
ENGROSSED SENATE BILL 6427

State of Washington 52nd Legislature 1992 Regular Session

By Senators Murray and Skratek

Read first time 01/29/92. Referred to Committee on Commerce & Labor.

1 AN ACT Relating to unauthorized mailings; amending RCW 19.56.020;
2 and adding a new section to chapter 19.56 RCW.

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

4 **Sec. 1.** RCW 19.56.020 and 1967 c 57 s 1 are each amended to read
5 as follows:

6 (~~Unless otherwise agreed, where~~) If unsolicited goods or services
7 are (~~mailed~~) provided to a person, (~~he~~) the person has a right to
8 accept (~~delivery of such~~) the goods or services as a gift only, and
9 is not bound to return (~~such~~) the goods (~~to the sender~~) or
10 services. Goods or services are not considered to have been solicited
11 unless the recipient specifically requested, in an affirmative manner,
12 the receipt of the goods or services according to the terms under which
13 they are being offered. Goods or services are not considered to have
14 been requested if a person fails to respond to an invitation to

1 purchase the goods or services and the goods or services are provided
2 notwithstanding. If ~~((such))~~ the unsolicited goods or services are
3 either addressed to or intended for the recipient, ~~((he))~~ the recipient
4 may use them or dispose of them in any manner without any obligation to
5 the ~~((sender))~~ provider, and in any action for goods or services sold
6 and delivered, or in any action for the return of the goods, it ~~((shall~~
7 ~~be))~~ is a complete defense that the goods or services were ~~((mailed))~~
8 provided voluntarily and that the defendant did not ~~((actually))~~
9 affirmatively order or request ~~((such))~~ the goods or services, either
10 orally or in writing.

11 NEW SECTION. **Sec. 2.** A new section is added to chapter 19.56 RCW
12 to read as follows:

13 Violation of RCW 19.56.020 is a matter affecting the public
14 interest for the purpose of applying chapter 19.86 RCW. Failure to
15 comply with this chapter is not reasonable in relation to the
16 development and preservation of business. A violation of RCW 19.56.020
17 constitutes an unfair or deceptive act or practice in trade or commerce
18 for the purposes of applying chapter 19.86 RCW.