

SSB 5939 - H COMM AMD

By Committee on Financial Institutions & Insurance

1 Strike everything after the enacting clause and insert the
2 following:

3 "**Sec. 1.** RCW 19.182.160 and 2001 c 217 s 6 are each amended to
4 read as follows:

5 (1) Within thirty days of receipt of proof of the consumer's
6 identification and a copy of a ((filed)) police report, filed by
7 the consumer, evidencing the consumer's claim to be a victim of a
8 violation of RCW 9.35.020, a consumer reporting agency shall
9 permanently block reporting any information the consumer identifies
10 on his or her consumer report is a result of a violation of RCW
11 9.35.020, so that the information cannot be reported, except as
12 provided in subsection (2) of this section. The consumer reporting
13 agency shall promptly notify the furnisher of the information that
14 a police report has been filed, that a block has been requested,
15 and the effective date of the block.

16 (2) A consumer reporting agency may decline to block or may
17 rescind any block of consumer information if, in the exercise of
18 good faith and reasonable judgment, the consumer reporting agency
19 believes:

20 (a) The information was blocked due to a misrepresentation of
21 fact by the consumer relevant to the request to block under this
22 section;

23 (b) The consumer agrees that the blocked information or
24 portions of the blocked information were blocked in error; or

25 (c) The consumer knowingly obtained possession of goods,
26 services, or moneys as a result of the blocked transaction or
27 transactions or the consumer should have known that he or she
28 obtained possession of goods, services, or moneys as a result of
29 the blocked transaction or transactions.

1 (3) If the block of information is declined or rescinded under
2 this section, the consumer shall be notified promptly in the same
3 manner as consumers are notified of the reinsertion of information
4 pursuant to section 611 of the fair credit reporting act, 15 U.S.C.
5 Sec. 1681I, as amended. The prior presence of the blocked
6 information in the consumer reporting agency's file on the consumer
7 is not evidence of whether the consumer knew or should have known
8 that he or she obtained possession of any goods, services, or
9 moneys.

10 (4) In order to facilitate the exercise of a consumer's right
11 to block information in his or her consumer report, all police and
12 sheriff's departments in Washington state shall provide to the
13 consumer, at the consumer's request, a copy of any police report,
14 filed by the consumer, evidencing the consumer's claim to be a
15 victim of a violation of RCW 9.35.020.

16 Nothing in this section shall be construed to require a law
17 enforcement agency to investigate reports claiming identity theft."

18 --- END ---

EFFECT: Clarifies that the police reports which consumers must provide to consumer reporting agencies, in order to permanently block the agency from reporting information the consumer identifies as being the result of identity theft, are reports that the consumers, themselves, have filed with the police and not reports generated by the police.