

SENATE BILL REPORT

SHB 1829

As Reported By Senate Committee On:
Commerce & Labor, February 23, 1998

Title: An act relating to trade-in or exchange of computer hardware.

Brief Description: Requiring a record of transaction for trade-in or exchange of computer hardware.

Sponsors: House Committee on Commerce & Labor (originally sponsored by Representative Van Luven).

Brief History:

Committee Activity: Commerce & Labor: 4/3/97, 4/4/97 [DP]; 2/20/98, 2/23/98 [DP].

SENATE COMMITTEE ON COMMERCE & LABOR

Majority Report: Do pass.

Signed by Senators Schow, Chair; Horn, Vice Chair; Franklin, Fraser, Heavey and Newhouse.

Staff: Patrick Woods (786-7430)

Background: The pawnbrokers and second-hand dealers statutes require pawnbrokers and second-hand dealers to record information about their transactions. This information includes the parties and the property that are the subject of the transactions.

A pawn broker or secondhand dealer, upon the request of the chief of police or the chief county law enforcement officer, must furnish a record of all transactions conducted on the preceding day. Any property that is suspected to be lost or stolen must be promptly reported to local law enforcement, along with identifying information on the property, the owner, if known, and the person from whom the property was received. Violations of the statute are gross misdemeanors.

Transactions that involve trade-ins or exchanges on the purchase of other similar property of the same or greater value are exempt from provisions that apply to transactions by pawnbrokers and second-hand dealers. There are no similar provisions relating to the trade-in or exchange of goods under the Uniform Commercial Code.

Summary of Bill: A retail establishment that accepts computer hardware as a trade-in or exchange for other computer hardware of greater value is required to record identifying information about an employee or a person involved in the trade-in or exchange, including: signature of the customer; date of transaction; identification of the individual conducting the transaction; and the name, date of birth, and address and telephone number of the customer. The recorded information must be maintained by the retailer for one year following the transaction, and is available for inspection by law enforcement authorities. Upon request,

a record of the preceding day's used computer hardware transactions must be furnished to law enforcement authorities within a specified time. At a minimum, the retailer is given 24 hours to comply with the request. If a retailer suspects that computer hardware is lost or stolen, he or she must report to local law enforcement all identifying information on the owner, if known, and on the person from whom the hardware was received.

It is a gross misdemeanor for: (1) any person to change or eliminate the identification number or other identifying marks on the traded computer hardware; (2) any retailer to accept such altered computer hardware; or (3) any person to cause or allow falsification of any material matter required for recording computer hardware trade-in transactions.

Appropriation: None.

Fiscal Note: Not requested.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Testimony For: This bill will help address the serious problem of computer theft.

Testimony Against: None.

Testified: Representative Van Luven, original prime sponsor (pro).