
HOUSE BILL 2833

State of Washington 58th Legislature 2004 Regular Session

By Representatives Conway, McMorris, Wood, Hudgins and McCoy

Read first time 01/21/2004. Referred to Committee on Commerce & Labor.

1 AN ACT Relating to modifying the definition of sellers of travel;
2 and amending RCW 19.138.021.

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

4 **Sec. 1.** RCW 19.138.021 and 2001 c 44 s 1 are each amended to read
5 as follows:

6 Unless the context clearly requires otherwise, the definitions in
7 this section apply throughout this chapter.

8 (1) "Department" means the department of licensing.

9 (2) "Director" means the director of licensing or the director's
10 designee.

11 (3) "Sale of travel-related benefits" means the sale of travel
12 services if the travel services are not identified at the time of the
13 sale with respect to dates, price, or location and includes:

14 (a) Sales of travel club memberships;

15 (b) Sales of vacation certificates or other documents that purport
16 to grant the holder of the certificate or other document the ability to
17 obtain future travel services, with or without additional
18 consideration; or

1 (c) Sales of travel-industry member benefits including those
2 through either or both the issuance and sale or the consulting with or
3 advising for consideration of persons in connection with the obtaining
4 of international airlines travel agent network identification cards or
5 memberships.

6 (4) "Travel club" means a seller of travel that sells memberships
7 to consumers, where the initial membership or maintenance dues are at
8 least twice the amount of the annual membership or maintenance dues.

9 (5) "Seller of travel-related benefits" means a person, firm, or
10 corporation that transacts business with Washington consumers for the
11 sale of travel-related benefits.

12 (6) "Seller of travel" means a person, firm, or corporation both
13 inside and outside the state of Washington, who transacts business with
14 Washington consumers.

15 (a) "Seller of travel" includes a travel agent and any person who
16 is an independent contractor or outside agent for a travel agency or
17 other seller of travel whose (~~principal~~) duties include consulting
18 with and advising persons concerning travel arrangements or
19 accommodations in the conduct or administration of its business. If a
20 seller of travel is employed by a seller of travel who is registered
21 under this chapter, the employee need not also be registered.

22 (b) "Seller of travel" does not include:

23 (i) An air carrier;

24 (ii) An owner or operator of a vessel, including an ocean common
25 carrier as defined in 46 U.S.C. App. 1702(18), an owner or charterer of
26 a vessel that is required to establish its financial responsibility in
27 accordance with the requirements of the federal maritime commission, 46
28 U.S.C. App. 817 (e), and a steamboat company whether or not operating
29 over and upon the waters of this state;

30 (iii) A motor carrier;

31 (iv) A rail carrier;

32 (v) A charter party carrier of passengers as defined in RCW
33 81.70.020;

34 (vi) An auto transportation company as defined in RCW 81.68.010;

35 (vii) A hotel or other lodging accommodation;

36 (viii) An affiliate of any person or entity described in (i)
37 through (vii) of this subsection (6)(b) that is primarily engaged in
38 the sale of travel services provided by the person or entity. For

1 purposes of this subsection (6)(b)(viii), an "affiliate" means a person
2 or entity owning, owned by, or under common ownership, with "owning,"
3 "owned," and "ownership" referring to equity holdings of at least
4 eighty percent;

5 (ix) Direct providers of transportation by air, sea, or ground, or
6 hotel or other lodging accommodations who do not book or arrange any
7 other travel services.

8 (7) "Travel services" includes transportation by air, sea, or
9 ground, hotel or any lodging accommodations, package tours, or vouchers
10 or coupons to be redeemed for future travel or accommodations for a
11 fee, commission, or other valuable consideration.

12 (8) "Advertisement" includes, but is not limited to, a written or
13 graphic representation in a card, brochure, newspaper, magazine,
14 directory listing, or display, and oral, written, or graphic
15 representations made by radio, television, or cable transmission that
16 relates to travel services.

17 (9) "Transacts business with Washington consumers" means to
18 directly offer or sell travel services or travel-related benefits to
19 Washington consumers, including the placement of advertising in media
20 based in the state of Washington or that is primarily directed to
21 Washington residents. Advertising placed in national print or
22 electronic media alone does not constitute "transacting business with
23 Washington consumers." Those entities who only wholesale travel
24 services are not "transacting business with Washington consumers" for
25 the purposes of this chapter.

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