

FINAL BILL REPORT

SHB 1250

C 368 L 99

Synopsis as Enacted

Brief Description: Protecting the privacy of financial information.

Sponsors: By House Committee on Financial Institutions & Insurance (Originally sponsored by Representatives McIntire, Keiser, Sullivan, Santos, Benson, Hatfield, Quall, Barlean, Hurst, Dunshee, Bush, Constantine, Dickerson, Rockefeller, O'Brien and Kenney).

House Committee on Financial Institutions & Insurance
Senate Committee on Commerce, Trade, Housing & Financial Institutions

Background:

Theft of property or services is a crime, including theft of a device to access financial services. Factoring of a credit transaction also is a crime; this is a transaction in which a person attempts to commit fraud or theft against the owner of a credit card or the financial institution and causes harm of at least \$1,000. Criminal impersonation is the assuming of a false identity and acting within that assumed character with intent to defraud or for other unlawful purposes; it is a gross misdemeanor.

Summary:

It is a class C felony for a person to wrongfully obtain, attempt to obtain, or request another to obtain financial information from a financial information repository. A financial information repository is any person engaged in the business of providing services to customers who have a credit, deposit, trust, stock, or other financial account or relationship with the person. There are exceptions provided, such as for law enforcement and for agents of financial information repositories working in conjunction with law enforcement. In addition to the criminal penalty, a person that violates this provision is liable for five hundred dollars or actual damages, whichever is greater, and reasonable attorneys' fees. If the person is a business that repeatedly violates this provision, that person also violates the Consumer Protection Act.

Theft of identity, a class C felony, is defined as using or transferring another person's means of identification with the intent to commit or aid any unlawful activity harming or intending to harm the person whose identity is used, or for committing any felony. In addition to the criminal penalty, a person that violates this section is liable for \$500 or actual damages, including costs to repair the person's credit record, whichever is greater, and reasonable attorneys' fees. If the person committing identity theft is a

business that repeatedly commits identity theft, that person also violates the Consumer Protection Act.

Votes on Final Passage:

House 95 0
Senate 49 0 (Senate amended)
House (House refused to concur)
Senate 44 0 (Senate receded)

Effective: January 1, 2000