
HOUSE BILL 1800

State of Washington

58th Legislature

2003 Regular Session

By Representatives Romero, Mielke, Hunt, Bush, Moeller, Quall and Dickerson

Read first time 02/10/2003. Referred to Committee on Transportation.

1 AN ACT Relating to parking infractions; amending RCW 46.63.030,
2 46.63.060, 46.63.070, 46.20.270, 19.16.500, and 19.182.040; reenacting
3 and amending RCW 3.02.045, 19.16.250, 19.16.250, and 19.16.100;
4 creating new sections; providing effective dates; providing an
5 expiration date; and declaring an emergency.

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

7 NEW SECTION. **Sec. 1.** The legislature finds that the current
8 system for issuing notices of certain parking infractions and for
9 collecting penalties for those infractions does not promote due process
10 for vehicle owners. Current law and practices do not require notice to
11 the registered owner of a vehicle when a notice of infraction is issued
12 to an unattended vehicle, even though it is the owner who presumptively
13 faces the legal consequences of the infraction. A registered owner may
14 be unaware of infraction notices issued for his or her vehicle until
15 the referral of the citations to a collection agency impairs the
16 owner's credit rating, which in turn affects the owner's ability to
17 secure employment, housing, insurance, and health care. Similarly, a
18 registered owner may be unaware of infraction notices until the owner
19 is unable to renew the license for his or her vehicle. Even where the

1 owner receives notice, the consequences of failing to pay promptly for
2 a relatively minor infraction may have a disproportionate effect on the
3 owner's life and livelihood.

4 The legislature intends to prevent harm to the financial interests
5 and credit ratings of vehicle owners by requiring further procedural
6 protections as additional steps of the citation and collection
7 processes.

8 **Sec. 2.** RCW 46.63.030 and 2002 c 279 s 14 are each amended to read
9 as follows:

10 (1) A law enforcement officer has the authority to issue a notice
11 of traffic infraction:

12 (a) When the infraction is committed in the officer's presence;

13 (b) When the officer is acting upon the request of a law
14 enforcement officer in whose presence the traffic infraction was
15 committed; or

16 (c) If an officer investigating at the scene of a motor vehicle
17 accident has reasonable cause to believe that the driver of a motor
18 vehicle involved in the accident has committed a traffic infraction.

19 (2) A court may issue a notice of traffic infraction upon receipt
20 of a written statement of the officer that there is reasonable cause to
21 believe that an infraction was committed.

22 (3) If any motor vehicle without a driver is found parked,
23 standing, or stopped in violation of this title or an equivalent
24 administrative regulation or local law, ordinance, regulation, or
25 resolution, the officer finding the vehicle shall take its registration
26 number and may take any other information displayed on the vehicle
27 which may identify its user, and shall conspicuously affix to the
28 vehicle a notice of traffic infraction. In addition, within two
29 business days of the date the notice of traffic infraction was issued,
30 the issuing law enforcement agency shall send a notice of infraction by
31 first class mail to the registered owner of the vehicle at the address
32 on file with the department of licensing.

33 (4) In the case of failure to redeem an abandoned vehicle under RCW
34 46.55.120, upon receiving a complaint by a registered tow truck
35 operator that has incurred costs in removing, storing, and disposing of
36 an abandoned vehicle, an officer of the law enforcement agency
37 responsible for directing the removal of the vehicle shall send a

1 notice of infraction by certified mail to the last known address of the
2 person responsible under RCW 46.55.105. The notice must be entitled
3 "Littering--Abandoned Vehicle" and give notice of the monetary penalty.
4 The officer shall append to the notice of infraction, on a form
5 prescribed by the department of licensing, a notice indicating the
6 amount of costs incurred as a result of removing, storing, and
7 disposing of the abandoned vehicle, less any amount realized at
8 auction, and a statement that monetary penalties for the infraction
9 will not be considered as having been paid until the monetary penalty
10 payable under this chapter has been paid and the court is satisfied
11 that the person has made restitution in the amount of the deficiency
12 remaining after disposal of the vehicle.

13 **Sec. 3.** RCW 46.63.060 and 1993 c 501 s 9 are each amended to read
14 as follows:

15 (1) A notice of traffic infraction represents a determination that
16 an infraction has been committed. The determination will be final
17 unless contested as provided in this chapter.

18 (2) The form for the notice of traffic infraction shall be
19 prescribed by rule of the supreme court and shall include the
20 following:

21 (a) A statement that the notice represents a determination that a
22 traffic infraction has been committed by the person named in the notice
23 and that the determination shall be final unless contested as provided
24 in this chapter;

25 (b) A statement that a traffic infraction is a noncriminal offense
26 for which imprisonment may not be imposed as a sanction; that the
27 penalty for a traffic infraction may include sanctions against the
28 person's driver's license including suspension, revocation, or denial;
29 that the penalty for a traffic infraction related to standing,
30 stopping, or parking may include nonrenewal of the vehicle license;

31 (c) A statement of the specific traffic infraction for which the
32 notice was issued;

33 (d) A statement of the monetary penalty established for the traffic
34 infraction;

35 (e) A statement of the options provided in this chapter for
36 responding to the notice and the procedures necessary to exercise these
37 options;

1 (f) A statement that at any hearing to contest the determination
2 the state has the burden of proving, by a preponderance of the
3 evidence, that the infraction was committed; and that the person may
4 subpoena witnesses including the officer who issued the notice of
5 infraction;

6 (g) A statement that at any hearing requested for the purpose of
7 explaining mitigating circumstances surrounding the commission of the
8 infraction the person will be deemed to have committed the infraction
9 and may not subpoena witnesses;

10 (h) A statement that the person must respond to the notice as
11 provided in this chapter within fifteen days or the person's driver's
12 license or driving privilege will be suspended by the department until
13 any penalties imposed pursuant to this chapter have been satisfied;

14 (i) A statement that failure to appear at a hearing requested for
15 the purpose of contesting the determination or for the purpose of
16 explaining mitigating circumstances will result in the suspension of
17 the person's driver's license or driving privilege, or in the case of
18 a standing, stopping, or parking violation, refusal of the department
19 to renew the vehicle license, until any penalties imposed pursuant to
20 this chapter have been satisfied;

21 (j) A statement, which the person shall sign, that the person
22 promises to respond to the notice of infraction in one of the ways
23 provided in this chapter;

24 (k) A statement that unpaid penalties may be referred to a
25 collection agency and reported to credit reporting bureaus;

26 (l) For notices of infractions for standing, stopping, or parking
27 violations issued under RCW 46.63.030(3), a statement that a notice of
28 infraction will be mailed to the registered owner of the vehicle.

