
SUBSTITUTE SENATE BILL 5939

State of Washington

59th Legislature

2005 Regular Session

By Senate Committee on Financial Institutions, Housing & Consumer Protection (originally sponsored by Senators Fairley, Delvin, Kohl-Welles, Rockefeller, Oke, Rasmussen and Shin)

READ FIRST TIME 02/25/05.

1 AN ACT Relating to providing police reports to victims of identity
2 theft; and amending RCW 19.182.160.

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

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

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

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

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

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

5 (c) The consumer knowingly obtained possession of goods, services,
6 or moneys as a result of the blocked transaction or transactions or the
7 consumer should have known that he or she obtained possession of goods,
8 services, or moneys as a result of the blocked transaction or
9 transactions.

10 (3) If the block of information is declined or rescinded under this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

18 (4) In order to facilitate the exercise of a consumer's right to
19 block information in his or her consumer report, all police and
20 sheriff's departments in Washington state shall provide police reports
21 or original incident reports at the request of any consumer claiming to
22 be a victim of a violation of RCW 9.35.020.

23 Nothing in this section shall be construed to require a law
24 enforcement agency to investigate incident reports claiming identity
25 theft.

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