

State park fee legislation (HB 2339) violates state consumer protection act

- In 1991 the state alleged that TCI's marketing scheme for its new ENCORE services violated the rights of 473,000 customers by subjecting them to at least a \$1.00 per month charge for a premium they never ordered.
- Attorneys argued successfully that customers should be free from "unfair" or deceptive acts or practices" in how they are treated by their cable TV provider.
- Washington law governing consumer protection is very similar to federal law.
- Senator Magnuson introduced an amendment in 1970 that became federal law to control the unconscionable practice of persons who ship unordered merchandise to consumers and then trick or bully them into paying for it.
- It is equally unconscionable for the Legislature to trick and bully citizens to pay a \$5 dollar park fee.
- The phrase "unfair or deceptive acts or practices" was specifically upheld as constitutional by the Washington Supreme Court in 1972.
- The state ordered a Yakima cable company to stop the exact same practice the Democrat majority is proposing in HB 2339.
- It was the court's decision that the opt-out plan being used by the cable company was unfair and deceptive act.
- The court decided that the injury to the consumer was that they were being forced to take affirmative steps to avoid paying for a premium channel they never ordered.
- House Bill 2339 is the same type marketing ploy that has already been established as unfair and deceptive by the courts.