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HOUSE BILL 2631

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By Representatives Bush, McIntire, Hatfield, McDonald, Constantine, Reardon, Cooper, Keiser, Murray, Wolfe, Sullivan, Kessler, Schual-Berke, Ruderman, Rockefeller, Kenney, Edmonds, Cody, Santos, Conway, Morris, Lovick, O'Brien, Kagi, Stensen, Lantz, Wood, Hurst, Poulsen and Anderson; by request of Attorney General

Read first time 01/18/2000. Referred to Committee on Financial Institutions & Insurance.

1 AN ACT Relating to the privacy of personal information in  
2 commercial transactions involving financial institutions and others who  
3 maintain and transfer information; amending RCW 19.16.250; adding a new  
4 section to chapter 9.35 RCW; adding a new chapter to Title 19 RCW;  
5 creating a new section; and prescribing penalties.

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

7 NEW SECTION. **Sec. 1.** INTENT. (1) The legislature finds that  
8 every entity has an affirmative and continuing obligation to respect  
9 the privacy of its consumers and to protect the security and  
10 confidentiality of consumers. The legislature finds that Washington's  
11 citizens have a right to privacy and a reasonable expectation that the  
12 personal information that they provide in commercial transactions with  
13 financial institutions and others who maintain and transfer information  
14 will be kept private and confidential. The legislature finds that  
15 there is no existing uniform law that creates an appropriate standard  
16 of conduct for disclosure of consumers' personal information and that  
17 Washington's citizens need additional statutory protection from fraud,  
18 deception, nuisance, invasion of privacy, and breach of confidentiality  
19 related to the disclosure of personal information. The legislature

1 intends to ensure that entities and consumers work cooperatively to  
2 protect consumer information and enforce sanctions when violations  
3 occur.

4 (2) The legislature finds that the disclosure of personal  
5 information has caused specific significant harms to Washington  
6 consumers, including the inability to rectify erroneous information  
7 disclosed to others; charging consumers' credit cards or debiting their  
8 accounts without authorization; subjecting consumers to fraudulent,  
9 misleading, or deceptive telephone, direct mail, or Internet  
10 solicitations; subjecting consumers to intimidation, intrusion,  
11 harassment, and nuisance; undue embarrassment or ridicule;  
12 misappropriation of sensitive information for the purpose of assuming  
13 a consumer's identity; and invasion of privacy.

14 (3) The legislature finds that the dissemination of certain  
15 sensitive information causes a great risk of harm to the consumer, that  
16 it should be given a greater level of protection under the law, and  
17 that requiring consumer authorization to disseminate such sensitive  
18 information best balances the benefits and harms of disclosure.

19 (4) The legislature finds that the flow of less sensitive personal  
20 information has resulted in a number of increased market efficiencies  
21 that are beneficial to consumers. These include more rapid credit  
22 transactions and check verifications, as well as an increased number of  
23 choices for products and services. The legislature finds that these  
24 benefits can be maintained by giving consumers the opportunity to  
25 choose whether their less sensitive information will be shared. The  
26 legislature finds that giving consumers this choice best balances the  
27 benefits and harms of disclosure of such information.

28 (5) The legislature finds that the incidence of identify theft is  
29 rapidly growing, and that victims of identity theft need further  
30 assistance in obtaining the information necessary to the prosecution of  
31 their cases. The legislature finds that requiring additional  
32 information sharing by merchants with victims will result in greater  
33 protections for consumers and deter potential perpetrators.

34 NEW SECTION. **Sec. 2.** DEFINITIONS. Unless the context clearly  
35 requires otherwise, the definitions in this section apply throughout  
36 this chapter.

37 (1) "Affiliate" means an entity that controls, is controlled by, or  
38 is under common control or common ownership with another entity.

1 (2) "Consumer" or "customer" means a natural person who purchases,  
2 leases, or otherwise contracts for goods or services that are primarily  
3 used for personal, family, or household purposes.

4 (3) "Consumer-requested purpose" means that the consumer has  
5 requested the information custodian to establish a business  
6 relationship, complete a transaction, or provide a product or service.

7 (4) "Information custodian" means all entities that maintain data  
8 containing personal information or sensitive information and that sell,  
9 share, or otherwise transfer the information to others, including  
10 affiliates or nonaffiliates, for purposes other than customer-requested  
11 purposes, or that use the information to engage in marketing.

12 (5) "Marketing" or "marketing information" means a promotion,  
13 solicitation, or advertisement made through written, telephonic,  
14 electronic, or other means, offering goods or services, that is  
15 directed to a specific named individual, and that is separate from a  
16 billing, promotion, solicitation, or advertisement directed to all or  
17 substantially all of an information custodian's customers for sale of  
18 its own goods or services.

19 (6) "Personal information" means information that is provided by  
20 the consumer in a commercial context, and is identifiable to the  
21 individual consumer, that concerns the amount or condition of the  
22 consumer's assets, liabilities, financial transactions, purchasing  
23 history, buying preferences, business relationships, account existence  
24 or status, customer status, demographic information, name, address,  
25 telephone number, or electronic mail address.

