

other persons or circumstances is not affected.

Passed the Senate January 29, 1970

Passed the House February 6, 1970

Approved by the Governor February 23, 1970, with the exception of an item in section 7, which is vetoed.

Filed in Office of Secretary of State February 24, 1970

NOTE: Governor's explanation of partial veto is as follows:
"...This bill provides a cost of living increase for retired teachers and makes a number of changes in the formulas for computing retirement benefits for the members of the Teachers' Retirement System.

I commend the Legislature for the action taken to provide the needed adjustments in pensions for retired teachers whose income has been eroded by inflation in recent years. I also believe that it is appropriate to have made the pension formula changes which were designed with a view toward granting to teachers the same benefits given to state employees.

One technical error has been called to my attention by the Teachers' Retirement System. When first introduced, the bill related to matters in addition to those finally adopted by the House and Senate. Subsections 8 and 9 of section 1 in the form introduced in the Senate were deleted by amendment by the Senate Committee on Education during the legislative process. Section 7 of the bill as presented for signature still refers to the deleted subsections. I have therefore vetoed from section 7 the language referring to non-existent subsections of the bill.

The remainder of Senate Bill 132 is approved."

CHAPTER 36
[Engrossed Senate Bill No. 141]
CRIMES RELATING TO CREDIT CARDS
AND
IDENTIFICATION CARDS

AN ACT establishing crimes; and prescribing penalties.

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

NEW SECTION. Section 1. In this act, unless the context or subject matter otherwise requires:

(1) "Credit card" means any instrument or device, whether incomplete, revoked or expired, whether known as a credit card, credit plate, charge plate, courtesy card, or by any other name, issued with or without fee by any issuer for the use of the cardholder in obtaining money, goods, services or anything else of value, including satisfaction of a debt or the payment of a check drawn by a cardholder,

either on credit or in consideration of an undertaking or guaranty by the issuer.

(2) "Identification card" means any instrument or device issued, with or without a fee by any person or governmental agency for the use of the cardholder and which contains a signature, photograph, or descriptive information about the cardholder and is intended to be used for the purpose of establishing the identity, age, credit worthiness or other characteristic of the cardholder.

(3) "Cardholder" means the person or organization identified on the face of a credit card or identification card and to whom or for whose benefit the card is issued by an issuer.

(4) "Issuer" means the person or organization or its duly authorized agent which issues a credit card or identification card.

(5) "Participating party" means a person or organization which is obligated by contract to acquire from a merchant a sales slip or sales draft or instrument for the payment of money evidencing a credit card transaction and from whom the issuer is obligated by contract to acquire such sales slip, sales draft, or instrument for the payment of money.

(6) "Merchant" means a person or organization or its duly authorized agent, which is authorized by an issuer or a participating party to furnish money, goods, services or anything else of value, including satisfaction of a debt or the payment of a check drawn by the cardholder upon presentation of a credit card or identification card by a cardholder.

(7) "Incomplete credit card or identification card" means a credit card or identification card on which any part of the matter, other than the signature of the cardholder, which an issuer requires to appear on the credit card or identification card before it can be used by a cardholder has not been stamped, embossed, imprinted, or written on it.

(8) "Expired credit card" means a credit card which shows on

its face or by its terms that it has elapsed.

(9) "Revoked credit card" means a credit card for which permission to use it has been suspended or terminated by the issuer and notice thereof has been given to the cardholder in person or by mailing notice to the cardholder's last address known to the issuer.

(10) "Cardholder agreement" means the contract or agreement or conditions set forth by the issuer for use of the credit card or identification card which are contained in any credit or identification card application signed by the cardholder, any statement accompanying any credit card or identification card sent to a cardholder and any statements appearing on the credit card or identification card when received by the cardholder and any amendments to the agreement given pursuant to the terms of the agreement and prior to the cardholder's subsequent use of the credit card or identification card.

NEW SECTION. Sec. 2. A person is guilty of falsely procuring a credit card or identification card when he makes or causes to be made, either directly or indirectly, any false statement in writing, knowing it to be false and with the intent that it be relied upon, respecting his identity or that of any other person or organization, or his status or financial condition or the status or financial condition of any other person or organization, for the purpose of procuring the issuance of a credit card or identification card. A person falsely procuring a credit card or identification card shall be guilty of a misdemeanor.

NEW SECTION. Sec. 3. A person is guilty of credit card or identification card theft when:

(1) He acquires, obtains, takes or withholds a credit card or identification card from the person, possession, custody or control of another without the cardholder's or issuer's consent; or

(2) He acquires a credit card or identification card from another with knowledge that it has been acquired, taken, obtained or withheld, without the cardholder's consent, with intent to use it or

to sell it or to transfer it to a person other than the issuer or the cardholder; or

(3) He receives a credit card or identification card that he has reason to know to have been lost, mislaid or delivered under a mistake as to identity or address of the cardholder and he retains possession with intent to use it or to sell it or to transfer it to a person other than the issuer or the cardholder; or

(4) He sells, transfers, conveys, or receives a credit card or identification card with the intent to defraud the issuer or the cardholder or a participating party or a merchant; or

(5) He obtains control of a credit card or identification card as security for a debt with the intent to defraud the issuer, the cardholder, a participating party or a merchant; or

(6) He with intent to use said card receives a credit card or identification card issued in the name of a cardholder other than himself which he has reason to know was taken or retained under circumstances which constitutes credit card or identification card theft.

