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ENGROSSED SUBSTITUTE SENATE BILL 6412

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State of Washington 57th Legislature

2002 Regular Session

By Senate Committee on Labor, Commerce & Financial Institutions  
(originally sponsored by Senators Kohl-Welles, Costa, Prentice,  
Winsley, Long, Keiser and Benton)

READ FIRST TIME 02/06/2002.

1 AN ACT Relating to international matchmaking organizations;  
2 amending RCW 43.43.760; adding a new chapter to Title 19 RCW; and  
3 providing an effective date.

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

5 NEW SECTION. **Sec. 1.** The legislature intends to provide increased  
6 consumer awareness on the part of persons living abroad regarding  
7 Washington residents who utilize international matchmaking services for  
8 purposes of establishing relationships with those living abroad. The  
9 legislature recognizes that persons living abroad are already required  
10 to provide background information to the federal government during visa  
11 applications, but, unlike residents of the United States, are unlikely  
12 to have the means to access and fully verify personal history  
13 information about prospective spouses residing in the United States.  
14 The legislature does not intend to impede the ability of any person to  
15 establish a marital or romantic relationship, but rather to increase  
16 the ability of persons living abroad to make informed decisions about  
17 Washington residents.

1 The legislature does not intend to adversely impact in any way  
2 those businesses who offer international matchmaking services on a not  
3 for fee basis.

4 NEW SECTION. **Sec. 2.** (1) Each international matchmaking  
5 organization doing business in Washington state shall disseminate to a  
6 recruit, upon request, state background check information and marital  
7 history information relating to any Washington state resident about  
8 whom any information is provided to the recruit, in the recruit's  
9 native language. The organization shall notify all recruits that  
10 background check and marital history information is available upon  
11 request.

12 (2) If an international matchmaking organization receives a request  
13 for information from a recruit pursuant to subsection (1) of this  
14 section, the organization shall notify the Washington state resident of  
15 the request. Upon receiving notification, the Washington state  
16 resident shall obtain from the state patrol and provide to the  
17 organization the complete transcript of any background check  
18 information provided pursuant to RCW 43.43.760 based on a submission of  
19 fingerprint impressions and provided pursuant to RCW 43.43.838 and  
20 shall provide to the organization his or her marital history  
21 information. The organization shall require the resident to affirm  
22 that marital history information is complete and accurate, and includes  
23 any information regarding marriages, annulments, and dissolutions which  
24 occurred in other states or countries. The organization shall refrain  
25 from knowingly providing any further services to the recruit or the  
26 Washington state resident in regards to facilitating future interaction  
27 between the recruit and the Washington state resident until the  
28 organization has obtained the requested information and provided it to  
29 the recruit.

30 (3) This section does not apply to a traditional matchmaking  
31 organization of a religious nature that otherwise operates in  
32 compliance with the laws of the countries of the recruits of such  
33 organization and the laws of the United States nor to any organization  
34 that does not charge a fee to any party for the service provided.

35 (4) As used in this section:

36 (a) "International matchmaking organization" means a corporation,  
37 partnership, business, or other legal entity, whether or not organized  
38 under the laws of the United States or any state, that does business in

1 the United States and for profit offers to Washington state residents,  
2 including aliens lawfully admitted for permanent residence and residing  
3 in Washington state, dating, matrimonial, or social referral services  
4 involving citizens of a foreign country or countries who are not  
5 residing in the United States, by: (i) An exchange of names, telephone  
6 numbers, addresses, or statistics; (ii) selection of photographs; or  
7 (iii) a social environment provided by the organization in a country  
8 other than the United States.

9 (b) "Marital history information" means a declaration of the  
10 person's current marital status, the number of times the person has  
11 previously been married, and whether any previous marriages occurred as  
12 a result of receiving services from an international matchmaking  
13 organization.

14 (c) "Recruit" means a noncitizen, nonresident person, recruited by  
15 an international matchmaking organization for the purpose of providing  
16 dating, matrimonial, or social referral services.

17 NEW SECTION. **Sec. 3.** For purposes of establishing personal  
18 jurisdiction under this act, an international matchmaking organization  
19 is deemed to be doing business in Washington and therefore subject to  
20 specific jurisdiction if it contracts for matchmaking services with a  
21 Washington resident or if it is considered to be doing business under  
22 any other provision or rule of law.

