
SUBSTITUTE SENATE BILL 6412

State of Washington 57th Legislature

2002 Regular Session

By Senate Committee on Labor, Commerce & Financial Institutions
(originally sponsored by Senators Kohl-Welles, Costa, Prentice,
Winsley, Long, Keiser and Benton)

READ FIRST TIME 02/06/2002.

1 AN ACT Relating to international matchmaking organizations;
2 amending RCW 43.43.760; adding a new chapter to Title 19 RCW; and
3 providing an effective date.

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

5 NEW SECTION. **Sec. 1.** The legislature intends to provide increased
6 consumer awareness on the part of persons living abroad regarding
7 Washington residents who utilize international matchmaking services for
8 purposes of establishing relationships with those living abroad. The
9 legislature recognizes that persons living abroad are already required
10 to provide background information to the federal government during visa
11 applications, but, unlike residents of the United States, are unlikely
12 to have the means to access and fully verify personal history
13 information about prospective spouses residing in the United States.
14 The legislature does not intend to impede the ability of any person to
15 establish a marital or romantic relationship, but rather to increase
16 the ability of persons living abroad to make informed decisions about
17 Washington residents.

1 The legislature does not intend to adversely impact in any way
2 those businesses who offer international matchmaking services on a not
3 for fee basis.

4 NEW SECTION. **Sec. 2.** (1) Each international matchmaking
5 organization doing business in Washington state shall disseminate to a
6 recruit, upon request, state background check information and marital
7 history information relating to any Washington state resident about
8 whom any information is provided to the recruit, in the recruit's
9 native language. The organization shall notify all recruits that
10 background check and marital history information is available upon
11 request.

12 (2) Each Washington resident before receiving any services from an
13 international matchmaking organization shall obtain from the state
14 patrol and provide to the organization the complete transcript of any
15 background check information provided pursuant to RCW 43.43.760 based
16 on a submission of fingerprint impressions and provided pursuant to RCW
17 43.43.838 and shall provide to the organization his or her marital
18 history information. The organization shall require the resident to
19 affirm that marital history information is complete and accurate, and
20 includes any information regarding marriages, annulments, and
21 dissolutions which occurred in other states or countries.

22 (3) This section does not apply to a traditional matchmaking
23 organization of a religious nature that otherwise operates in
24 compliance with the laws of the countries of the recruits of such
25 organization and the laws of the United States nor to any organization
26 that does not charge a fee to any party for the service provided.

27 (4) As used in this section:

28 (a) "International matchmaking organization" means a corporation,
29 partnership, business, or other legal entity, whether or not organized
30 under the laws of the United States or any state, that does business in
31 the United States and for profit offers to Washington state residents,
32 including aliens lawfully admitted for permanent residence and residing
33 in Washington state, dating, matrimonial, or social referral services
34 involving citizens of a foreign country or countries who are not
35 residing in the United States, by: (i) An exchange of names, telephone
36 numbers, addresses, or statistics; (ii) selection of photographs; or
37 (iii) a social environment provided by the organization in a country
38 other than the United States.

1 (b) "Marital history information" means a declaration of the
2 person's current marital status, the number of times the person has
3 previously been married, and whether any previous marriages occurred as
4 a result of receiving services from an international matchmaking
5 organization.

6 (c) "Recruit" means a noncitizen, nonresident person, recruited by
7 an international matchmaking organization for the purpose of providing
8 dating, matrimonial, or social referral services.

9 NEW SECTION. **Sec. 3.** For purposes of establishing personal
10 jurisdiction under this act, an international matchmaking organization
11 is deemed to be doing business in Washington and therefore subject to
12 specific jurisdiction if it contracts for matchmaking services with a
13 Washington resident or if it is considered to be doing business under
14 any other provision or rule of law.

