

CHAPTER 275

[Engrossed Substitute Senate Bill No. 4560]

TELECOMMUNICATIONS EQUIPMENT—PRESALE DISCLOSURE

AN ACT Relating to presale disclosures about telecommunications equipment; adding a new chapter to Title 19 RCW; and providing penalties.

Be it enacted by the Legislature of the State of Washington:

NEW SECTION. Sec. 1. The legislature finds that the federal deregulation of the telephone industry provides telephone users with the opportunity to purchase and use telephone and other telecommunications equipment suited to their needs. The legislature finds that competitive markets function optimally when potential buyers have adequate information about the capabilities and reliability of the equipment offered for sale. The legislature further finds that disclosure of certain product information will benefit both buyers and sellers of telephone and other telecommunications equipment and is in the public interest.

NEW SECTION. Sec. 2. Any person offering for sale or selling new or reconditioned telephone handsets or keysets, private branch exchanges, or private automatic branch exchanges of not more than a twenty-station capacity, shall clearly disclose prior to sale by methods which may include posting of notice or printing on the equipment package the following:

- (1) Whether the equipment uses pulse, tone, pulse-or-tone, or other signaling methods, and a general description of the services that can be accessed through the equipment;
- (2) Whether the equipment is registered with the federal communications commission under the applicable federal regulations;
- (3) The person responsible for repair of the equipment;
- (4) Standard repair charges, if any; and
- (5) The terms of any written warranty offered with the equipment.

NEW SECTION. Sec. 3. Nothing in this chapter applies to a radio station, television station, publisher, printer, or distributor of a newspaper, magazine, billboard, or other advertising medium which accepts advertising in good faith without knowledge of its violation of any provision of this chapter.

NEW SECTION. Sec. 4. This chapter shall not apply to radio equipment used for land, marine, or air mobile service, or any like service, whether or not such equipment is capable of interconnection by manual or automatic means to a telephone line.

NEW SECTION. Sec. 5. This chapter shall not apply to equipment not intended for connection to the telephone network, nor to used equipment located on the customer's premises.

NEW SECTION. Sec. 6. The rights, obligations, and remedies under this chapter are in addition to any rights, obligations, or remedies under federal statutes or regulations or other state statutes or rules.

NEW SECTION. Sec. 7. Violation of this chapter constitutes a violation of chapter 19.86 RCW, the consumer protection act. It shall be presumed that damages to the consumer are equal to the purchase price of any telephone equipment sold in violation of this chapter up to one hundred dollars. Additional damages must be proved.

NEW SECTION. Sec. 8. This chapter may be known and cited as the telephone buyers' protection act.

NEW SECTION. Sec. 9. Sections 1 through 8 of this act shall constitute a new chapter in Title 19 RCW.

Passed the Senate March 2, 1984.

Passed the House February 17, 1984.

Approved by the Governor March 28, 1984.

Filed in Office of Secretary of State March 28, 1984.

CHAPTER 276

[Substitute Senate Bill No. 4111] EXECUTION AND REDEMPTION

AN ACT Relating to sales under execution and redemption; amending section 1, chapter 35, Laws of 1935 as amended by section 1, chapter 329, Laws of 1981 and RCW 6.24.010; amending section 2, chapter 329, Laws of 1981 and RCW 6.24.015; amending section 6, chapter 53, Laws of 1899 as amended by section 3, chapter 329, Laws of 1981 and RCW 6.24.100; amending section 8, chapter 53, Laws of 1899 as last amended by section 4, chapter 80, Laws of 1965 and RCW 6.24.140; amending section 6, chapter 329, Laws of 1981 and RCW 6.24.145; amending section 12, chapter 53, Laws of 1899 and RCW 6.24.180; amending section 351, page 91, Laws of 1869 as last amended by section 6, chapter 3, Laws of 1983 and RCW 6.04.100; and creating a new section.

Be it enacted by the Legislature of the State of Washington:

Sec. 1. Section 1, chapter 35, Laws of 1935 as amended by section 1, chapter 329, Laws of 1981 and RCW 6.24.010 are each amended to read as follows:

Before the sale of property under execution, order of sale or decree, notice thereof shall be given as follows:

(1) In case of personal property, the sheriff shall post typed or printed notice of the time and place of sale in three public places in the county where the sale is to take place, for a period of not less than thirty days prior to the day of sale. Not less than thirty days prior to the day of sale, the judgment creditor shall cause a copy of the notice of sale to be transmitted by regular and certified mail, return receipt requested, to the judgment debtor at the debtor's last known address, and by mail to the attorney of record for the judgment debtor.