

CERTIFICATION OF ENROLLMENT
ENGROSSED SUBSTITUTE HOUSE BILL 1031

60th Legislature
2008 Regular Session

Passed by the House January 1, 0001
Yeas 0 Nays 0

Speaker of the House of Representatives

Passed by the Senate January 1, 0001
Yeas 0 Nays 0

President of the Senate

Approved

Governor of the State of Washington

CERTIFICATE

I, Barbara Baker, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is **ENGROSSED SUBSTITUTE HOUSE BILL 1031** as passed by the House of Representatives and the Senate on the dates hereon set forth.

Chief Clerk

FILED

**Secretary of State
State of Washington**

ENGROSSED SUBSTITUTE HOUSE BILL 1031

AS AMENDED BY THE SENATE

Passed Legislature - 2008 Regular Session

State of Washington 60th Legislature 2008 Regular Session

By House Committee on Technology, Energy & Communications
(originally sponsored by Representatives Morris, Hudgins, Moeller,
Linville, B. Sullivan and Chase)

READ FIRST TIME 02/26/07.

1 AN ACT Relating to electronic communication devices; adding a new
2 chapter to Title 19 RCW; creating new sections; and prescribing
3 penalties.

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

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

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

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

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

6 (3) "Personal information" has the same meaning as in RCW
7 19.255.010.

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

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

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

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

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

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

26 NEW SECTION. **Sec. 4.** If any provision of this act is found to be
27 in conflict with federal law or regulations, the conflicting provision
28 of this act is declared to be inoperative solely to the extent of the
29 conflict, and that finding or determination shall not affect the
30 operation of the remainder of this act.

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

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