

CERTIFICATION OF ENROLLMENT  
**ENGROSSED SUBSTITUTE HOUSE BILL 1031**

Chapter 138, Laws of 2008

60th Legislature  
2008 Regular Session

ELECTRONIC COMMUNICATION DEVICES

EFFECTIVE DATE: 06/12/08

Passed by the House March 8, 2008  
Yeas 0 Nays 0

FRANK CHOPP

\_\_\_\_\_  
**Speaker of the House of Representatives**

Passed by the Senate March 4, 2008  
Yeas 0 Nays 0

BRAD OWEN

\_\_\_\_\_  
**President of the Senate**

Approved March 25, 2008, 1:23 p.m.

CHRISTINE GREGOIRE

\_\_\_\_\_  
**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.

BARBARA BAKER

\_\_\_\_\_  
**Chief Clerk**

FILED

March 25, 2008

**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.

      Passed by the House March 8, 2008.

      Passed by the Senate March 4, 2008.

      Approved by the Governor March 25, 2008.

      Filed in Office of Secretary of State March 25, 2008.