

HOUSE BILL ANALYSIS

SB 6366

Title: An act relating to false advertising through electronic communication.

Brief Description: Prohibiting false advertising through electronic communication.

Sponsors: Senators Brown, Hochstatter, Roach, Spanel, Shin, Prentice, Costa, Kohl-Welles, McAuliffe, Fraser, Thibaudeau, B. Sheldon, T. Sheldon, Bauer, Eide, Jacobsen, Gardner, Haugen, Patterson, Rasmussen, Winsley and Oke.

HOUSE COMMITTEE ON TECHNOLOGY, TELECOMMUNICATIONS AND ENERGY

Meeting Date: February 22, 2000.

Staff: Julia Harmatz (786-7135).

Background:

False advertising is a misdemeanor. The state attorney general or county prosecuting attorney can bring an action in superior court to prevent false advertising.

False, Misleading, or Deceptive Advertising

To publish or disseminate (by mail, telephone, or door to door) advertising for any property or service *with the knowledge* that the advertising is false, deceptive, or misleading, is a misdemeanor. Advertising in good faith (such as by radio, TV, newspaper, magazine) *without knowledge* of whether the advertising is false, deceptive, or misleading is exempted and not a misdemeanor.

Misdemeanor

Any crime that is punishable by a fine of not more than \$1,000 or by imprisonment in a county jail for not more than 90 days, or both, is a misdemeanor. Gross misdemeanors are punishable by imprisonment for not more than one year, and a fine of not more than \$5,000, or both. All crimes other than felonies and misdemeanors are gross misdemeanors.

Summary of Bill:

It is a misdemeanor to publish or disseminate false, deceptive, or misleading advertising by electronic communications.

Appropriation: None.

Fiscal Note: Not requested.

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