23 NEW SECTION. **Sec. 4.** The legislature finds that the practices  
24 covered by this chapter are matters vitally affecting the public  
25 interest for the purpose of applying the consumer protection act,  
26 chapter 19.86 RCW. A violation of this chapter is not reasonable in  
27 relation to the development and preservation of business and is an  
28 unfair or deceptive act in trade or commerce and an unfair method of  
29 competition for the purpose of applying the consumer protection act,  
30 chapter 19.86 RCW.

31 **Sec. 5.** RCW 43.43.760 and 2001 c 217 s 3 are each amended to read  
32 as follows:

33 (1) Whenever a resident of this state appears before any law  
34 enforcement agency and requests an impression of his or her  
35 fingerprints to be made, such agency may comply with his or her request  
36 and make the required copies of the impressions on forms marked

1 "Personal Identification". The required copies shall be forwarded to  
2 the section and marked "for personal identification only".

3 The section shall accept and file such fingerprints submitted  
4 voluntarily by such resident, for the purpose of securing a more  
5 certain and easy identification in case of death, injury, loss of  
6 memory, or other similar circumstances. Upon the request of such  
7 person, the section shall return his or her identification data.

8 (2) Whenever a person claiming to be a victim of identity theft  
9 appears before any law enforcement agency and requests an impression of  
10 his or her fingerprints to be made, such agency may comply with this  
11 request and make the required copies of the impressions on forms marked  
12 "Personal Identification." The required copies shall be forwarded to  
13 the section and marked "for personal identification only."

14 The section shall accept and file such fingerprints submitted by  
15 such resident, for the purpose of securing a more certain and easy  
16 identification in cases of identity theft. The section shall provide  
17 a statement showing that the victim's impression of fingerprints has  
18 been accepted and filed with the section.

19 The statement provided to the victim shall state clearly in twelve-  
20 point print:

21 "The person holding this statement has claimed to be a victim of  
22 identity theft. Pursuant to chapter 9.35 RCW, a business is required  
23 by law to provide this victim with copies of all relevant application  
24 and transaction information related to the transaction being alleged as  
25 a potential or actual identity theft. A business must provide this  
26 information once the victim makes a request in writing, shows this  
27 statement, any government issued photo identification card, and a copy  
28 of a police report."

29 Upon the request of such person, the section shall return his or  
30 her identification data.

31 (3) Whenever any person is an applicant for appointment to any  
32 position or is an applicant for employment or is an applicant for a  
33 license to be issued by any governmental agency, and the law or a  
34 regulation of such governmental agency requires that the applicant be  
35 of good moral character or not have been convicted of a crime, or is an  
36 applicant for appointment to or employment with a criminal justice  
37 agency, or the department, or is an applicant for the services of an  
38 international matchmaking organization, the applicant may request any

1 law enforcement agency to make an impression of his or her fingerprints  
2 to be submitted to the section. The law enforcement agency may comply  
3 with such request and make copies of the impressions on forms marked  
4 "applicant", and submit such copies to the section.

5 The section shall accept such fingerprints and shall cause its  
6 files to be examined and shall promptly send to the appointing  
7 authority, employer, ((or)) licensing authority, or international  
8 matchmaking organization indicated on the form of application, a  
9 transcript of the record of previous crimes committed by the person  
10 described on the data submitted, or a transcript of the dependency  
11 record information regarding the person described on the data  
12 submitted, or if there is no record of his or her commission of any  
13 crimes, or if there is no dependency record information, a statement to  
14 that effect.

15 (4) The Washington state patrol shall charge fees for processing of  
16 noncriminal justice system requests for criminal history record  
17 information pursuant to this section which will cover, as nearly as  
18 practicable, the direct and indirect costs to the patrol of processing  
19 such requests.

20 Any law enforcement agency may charge a fee not to exceed five  
21 dollars for the purpose of taking fingerprint impressions or searching  
22 its files of identification for noncriminal purposes.

23 NEW SECTION. **Sec. 6.** Sections 1 through 4 of this act constitute  
24 a new chapter in Title 19 RCW.

25 NEW SECTION. **Sec. 7.** This act takes effect September 1, 2002.

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