26 (7) "Sensitive information" means information obtained in a  
27 commercial context, including account numbers, access codes or  
28 passwords, current or historical account balances, purchase amounts,  
29 information gathered for account security purposes, tax identification  
30 numbers, social security numbers, driver's license or permit numbers,  
31 state identicard numbers issued by the department of licensing, credit  
32 card numbers or expiration dates, or information held for the purpose  
33 of account access or transaction initiation.

34 NEW SECTION. **Sec. 3.** RESTRICTION ON CONSUMER INFORMATION. An  
35 information custodian may, in performing a transaction, providing a  
36 service, or establishing a business relationship, require only that the  
37 consumer provide information reasonably necessary to perform the  
38 transaction, establish the relationship, or administer or maintain the

1 business relationship. Any optional information must be specified as  
2 such, and the consumer must be given the option not to provide it.

3 NEW SECTION. **Sec. 4.** CONSUMER PRIVACY POLICIES. (1) An  
4 information custodian must have a consumer privacy policy that  
5 discloses to existing and prospective consumers the policies and  
6 practices of the information custodian regarding the use of consumer  
7 personal information and sensitive information acquired or possessed by  
8 the information custodian. Entities that maintain data containing  
9 personal information or sensitive information but do not use the data  
10 to engage in marketing or do not sell, share, or otherwise transfer the  
11 data, are not required to have a privacy policy.

12 (2) The consumer privacy policy, at a minimum, must summarize the  
13 information custodian's responsibilities under this chapter and  
14 describe the consumer's rights and remedies under it, and generally  
15 describe with whom the consumer's personal and sensitive information  
16 will be shared or to whom it will be sold or transferred.

17 (3) The consumer privacy policy must also provide a reasonable  
18 means for consumers to access their personal and sensitive information  
19 that the information custodian shares, sells, or transfers or uses for  
20 marketing purposes. The policy must also provide a reasonable process  
21 to correct inaccurate or incomplete information.

22 (4) An information custodian must disclose its consumer privacy  
23 policy at least once to each consumer no later than:

24 (a) For existing customers on the effective date of this act,  
25 within sixty days after the effective date of this act;

26 (b) For prospective customers after the effective date of this act,  
27 within thirty days after the consumer's initial request for the policy;  
28 and

29 (c) For all new customers after the effective date of this act, at  
30 the time the customer enters into a business relationship with the  
31 information custodian.

32 (5) An information custodian must disclose its consumer privacy  
33 policy on an annual basis to existing customers after the initial  
34 disclosure described in subsection (4) of this section, and when  
35 material changes are made to the policy.

36 (6) The disclosure of the consumer privacy policy must be clearly  
37 and conspicuously made in writing, in a document separate from all

1 other documents or pages that are provided to the consumer by the  
2 information custodian.

3 (7) The consumer privacy policy must be clearly and conspicuously  
4 posted on the information custodian's website, if a website exists, and  
5 must be readily available for review at the information custodian's  
6 place of business.

7 NEW SECTION. **Sec. 5. PERSONAL INFORMATION--CONSUMER CONTROL.** (1)  
8 An information custodian may share, sell, or otherwise transfer  
9 personal information for purposes other than consumer-requested  
10 purposes, or may use personal information for marketing purposes, only  
11 if it has clearly and conspicuously disclosed to the consumer the  
12 following information in plain language:

13 (a) That the consumer has the right to choose not to receive  
14 marketing information or to have his or her personal information  
15 shared, sold, or otherwise transferred for purposes other than  
16 consumer-requested purposes. The disclosure must be made at the time  
17 the consumer privacy policy is provided to the customer under section  
18 4 of this act.

19 (b) That the consumer may choose not to receive marketing  
20 information or have his or her personal information shared, sold, or  
21 transferred for other than consumer-requested purposes, by exercising  
22 his or her choice through a cost-free method provided by the  
23 information custodian. Disclosure of the existence of the cost-free  
24 method must be made at the time the consumer privacy policy is provided  
25 to the customer under section 4 of this act. The information custodian  
26 shall maintain adequate and reasonable access for consumers to the  
27 cost-free method it has established.

28 (2) If, under this section, a consumer chooses:

29 (a) Not to receive marketing information, the information custodian  
30 must stop marketing to the consumer within sixty days of receiving the  
31 consumer's notice. Once a consumer has chosen to not receive marketing  
32 information, an information custodian may not market to the consumer  
33 until the consumer notifies the entity that he or she has affirmatively  
34 chosen to receive marketing information;

35 (b) Not to have his or her personal information shared, sold, or  
36 otherwise transferred under subsection (1) of this section, the  
37 information custodian must stop sharing, selling, or otherwise  
38 transferring the consumer's personal information for purposes other

1 than consumer-requested purposes, within thirty days of receiving the  
2 consumer's notice. Once a consumer has chosen not to have his or her  
3 personal information shared, sold, or otherwise transferred, an  
4 information custodian may not share, sell, or otherwise transfer the  
5 information for purposes other than consumer-requested purposes until  
6 the consumer notifies the entity that he or she has chosen to have his  
7 or her personal information shared, sold, or otherwise transferred  
8 under subsection (1) of this section.

