**6281-S2 AMH MACE H5402.1 - NOT FOR FLOOR USE**

**2SSB 6281** - H AMD TO ITED COMM AMD (H-5242.1/20) **2122**

By Representative MacEwen

**WITHDRAWN 03/06/2020**

On page 4, beginning on line 12, strike all of subsections (11) through (13)

Renumber the remaining subsections consecutively and correct any internal references accordingly.

On page 4, beginning on line 31, strike all of subsection (17)

Renumber the remaining subsections consecutively and correct any internal references accordingly.

On page 5, beginning on line 1, strike all of subsection (21)

Renumber the remaining subsections consecutively and correct any internal references accordingly.

On page 5, beginning on line 7, strike all of subsections (23) and (24)

Renumber the remaining subsections consecutively and correct any internal references accordingly.

On page 6, beginning on line 13, strike all of subsection (31)

Renumber the remaining subsections consecutively and correct any internal references accordingly.

On page 7, beginning on line 5, strike all of subsection (35)

Renumber the remaining subsections consecutively and correct any internal references accordingly.

On page 7, beginning on line 28, strike all of subsection (40)

On page 10, beginning on line 12, after "law;" strike all material through "(m)" on line 13 and insert the following:

"(m) Information and documents created specifically for, and collected and maintained by, the news media, as defined by RCW 5.68.010, for the gathering, dissemination, or reporting of news or information to the public; or

(n)"

On page 21, beginning on line 16, after "(1)" strike all material through "violation" on line 26 and insert "The attorney general has exclusive authority to enforce this chapter by bringing an action in the name of the state, or as parens patriae on behalf of persons residing in the state. In such an action, a controller or processor that violates this chapter is subject to an injunction and liable for a civil penalty of up to seven thousand five hundred dollars for each violation.

(2) The attorney general has the same authority to investigate alleged violations of this chapter that the attorney general has to investigate alleged violations of chapter 19.86 RCW including, but not limited to, the authority provided by RCW 19.86.110.

(3) Nothing in this chapter shall be construed to diminish the rights and remedies that consumers have under other law including, without limitation, the common law, chapter 19.86 RCW, the Washington state Constitution, and the United States Constitution. To that end, consumers retain their existing rights to bring a civil action under chapter 19.86 RCW for conduct relating to the processing of personal data.

(4) Where more than one controller or processor, or both a controller and a processor, involved in the same processing is in violation of this chapter, the liability must be allocated among the parties according to principles of comparative fault"

On page 22, beginning on line 1, after "(1)" strike all material through "recognition" on line 10 and insert "Except as provided in subsection (2) of this section, this chapter supersedes and preempts laws, ordinances, regulations, or the equivalent adopted by any local entity regarding the processing of personal data by controllers or processors.

(2) Laws, ordinances, or regulations regarding the processing of personal data by controllers or processors that were adopted by any local entity prior to January 1, 2020, are not superseded or preempted"

Beginning on page 23, line 9, strike all of section 17

Renumber the remaining sections consecutively and correct any internal references accordingly.

EFFECT: (1) Removes all facial recognition provisions and related definitions.

(2) Adds an exemption for certain news media activity.

(3) Removes the specification that certain payment-only transactions do not count as "consumer" for purposes of the jurisdictional thresholds.

(4) Requires controllers' collection of personal data to be adequate, relevant, and limited to what is reasonably necessary in relation to processing purposes, rather than only as reasonably necessary to provide services requested by a consumer, to conduct an activity that a consumer has requested, or to verify consumer requests.

(5) Removes enforcement under the Consumer Protection Act.

(6) Provides that the Attorney General has exclusive enforcement authority.

(7) Provides the Attorney General with the same authority to investigate violations of this chapter that it has to investigate alleged violations under the Consumer Protection Act.

(8) Provides that nothing in this chapter is to be construed to diminish the rights and remedies that consumers have under other law and that consumers retain their existing rights to bring a civil action under the Consumer Protection Act for conduct relating to the processing of personal data.

(9) Specifies that liability among multiple controllers and processors is to be allocated based on comparative fault.

(10) Specifies that local laws, ordinances, or regulations regarding the processing of personal data by controllers or processors that were adopted prior to January 1, 2020, are not superseded or preempted.

(11) Removes facial recognition provisions and applicable definitions.