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HOUSE BILL 1099

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State of Washington

64th Legislature

2015 Regular Session

By Representatives Morris and Appleton

Prefiled 01/09/15. Read first time 01/12/15. Referred to Committee on Judiciary.

1 AN ACT Relating to providing consumers the option to cancel  
2 contracts over the internet when entered into by the same means;  
3 adding a new chapter to Title 19 RCW; and prescribing penalties.

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

5 NEW SECTION. **Sec. 1.** The definitions in this section apply  
6 throughout this chapter unless the context clearly requires  
7 otherwise.

8 (1) "Consumer" means a person who seeks or acquires a good or  
9 service that is to be used primarily for personal, family, or  
10 household purposes.

11 (2) "Internet" means a network or networks of interconnected  
12 computers and telecommunications facilities that employ the  
13 transmission control protocol/internet protocol, or any predecessor  
14 or successor protocols, to communicate information by wire, radio,  
15 optical, wireless spectrum, or similar means.

16 NEW SECTION. **Sec. 2.** (1) To the extent allowed by federal law,  
17 if a person offers a consumer the option of entering into a contract  
18 for goods or services through the internet and the contract contains  
19 a provision that allows the consumer the option to terminate the  
20 contract or terminate the services under the contract, the person

1 offering the contract must also provide the consumer with the ability  
2 to terminate the contract or services under the contract through the  
3 same means by which the consumer had the option of entering into the  
4 contract.

5 (2) The requirements of this chapter apply only to a contract  
6 made, entered into, or renewed on or after the effective date of this  
7 section.

8 NEW SECTION. **Sec. 3.** (1) The legislature finds that the  
9 practices covered by this chapter are matters vitally affecting the  
10 public interest for the purpose of applying the consumer protection  
11 act, chapter 19.86 RCW. A violation of this chapter is not reasonable  
12 in relation to the development and preservation of business and is an  
13 unfair or deceptive act in trade or commerce and an unfair method of  
14 competition for the purpose of applying the consumer protection act,  
15 chapter 19.86 RCW.

16 (2) A consumer injured by a violation of this chapter may bring a  
17 civil action to recover from the person committing the violation the  
18 greater of:

19 (a) The damages provided in chapter 19.86 RCW; or

20 (b) One thousand dollars.

21 (3) A person who prevails in an action brought under this section  
22 is entitled to recover reasonable attorneys' fees, court costs, and  
23 reasonable costs incurred to enforce the judgment.

24 NEW SECTION. **Sec. 4.** Sections 1 through 3 of this act  
25 constitute a new chapter in Title 19 RCW.

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