29 **Sec. 4.** RCW 46.63.070 and 2000 c 110 s 1 are each amended to read
30 as follows:

31 (1) Any person who receives a notice of traffic infraction shall
32 respond to such notice as provided in this section within the later of
33 fifteen days of the date of the notice or, in the case of a notice of
34 standing, stopping, or parking infraction issued under RCW
35 46.63.030(3), fifteen days from the date the notice was mailed pursuant
36 to that subsection.

1 (2) If the person determined to have committed the infraction does
2 not contest the determination the person shall respond by completing
3 the appropriate portion of the notice of infraction and submitting it,
4 either by mail or in person, to the court specified on the notice. A
5 check or money order in the amount of the penalty prescribed for the
6 infraction must be submitted with the response. When a response which
7 does not contest the determination is received, an appropriate order
8 shall be entered in the court's records, and a record of the response
9 and order shall be furnished to the department in accordance with RCW
10 46.20.270.

11 (3) If the person determined to have committed the infraction, or,
12 for notices issued under RCW 46.63.030(3), the registered owner of the
13 vehicle, wishes to contest the determination the person shall respond
14 by completing the portion of the notice of infraction requesting a
15 hearing and submitting it, either by mail or in person, to the court
16 specified on the notice. The court shall notify the person in writing
17 of the time, place, and date of the hearing, and that date shall not be
18 sooner than seven days from the date of the notice, except by
19 agreement.

20 (4) If the person determined to have committed the infraction, or,
21 for notices issued under RCW 46.63.030(3), the registered owner of the
22 vehicle, does not contest the determination but wishes to explain
23 mitigating circumstances surrounding the infraction the person shall
24 respond by completing the portion of the notice of infraction
25 requesting a hearing for that purpose and submitting it, either by mail
26 or in person, to the court specified on the notice. The court shall
27 notify the person in writing of the time, place, and date of the
28 hearing.

29 (5)(a) In hearings conducted pursuant to subsections (3) and (4) of
30 this section, the court may defer findings, or in a hearing to explain
31 mitigating circumstances may defer entry of its order, for up to one
32 year and impose conditions upon the defendant the court deems
33 appropriate. Upon deferring findings, the court may assess costs as
34 the court deems appropriate for administrative processing. If at the
35 end of the deferral period the defendant has met all conditions and has
36 not been determined to have committed another traffic infraction, the
37 court may dismiss the infraction.

1 (b) A person may not receive more than one deferral within a seven-
2 year period for traffic infractions for moving violations and more than
3 one deferral within a seven-year period for traffic infractions for
4 nonmoving violations.

5 (6) If any person issued a notice of traffic infraction:

6 (a) Fails to respond to the notice of traffic infraction as
7 provided in subsection (2) of this section; or

8 (b) Fails to appear at a hearing requested pursuant to subsection
9 (3) or (4) of this section;

10 the court shall enter an appropriate order assessing the monetary
11 penalty prescribed for the traffic infraction and any other penalty
12 authorized by this chapter and shall notify the department in
13 accordance with RCW 46.20.270, and, for notices issued under RCW
14 46.63.030(3), the registered owner of the vehicle, of the failure to
15 respond to the notice of infraction or to appear at a requested
16 hearing.

17 **Sec. 5.** RCW 46.20.270 and 1990 2nd ex.s. c 1 s 402 are each
18 amended to read as follows:

19 (1) Whenever any person is convicted of any offense for which this
20 title makes mandatory the suspension or revocation of the driver's
21 license of such person by the department, the privilege of the person
22 to operate a vehicle is suspended until the department takes the action
23 required by this chapter, and the court in which such conviction is had
24 shall forthwith secure the immediate forfeiture of the driver's license
25 of such convicted person and immediately forward such driver's license
26 to the department, and on failure of such convicted person to deliver
27 such driver's license the judge shall cause such person to be confined
28 for the period of such suspension or revocation or until such driver's
29 license is delivered to such judge: PROVIDED, That if the convicted
30 person testifies that he or she does not and at the time of the offense
31 did not have a current and valid vehicle driver's license, the judge
32 shall cause such person to be charged with the operation of a motor
33 vehicle without a current and valid driver's license and on conviction
34 punished as by law provided, and the department may not issue a
35 driver's license to such persons during the period of suspension or
36 revocation: PROVIDED, ALSO, That if the driver's license of such
37 convicted person has been lost or destroyed and such convicted person

1 makes an affidavit to that effect, sworn to before the judge, the
2 convicted person may not be so confined, but the department may not
3 issue or reissue a driver's license for such convicted person during
4 the period of such suspension or revocation: PROVIDED, That perfection
5 of notice of appeal shall stay the execution of sentence including the
6 suspension and/or revocation of the driver's license.

7 (2) Every court having jurisdiction over offenses committed under
8 this chapter, or any other act of this state or municipal ordinance
9 adopted by a local authority regulating the operation of motor vehicles
10 on highways, or any federal authority having jurisdiction over offenses
11 substantially the same as those set forth in Title 46 RCW which occur
12 on federal installations within this state, shall forward to the
13 department within ten days of a forfeiture of bail or collateral
14 deposited to secure the defendant's appearance in court, a payment of
15 a fine or penalty, a plea of guilty or a finding of guilt, or a finding
16 that any person has committed a traffic infraction an abstract of the
17 court record in the form prescribed by rule of the supreme court,
18 showing the conviction of any person or the finding that any person has
19 committed a traffic infraction in said court for a violation of any
20 said laws other than regulations governing standing, stopping, parking,
21 and pedestrian offenses.

22 (3) Every municipality having jurisdiction over offenses committed
23 under this chapter, or under any other act of this state or municipal
24 ordinance adopted by a local authority regulating the operation of
25 motor vehicles on highways, may forward to the department within ten
26 days of failure to respond, failure to pay a penalty, failure to appear
27 at a hearing to contest the determination that a violation of any
28 statute, ordinance, or regulation relating to standing, stopping, or
29 parking has been committed, or failure to appear at a hearing to
30 explain mitigating circumstances, an abstract of the citation record in
31 the form prescribed by rule of the department, showing the finding by
32 such municipality that (~~two or~~) more than two violations of laws
33 governing standing, stopping, and parking have been committed and
34 indicating the nature of the defendant's failure to act. Whenever a
35 municipality forwards such a finding to the department, it must also
36 send a copy of the finding by first class mail to the registered owner
37 of the vehicle at the address on file with the department. Such
38 violations may not have occurred while the vehicle is stolen from the

1 registered owner or is leased or rented under a bona fide commercial
2 vehicle lease or rental agreement between a lessor engaged in the
3 business of leasing vehicles and a lessee who is not the vehicle's
4 registered owner. The department may enter into agreements of
5 reciprocity with the duly authorized representatives of the states for
6 reporting to each other violations of laws governing standing,
7 stopping, and parking.

