
SUBSTITUTE SENATE BILL 6074

State of Washington

66th Legislature

2020 Regular Session

By Senate Law & Justice (originally sponsored by Senators Dhingra, Rivers, Padden, Mullet, Van De Wege, Randall, Salomon, Keiser, Conway, Pedersen, Kuderer, Das, and Stanford)

READ FIRST TIME 01/17/20.

1 AN ACT Relating to reauthorizing and expanding the financial
2 fraud and identity theft crimes investigation and prosecution
3 program; amending RCW 43.330.300 and 62A.9A-525; repealing 2008 c 290
4 s 4, 2009 c 565 s 57, 2015 c 65 ss 3 and 4, and 2016 c 202 s 59
5 (uncodified); and providing an expiration date.

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

7 **Sec. 1.** RCW 43.330.300 and 2015 c 65 s 1 are each amended to
8 read as follows:

9 (1) The financial fraud and identity theft crimes investigation
10 and prosecution program is created in the department of commerce. The
11 department shall:

12 (a) Appoint members of the financial fraud task forces created in
13 subsection (2) of this section;

14 (b) Administer the account created in subsection (3) of this
15 section; and

16 (c) By December 31st of each year submit a report to the
17 appropriate committees of the legislature and the governor regarding
18 the progress of the program and task forces. The report must include
19 information regarding the use of funds and funding needs to
20 facilitate a biennial review of the program's funding. The report

1 must also include recommendations on changes to the program,
2 including expansion.

3 (2) (a) The department shall establish two regional financial
4 fraud and identity theft crime task forces that include a central
5 Puget Sound task force that includes King, Pierce, and Snohomish
6 counties, and a Spokane county task force. Each task force must be
7 comprised of local law enforcement, county prosecutors,
8 representatives of the office of the attorney general, financial
9 institutions, and other state and local law enforcement.

10 (b) The department shall appoint: (i) Representatives of local
11 law enforcement from a list provided by the Washington association of
12 sheriffs and police chiefs; (ii) representatives of county
13 prosecutors from a list provided by the Washington association of
14 prosecuting attorneys; and (iii) representatives of financial
15 institutions.

16 (c) Each task force shall:

17 (i) Hold regular meetings to discuss emerging trends and threats
18 of local financial fraud and identity theft crimes;

19 (ii) Set priorities for the activities for the task force;

20 (iii) Apply to the department for funding to (A) hire prosecutors
21 and/or law enforcement personnel dedicated to investigating and
22 prosecuting financial fraud and identity theft crimes; and (B)
23 acquire other needed resources to conduct the work of the task force;

24 (iv) Establish outcome-based performance measures; and

25 (v) Twice annually report to the department regarding the
26 activities and performance of the task force.

27 (3) The financial fraud and identity theft crimes investigation
28 and prosecution account is created in the state treasury. Moneys in
29 the account may be spent only after appropriation. Revenue to the
30 account may include appropriations, revenues generated by the
31 surcharge imposed in RCW 62A.9A-525, federal funds, and any other
32 gifts or grants. Expenditures from the account may be used only to
33 support the activities of the financial fraud and identity theft
34 crime investigation and prosecution task forces and the program
35 administrative expenses of the department, which may not exceed ten
36 percent of the amount appropriated.

37 (4) For purposes of this section, "financial fraud and identity
38 theft crimes" includes those that involve: Check fraud, chronic
39 unlawful issuance of bank checks, embezzlement, credit/debit card
40 fraud, identity theft, forgery, counterfeit instruments such as

1 checks or documents, organized counterfeit check rings, and organized
2 identification theft rings.

3 (5) This section expires July 1, 2030.

4 **Sec. 2.** RCW 62A.9A-525 and 2015 c 65 s 2 are each amended to
5 read as follows:

6 (a) **Filing with department of licensing.** Except as otherwise
7 provided in subsection (b) or (e) of this section, the fee for filing
8 and indexing a record under this part is the fee set by department of
9 licensing rule pursuant to subsection (f) of this section. Without
10 limitation, different fees may be charged for:

11 (1) A record that is communicated in writing and consists of one
12 or two pages;

13 (2) A record that is communicated in writing and consists of more
14 than two pages, which fee may be a multiple of the fee described in
15 (1) of this subsection; and

16 (3) A record that is communicated by another medium authorized by
17 department of licensing rule, which fee may be a fraction of the fee
18 described in (1) of this subsection.

19 (b) **Filing with other filing offices.** Except as otherwise
20 provided in subsection (e) of this section, the fee for filing and
21 indexing a record under this part that is filed in a filing office
22 described in RCW 62A.9A-501(a)(1) is the fee that would otherwise be
23 applicable to the recording of a mortgage in that filing office, as
24 set forth in RCW 36.18.010.

25 (c) **Number of names.** The number of names required to be indexed
26 does not affect the amount of the fee in subsections (a) and (b) of
27 this section.

28 (d) **Response to information request.** The fee for responding to a
29 request for information from a filing office, including for issuing a
30 certificate showing, or otherwise communicating, whether there is on
31 file any financing statement naming a particular debtor, is the fee
32 set by department of licensing rule pursuant to subsection (f) of
33 this section; provided however, if the request is to a filing office
34 described in RCW 62A.9A-501(a)(1) and that office charges a different
35 fee, then that different fee shall apply instead. Without limitation,
36 different fees may be charged:

37 (1) If the request is communicated in writing;

38 (2) If the request is communicated by another medium authorized
39 by filing-office rule; and

1 (3) If the request is for expedited service.

2 (e) **Record of mortgage.** This section does not require a fee with
3 respect to a record of a mortgage which is effective as a financing
4 statement filed as a fixture filing or as a financing statement
5 covering as-extracted collateral or timber to be cut under RCW
6 62A.9A-502(c). However, the recording and satisfaction fees that
7 otherwise would be applicable to the record of the mortgage apply.

8 (f) **Filing office rules.** (1) The department of licensing shall by
9 rule set the fees called for in this section for filing with, and
10 obtaining information from, the department of licensing. The director
11 shall set fees at a sufficient level to defray the costs of
12 administering the program. All receipts from fees collected under
13 this title, except fees for services covered under RCW
14 62A.9A-501(a)(1), shall be deposited to the uniform commercial code
15 fund in the state treasury. Moneys in the fund may be spent only
16 after appropriation and may be used only to administer the uniform
17 commercial code program.

18 (2) (~~(1)~~) Until July 1, 2030, in addition to fees on filings
19 authorized under this section, the department of licensing shall
20 impose a surcharge of (~~(ten)~~) fifteen dollars per filing for paper
21 filings and a surcharge of (~~(ten)~~) fifteen dollars per filing for
22 electronic filings. The department shall deposit the proceeds from
23 these surcharges in the financial fraud and identity theft crimes
24 investigation and prosecution account created in RCW 43.330.300.

25 (g) **Transition.** This section continues the fee-setting authority
26 conferred on the department of licensing by former RCW 62A.9-409 and
27 nothing herein shall invalidate fees set by the department of
28 licensing under the authority of former RCW 62A.9-409.

29 NEW SECTION. **Sec. 3.** The following acts or parts of acts are
30 each repealed:

- 31 (1) 2008 c 290 s 4 (uncodified);
32 (2) 2009 c 565 s 57 (uncodified);
33 (3) 2015 c 65 s 3 (uncodified);
34 (4) 2015 c 65 s 4 (uncodified); and
35 (5) 2016 c 202 s 59 (uncodified).

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