When a person not an issuer or agent thereof has in his possession or under his control credit cards or identification cards issued in the names of two or more other persons he is presumed to have violated subsections (1) or (2) of this section.

A person who commits credit card or identification card theft is guilty of a felony.

NEW SECTION. Sec. 4. (1) Every person who, with intent to defraud, makes, stamps, alters, embosses, or completes a card purporting or appearing to be a credit card or identification card issued by another, whether or not it is incomplete, expired, or revoked, is guilty of forgery in the first degree, and shall be punished by imprisonment in the state penitentiary for not more than twenty years.

(2) A person, other than person authorized by the cardholder, who, with intent to defraud, signs his own name or the name of another or of a fictitious person to a credit card or identification card, sales slip, sales draft, or instrument which evidences a credit card

transaction is guilty of forgery in the first degree, and shall be punished by imprisonment in the state penitentiary for not more than twenty years.

NEW SECTION. Sec. 5. Every person, who with intent to defraud:

(1) Uses, for the purpose of obtaining money, goods, services or anything else of value, a credit card or identification card obtained or retained in violation of section 3 of this act, or a credit card or identification card which he knows or has reason to believe is forged, expired, incomplete, revoked, or altered by anyone other than the issuer is guilty of a gross misdemeanor, and it shall be presumed that such use was with the intent to defraud and with knowledge that said credit card has been revoked, upon proof that: (a) notice that a credit card has been revoked has been mailed by registered or certified mail, return receipt requested, to the cardholder's last known address or delivered to cardholder or some other person residing with him; (b) the notice was received by the cardholder or someone else residing with him, proof of which may be accomplished by proof that a signed receipt was returned; and (c) said card was used by the cardholder or by any other person acting with his knowledge or authority, after the date the notice was received or the receipt signed; or

(2) Obtains money, goods, services or anything else of value, by representing, without the consent of the cardholder or issuer, that he is the holder of a credit card or identification card or by representing that he is the holder of a credit card or identification card and such credit card or identification card has not in fact been issued is guilty of a gross misdemeanor.

If the value of all the items so obtained under subsections (1) or (2) of this section exceeds seventy-five dollars, then the person is guilty of a felony.

NEW SECTION. Sec. 6. (1) Every person who possesses an in-

complete credit card or identification card with intent to complete it without the consent of the issuer is guilty of a felony.

(2) Every person who, with intent to defraud, possesses, with knowledge of its character, machinery, plates or any other contrivance designed for, and made use of in, the reproduction of instruments purporting or appearing to be the credit cards or identification cards or an issuer who has not consented to the preparation of such credit cards or identification cards, is guilty of a felony, and shall be punished by imprisonment in the state penitentiary for not more than twenty years.

NEW SECTION. Sec. 7. Every merchant who, with intent to defraud:

(1) Furnishes money, goods, services or anything else of value including the cancellation of a debt or the payment of a check, upon presentation of a credit card or identification card obtained or retained in violation of section 3 of this act or a credit card or identification card which he knows or has reasonable grounds to believe is forged, altered, expired or revoked and who receives any payment therefor is guilty of a gross misdemeanor. If the payment so obtained exceeds seventy-five dollars, then the merchant is guilty of a felony.

(2) Has failed to furnish money, goods, services, or anything else of value which he represents to an issuer or a participating party that he has furnished, and who receives any payment therefor is guilty of a gross misdemeanor. If the payment so obtained exceeds seventy-five dollars, then the merchant is guilty of a felony.

NEW SECTION. Sec. 8. A person who obtains at a discount price a ticket issued by an airline, railroad, steamship or other transportation company which was acquired in violation of section 5 of this act, without reasonable inquiry to ascertain that the person from whom it was obtained had a legal right to possess it shall be presumed to know that such ticket was acquired under circumstances

constituting a violation of section 5 of this act.

Passed the Senate January 26, 1970
Passed the House February 6, 1970
Approved by the Governor February 20, 1970
Filed in Office of Secretary of State February 24, 1970

CHAPTER 37
[Engrossed Senate Bill No. 145]
WASHINGTON LAW ENFORCEMENT OFFICERS'
AND
FIRE FIGHTERS' RETIREMENT SYSTEM

AN ACT Relating to the retirement and pensions of law enforcement officers and fire fighters; amending section 33, chapter 209, Laws of 1969 ex. sess. and RCW 41.18.104; amending section 34, chapter 209, Laws of 1969 ex. sess. and RCW 41.26.250; and amending section 38, chapter 209, Laws of 1969 ex. sess. and RCW 41.16.145.

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

Section 1. Section 33, chapter 209, Laws of 1969 ex. sess. and RCW 41.18.104 are each amended to read as follows:

The amount of all benefits payable under the provisions of RCW 41.18.040, 41.18.080 and 41.18.100 as now or hereafter amended, shall be increased annually as hereafter in this section provided. The present benefits payable under RCW 41.18.040, 41.18.080 and 41.18.100 on July 1, 1969 shall be increased two percent each year using as a basis for such two percent increase, the amount of the present benefit payable and not the amount of the future benefit payable which will hereafter be increased by the provisions of this section.

~~((Said increases shall become effective July 1, 1969 or one year after the date when the said benefits are payable, whichever is later.))~~ As to each person receiving such benefits on or after July 1, 1969, said increases shall take effect as of July 1st, of the first year when such benefits have heretofore or shall hereafter become payable. Each year effective with the July payment all benefits specified herein, shall be increased two percent as authorized by this section. This benefit increase shall be paid monthly as part