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**SUBSTITUTE SENATE BILL 5886**

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**State of Washington**

**69th Legislature**

**2026 Regular Session**

**By** Senate Law & Justice (originally sponsored by Senators Boehnke, Dozier, Nobles, Valdez, and J. Wilson)

READ FIRST TIME 01/30/26.

1 AN ACT Relating to personality rights; amending RCW 63.60.010,  
2 63.60.020, 63.60.050, and 63.60.060; and prescribing penalties.

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

4 **Sec. 1.** RCW 63.60.010 and 2008 c 62 s 1 are each amended to read  
5 as follows:

6 Every individual or personality has a property right in the use  
7 of his or her name, voice, signature, photograph, forged digital  
8 likeness, or likeness. Such right exists in the name, voice,  
9 signature, photograph, forged digital likeness, or likeness of  
10 individuals or personalities deceased before, on, or after June 11,  
11 1998. This right shall be freely transferable, assignable, and  
12 licensable, in whole or in part, by any otherwise permissible form of  
13 inter vivos or testamentary transfer, including without limitation a  
14 will or other testamentary instrument, trust, contract, community  
15 property agreement, or cotenancy with survivorship provisions or  
16 payable-on-death provisions, whether the will or other testamentary  
17 instrument, trust, contract, community property agreement, or  
18 cotenancy document is entered into or executed before, on, or after  
19 June 11, 1998, by the deceased individual or personality or by any  
20 subsequent owner of the deceased individual's or personality's rights  
21 as recognized by this chapter; or, if none is applicable, then the

1 owner of the rights shall be determined under the laws of intestate  
2 succession applicable to interests in intangible personal property.  
3 The property right does not expire upon the death of the individual  
4 or personality, regardless of whether the law of the domicile,  
5 residence, or citizenship of the individual or personality at the  
6 time of death or otherwise recognizes a similar or identical property  
7 right. The right exists whether or not it was commercially exploited  
8 by the individual or the personality during the individual's or the  
9 personality's lifetime. The rights recognized under this chapter  
10 shall be deemed to have existed before June 11, 1998, and at the time  
11 of death of any deceased individual or personality or subsequent  
12 successor of their rights for the purpose of determining the person  
13 or persons entitled to these property rights as provided in RCW  
14 63.60.030. This chapter is intended to apply to all individuals and  
15 personalities, living and deceased, regardless of place of domicile  
16 or place of domicile at time of death.

17 **Sec. 2.** RCW 63.60.020 and 2008 c 62 s 2 are each amended to read  
18 as follows:

19 Unless the context clearly requires otherwise, the definitions in  
20 this section apply throughout this chapter.

21 (1) "Deceased individual" means any individual, regardless of the  
22 individual's place of domicile, residence, or citizenship at the time  
23 of death or otherwise, who has died within ten years before January  
24 1, 1998, or thereafter.

25 (2) "Deceased personality" means any individual, regardless of  
26 the personality's place of domicile, residence, or citizenship at the  
27 time of death or otherwise, whose name, voice, signature, photograph,  
28 or likeness had commercial value at the time of his or her death,  
29 whether or not during the lifetime of that individual he or she used  
30 his or her name, voice, signature, photograph, or likeness on or in  
31 products, merchandise or goods, or for purposes of advertising or  
32 selling, or soliciting the purchase or sale of, products,  
33 merchandise, goods, or services. A "deceased personality" includes,  
34 without limitation, any such individual who has died within fifty  
35 years before January 1, 1998, or thereafter.

36 (3) "Forged digital likeness" means a visual representation which  
37 is either persistent or transmitted in real-time of an actual and  
38 identifiable individual, or an audio recording which is either

1 persistent or transmitted in real-time of an actual and identifiable  
2 individual's voice, which:

3 (a) Has been digitally created, adapted, altered, or modified to  
4 be indistinguishable from a genuine visual representation or audio  
5 recording of the individual;

6 (b) Misrepresents the appearance, speech, or conduct of the  
7 individual; and

8 (c) Is likely to deceive a reasonable person into believing that  
9 the visual representation or audio recording is genuine.

10 (4) "Fund-raising" means an organized activity to solicit  
11 donations of money or other goods or services from persons or  
12 entities by an organization, company, or public entity. A fund-  
13 raising activity does not include a live, public performance by an  
14 individual or group of individuals for which money is received in  
15 solicited or unsolicited gratuities.

16 ~~((4))~~ (5) "Individual" means a natural person, living or dead.

