

CERTIFICATION OF ENROLLMENT

SUBSTITUTE HOUSE BILL 1829

Chapter 134, Laws of 1998

55th Legislature
1998 Regular Session

COMPUTER HARDWARE--RECORDS OF TRADE-IN OR EXCHANGE INFORMATION

EFFECTIVE DATE: 6/11/98

Passed by the House March 10, 1998
Yeas 98 Nays 0

CLYDE BALLARD
**Speaker of the
House of Representatives**

Passed by the Senate March 3, 1998
Yeas 39 Nays 8

BRAD OWEN
President of the Senate

Approved March 25, 1998

GARY LOCKE
Governor of the State of Washington

CERTIFICATE

I, Timothy A. Martin, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is **SUBSTITUTE HOUSE BILL 1829** as passed by the House of Representatives and the Senate on the dates hereon set forth.

TIMOTHY A. MARTIN
Chief Clerk

FILED

March 25, 1998 - 4:20 p.m.

**Secretary of State
State of Washington**

SUBSTITUTE HOUSE BILL 1829

AS AMENDED BY THE SENATE

Passed Legislature - 1998 Regular Session

State of Washington 55th Legislature 1997 Regular Session

By House Committee on Commerce & Labor (originally sponsored by Representative Van Loven)

Read first time 03/05/97.

1 AN ACT Relating to trade-in or exchange of computer hardware;
2 adding new sections to chapter 62A.2 RCW; and prescribing penalties.

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

4 NEW SECTION. **Sec. 1.** (1) Any retail establishment doing business
5 in this state that accepts for trade-in or exchange any computer
6 hardware for the purchase of other computer hardware of greater value
7 shall maintain, at the time of each transaction, a record of the
8 following information:

9 (a) The signature of the person with whom the transaction is made;

10 (b) The date of the transaction;

11 (c) The name of the person or employee or the identification number
12 of the person or employee conducting the transaction; and

13 (d) The name, date of birth, and address and telephone number of
14 the person with whom the transaction is made.

15 (2) This record is open to the inspection of any commissioned law
16 enforcement officer of the state or any of its political subdivisions,
17 and will be maintained for a period of one year following the date of
18 the transaction.

19 (3) As used in this section:

1 (a) "Computer" means a programmable electronic machine that
2 performs high-speed mathematical or logical operation or that
3 assembles, stores, correlates, or otherwise processes information.

4 (b) "Computer hardware" means a computer and the associated
5 physical equipment involved in the performance of data processing or
6 communications functions. The term does not include computer software.

7 NEW SECTION. **Sec. 2.** (1) Upon request, every retailer doing
8 business in this state that accepts for trade-in or exchange computer
9 hardware shall furnish a full, true, and correct transcript of the
10 record of all transactions conducted, under section 1 of this act, on
11 the proceeding day. These transactions shall be recorded on such forms
12 as may be provided and in such format as may be required by the chief
13 of police or the county's chief law enforcement officer within a
14 specified time but not less than twenty-four hours.

15 (2) If a retailer has good cause to believe that any computer
16 hardware in their possession has been previously lost or stolen, the
17 retailer shall promptly report that fact to the applicable chief of
18 police or the county's chief law enforcement officer, together with the
19 name of the owner, if known, and the date when, and the name of the
20 person from whom, it was received.

21 NEW SECTION. **Sec. 3.** It is a gross misdemeanor under chapter
22 9A.20 RCW for:

23 (1) Any person to remove, alter, or obliterate any manufacturer's
24 make, model, or serial number, personal identification number, or
25 identifying marks engraved or etched upon the computer hardware that is
26 received as a trade-in or in exchange on the purchase of other computer
27 hardware of greater value. In addition a retailer shall not accept any
28 computer hardware as a trade-in or in exchange on the purchase of other
29 computer hardware of greater value where the manufacturer's make,
30 model, or serial number, personal identification number, or identifying
31 marks engraved or etched upon the computer hardware has been removed,
32 altered, or obliterated;

33 (2) Any person to knowingly make, cause, or allow to be made any
34 false entry or misstatement of any material matter in any book, record,
35 or writing required to be kept under this chapter; or

36 (3) Any person to knowingly violate any other provision of chapter
37 . . . , Laws of 1998 (this act).

1 NEW SECTION. **Sec. 4.** Sections 1 through 3 of this act do not
2 apply to trade-in or exchange of computers, or computer hardware,
3 between consumers and retailers, or their branch facilities, when the
4 computer or computer hardware was originally purchased from that same
5 retailer.

6 NEW SECTION. **Sec. 5.** Sections 1 through 4 of this act are each
7 added to chapter 62A.2 RCW.

 Passed the House March 10, 1998.

 Passed the Senate March 3, 1998.

 Approved by the Governor March 25, 1998.

 Filed in Office of Secretary of State March 25, 1998.