15 NEW SECTION. **Sec. 4.** The legislature finds that the practices
16 covered by this chapter are matters vitally affecting the public
17 interest for the purpose of applying the consumer protection act,
18 chapter 19.86 RCW. A violation of this chapter is not reasonable in
19 relation to the development and preservation of business and is an
20 unfair or deceptive act in trade or commerce and an unfair method of
21 competition for the purpose of applying the consumer protection act,
22 chapter 19.86 RCW.

23 **Sec. 5.** RCW 43.43.760 and 2001 c 217 s 3 are each amended to read
24 as follows:

25 (1) Whenever a resident of this state appears before any law
26 enforcement agency and requests an impression of his or her
27 fingerprints to be made, such agency may comply with his or her request
28 and make the required copies of the impressions on forms marked
29 "Personal Identification". The required copies shall be forwarded to
30 the section and marked "for personal identification only".

31 The section shall accept and file such fingerprints submitted
32 voluntarily by such resident, for the purpose of securing a more
33 certain and easy identification in case of death, injury, loss of
34 memory, or other similar circumstances. Upon the request of such
35 person, the section shall return his or her identification data.

1 (2) Whenever a person claiming to be a victim of identity theft
2 appears before any law enforcement agency and requests an impression of
3 his or her fingerprints to be made, such agency may comply with this
4 request and make the required copies of the impressions on forms marked
5 "Personal Identification." The required copies shall be forwarded to
6 the section and marked "for personal identification only."

7 The section shall accept and file such fingerprints submitted by
8 such resident, for the purpose of securing a more certain and easy
9 identification in cases of identity theft. The section shall provide
10 a statement showing that the victim's impression of fingerprints has
11 been accepted and filed with the section.

12 The statement provided to the victim shall state clearly in twelve-
13 point print:

14 "The person holding this statement has claimed to be a victim of
15 identity theft. Pursuant to chapter 9.35 RCW, a business is required
16 by law to provide this victim with copies of all relevant application
17 and transaction information related to the transaction being alleged as
18 a potential or actual identity theft. A business must provide this
19 information once the victim makes a request in writing, shows this
20 statement, any government issued photo identification card, and a copy
21 of a police report."

22 Upon the request of such person, the section shall return his or
23 her identification data.

24 (3) Whenever any person is an applicant for appointment to any
25 position or is an applicant for employment or is an applicant for a
26 license to be issued by any governmental agency, and the law or a
27 regulation of such governmental agency requires that the applicant be
28 of good moral character or not have been convicted of a crime, or is an
29 applicant for appointment to or employment with a criminal justice
30 agency, or the department, or is an applicant for the services of an
31 international matchmaking organization, the applicant may request any
32 law enforcement agency to make an impression of his or her fingerprints
33 to be submitted to the section. The law enforcement agency may comply
34 with such request and make copies of the impressions on forms marked
35 "applicant", and submit such copies to the section.

36 The section shall accept such fingerprints and shall cause its
37 files to be examined and shall promptly send to the appointing
38 authority, employer, ((or)) licensing authority, or international

1 matchmaking organization indicated on the form of application, a
2 transcript of the record of previous crimes committed by the person
3 described on the data submitted, or a transcript of the dependency
4 record information regarding the person described on the data
5 submitted, or if there is no record of his or her commission of any
6 crimes, or if there is no dependency record information, a statement to
7 that effect.

8 (4) The Washington state patrol shall charge fees for processing of
9 noncriminal justice system requests for criminal history record
10 information pursuant to this section which will cover, as nearly as
11 practicable, the direct and indirect costs to the patrol of processing
12 such requests.

13 Any law enforcement agency may charge a fee not to exceed five
14 dollars for the purpose of taking fingerprint impressions or searching
15 its files of identification for noncriminal purposes.

16 NEW SECTION. Sec. 6. Sections 1 through 4 of this act constitute
17 a new chapter in Title 19 RCW.

18 NEW SECTION. Sec. 7. This act takes effect September 1, 2002.

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