

SENATE BILL REPORT

SB 6821

As Reported By Senate Committee On:
Commerce, Trade, Housing & Financial Institutions, February 3, 2000

Title: An act relating to identity theft.

Brief Description: Adding remedies for identity theft.

Sponsors: Senators Prentice, Gardner and Winsley.

Brief History:

Committee Activity: Commerce, Trade, Housing & Financial Institutions: 2/3/2000
[DPS].

SENATE COMMITTEE ON COMMERCE, TRADE, HOUSING & FINANCIAL INSTITUTIONS

Majority Report: That Substitute Senate Bill No. 6821 be substituted therefor, and the substitute bill do pass.

Signed by Senators Prentice, Chair; Shin, Vice Chair; Benton, Gardner, Hale, Rasmussen, T. Sheldon and Winsley.

Staff: Dave Cheal (786-7576)

Background: Last summer, the Attorney General formed a work group representing a wide array of interests, retailers, banks, the technology industry, legislators and victims of identity theft. There is evidence that the incidence of identity theft is growing rapidly. Victims need help in obtaining information to begin to reestablish their identity, deal with creditors, and to help them assist law enforcement.

Summary of Substitute Bill: Persons or business entities who have information relating to violations of the identity theft act who may have done business with the identity thief must provide, upon request of the victim, copies of all relevant information. Providers of this information may request reimbursement for actual expenses, and are provided immunity from criminal prosecution or civil action for good faith provision of information to law enforcement or other entities for the purposes of identification and prosecution of violators.

If a victim of identity theft notifies a collection agency that a series of checks or similar instruments have been stolen and a police report has been filed, the collection agency cannot recontact the victim regarding any checks or similar instruments in that series.

Substitute Bill Compared to Original Bill: The substitute bill includes the following prohibition: if a victim of identity theft notifies a collection agency that a series of checks has been stolen, and a police report has been filed, the collection agency cannot send additional reports of debts based on these checks to a consumer reporting agency (credit bureau).

Appropriation: None.

Fiscal Note: Requested.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Testimony For: None.

Testimony Against: (Concerns) There is a requirement that collection agencies only contact a victim of identity theft once if they are given a written statement by the victim that a series of checks has been stolen, and a police report has been filed. This provision is subject to abuse, and is very difficult to obey, since checks in a series could be used over a considerable period of time.

Testified: Judy Warnick, Benita Gjurasic, Washington Collectors (con); Bill Stauffacher, Direct Marking Assn. (concern).