
SENATE BILL 5002

State of Washington

52nd Legislature

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By Senators von Reichbauer, Pelz, Talmadge, Gaspard, Thorsness, L. Smith and Johnson.

Read first time January 14, 1991. Referred to Committee on Financial Institutions & Insurance.

1 AN ACT Relating to credit cards; adding a new section to chapter
2 63.14 RCW; and prescribing penalties.

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

4 NEW SECTION. **Sec. 1.** A new section is added to chapter 63.14 RCW
5 to read as follows:

6 (1) Except as provided in subsection (3) of this section, no
7 person, firm, partnership, association, or corporation that accepts
8 credit cards for the transaction of business may:

9 (a) Require the cardholder, as a condition for accepting the credit
10 card, to write any personal identification information on the credit
11 card transaction form or elsewhere.

12 (b) Require the cardholder, as a condition for accepting the credit
13 card, to provide personal identification information that the person,
14 firm, partnership, association, or corporation accepting the credit

1 card writes, causes to be written, or otherwise records upon the credit
2 card transaction form or elsewhere.

3 (c) In any credit card transaction, use a credit card form that
4 contains preprinted spaces specifically designated for filling in any
5 personal identification information of the cardholder.

6 (2) For purposes of this section, "personal identification
7 information" means information concerning the cardholder, other than
8 the information on the credit card, and including, but not limited to,
9 the cardholder's address and telephone number.

10 (3) Subsection (1) of this section does not apply to personal
11 identification information or to forms with preprinted spaces for
12 personal identification information required by the card issuer to
13 complete the credit card transaction or for a special purpose
14 incidental but related to the individual credit card transaction,
15 including, but not limited to, information relating to shipping,
16 delivery, servicing, or installation of the purchased merchandise or
17 for special orders.

18 (4) Any person who violates this section shall be subject to a
19 civil penalty not to exceed two hundred fifty dollars for each
20 violation, to be assessed and collected in a civil action brought by
21 the person paying with a credit card, by the attorney general, or by
22 the prosecuting or city attorney of the county or city in which the
23 violation occurred. However, no civil penalty shall be assessed for a
24 violation of this section if the defendant shows by a preponderance of
25 the evidence that the violation was not intentional and resulted from
26 a bona fide error made notwithstanding the defendant's maintenance of
27 procedures reasonably adopted to avoid such an error.

28 (5) The attorney general, or any prosecuting or city attorney
29 within his or her respective jurisdiction, may bring an action in the
30 superior court in the name of the people of the state of Washington to

1 enjoin violation of subsection (1) of this section and, upon notice to
2 the defendant of not less than five days, to temporarily restrain and
3 enjoin the violation. If it appears to the satisfaction of the court
4 that the defendant has, in fact, violated subsection (1) of this
5 section, the court may issue an injunction restraining further
6 violations without requiring proof that any person has been damaged by
7 the violation. In these proceedings, if the court finds that the
8 defendant has violated subsection (1) of this section, the court may
9 direct the defendant to pay any or all costs incurred by the attorney
10 general, prosecuting or city attorney in seeking or obtaining
11 injunctive relief pursuant to this subsection.

12 (6) Actions for collection of civil penalties under subsection (4)
13 of this section and for injunctive relief under subsection (5) of this
14 section may be consolidated.