8 (4) For the purposes of Title 46 RCW the term "conviction" means a
9 final conviction in a state or municipal court or by any federal
10 authority having jurisdiction over offenses substantially the same as
11 those set forth in Title 46 RCW which occur on federal installations in
12 this state, an unvacated forfeiture of bail or collateral deposited to
13 secure a defendant's appearance in court, the payment of a fine, a plea
14 of guilty, or a finding of guilt on a traffic law violation charge,
15 regardless of whether the imposition of sentence or sanctions are
16 deferred or the penalty is suspended, but not including entry into a
17 deferred prosecution agreement under chapter 10.05 RCW.

18 (5) For the purposes of Title 46 RCW the term "finding that a
19 traffic infraction has been committed" means a failure to respond to a
20 notice of infraction or a determination made by a court pursuant to
21 this chapter. Payment of a monetary penalty made pursuant to RCW
22 46.63.070(2) is deemed equivalent to such a finding.

23 **Sec. 6.** RCW 3.02.045 and 1995 c 291 s 1 and 1995 c 38 s 1 are each
24 reenacted and amended to read as follows:

25 (1) Courts of limited jurisdiction may use collection agencies
26 under chapter 19.16 RCW for purposes of collecting unpaid penalties on
27 infractions, criminal fines, costs, assessments, civil judgments, or
28 forfeitures that have been imposed by the courts. Courts of limited
29 jurisdiction may enter into agreements with one or more attorneys or
30 collection agencies for collection of outstanding penalties, fines,
31 costs, assessments, and forfeitures. These agreements may specify the
32 scope of work, remuneration for services, and other charges deemed
33 appropriate. Such agreements may authorize collection agencies to
34 retain all or any portion of the interest collected on these accounts.

35 (2) Courts of limited jurisdiction may use credit cards or debit
36 cards for purposes of billing and collecting unpaid penalties, fines,
37 costs, assessments, and forfeitures so imposed. Courts of limited

1 jurisdiction may enter into agreements with one or more financial
2 institutions for the purpose of the collection of penalties, fines,
3 costs, assessments, and forfeitures. The agreements may specify
4 conditions, remuneration for services, and other charges deemed
5 appropriate.

6 (3) Servicing of delinquencies by collection agencies or by
7 collecting attorneys in which the court retains control of its
8 delinquencies shall not constitute assignment of debt.

9 (4) For purposes of this section, the term debt shall include
10 penalties, fines, costs, assessments, or forfeitures imposed by the
11 courts.

12 (5) The court may assess as court costs the moneys paid for
13 remuneration for services or charges paid to collecting attorneys, to
14 collection agencies, or, in the case of credit cards, to financial
15 institutions.

16 (6) For public debts that arise from a notice of infraction issued
17 for standing, stopping, or parking violations under RCW 46.63.030(3),
18 the court may not assign the debt to a collection agency unless:

19 (a) The debt in that jurisdiction arises from either: (i) More
20 than two notices of infraction; or (ii) the total original monetary
21 penalty or penalties for the infraction or infractions, exclusive of
22 additional penalties and surcharges, exceeds seventy-five dollars. The
23 assignment must state the number of infractions and the original
24 monetary penalty for each; and

25 (b)(i) The court sends notice by first class mail to the address of
26 the registered owner on file with the department of licensing informing
27 the owner of the existence of the debt; (ii) the court sends notice by
28 first class mail to the address of the registered owner on file with
29 the department of licensing informing the owner that the debt may be
30 assigned to a collection agency for collection if the debt is not paid;
31 and (iii) at least thirty days have elapsed from the date the notice of
32 infraction was mailed.

33 **Sec. 7.** RCW 19.16.500 and 1997 c 387 s 1 are each amended to read
34 as follows:

35 (1)(a) Agencies, departments, taxing districts, political
36 subdivisions of the state, counties, and cities may retain, by written

1 contract, collection agencies licensed under this chapter for the
2 purpose of collecting public debts owed by any person, including any
3 restitution that is being collected on behalf of a crime victim.

4 (b) Any governmental entity as described in (a) of this subsection
5 using a collection agency may add a reasonable fee, payable by the
6 debtor, to the outstanding debt for the collection agency fee incurred
7 or to be incurred. The amount to be paid for collection services shall
8 be left to the agreement of the governmental entity and its collection
9 agency or agencies, but a contingent fee of up to fifty percent of the
10 first one hundred thousand dollars of the unpaid debt per account and
11 up to thirty-five percent of the unpaid debt over one hundred thousand
12 dollars per account is reasonable, and a minimum fee of the full amount
13 of the debt up to one hundred dollars per account is reasonable. Any
14 fee agreement entered into by a governmental entity is presumptively
15 reasonable.

16 (2) Except as provided in subsection (5) of this section, no debt
17 may be assigned to a collection agency unless (a) there has been an
18 attempt to advise the debtor (i) of the existence of the debt and (ii)
19 that the debt may be assigned to a collection agency for collection if
20 the debt is not paid, and (b) at least thirty days have elapsed from
21 the time notice was attempted.

22 (3) Collection agencies assigned debts under this section shall
23 have only those remedies and powers which would be available to them as
24 assignees of private creditors.

25 (4) For purposes of this section, the term debt shall include fines
26 and other debts, including the fee required under subsection (1)(b) of
27 this section.

28 (5) For public debts that arise from a notice of infraction issued
29 for standing, stopping, or parking violations under RCW 46.63.030(3),
30 the debt may not be assigned to a collection agency unless:

31 (a) The debt in that jurisdiction arises from either: (i) More
32 than two notices of infraction; or (ii) the total original monetary
33 penalty or penalties for the infraction or infractions, exclusive of
34 additional penalties and surcharges, exceeds seventy-five dollars. The
35 assignment must state the number of infractions and the original
36 monetary penalty for each; and

37 (b)(i) The governmental entity sends notice by first class mail to
38 the address of the registered owner on file with the department of

1 licensing informing the owner of the existence of the debt; (ii) the
2 governmental entity sends notice by first class mail to the address of
3 the registered owner on file with the department of licensing informing
4 the owner that the debt may be assigned to a collection agency for
5 collection if the debt is not paid; and (iii) at least thirty days have
6 elapsed from the date the notice of infraction was mailed.

7 **Sec. 8.** RCW 19.16.250 and 2001 c 217 s 4 and 2001 c 47 s 2 are
8 each reenacted and amended to read as follows:

9 No licensee or employee of a licensee shall:

10 (1) Directly or indirectly aid or abet any unlicensed person to
11 engage in business as a collection agency in this state or receive
12 compensation from such unlicensed person: PROVIDED, That nothing in
13 this chapter shall prevent a licensee from accepting, as forwarder,
14 claims for collection from a collection agency or attorney whose place
15 of business is outside the state.

