
SUBSTITUTE SENATE BILL 5211

State of Washington

63rd Legislature

2013 Regular Session

By Senate Commerce & Labor (originally sponsored by Senators Hobbs, Eide, Kline, Ranker, Hatfield, Harper, Billig, Hasegawa, Kohl-Welles, Shin, Keiser, Frockt, Rolfes, Hill, Conway, and Nelson)

READ FIRST TIME 02/22/13.

1 AN ACT Relating to social networking accounts and profiles; adding
2 new sections to chapter 49.44 RCW; and prescribing penalties.

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

4 NEW SECTION. **Sec. 1.** A new section is added to chapter 49.44 RCW
5 to read as follows:

6 (1) It shall be unlawful for any person, firm, corporation, or the
7 state of Washington, its political subdivisions, or municipal
8 corporations to require, directly or indirectly, as a condition of
9 employment or continued employment, that any employee or prospective
10 employee submit any password or other related account information in
11 order to gain access to the employee's or prospective employee's
12 personal account or profile on a social networking web site or to
13 demand access in any manner to an employee's or prospective employee's
14 personal account or profile on a social networking web site. For the
15 purposes of this subsection, "social networking web site" means an
16 internet-based service that allows individuals to construct a public or
17 semipublic profile within a system created by the service; create a
18 list of other users with whom they share a connection within the

1 system; and view and navigate their list of connections and those made
2 by others within the system.

3 (2) Nothing in this section shall prohibit an employer from
4 obtaining information about an employee or prospective employee that is
5 in the public domain or that is otherwise obtained in compliance with
6 this section.

7 (3) Nothing in this section shall be construed to prevent an
8 employer from complying with the requirements of state or federal
9 statutes, rules or regulations, case law, or rules of self-regulatory
10 organizations.

11 NEW SECTION. **Sec. 2.** A new section is added to chapter 49.44 RCW
12 to read as follows:

13 In a civil action alleging a violation of section 1 of this act,
14 the court may:

15 (1) Award a penalty in the amount of five hundred dollars to a
16 prevailing employee or prospective employee in addition to any award of
17 actual damages;

18 (2) Award reasonable attorneys' fees and costs to the prevailing
19 employee or prospective employee; and

20 (3) Pursuant to RCW 4.84.185, award any prevailing party against
21 whom an action has been brought for a violation of section 1 of this
22 act reasonable expenses and attorneys' fees upon final judgment and
23 written findings by the trial judge that the action was frivolous and
24 advanced without reasonable cause.

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