17 ~~((5))~~ (6) "Likeness" means an image, painting, sketching,  
18 model, diagram, or other clear representation, other than a  
19 photograph, of an individual's face, body, or parts thereof, or the  
20 distinctive appearance, gestures, or mannerisms of an individual.

21 ~~((6))~~ (7) "Name" means the actual or assumed name, or nickname,  
22 of a living or deceased individual that is intended to identify that  
23 individual.

24 ~~((7))~~ (8) "Person" means any natural person, firm, association,  
25 partnership, corporation, joint stock company, syndicate, receiver,  
26 common law trust, conservator, statutory trust, or any other concern  
27 by whatever name known or however organized, formed, or created, and  
28 includes not-for-profit corporations, associations, educational and  
29 religious institutions, political parties, and community, civic, or  
30 other organizations.

31 ~~((8))~~ (9) "Personality" means any individual whose name, voice,  
32 signature, photograph, or likeness has commercial value, whether or  
33 not that individual uses his or her name, voice, signature,  
34 photograph, or likeness on or in products, merchandise, or goods, or  
35 for purposes of advertising or selling, or solicitation of purchase  
36 of, products, merchandise, goods, or services.

37 ~~((9))~~ (10) "Photograph" means any photograph or photographic  
38 reproduction, still or moving, or any videotape, online or live  
39 television transmission, of any individual, so that the individual is  
40 readily identifiable.

1        ~~((10))~~ (11) "Signature" means the one handwritten or otherwise  
2 legally binding form of an individual's name, written or authorized  
3 by that individual, that distinguishes the individual from all  
4 others.

5        **Sec. 3.** RCW 63.60.050 and 1998 c 274 s 5 are each amended to  
6 read as follows:

7        Any person who uses or authorizes the use of a living or deceased  
8 individual's or personality's name, voice, signature, photograph,  
9 forged digital likeness, or likeness, on or in goods, merchandise, or  
10 products entered into commerce in this state, or for purposes of  
11 advertising products, merchandise, goods, or services, or for  
12 purposes of fund-raising or solicitation of donations, or if any  
13 person disseminates or publishes such advertisements in this state,  
14 without written or oral, express or implied consent of the owner of  
15 the right, has infringed such right. An infringement may occur under  
16 this section without regard to whether the use or activity is for  
17 profit or not for profit.

18        **Sec. 4.** RCW 63.60.060 and 1998 c 274 s 6 are each amended to  
19 read as follows:

20        (1) The superior courts of this state may grant injunctions on  
21 reasonable terms to prevent or restrain the unauthorized use of the  
22 rights in a living or deceased individual's or personality's name,  
23 voice, signature, photograph, forged digital likeness, or likeness.

24        (2) Any person who infringes the rights under this chapter shall  
25 be ~~((liable for the greater of one thousand five hundred dollars or))~~  
26 subject to a civil penalty of \$3,000 and liable for the actual  
27 damages sustained as a result of the infringement, and any profits  
28 that are attributable to the infringement and not taken into account  
29 when calculating actual damages. If the infringement is of a living  
30 or deceased individual's or personality's forged digital likeness,  
31 the infringing party shall also be liable for the noneconomic damages  
32 sustained as a result of the infringement whether or not the  
33 infringement resulted in any profit. To prove profits under this  
34 section, the injured party or parties must submit proof of gross  
35 revenues attributable to the infringement, and the infringing party  
36 is required to prove his or her deductible expenses. For the purposes  
37 of computing statutory damages, use of a name, voice, signature,  
38 photograph, forged digital likeness, and/or likeness in or related to

1 one work constitutes a single act of infringement regardless of the  
2 number of copies made or the number of times the name, voice,  
3 signature, photograph, forged digital likeness, or likeness is  
4 displayed.

5 (3) At any time while an action under this chapter is pending,  
6 the court may order the impounding, on reasonable terms, of all  
7 materials or any part thereof claimed to have been made or used in  
8 violation of the injured party's rights, and the court may enjoin the  
9 use of all plates, molds, matrices, masters, tapes, film negatives,  
10 or other articles by means of which such materials may be reproduced.

11 (4) As part of a final judgment or decree, the court may order  
12 the destruction or other reasonable disposition of all materials  
13 found to have been made or used in violation of the injured party's  
14 rights, and of all plates, molds, matrices, masters, tapes, film  
15 negatives, or other articles by means of which such materials may be  
16 reproduced.

17 (5) The prevailing party may recover reasonable attorneys' fees,  
18 expenses, and court costs incurred in recovering any remedy or  
19 defending any claim brought under this section.

20 (6) The remedies provided for in this section are cumulative and  
21 are in addition to any others provided for by law.

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