S-3651.2

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**SENATE BILL 5855**

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**State of Washington 68th Legislature 2024 Regular Session**

**By** Senators MacEwen, Stanford, and L. Wilson

AN ACT Relating to protecting consumers by requiring summaries for certain agreements and policies presented in an electronic format; and adding a new chapter to Title 19 RCW.

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

NEW SECTION. **Sec.**  The legislature finds that consumers are frequently required to consent to lengthy and complex terms and conditions before receiving access to software and other electronic services. The legislature further finds that the length and complexity of these agreements, as well as great disparities in parties' bargaining power, often leads consumers to give consent before reading or fully understanding the terms and conditions to which they will agree. Therefore, the legislature concludes that requiring certain agreements and policies to contain a short, easy-to-understand summary of the agreement or policy will promote fairness between consumers and service providers.

NEW SECTION. **Sec.**  (1) Any user agreement, end-user license agreement, software-as-a-service agreement, or privacy policy, presented in an electronic format, shall contain a plain-language summary of the agreement or policy. The summary shall appear in a conspicuous manner at the beginning of the agreement or policy and shall not exceed 100 words.

(2) For the purposes of this section, "electronic" has the same meaning as defined in RCW 1.80.010.

NEW SECTION. **Sec.**  (1) This chapter may be enforced solely by the attorney general under the consumer protection act, chapter 19.86 RCW.

(2) In actions brought by the attorney general, the legislature finds: (a) The practices covered by this chapter are matters vitally affecting the public interest for the purpose of applying the consumer protection act, chapter 19.86 RCW, and (b) a violation of this chapter is not reasonable in relation to the development and preservation of business, is an unfair or deceptive act in trade or commerce, and an unfair method of competition for the purpose of applying the consumer protection act, chapter 19.86 RCW.

(3) The legislative declarations in this section shall not apply to any claim or action by any party other than the attorney general alleging that conduct regulated by this chapter violates chapter 19.86 RCW, and this chapter does not incorporate RCW 19.86.093.

(4) A violation of this chapter may not serve as the basis for, or be subject to, a private right of action under this chapter.

NEW SECTION. **Sec.**  This act shall not apply to agreements or policies executed before the effective date of this section.

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

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