

2SHB 1763 - H AMD 194

By Representative Van De Wege

ADOPTED 03/05/2015

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

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

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

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

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

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

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

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

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

26 (3) A representative or agent of a music licensing agency must
27 communicate with the proprietor of a business at least once in person

1 before conducting an investigation to substantiate a claim for the use
2 of copyrighted music by the proprietor.

3
4 NEW SECTION. **Sec. 6.** The legislature finds that the practices
5 covered by section 5 of this act are matters vitally affecting the
6 public interest for the purpose of applying the consumer protection
7 act, chapter 19.86 RCW. A violation of this chapter is not reasonable
8 in relation to the development and preservation of business and is an
9 unfair or deceptive act in trade or commerce and an unfair method of
10 competition for the purpose of applying the consumer protection act,
11 chapter 19.86 RCW."

12
13 Renumber the remaining sections consecutively and correct any
14 internal references accordingly.

15 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.

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