

ESHB 1031 - S COMM AMD

By Committee on Financial Institutions & Insurance

ADOPTED 03/04/2008

1 Strike everything after the enacting clause and insert the
2 following:

3 "NEW SECTION. **Sec. 1.** The legislature finds that Washington
4 state, from its inception, has recognized the importance of maintaining
5 individual privacy. The legislature further finds that protecting the
6 confidentiality and privacy of an individual's personal information,
7 especially when collected from the individual without his or her
8 knowledge or consent, is critical to maintaining the safety and
9 well-being of its citizens. The legislature recognizes that inclusion
10 of identification devices that broadcast data or enable data or
11 information to be collected or scanned either secretly or remotely, or
12 both, may greatly magnify the potential risk to individual privacy,
13 safety, and economic well-being that can occur from unauthorized
14 interception and use of personal information. The legislature further
15 recognizes that these types of technologies, whether offered by the
16 private sector or issued by the government, can be pervasive.

17 NEW SECTION. **Sec. 2.** The definitions in this section apply
18 throughout this chapter unless the context clearly requires otherwise.

19 (1) "Identification device" means an item that uses radio frequency
20 identification technology or facial recognition technology.

21 (2) "Person" means a natural person who resides in Washington.

22 (3) "Personal information" has the same meaning as in RCW
23 19.255.010.

24 (4) "Data" means personal information, numerical values associated
25 with a person's facial features, or unique personal identifier numbers
26 stored on an identification device.

27 (5) "Radio frequency identification" means a technology that uses
28 radio waves to transmit data remotely to readers.

1 (6) "Reader" means a scanning device that is capable of using radio
2 waves to communicate with an identification device and read the data
3 transmitted by that identification device.

4 (7) "Remotely" means that no physical contact between the
5 identification device and the reader is necessary in order to transmit
6 data.

7 (8) "Unique personal identifier number" means a randomly assigned
8 string of numbers or symbols that is encoded on the identification
9 device and is intended to identify the identification device.

10 NEW SECTION. **Sec. 3.** A person that intentionally scans another
11 person's identification device remotely, without that person's prior
12 knowledge and prior consent, for the purpose of fraud, identity theft,
13 or for any other illegal purpose, shall be guilty of a class C felony.

14 NEW SECTION. **Sec. 4.** If any provision of this act is found to be
15 in conflict with federal law or regulations, the conflicting provision
16 of this act is declared to be inoperative solely to the extent of the
17 conflict, and that finding or determination shall not affect the
18 operation of the remainder of this act.

19 NEW SECTION. **Sec. 5.** Sections 2 and 3 of this act constitute a
20 new chapter in Title 19 RCW."

ESHB 1031 - S COMM AMD
By Committee on Financial Institutions & Insurance

ADOPTED 03/04/2008

21 On page 1, line 1 of the title, after "devices;" strike the
22 remainder of the title and insert "adding a new chapter to Title 19
23 RCW; creating new sections; and prescribing penalties."

--- END ---