
SUBSTITUTE SENATE BILL 5054

State of Washington

53rd Legislature

1993 Regular Session

By Senate Committee on Law & Justice (originally sponsored by Senators A. Smith, Winsley and Erwin)

Read first time 02/01/93.

1 AN ACT Relating to sports collectibles; adding a new chapter to
2 Title 19 RCW; and prescribing penalties.

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

4 NEW SECTION. **Sec. 1.** The business of sports memorabilia is a
5 commercial enterprise of significance. Many people, and in particular
6 many children, are entering the sports collectible market for the first
7 time. Autographed items and other items believed to be authentic often
8 command a premium price far in excess of the original cost of the item.
9 Without a method to protect the public from the sale of counterfeit
10 sports collectibles, the opportunity for fraud in such sales is great.

11 Therefore, the legislature finds that sales of sports collectibles
12 by unscrupulous sports collectible dealers who make false claims of
13 authenticity threatens the legitimate business and hobby of sports
14 memorabilia collecting, and that a requirement that sellers certify the
15 authenticity of more expensive items is necessary to protect the
16 public.

1 NEW SECTION. **Sec. 2.** Unless the context clearly requires
2 otherwise, the definitions in this section apply throughout this
3 chapter.

4 (1) "Authentic" means that an item is the actual item that it is
5 represented to be.

6 (2) "Autographed" means bearing the actual signature of a sports
7 personality, signed by such individual's own hand.

8 (3) "Collectible" means a sports item including, but not limited
9 to, a photograph, book, ticket, plaque, sports program, item of sports
10 equipment or clothing, or other sports memorabilia sold or offered for
11 sale in or from this state by a dealer to a consumer for one hundred
12 dollars or more.

13 (4) "Consumer" means a natural person who purchases a collectible
14 from a dealer for a noncommercial purpose.

15 (5) "Dealer" means a person, including an auctioneer, who is in the
16 business of selling or offering for sale in or from this state any
17 collectible to consumers. "Dealer" does not include a person making a
18 casual or isolated sale as defined in RCW 82.04.040.

19 (6) "Description" means a written or verbal representation,
20 including but not limited to a representation contained in an
21 advertisement, invoice, catalog, flyer, sign, brochure, or other
22 commercial or promotional material. The term shall also include a
23 representation contained in a prepared script and made for the purpose
24 of selling a collectible in a radio or television broadcast to the
25 public in or from this state.

26 (7) "Person" means a natural person, partnership, corporation,
27 company, trust, association, or other entity, however organized.

28 NEW SECTION. **Sec. 3.** Whenever a dealer, in selling or offering to
29 sell in or from this state a collectible to a consumer, provides a
30 description of the collectible as being autographed or authentic, or
31 both, the dealer shall furnish to the consumer at the time of sale a
32 certificate of authenticity. The certificate of authenticity shall be
33 in writing, dated, and signed by the dealer or authorized agent. The
34 certificate shall be in at least ten-point boldface type and shall
35 contain the dealer's true legal name and street address. Each
36 certificate of authenticity shall:

37 (1) Describe the collectible and the name of the sports personality
38 who autographed it and specify the purchase price;

1 (2) Contain an express warranty, which shall be presumed to be part
2 of the basis of the bargain, of the authenticity of the collectible.
3 The warranty shall not be negated or limited because the dealer in the
4 certificate does not use formal words such as "warranty," or
5 "guarantee," or because the dealer does not have a specific intention
6 or authorization to make a warranty or because a statement relevant to
7 the collectible is, or purports to be, or is capable of being, merely
8 the dealer's opinion. The warranty shall state that the dealer will
9 make a full cash refund upon request within thirty days of the sale.
10 A full cash refund is contingent on whether the returned item is in the
11 same condition as when sold, and if the returned item is accompanied by
12 the certificate of authenticity that was supplied during the original
13 transaction;

14 (3) Should the description include a claim that the collectible is
15 autographed, state the place, and date, when the sports personality
16 autographed the collectible, if known; however, if either the place or
17 date, or both, is not known, the certificate shall contain an explicit
18 statement to the effect; and

19 (4) Specify whether the collectible is offered as one of a limited
20 edition and, if so:

21 (a) How the collectible and the edition is numbered; and

22 (b) The size of the edition and the size of a prior or anticipated
23 future edition.

24 NEW SECTION. **Sec. 4.** (1) No dealer shall represent that a
25 collectible is autographed if it was signed other than by the sports
26 personality in his or her own hand.

27 (2) No dealer shall sell or offer for sale in or from this state a
28 collectible to a consumer unless, at the location where the sale
29 occurs, in close proximity to the merchandise, the dealer places a
30 conspicuous sign that reads:

31 **SALE OF SPORTS MEMORABILIA**

32 WASHINGTON STATE LAW REQUIRES THAT A DEALER WHO SELLS TO A
33 CONSUMER ANY SPORTS MEMORABILIA DESCRIBED AS BEING AUTHENTIC OR
34 PERSONALLY AUTOGRAPHED, FOR ONE HUNDRED DOLLARS OR MORE, MUST
35 PROVIDE A WRITTEN CERTIFICATE OF AUTHENTICITY AT THE TIME OF
36 SALE.

1 (3) A dealer engaged in a mailorder or telephone order business who
2 sells or offers for sale in or from this state a collectible to a
3 consumer shall include in an advertisement relating to an item the
4 disclosure required by subsection (2) of this section. With respect to
5 a written advertisement, the disclosure shall be made in type of
6 conspicuous size.

7 NEW SECTION. **Sec. 5.** A person violating this chapter is guilty of
8 a gross misdemeanor and shall incur the penalties set forth in RCW
9 9.92.020.

10 NEW SECTION. **Sec. 6.** The legislature finds that the practices
11 covered by this chapter are matters vitally affecting the public
12 interest for the purpose of applying the consumer protection act,
13 chapter 19.86 RCW. Violations of this chapter are not reasonable in
14 relation to the development and preservation of business. A violation
15 of this chapter is an unfair or deceptive act in trade or commerce and
16 an unfair method of competition for the purpose of applying the
17 consumer protection act, chapter 19.86 RCW.

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

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