

CERTIFICATION OF ENROLLMENT

SUBSTITUTE SENATE BILL 6373

Chapter 228, Laws of 2000

56th Legislature
2000 Regular Session

PROMOTIONAL CONTESTS

EFFECTIVE DATE: 6/8/00

Passed by the Senate February 15, 2000
YEAS 43 NAYS 3

BRAD OWEN
President of the Senate

Passed by the House March 3, 2000
YEAS 97 NAYS 1

CLYDE BALLARD
**Speaker of the
House of Representatives**

FRANK CHOPP
**Speaker of the
House of Representatives**

Approved March 30, 2000

GARY LOCKE
Governor of the State of Washington

CERTIFICATE

I, Tony M. Cook, Secretary of the Senate of the State of Washington, do hereby certify that the attached is **SUBSTITUTE SENATE BILL 6373** as passed by the Senate and the House of Representatives on the dates hereon set forth.

TONY M. COOK
Secretary

FILED

March 30, 2000 - 3:38 p.m.

**Secretary of State
State of Washington**

SUBSTITUTE SENATE BILL 6373

Passed Legislature - 2000 Regular Session

State of Washington

56th Legislature

2000 Regular Session

By Senate Committee on Commerce, Trade, Housing & Financial Institutions (originally sponsored by Senators Gardner, T. Sheldon, Prentice, Rasmussen, Winsley, Hale, Deccio and Shin)

Read first time 02/01/2000.

1 AN ACT Relating to promotional contests of chance; adding a new
2 section to chapter 9.46 RCW; and repealing RCW 9.46.0355.

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

4 NEW SECTION. **Sec. 1.** A new section is added to chapter 9.46 RCW
5 to read as follows:

6 (1) The legislature authorizes a business to conduct a promotional
7 contest of chance as defined in this section, in this state, or
8 partially in this state, whereby the elements of prize and chance are
9 present but in which the element of consideration is not present.

10 (2) Promotional contests of chance under this section are not
11 gambling as defined in RCW 9.46.0237.

12 (3) Promotional contests of chance shall be conducted as
13 advertising and promotional undertakings solely for the purpose of
14 advertising or promoting the services, goods, wares, and merchandise of
15 a business.

16 (4) No person eligible to receive a prize in a promotional contest
17 of chance may be required to:

18 (a) Pay any consideration to the promoter or operator of the
19 business in order to participate in the contest; or

1 (b) Purchase any service, goods, wares, merchandise, or anything of
2 value from the business, however, for other than contests entered
3 through a direct mail solicitation, the promoter or sponsor may give
4 additional entries or chances upon purchase of service, goods, wares,
5 or merchandise if the promoter or sponsor provides an alternate method
6 of entry requiring no consideration.

7 (5)(a) As used in this section, "consideration" means anything of
8 pecuniary value required to be paid to the promoter or sponsor in order
9 to participate in a promotional contest. Such things as visiting a
10 business location, placing or answering a telephone call, completing an
11 entry form or customer survey, or furnishing a stamped, self-addressed
12 envelope do not constitute consideration.

13 (b) Coupons or entry blanks obtained by purchase of a bona fide
14 newspaper or magazine or in a program sold in conjunction with a
15 regularly scheduled sporting event are not consideration.

16 (6) Unless authorized by the commission, equipment or devices made
17 for use in a gambling activity are prohibited from use in a promotional
18 contest.

19 (7) This section shall not be construed to permit noncompliance
20 with chapter 19.170 RCW, promotional advertising of prizes, and chapter
21 19.86 RCW, unfair business practices.

22 NEW SECTION. **Sec. 2.** RCW 9.46.0355 (Promotional contests of
23 chance authorized) and 1987 c 4 s 35 are each repealed.

Passed the Senate February 15, 2000.

Passed the House March 3, 2000.

Approved by the Governor March 30, 2000.

Filed in Office of Secretary of State March 30, 2000.