not
13 apply when the consumer voluntarily provides information to the
14 retailer to obtain a benefit or service, such as a credit or debit
15 card, a club card, or a rewards card offered by the retailer.

16 NEW SECTION. Sec. 2. The legislature finds that the practices
17 covered by section 1(3) of this act are matters vitally affecting the
18 public interest for the purpose of applying chapter 19.86 RCW. A
19 violation of this chapter is not reasonable in relation to the
20 development and preservation of business and is an unfair or
21 deceptive act in trade or commerce and an unfair method of
22 competition for the purpose of applying chapter 19.86 RCW.

23 NEW SECTION. Sec. 3. A new section is added to chapter 9.73 RCW
24 to read as follows:

25 Every person who violates RCW 19.192.020(3) is subject to legal
26 action for civil damages pursuant to RCW 9.73.060.

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