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HOUSE BILL 2636

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State of Washington

66th Legislature

2020 Regular Session

By Representatives Walen, Dufault, Goodman, Barkis, and Ormsby

Read first time 01/16/20. Referred to Committee on Consumer Protection & Business.

1 AN ACT Relating to an affirmative defense for bona fide errors  
2 under the Washington collection agency act; and amending RCW  
3 19.16.440.

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

5 **Sec. 1.** RCW 19.16.440 and 1994 c 195 s 11 are each amended to  
6 read as follows:

7 (1) The operation of a collection agency or out-of-state  
8 collection agency without a license as prohibited by RCW 19.16.110  
9 and the commission by a licensee or an employee of a licensee of an  
10 act or practice prohibited by RCW 19.16.250 are declared to be unfair  
11 acts or practices or unfair methods of competition in the conduct of  
12 trade or commerce for the purpose of the application of the consumer  
13 protection act found in chapter 19.86 RCW.

14 (2) A collection agency may not be held liable in any action  
15 brought under this chapter if the collection agency shows by a  
16 preponderance of evidence that the violation was not intentional and  
17 resulted from a bona fide error notwithstanding the maintenance of  
18 procedures reasonably adapted to avoid any such error.

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