

HOUSE BILL REPORT

HB 1962

As Passed Legislature

Title: An act relating to disclosure of process server social security numbers.

Brief Description: Regulating disclosure of process server social security numbers.

Sponsors: Representatives Griffey, Peterson, Harmsworth, Wilson, Scott, Van Werven, Stokesbary, Condotta and Hayes.

Brief History:

Committee Activity:

Judiciary: 2/18/15, 2/19/15 [DP].

Floor Activity:

Passed House: 3/11/15, 98-0.

Passed Senate: 4/8/15, 47-0.

Passed Legislature.

Brief Summary of Bill

- Prohibits county auditors from displaying or releasing Social Security numbers collected from registering process servers.
- Provides that Social Security numbers of registered process servers must not be disclosed unless disclosure is required under federal law.

HOUSE COMMITTEE ON JUDICIARY

Majority Report: Do pass. Signed by 13 members: Representatives Jinkins, Chair; Kilduff, Vice Chair; Rodne, Ranking Minority Member; Shea, Assistant Ranking Minority Member; Goodman, Haler, Hansen, Kirby, Klippert, Muri, Orwall, Stokesbary and Walkinshaw.

Staff: Omeara Harrington (786-7136).

Background:

Under court rule, a sheriff, sheriff's deputy, or any non-party over the age of 18 who is competent to be a witness is authorized to serve legal process. If a person is serving process

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for a fee, statute requires that the person must be over the age of 18, a Washington resident, and registered with the auditor of the county in which the process server resides or operates his or her principal place of business.

County auditors are required to develop a process server registration process and may collect an annual registration fee of up to \$10. The auditor is required to use a form in the registration process for the purpose of identifying and locating the registered process server. The form must include the process server's name, birthdate, and Social Security number, as well as the process server's business name, business address, and business telephone number. Each process server is assigned a number and the county auditor maintains a register of process servers.

Summary of Bill:

A legislative finding is made that the dissemination of Social Security numbers of process servers is not in the public interest.

County auditors collecting Social Security numbers from registering process servers are prohibited from displaying or releasing a process server's Social Security number on any document or website issued or maintained by the auditor. Social Security numbers of process servers are confidential, exempt from public inspection and copying, and cannot be disclosed unless disclosure is required under federal law.

Appropriation: None.

Fiscal Note: Not requested.

Effective Date: The bill takes effect 90 days after adjournment of the session in which the bill is passed.

Staff Summary of Public Testimony:

(In support) There are hundreds of process servers in the state doing the government's work by serving papers, and they should be protected. In 1990 the law was changed to require collection of Social Security numbers. Some counties have delivered process servers' Social Security numbers through public information requests. This could lead to identity theft and destroyed credit. There is also significant risk of retribution against process servers. There is no desire to impose a burden on local governments. Some county auditors have identified a simple fix to this problem, which is to put the Social Security number on the back of the form so that when it is scanned the Social Security number does not show.

(In support with amendment(s)) This bill has great language and it will work very well. Auditors can make this work. Many counties are already putting Social Security numbers on the back of the page so that they are not released. Auditors are required to collect Social Security numbers under federal child support enforcement laws. These numbers are not to be disclosed except upon an appropriate request by the Department of Social and Health Services. This will provide additional protection for Social Security numbers. An amendment should be made to the Public Records Act to say that social security numbers

collected in any manner should not be released. Right now that protection is only for employees.

(Opposed) None.

Persons Testifying: (In support) Representative Griffey, prime sponsor; and Ted Trask, Washington State Process Servers Association.

(In support with amendment(s)) Vicky Dalton, Spokane County Auditor's Office and Washington State Association of County Auditors.

Persons Signed In To Testify But Not Testifying: None.