
HOUSE BILL 1763

State of Washington 64th Legislature 2015 Regular Session

By Representatives Van De Wege, Lytton, Riccelli, and Tharinger

Read first time 01/28/15. Referred to Committee on Business & Financial Services.

1 AN ACT Relating to regulating music licensing agencies; adding a
2 new chapter to Title 19 RCW; and prescribing penalties.

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

4 NEW SECTION. **Sec. 1.** The definitions in this section apply
5 throughout this chapter unless the context clearly requires
6 otherwise.

7 (1) "Department" means the department of licensing.

8 (2) "Music licensing agency" means any individual, partnership,
9 association, limited liability company, limited liability
10 partnership, trust, corporation, and any other legal entity of two or
11 more copyright owners or proprietors, which has or claims the
12 exclusive or nonexclusive authority to issue, grant, or to contract
13 for performing rights licenses for two or more copyright owners.

14 (3) "User" means any person who, directly or indirectly, performs
15 or causes to be performed, musical composition for profit.

16 NEW SECTION. **Sec. 2.** A music licensing agency that licenses the
17 performing rights to music may not license or attempt to license the
18 use of or collect or attempt to collect any compensation on account
19 of any sale, license, or other disposition regarding the performance
20 rights of music unless the music licensing agency:

1 (1) Files annually with the secretary of state in duplicate a
2 certified copy of each performing rights contract or license
3 agreement made available from the music licensing agency or copyright
4 owner to any user within the state;

5 (2) Completes a master business application and supplemental
6 information form, as prescribed by the department; and

7 (3) Pays annually to the department a registration fee of one
8 thousand five hundred dollars.

9 NEW SECTION. **Sec. 3.** A music licensing agency is subject to a
10 civil penalty of not more than one thousand dollars for each separate
11 violation of this chapter. Multiple violations on a single day may be
12 considered separate violations. The penalty may be imposed by the
13 department or in any court of competent jurisdiction and may be
14 imposed separately and in addition to any private party claims for
15 violations under this chapter.

16 NEW SECTION. **Sec. 4.** A person employed by or working as a
17 contractor or agent for a music licensing agency may not enter onto
18 the premises of a proprietor's business for the purpose of seeking or
19 establishing a basis for seeking payment or a contract for payment of
20 royalties for the use of copyrighted works by that proprietor without
21 first identifying himself or herself to the proprietor or the
22 proprietor's employees and disclosing that the person is acting on
23 behalf of a music licensing agency and disclosing the purposes for
24 being on the premises.

25 NEW SECTION. **Sec. 5.** The legislature finds that the practices
26 covered by section 4 of this act are matters vitally affecting the
27 public interest for the purpose of applying the consumer protection
28 act, chapter 19.86 RCW. A violation of this chapter is not reasonable
29 in relation to the development and preservation of business and is an
30 unfair or deceptive act in trade or commerce and an unfair method of
31 competition for the purpose of applying the consumer protection act,
32 chapter 19.86 RCW.

33 NEW SECTION. **Sec. 6.** In collaboration with the office of the
34 attorney general, the department shall conduct a consumer alert
35 campaign to inform business proprietors of their rights and
36 responsibilities regarding the public performance of copyrighted

1 music. Any fees collected pursuant to section 2 of this act and any
2 penalties imposed pursuant to section 3 of this act must be used to
3 fund the consumer alert campaign.

4 NEW SECTION. **Sec. 7.** Sections 1 through 6 of this act
5 constitute a new chapter in Title 19 RCW.

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