16 (2) Collect or attempt to collect a claim by the use of any means
17 contrary to the postal laws and regulations of the United States postal
18 department.

19 (3) Publish or post or cause to be published or posted, any list of
20 debtors commonly known as "bad debt lists" or threaten to do so. For
21 purposes of this chapter, a "bad debt list" means any list of natural
22 persons alleged to fail to honor their lawful debts. However, nothing
23 herein shall be construed to prohibit a licensee from communicating to
24 its customers or clients by means of a coded list, the existence of a
25 check dishonored because of insufficient funds, not sufficient funds or
26 closed account by the financial institution servicing the debtor's
27 checking account: PROVIDED, That the debtor's identity is not readily
28 apparent: PROVIDED FURTHER, That the licensee complies with the
29 requirements of subsection (9)(e) of this section.

30 (4) Have in his or her possession or make use of any badge, use a
31 uniform of any law enforcement agency or any simulation thereof, or
32 make any statements which might be construed as indicating an official
33 connection with any federal, state, county, or city law enforcement
34 agency, or any other governmental agency, while engaged in collection
35 agency business.

36 (5) Perform any act or acts, either directly or indirectly,
37 constituting the practice of law.

1 (6) Advertise for sale or threaten to advertise for sale any claim
2 as a means of endeavoring to enforce payment thereof or agreeing to do
3 so for the purpose of soliciting claims, except where the licensee has
4 acquired claims as an assignee for the benefit of creditors or where
5 the licensee is acting under court order.

6 (7) Use any name while engaged in the making of a demand for any
7 claim other than the name set forth on his, her, or its current license
8 issued hereunder.

9 (8) Give or send to any debtor or cause to be given or sent to any
10 debtor, any notice, letter, message, or form which represents or
11 implies that a claim exists unless it shall indicate in clear and
12 legible type:

13 (a) The name of the licensee and the city, street, and number at
14 which he is licensed to do business;

15 (b) The name of the original creditor to whom the debtor owed the
16 claim if such name is known to the licensee or employee: PROVIDED,
17 That upon written request of the debtor, the licensee shall make a
18 reasonable effort to obtain the name of such person and provide this
19 name to the debtor;

20 (c) If the notice, letter, message, or form is the first notice to
21 the debtor or if the licensee is attempting to collect a different
22 amount than indicated in his or its first notice to the debtor, an
23 itemization of the claim asserted must be made including:

24 (i) Amount owing on the original obligation at the time it was
25 received by the licensee for collection or by assignment;

26 (ii) Interest or service charge, collection costs, or late payment
27 charges, if any, added to the original obligation by the original
28 creditor, customer or assignor before it was received by the licensee
29 for collection, if such information is known by the licensee or
30 employee: PROVIDED, That upon written request of the debtor, the
31 licensee shall make a reasonable effort to obtain information on such
32 items and provide this information to the debtor;

33 (iii) Interest or service charge, if any, added by the licensee or
34 customer or assignor after the obligation was received by the licensee
35 for collection;

36 (iv) Collection costs, if any, that the licensee is attempting to
37 collect;

1 (v) Attorneys' fees, if any, that the licensee is attempting to
2 collect on his, her, or its behalf or on the behalf of a customer or
3 assignor;

4 (vi) Any other charge or fee that the licensee is attempting to
5 collect on his, her, or its own behalf or on the behalf of a customer
6 or assignor.

7 (9) Communicate or threaten to communicate, the existence of a
8 claim to a person other than one who might be reasonably expected to be
9 liable on the claim in any manner other than through proper legal
10 action, process, or proceedings except under the following conditions:

11 (a) A licensee or employee of a licensee may inform a credit
12 reporting bureau of the existence of a claim: PROVIDED, That if the
13 licensee or employee of a licensee reports a claim to a credit
14 reporting bureau, the licensee shall upon receipt of written notice
15 from the debtor that any part of the claim is disputed, forward a copy
16 of such written notice to the credit reporting bureau. If the claim
17 arises from a notice of infraction issued under RCW 46.63.030(3) and
18 referred to the licensee under RCW 3.02.045(6) and 19.16.500(5), the
19 licensee may not inform a credit reporting bureau of the existence of
20 a claim unless the claim referred arises from more than two notices of
21 infraction, or the total original monetary penalty or penalties for the
22 infraction or infractions, exclusive of additional penalties and
23 surcharges, exceeds seventy-five dollars;

24 (b) A licensee or employee in collecting or attempting to collect
25 a claim may communicate the existence of a claim to a debtor's employer
26 if the claim has been reduced to a judgment;

27 (c) A licensee or employee in collecting or attempting to collect
28 a claim that has not been reduced to judgment, may communicate the
29 existence of a claim to a debtor's employer if:

30 (i) The licensee or employee has notified or attempted to notify
31 the debtor in writing at his or her last known address or place of
32 employment concerning the claim and the debtor after a reasonable time
33 has failed to pay the claim or has failed to agree to make payments on
34 the claim in a manner acceptable to the licensee, and

35 (ii) The debtor has not in writing to the licensee disputed any
36 part of the claim: PROVIDED, That the licensee or employee may only
37 communicate the existence of a claim which has not been reduced to

1 judgment to the debtor's employer once unless the debtor's employer has
2 agreed to additional communications.

3 (d) A licensee may for the purpose of locating the debtor or
4 locating assets of the debtor communicate the existence of a claim to
5 any person who might reasonably be expected to have knowledge of the
6 whereabouts of a debtor or the location of assets of the debtor if the
7 claim is reduced to judgment, or if not reduced to judgment, when:

8 (i) The licensee or employee has notified or attempted to notify
9 the debtor in writing at his or her last known address or last known
10 place of employment concerning the claim and the debtor after a
11 reasonable time has failed to pay the claim or has failed to agree to
12 make payments on the claim in a manner acceptable to the licensee, and

13 (ii) The debtor has not in writing disputed any part of the claim.

14 (e) A licensee may communicate the existence of a claim to its
15 customers or clients if the claim is reduced to judgment, or if not
16 reduced to judgment, when:

17 (i) The licensee has notified or attempted to notify the debtor in
18 writing at his or her last known address or last known place of
19 employment concerning the claim and the debtor after a reasonable time
20 has failed to pay the claim or has failed to agree to make payments on
21 the claim in a manner acceptable to the licensee, and

22 (ii) The debtor has not in writing disputed any part of the claim.

23 (10) Threaten the debtor with impairment of his or her credit
24 rating if a claim is not paid.

