1763-S2 AMH VAND MERE 410

**2SHB 1763** - H AMD **194**

By Representative Van De Wege

**ADOPTED 03/05/2015**

On page 2, line 27, after "department" insert "or in any court of competent jurisdiction and may be imposed separately and in addition to any private party claims"

On page 2, beginning on line 28, after "(1)" strike all material through "seq." on page 3, line 6 and insert "Before seeking payment or a contract for payment of royalties for the use of copyrighted works by that proprietor, a representative or agent for a music licensing agency must:

(a) Provide at least twenty-four hours' notice before entering the premises of the proprietor; and

(b) Identify himself or herself to the proprietor or the proprietor's employees, disclose that he or she is acting on behalf of a music licensing agency, and disclose the purpose for being on the premises.

(2) A representative or agent of a music licensing agency must not:

(a) Use obscene, abusive, or profane language when communicating with the proprietor or his or her employees;

(b) Communicate at an unusual time or place known or which should be known to be inconvenient to the proprietor;

(c) Engage in any coercive conduct, act or practice that is substantially disruptive to a proprietor's business; or

(d) Use or attempt to use any unfair or deceptive act or practice in negotiating with a proprietor.

(3) A representative or agent of a music licensing agency must communicate with the proprietor of a business at least once in person before conducting an investigation to substantiate a claim for the use of copyrighted music by the proprietor.

NEW SECTION. **Sec. 6.** The legislature finds that the practices covered by section 5 of this act are matters vitally affecting the public interest for the purpose of applying the consumer protection act, chapter 19.86 RCW. A violation of this chapter is not reasonable in relation to the development and preservation of business and is an unfair or deceptive act in trade or commerce and an unfair method of competition for the purpose of applying the consumer protection act, chapter 19.86 RCW."

Renumber the remaining sections consecutively and correct any internal references accordingly.

Correct the title.

|  |  |
| --- | --- |
|  | EFFECT:  (1) Restores provision that permits a court of competent jurisdiction to impose a penalty of up to $1000 for a violation of the provisions of the act.  (2) Restores provision that requires a representative or agent of a music licensing agency to provide at least 24 hours' notice before entering the premises of a proprietor.  (3) Prohibits a representative or agent of a music licensing agency from: (a) using obscene or profane language in communicating with proprietors, (b) communicating with the proprietor at an unusual time or place or a time or place known or which should be known to be inconvenient to the proprietor, (c) engaging in any coercive conduct, act or practice that is substantially disruptive to a proprietor's business, and (d) from using or attempting to use any unfair or deceptive act or practice in negotiating with the proprietor.  (4) Requires a representative or agent of a music licensing agency to communicate with the proprietor of a business in person at least once before conducting an investigation to substantiate a claim for the use of copyrighted music by the proprietor.  (5) Restores provision that makes a violation of this act a violation of the Consumer Protection Act. |

**--- END ---**