H-1491.1

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

**SUBSTITUTE HOUSE BILL 1212**

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

**State of Washington 64th Legislature 2015 Regular Session**

**By** House Business & Financial Services (originally sponsored by Representatives G. Hunt, Goodman, Blake, Wilcox, Lytton, Taylor, Scott, Shea, Young, and McCaslin)

AN ACT Relating to prohibiting retail businesses from recording consumer identification information during transactions; amending RCW 19.192.020; adding a new section to chapter 9.73 RCW; and creating a new section.

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

**Sec.**  RCW 19.192.020 and 2003 c 89 s 2 are each amended to read as follows:

(1) Any provision of a contract between a merchant or retailer and a credit or debit card issuer, financial institution, or other person that prohibits the merchant or retailer from verifying the identity of a customer who offers to pay for goods or services with a credit or debit card by requiring or requesting that the customer present additional identification is void for violation of public policy.

(2) Nothing in this section shall be interpreted as((~~: (a)~~)) compelling merchants or retailers to verify identification((~~; or (b) interfering with the ability of~~)) during a transaction for the purchase or return of goods or services.

(3) The owner or manager of a retail store or chain ((~~to~~)) may make and enforce its own policies regarding verification of identification, except that an owner, manager, or employee may not copy or record a customer's personal information contained on a photo or other identification unless:

(a) The information is required to complete the transaction, such as for shipping purposes, check verification, or there is a reasonable need to establish the customer's identity;

(b) State or federal law requires the retail store or chain to obtain a consumer's personal information when completing a sale; or

(c) There is a reasonable basis supported by specific facts or circumstances to conclude that the consumer's personal information is necessary for prevention of fraud, theft, identity theft, or other criminal activity.

(4) The prohibitions in subsection (3) of this section do not apply when the consumer voluntarily provides information to the retailer to obtain a benefit or service, such as a credit or debit card, a club card, or a rewards card offered by the retailer.

NEW SECTION. **Sec.**  The legislature finds that the practices covered by section 1(3) of this act are matters vitally affecting the public interest for the purpose of applying 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 chapter 19.86 RCW.

NEW SECTION. **Sec.**  A new section is added to chapter 9.73 RCW to read as follows:

Every person who violates RCW 19.192.020(3) is subject to legal action for civil damages pursuant to RCW 9.73.060.

**--- END ---**