

2 **SHB 2785** - S COMM AMD
3 By Committee on Commerce & Labor

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5 Strike everything after the enacting clause and insert the
6 following:

7 "**Sec. 1.** RCW 19.170.030 and 1991 c 227 s 3 are each amended to
8 read as follows:

9 (1) The offer must identify the name and address of the promoter
10 and the sponsor of the promotion.

11 (2) The offer must state the verifiable retail value of each prize
12 offered in it.

13 (3)(a) If an element of chance is involved, each offer must state
14 the odds the participant has of being awarded each prize. The odds
15 must be expressed in Arabic numerals, in ratio form, based on the total
16 number of prizes to be awarded and the total number of offers
17 distributed.

18 (b) If the promotion identified in the offer is part of a
19 collective promotion with more than one participating sponsor, that
20 fact must be clearly and conspicuously disclosed.

21 (c) The odds must be stated in a manner that will not deceive or
22 mislead a person about that person's chance of being awarded a prize.

23 (4) The verifiable retail value and odds for each prize must be
24 stated in immediate proximity on the same page with the first listing
25 of each prize in type at least as large as the typeface used in the
26 standard text of the offer.

27 (5) If a person is required or invited to view, hear, or attend a
28 sales presentation in order to claim a prize that has been awarded, may
29 have been awarded, or will be awarded, the requirement or invitation
30 must be conspicuously disclosed under subsection (7) of this section to
31 the person in the offer in bold-face type at least as large as the
32 typeface used in the standard text of the offer (~~on the first page of~~
33 ~~the offer~~)).

34 (6) No item in an offer may be denominated a prize, gift, award,
35 premium, or similar term that implies the item is free if, in order to
36 receive the item or use the item for its intended purpose the intended

1 recipient is required to spend any sum of money, including but not
2 limited to shipping fees, deposits, handling fees, payment for one item
3 in order to receive another at no charge, or the purchase of another
4 item or the expenditure of funds in order to make meaningful use of the
5 item awarded in the promotion. The payment of any applicable state or
6 federal taxes by a recipient directly to a government entity is not a
7 violation of this section.

8 (7) If the receipt of the prize is contingent upon certain
9 restrictions or qualifications that the recipient must meet, or if the
10 use or availability of the prize is restricted or qualified in any way,
11 including, but not limited to restrictions on travel dates, travel
12 times, classes of travel, airlines, accommodations, travel agents, or
13 tour operators, the restrictions or qualifications must be disclosed on
14 the offer in immediate proximity on the same page with the first
15 listing of the prize in type at least as large as the typeface used in
16 the standard text of the offer or, in place thereof, the following
17 statement printed in direct proximity to the prize or prizes awarded in
18 type at least as large as the typeface used in the standard text of the
19 offer:

20 (~~"Major restrictions may apply to the use, availability, or~~
21 ~~receipt of the prize(s) awarded."~~) "Details and qualifications
22 for participation in this promotion may apply."

23 This statement must be followed by a disclosure, in the same size
24 type as the statement, indicating where in the offer the restrictions
25 may be found. The restrictions must be printed in type at least as
26 large as the typeface used in the standard text of the offer.

27 (8) If a prize will not be awarded or given unless a winning
28 ticket, the offer itself, a token, number, lot, or other device used to
29 determine winners in a particular promotion is presented to a promoter
30 or a sponsor, this fact must be clearly stated on the first page of the
31 offer."

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1 On page 1, line 1 of the title, after "promotions;" strike the
2 remainder of the title and insert "and amending RCW 19.170.030."

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