25 (11) Communicate with the debtor after notification in writing from
26 an attorney representing such debtor that all further communications
27 relative to a claim should be addressed to the attorney: PROVIDED,
28 That if a licensee requests in writing information from an attorney
29 regarding such claim and the attorney does not respond within a
30 reasonable time, the licensee may communicate directly with the debtor
31 until he, she, or it again receives notification in writing that an
32 attorney is representing the debtor.

33 (12) Communicate with a debtor or anyone else in such a manner as
34 to harass, intimidate, threaten, or embarrass a debtor, including but
35 not limited to communication at an unreasonable hour, with unreasonable
36 frequency, by threats of force or violence, by threats of criminal
37 prosecution, and by use of offensive language. A communication shall
38 be presumed to have been made for the purposes of harassment if:

1 (a) It is made with a debtor or spouse in any form, manner, or
2 place, more than three times in a single week;

3 (b) It is made with a debtor at his or her place of employment more
4 than one time in a single week;

5 (c) It is made with the debtor or spouse at his or her place of
6 residence between the hours of 9:00 p.m. and 7:30 a.m.

7 (13) Communicate with the debtor through use of forms or
8 instruments that simulate the form or appearance of judicial process,
9 the form or appearance of government documents, or the simulation of a
10 form or appearance of a telegraphic or emergency message.

11 (14) Communicate with the debtor and represent or imply that the
12 existing obligation of the debtor may be or has been increased by the
13 addition of attorneys' fees, investigation fees, service fees, or any
14 other fees or charges when in fact such fees or charges may not legally
15 be added to the existing obligation of such debtor.

16 (15) Threaten to take any action against the debtor which the
17 licensee cannot legally take at the time the threat is made.

18 (16) Send any telegram or make any telephone calls to a debtor or
19 concerning a debt or for the purpose of demanding payment of a claim or
20 seeking information about a debtor, for which the charges are payable
21 by the addressee or by the person to whom the call is made.

22 (17) In any manner convey the impression that the licensee is
23 vouched for, bonded to or by, or is an instrumentality of the state of
24 Washington or any agency or department thereof.

25 (18) Collect or attempt to collect in addition to the principal
26 amount of a claim any sum other than allowable interest, collection
27 costs or handling fees expressly authorized by statute, and, in the
28 case of suit, (~~attorney's~~) attorneys' fees and taxable court costs.
29 A licensee may collect or attempt to collect collection costs and fees,
30 including contingent collection fees, as authorized by a written
31 agreement or contract, between the licensee's client and the debtor, in
32 the collection of a commercial claim. The amount charged to the debtor
33 for collection services shall not exceed thirty-five percent of the
34 commercial claim.

35 (19) Procure from a debtor or collect or attempt to collect on any
36 written note, contract, stipulation, promise or acknowledgment under
37 which a debtor may be required to pay any sum other than principal,

1 allowable interest, except as noted in subsection (18) of this section,
2 and, in the case of suit, (~~attorney's~~) attorneys' fees and taxable
3 court costs.

4 (20) Upon notification by a debtor that the debtor disputes all
5 debts arising from a series of dishonored checks, automated
6 clearinghouse transactions on a demand deposit account, or other
7 preprinted written instruments, initiate oral contact with a debtor
8 more than one time in an attempt to collect from the debtor debts
9 arising from the identified series of dishonored checks, automated
10 clearinghouse transactions on a demand deposit account, or other
11 preprinted written instruments when: (a) Within the previous one
12 hundred eighty days, in response to the licensee's attempt to collect
13 the initial debt assigned to the licensee and arising from the
14 identified series of dishonored checks, automated clearinghouse
15 transactions on a demand deposit account, or other preprinted written
16 instruments, the debtor in writing notified the licensee that the
17 debtor's checkbook or other series of preprinted written instruments
18 was stolen or fraudulently created; (b) the licensee has received from
19 the debtor a certified copy of a police report referencing the theft or
20 fraudulent creation of the checkbook, automated clearinghouse
21 transactions on a demand deposit account, or series of preprinted
22 written instruments; (c) in the written notification to the licensee or
23 in the police report, the debtor identified the financial institution
24 where the account was maintained, the account number, the magnetic ink
25 character recognition number, the full bank routing and transit number,
26 and the check numbers of the stolen checks, automated clearinghouse
27 transactions on a demand deposit account, or other preprinted written
28 instruments, which check numbers included the number of the check that
29 is the subject of the licensee's collection efforts; (d) the debtor
30 provides, or within the previous one hundred eighty days provided, to
31 the licensee a legible copy of a government-issued photo
32 identification, which contains the debtor's signature and which was
33 issued prior to the date of the theft or fraud identified in the police
34 report; (e) the debtor advised the licensee that the subject debt is
35 disputed because the identified check, automated clearinghouse
36 transaction on a demand deposit account, or other preprinted written
37 instrument underlying the debt is a stolen or fraudulently created
38 check or instrument; and (f) information on the checks, automated

1 clearinghouse transactions on a demand deposit account, or other
2 preprinted written instruments are currently in the licensee's files
3 that identically match the information provided by the debtor in (c) of
4 this subsection.

5 The licensee is not in violation of this subsection if the licensee
6 initiates oral contact with the debtor more than one time in an attempt
7 to collect debts arising from the identified series of dishonored
8 checks, automated clearinghouse transactions on a demand deposit
9 account, or other preprinted written instruments when: (i) The
10 licensee acted in good faith and relied on their established practices
11 and procedures for batching, recording, or packeting debtor accounts,
12 and the licensee inadvertently initiates oral contact with the debtor
13 in an attempt to collect debts in the identified series subsequent to
14 the initial debt assigned to the licensee; (ii) the licensee is
15 following up on collection of a debt assigned to the licensee, and the
16 debtor has previously requested more information from the licensee
17 regarding the subject debt; (iii) the debtor has notified the licensee
18 that the debtor disputes only some, but not all the debts arising from
19 the identified series of dishonored checks, automated clearinghouse
20 transactions on a demand deposit account, or other preprinted written
21 instruments, in which case the licensee shall be allowed to initiate
22 oral contact with the debtor one time for each debt arising from the
23 series of identified checks, automated clearinghouse transactions on a
24 demand deposit account, or written instruments and initiate additional
25 oral contact for those debts that the debtor acknowledges do not arise
26 from stolen or fraudulently created checks or written instruments; (iv)
27 the oral contact is in the context of a judicial, administrative,
28 arbitration, mediation, or similar proceeding; or (v) the oral contact
29 is made for the purpose of investigating, confirming, or authenticating
30 the information received from the debtor, to provide additional
31 information to the debtor, or to request additional information from
32 the debtor needed by the licensee to accurately record the debtor's
33 information in the licensee's records.

