

---

**SUBSTITUTE SENATE BILL 6373**

---

**State of Washington**

**56th Legislature**

**2000 Regular Session**

**By** Senate Committee on Commerce, Trade, Housing & Financial Institutions (originally sponsored by Senators Gardner, T. Sheldon, Prentice, Rasmussen, Winsley, Hale, Deccio and Shin)

Read first time 02/01/2000.

1 AN ACT Relating to promotional contests of chance; adding a new  
2 section to chapter 9.46 RCW; and repealing RCW 9.46.0355.

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

4 NEW SECTION. **Sec. 1.** A new section is added to chapter 9.46 RCW  
5 to read as follows:

6 (1) The legislature authorizes a business to conduct a promotional  
7 contest of chance as defined in this section, in this state, or  
8 partially in this state, whereby the elements of prize and chance are  
9 present but in which the element of consideration is not present.

10 (2) Promotional contests of chance under this section are not  
11 gambling as defined in RCW 9.46.0237.

12 (3) Promotional contests of chance shall be conducted as  
13 advertising and promotional undertakings solely for the purpose of  
14 advertising or promoting the services, goods, wares, and merchandise of  
15 a business.

16 (4) No person eligible to receive a prize in a promotional contest  
17 of chance may be required to:

18 (a) Pay any consideration to the promoter or operator of the  
19 business in order to participate in the contest; or

1 (b) Purchase any service, goods, wares, merchandise, or anything of  
2 value from the business, however, for other than contests entered  
3 through a direct mail solicitation, the promoter or sponsor may give  
4 additional entries or chances upon purchase of service, goods, wares,  
5 or merchandise if the promoter or sponsor provides an alternate method  
6 of entry requiring no consideration.

7 (5)(a) As used in this section, "consideration" means anything of  
8 pecuniary value required to be paid to the promoter or sponsor in order  
9 to participate in a promotional contest. Such things as visiting a  
10 business location, placing or answering a telephone call, completing an  
11 entry form or customer survey, or furnishing a stamped, self-addressed  
12 envelope do not constitute consideration.

13 (b) Coupons or entry blanks obtained by purchase of a bona fide  
14 newspaper or magazine or in a program sold in conjunction with a  
15 regularly scheduled sporting event are not consideration.

16 (6) Unless authorized by the commission, equipment or devices made  
17 for use in a gambling activity are prohibited from use in a promotional  
18 contest.

19 (7) This section shall not be construed to permit noncompliance  
20 with chapter 19.170 RCW, promotional advertising of prizes, and chapter  
21 19.86 RCW, unfair business practices.

22 NEW SECTION. **Sec. 2.** RCW 9.46.0355 (Promotional contests of  
23 chance authorized) and 1987 c 4 s 35 are each repealed.

--- END ---