34 **Sec. 9.** RCW 19.16.250 and 2001 c 217 s 5 and 2001 c 47 s 2 are
35 each reenacted and amended to read as follows:

36 No licensee or employee of a licensee shall:

1 (1) Directly or indirectly aid or abet any unlicensed person to
2 engage in business as a collection agency in this state or receive
3 compensation from such unlicensed person: PROVIDED, That nothing in
4 this chapter shall prevent a licensee from accepting, as forwarder,
5 claims for collection from a collection agency or attorney whose place
6 of business is outside the state.

7 (2) Collect or attempt to collect a claim by the use of any means
8 contrary to the postal laws and regulations of the United States postal
9 department.

10 (3) Publish or post or cause to be published or posted, any list of
11 debtors commonly known as "bad debt lists" or threaten to do so. For
12 purposes of this chapter, a "bad debt list" means any list of natural
13 persons alleged to fail to honor their lawful debts. However, nothing
14 herein shall be construed to prohibit a licensee from communicating to
15 its customers or clients by means of a coded list, the existence of a
16 check dishonored because of insufficient funds, not sufficient funds or
17 closed account by the financial institution servicing the debtor's
18 checking account: PROVIDED, That the debtor's identity is not readily
19 apparent: PROVIDED FURTHER, That the licensee complies with the
20 requirements of subsection (9)(e) of this section.

21 (4) Have in his or her possession or make use of any badge, use a
22 uniform of any law enforcement agency or any simulation thereof, or
23 make any statements which might be construed as indicating an official
24 connection with any federal, state, county, or city law enforcement
25 agency, or any other governmental agency, while engaged in collection
26 agency business.

27 (5) Perform any act or acts, either directly or indirectly,
28 constituting the practice of law.

29 (6) Advertise for sale or threaten to advertise for sale any claim
30 as a means of endeavoring to enforce payment thereof or agreeing to do
31 so for the purpose of soliciting claims, except where the licensee has
32 acquired claims as an assignee for the benefit of creditors or where
33 the licensee is acting under court order.

34 (7) Use any name while engaged in the making of a demand for any
35 claim other than the name set forth on his, her, or its current license
36 issued hereunder.

37 (8) Give or send to any debtor or cause to be given or sent to any

1 debtor, any notice, letter, message, or form which represents or
2 implies that a claim exists unless it shall indicate in clear and
3 legible type:

4 (a) The name of the licensee and the city, street, and number at
5 which he or she is licensed to do business;

6 (b) The name of the original creditor to whom the debtor owed the
7 claim if such name is known to the licensee or employee: PROVIDED,
8 That upon written request of the debtor, the licensee shall make a
9 reasonable effort to obtain the name of such person and provide this
10 name to the debtor;

11 (c) If the notice, letter, message, or form is the first notice to
12 the debtor or if the licensee is attempting to collect a different
13 amount than indicated in his, her, or its first notice to the debtor,
14 an itemization of the claim asserted must be made including:

15 (i) Amount owing on the original obligation at the time it was
16 received by the licensee for collection or by assignment;

17 (ii) Interest or service charge, collection costs, or late payment
18 charges, if any, added to the original obligation by the original
19 creditor, customer or assignor before it was received by the licensee
20 for collection, if such information is known by the licensee or
21 employee: PROVIDED, That upon written request of the debtor, the
22 licensee shall make a reasonable effort to obtain information on such
23 items and provide this information to the debtor;

24 (iii) Interest or service charge, if any, added by the licensee or
25 customer or assignor after the obligation was received by the licensee
26 for collection;

27 (iv) Collection costs, if any, that the licensee is attempting to
28 collect;

29 (v) Attorneys' fees, if any, that the licensee is attempting to
30 collect on his, her, or its behalf or on the behalf of a customer or
31 assignor;

32 (vi) Any other charge or fee that the licensee is attempting to
33 collect on his, her, or its own behalf or on the behalf of a customer
34 or assignor.

35 (9) Communicate or threaten to communicate, the existence of a
36 claim to a person other than one who might be reasonably expected to be
37 liable on the claim in any manner other than through proper legal
38 action, process, or proceedings except under the following conditions:

1 (a) A licensee or employee of a licensee may inform a credit
2 reporting bureau of the existence of a claim: PROVIDED, That if the
3 licensee or employee of a licensee reports a claim to a credit
4 reporting bureau, the licensee shall upon receipt of written notice
5 from the debtor that any part of the claim is disputed, forward a copy
6 of such written notice to the credit reporting bureau. If the claim
7 arises from a notice of infraction issued under RCW 46.63.030(3) and
8 referred to the licensee under RCW 3.02.045(6) and 19.16.500(5), the
9 licensee may not inform a credit reporting bureau of the existence of
10 a claim unless the claim referred arises from more than two notices of
11 infraction, or the total original monetary penalty or penalties for the
12 infraction or infractions, exclusive of additional penalties and
13 surcharges, exceeds seventy-five dollars;

14 (b) A licensee or employee in collecting or attempting to collect
15 a claim may communicate the existence of a claim to a debtor's employer
16 if the claim has been reduced to a judgment;

17 (c) A licensee or employee in collecting or attempting to collect
18 a claim that has not been reduced to judgment, may communicate the
19 existence of a claim to a debtor's employer if:

20 (i) The licensee or employee has notified or attempted to notify
21 the debtor in writing at his or her last known address or place of
22 employment concerning the claim and the debtor after a reasonable time
23 has failed to pay the claim or has failed to agree to make payments on
24 the claim in a manner acceptable to the licensee, and

25 (ii) The debtor has not in writing to the licensee disputed any
26 part of the claim: PROVIDED, That the licensee or employee may only
27 communicate the existence of a claim which has not been reduced to
28 judgment to the debtor's employer once unless the debtor's employer has
29 agreed to additional communications.

30 (d) A licensee may for the purpose of locating the debtor or
31 locating assets of the debtor communicate the existence of a claim to
32 any person who might reasonably be expected to have knowledge of the
33 whereabouts of a debtor or the location of assets of the debtor if the
34 claim is reduced to judgment, or if not reduced to judgment, when:

35 (i) The licensee or employee has notified or attempted to notify
36 the debtor in writing at his or her last known address or last known
37 place of employment concerning the claim and the debtor after a

1 reasonable time has failed to pay the claim or has failed to agree to
2 make payments on the claim in a manner acceptable to the licensee, and

3 (ii) The debtor has not in writing disputed any part of the claim.

4 (e) A licensee may communicate the existence of a claim to its
5 customers or clients if the claim is reduced to judgment, or if not
6 reduced to judgment, when:

7 (i) The licensee has notified or attempted to notify the debtor in
8 writing at his last known address or last known place of employment
9 concerning the claim and the debtor after a reasonable time has failed
10 to pay the claim or has failed to agree to make payments on the claim
11 in a manner acceptable to the licensee, and

12 (ii) The debtor has not in writing disputed any part of the claim.

13 (10) Threaten the debtor with impairment of his or her credit
14 rating if a claim is not paid.

15 (11) Communicate with the debtor after notification in writing from
16 an attorney representing such debtor that all further communications
17 relative to a claim should be addressed to the attorney: PROVIDED,
18 That if a licensee requests in writing information from an attorney
19 regarding such claim and the attorney does not respond within a
20 reasonable time, the licensee may communicate directly with the debtor
21 until he or it again receives notification in writing that an attorney
22 is representing the debtor.

23 (12) Communicate with a debtor or anyone else in such a manner as
24 to harass, intimidate, threaten, or embarrass a debtor, including but
25 not limited to communication at an unreasonable hour, with unreasonable
26 frequency, by threats of force or violence, by threats of criminal
27 prosecution, and by use of offensive language. A communication shall
28 be presumed to have been made for the purposes of harassment if:

29 (a) It is made with a debtor or spouse in any form, manner, or
30 place, more than three times in a single week;

31 (b) It is made with a debtor at his or her place of employment more
32 than one time in a single week;

33 (c) It is made with the debtor or spouse at his or her place of
34 residence between the hours of 9:00 p.m. and 7:30 a.m.

35 (13) Communicate with the debtor through use of forms or
36 instruments that simulate the form or appearance of judicial process,
37 the form or appearance of government documents, or the simulation of a
38 form or appearance of a telegraphic or emergency message.

1 (14) Communicate with the debtor and represent or imply that the
2 existing obligation of the debtor may be or has been increased by the
3 addition of attorneys' fees, investigation fees, service fees, or any
4 other fees or charges when in fact such fees or charges may not legally
5 be added to the existing obligation of such debtor.

6 (15) Threaten to take any action against the debtor which the
7 licensee cannot legally take at the time the threat is made.

8 (16) Send any telegram or make any telephone calls to a debtor or
9 concerning a debt or for the purpose of demanding payment of a claim or
10 seeking information about a debtor, for which the charges are payable
11 by the addressee or by the person to whom the call is made.

12 (17) In any manner convey the impression that the licensee is
13 vouched for, bonded to or by, or is an instrumentality of the state of
14 Washington or any agency or department thereof.

15 (18) Collect or attempt to collect in addition to the principal
16 amount of a claim any sum other than allowable interest, collection
17 costs or handling fees expressly authorized by statute, and, in the
18 case of suit, (~~attorney's~~) attorneys' fees and taxable court costs.
19 A licensee may collect or attempt to collect collection costs and fees,
20 including contingent collection fees, as authorized by a written
21 agreement or contract, between the licensee's client and the debtor, in
22 the collection of a commercial claim. The amount charged to the debtor
23 for collection services shall not exceed thirty-five percent of the
24 commercial claim.

25 (19) Procure from a debtor or collect or attempt to collect on any
26 written note, contract, stipulation, promise or acknowledgment under
27 which a debtor may be required to pay any sum other than principal,
28 allowable interest, except as noted in subsection (18) of this section,
29 and, in the case of suit, (~~attorney's~~) attorneys' fees and taxable
30 court costs.

31 (20) Upon notification by a debtor that the debtor disputes all
32 debts arising from a series of dishonored checks, automated
33 clearinghouse transactions on a demand deposit account, or other
34 preprinted written instruments, initiate oral contact with a debtor
35 more than one time in an attempt to collect from the debtor debts
36 arising from the identified series of dishonored checks, automated
37 clearinghouse transactions on a demand deposit account, or other
38 preprinted written instruments when: (a) Within the previous one

1 hundred eighty days, in response to the licensee's attempt to collect
2 the initial debt assigned to the licensee and arising from the
3 identified series of dishonored checks, automated clearinghouse
4 transactions on a demand deposit account, or other preprinted written
5 instruments, the debtor in writing notified the licensee that the
6 debtor's checkbook or other series of preprinted written instruments
7 was stolen or fraudulently created; (b) the licensee has received from
8 the debtor a certified copy of a police report referencing the theft or
9 fraudulent creation of the checkbook, automated clearinghouse
10 transactions on a demand deposit account, or series of preprinted
11 written instruments; (c) in the written notification to the licensee or
12 in the police report, the debtor identified the financial institution
13 where the account was maintained, the account number, the magnetic ink
14 character recognition number, the full bank routing and transit number,
15 and the check numbers of the stolen checks, automated clearinghouse
16 transactions on a demand deposit account, or other preprinted written
17 instruments, which check numbers included the number of the check that
18 is the subject of the licensee's collection efforts; (d) the debtor
19 provides, or within the previous one hundred eighty days provided, to
20 the licensee a legible copy of a government-issued photo
21 identification, which contains the debtor's signature and which was
22 issued prior to the date of the theft or fraud identified in the police
23 report; and (e) the debtor advised the licensee that the subject debt
24 is disputed because the identified check, automated clearinghouse
25 transaction on a demand deposit account, or other preprinted written
26 instrument underlying the debt is a stolen or fraudulently created
27 check or instrument.

28 The licensee is not in violation of this subsection if the licensee
29 initiates oral contact with the debtor more than one time in an attempt
30 to collect debts arising from the identified series of dishonored
31 checks, automated clearinghouse transactions on a demand deposit
32 account, or other preprinted written instruments when: (i) The
33 licensee acted in good faith and relied on their established practices
34 and procedures for batching, recording, or packeting debtor accounts,
35 and the licensee inadvertently initiates oral contact with the debtor
36 in an attempt to collect debts in the identified series subsequent to
37 the initial debt assigned to the licensee; (ii) the licensee is
38 following up on collection of a debt assigned to the licensee, and the

1 debtor has previously requested more information from the licensee
2 regarding the subject debt; (iii) the debtor has notified the licensee
3 that the debtor disputes only some, but not all the debts arising from
4 the identified series of dishonored checks, automated clearinghouse
5 transactions on a demand deposit account, or other preprinted written
6 instruments, in which case the licensee shall be allowed to initiate
7 oral contact with the debtor one time for each debt arising from the
8 series of identified checks, automated clearinghouse transactions on a
9 demand deposit account, or written instruments and initiate additional
10 oral contact for those debts that the debtor acknowledges do not arise
11 from stolen or fraudulently created checks or written instruments; (iv)
12 the oral contact is in the context of a judicial, administrative,
13 arbitration, mediation, or similar proceeding; or (v) the oral contact
14 is made for the purpose of investigating, confirming, or authenticating
15 the information received from the debtor, to provide additional
16 information to the debtor, or to request additional information from
17 the debtor needed by the licensee to accurately record the debtor's
18 information in the licensee's records.

19 **Sec. 10.** RCW 19.16.100 and 2001 c 47 s 1 and 2001 c 43 s 1 are
20 each reenacted and amended to read as follows:

21 Unless a different meaning is plainly required by the context, the
22 following words and phrases as hereinafter used in this chapter shall
23 have the following meanings:

24 (1) "Person" includes individual, firm, partnership, trust, joint
25 venture, association, or corporation.

26 (2) "Collection agency" means and includes:

27 (a) Any person directly or indirectly engaged in soliciting claims
28 for collection, or collecting or attempting to collect claims owed or
29 due or asserted to be owed or due another person;

30 (b) Any person who directly or indirectly furnishes or attempts to
31 furnish, sells, or offers to sell forms represented to be a collection
32 system or scheme intended or calculated to be used to collect claims
33 even though the forms direct the debtor to make payment to the creditor
34 and even though the forms may be or are actually used by the creditor
35 himself or herself in his or her own name;

36 (c) Any person who in attempting to collect or in collecting his or

1 her own claim uses a fictitious name or any name other than his or her
2 own which would indicate to the debtor that a third person is
3 collecting or attempting to collect such claim.

4 (3) "Collection agency" does not mean and does not include:

5 (a) Any individual engaged in soliciting claims for collection, or
6 collecting or attempting to collect claims on behalf of a licensee
7 under this chapter, if said individual is an employee of the licensee;

8 (b) Any individual collecting or attempting to collect claims for
9 not more than one employer, if all the collection efforts are carried
10 on in the name of the employer and if the individual is an employee of
11 the employer;

12 (c) Any person whose collection activities are carried on in his,
13 her, or its true name and are confined and are directly related to the
14 operation of a business other than that of a collection agency, such as
15 but not limited to trust companies, savings and loan associations,
16 building and loan associations, abstract companies doing an escrow
17 business, real estate brokers, public officers acting in their official
18 capacities, persons acting under court order, lawyers, insurance
19 companies, credit unions, loan or finance companies, mortgage banks,
20 and banks;

21 (d) Any person who on behalf of another person prepares or mails
22 monthly or periodic statements of accounts due if all payments are made
23 to that other person and no other collection efforts are made by the
24 person preparing the statements of account;

25 (e) An "out-of-state collection agency" as defined in this chapter;
26 or

27 (f) Any person while acting as a debt collector for another person,
28 both of whom are related by common ownership or affiliated by corporate
29 control, if the person acting as a debt collector does so only for
30 persons to whom it is so related or affiliated and if the principal
31 business of the person is not the collection of debts.

32 (4) "Out-of-state collection agency" means a person whose
33 activities within this state are limited to collecting debts from
34 debtors located in this state by means of interstate communications,
35 including telephone, mail, or facsimile transmission, from the person's
36 location in another state on behalf of clients located outside of this
37 state, but does not include any person who is excluded from the

1 definition of the term "debt collector" under the federal fair debt
2 collection practices act (15 U.S.C. Sec. 1692a(6)).

3 (5) "Claim" means any obligation for the payment of money or thing
4 of value arising out of any agreement or contract, express or implied,
5 and also includes public debts arising from a notice of infraction
6 issued under RCW 46.63.030(3) and referred to collection agencies under
7 RCW 19.16.500(5) and 3.02.045(6).

8 (6) "Statement of account" means a report setting forth only
9 amounts billed, invoices, credits allowed, or aged balance due.

10 (7) "Director" means the director of licensing.

11 (8) "Client" or "customer" means any person authorizing or
12 employing a collection agency to collect a claim.

13 (9) "Licensee" means any person licensed under this chapter.

14 (10) "Board" means the Washington state collection agency board.

15 (11) "Debtor" means any person owing or alleged to owe a claim.

16 (12) "Commercial claim" means any obligation for payment of money
17 or thing of value arising out of any agreement or contract, express or
18 implied, where the transaction which is the subject of the agreement or
19 contract is not primarily for personal, family, or household purposes.

20 **Sec. 11.** RCW 19.182.040 and 1993 c 476 s 6 are each amended to
21 read as follows:

22 (1) Except as authorized under subsection (2) of this section, no
23 consumer reporting agency may make a consumer report containing any of
24 the following items of information:

25 (a) Bankruptcies that, from date of adjudication of the most recent
26 bankruptcy, antedate the report by more than ten years;

27 (b) Suits and judgments that, from date of entry, antedate the
28 report by more than seven years or until the governing statute of
29 limitations has expired, whichever is the longer period;

30 (c) Paid tax liens that, from date of payment, antedate the report
31 by more than seven years;

32 (d) Accounts placed for collection or charged to profit and loss
33 that antedate the report by more than seven years;

34 (e) Records of arrest, indictment, or conviction of crime that,
35 from date of disposition, release, or parole, antedate the report by
36 more than seven years;

1 (f) Any other adverse item of information that antedates the report
2 by more than seven years;

3 (g) Any debt that arises from a notice of infraction for standing,
4 stopping, or parking violations issued under RCW 46.63.030(3), unless
5 the debt arises from more than two notices of infraction, or the total
6 original monetary penalty or penalties for the infraction or
7 infractions, exclusive of additional penalties and surcharges, exceeds
8 seventy-five dollars.

9 (2) Subsection (1) of this section is not applicable in the case of
10 a consumer report to be used in connection with:

11 (a) A credit transaction involving, or that may reasonably be
12 expected to involve, a principal amount of fifty thousand dollars or
13 more;

14 (b) The underwriting of life insurance involving, or that may
15 reasonably be expected to involve, a face amount of fifty thousand
16 dollars or more; or

17 (c) The employment of an individual at an annual salary that
18 equals, or that may reasonably be expected to equal, twenty thousand
19 dollars or more.

20 NEW SECTION. Sec. 12. This act applies to a notice of infraction
21 issued on or after July 1, 2003.

22 NEW SECTION. Sec. 13. If any provision of this act or its
23 application to any person or circumstance is held invalid, the
24 remainder of the act or the application of the provision to other
25 persons or circumstances is not affected.

26 NEW SECTION. Sec. 14. Section 8 of this act expires April 1,
27 2004.

28 NEW SECTION. Sec. 15. Section 9 of this act takes effect April 1,
29 2004.

30 NEW SECTION. Sec. 16. Except for section 9 of this act, this act
31 is necessary for the immediate preservation of the public peace,
32 health, or safety, or support of the state government and its existing
33 public institutions, and takes effect July 1, 2003.

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