9 (3) This section does not apply to disclosure of personal  
10 information under the following circumstances:

11 (a) Disclosure to the consumer upon his or her request and upon  
12 presentation of proper identification;

13 (b) Disclosure required by federal, state, or local law or  
14 regulation;

15 (c) Disclosure made under a search warrant, court order, or  
16 subpoena, including an administrative subpoena;

17 (d) Use or disclosure of personal information by an information  
18 custodian to perform services or functions on behalf of the information  
19 custodian in order to fulfill the information custodian's obligation to  
20 provide services or products to a consumer for a consumer-requested  
21 purpose;

22 (e) Disclosure to a third party in the business of debt collection  
23 where necessary to collect a debt or check returned for insufficient  
24 funds;

25 (f) Disclosure to protect against or prevent actual or potential  
26 fraud or unauthorized transactions; or

27 (g) Disclosure by or to a consumer reporting agency as defined by  
28 the federal Fair Credit Reporting Act (15 U.S.C. Sec. 1681 et seq.) in  
29 a manner that complies with the requirements of that act.

30 NEW SECTION. **Sec. 6.** SENSITIVE INFORMATION--CONSUMER CONTROL.

31 (1) An information custodian may not disclose sensitive information to  
32 a third party or affiliate for purposes other than consumer-requested  
33 purposes unless the consumer has received written notification of the  
34 following:

35 (a) The information to be disclosed;

36 (b) The entity or entities authorized to receive the disclosure of  
37 information;

1 (c) A specific description of the purpose for which the disclosure  
2 of information will be made;

3 (d) The expiration date for authorization for use of the  
4 information, which date is no more than one year from the date of  
5 execution.

6 (2) An information custodian may not disclose sensitive information  
7 to a third party or affiliate for purposes other than consumer-  
8 requested purposes unless the consumer, upon knowledge and affirmative  
9 consent, authorizes the disclosure of the sensitive information sought  
10 to be disclosed, in a written statement dated and executed by the  
11 consumer that is separate and distinct from any other document, and  
12 that contains a description of the information sought to be disclosed  
13 and the purpose for which the information will be disclosed.

14 (3) This section does not apply to disclosure of sensitive  
15 information under the following circumstances:

16 (a) Disclosure to the consumer upon his or her request and upon  
17 presentation of proper identification;

18 (b) Disclosure required by federal, state, or local law or  
19 regulation;

20 (c) Disclosure made under a search warrant, court order, or  
21 subpoena, including an administrative subpoena;

22 (d) Use or disclosure of sensitive information by an information  
23 custodian to perform services or functions on behalf of the information  
24 custodian in order to fulfill the information custodian's obligation to  
25 provide services or products to a consumer for a consumer-requested  
26 purpose;

27 (e) Disclosure to a third party in the business of debt collection  
28 where necessary to collect a debt or check returned for insufficient  
29 funds;

30 (f) Disclosure to protect against or prevent actual or potential  
31 fraud or unauthorized transactions; and

32 (g) Disclosure by or to a consumer reporting agency as defined by  
33 the federal Fair Credit Reporting Act (15 U.S.C. Sec. 1681 et seq.) in  
34 a manner that complies with the requirements of that act.

35 NEW SECTION. **Sec. 7.** CONFIDENTIALITY AND SECURITY OF INFORMATION.

36 (1) Third parties or affiliates that obtain personal information or  
37 sensitive information from information custodians may not sell, share,  
38 or otherwise transfer the information for any reason other than the

1 original purpose for which the information was sold, shared, or  
2 transferred to the third party or affiliate.

3 (2) An information custodian, before sharing, selling, or otherwise  
4 transferring personal information or sensitive information, must obtain  
5 a written agreement from the third party or affiliate providing for the  
6 following:

7 (a) To keep the information confidential;

8 (b) To use the information only for the original purpose for which  
9 it has been shared, sold, or provided; and

10 (c) To safeguard the information from loss, misuse, theft,  
11 unauthorized access, disclosure, defacement, or alteration.

12 (3) Every information custodian must establish reasonable  
13 safeguards to ensure the confidentiality and safety of personal  
14 information and sensitive information and to protect them from loss,  
15 misuse, theft, unauthorized access, disclosure, defacement, or  
16 alteration.

17 NEW SECTION. **Sec. 8.** VIOLATION AN UNFAIR OR DECEPTIVE ACT. (1)  
18 Unfair and deceptive invasion of privacy rights is not reasonable in  
19 relation to the development and preservation of business. The  
20 legislature finds that the practices covered by this chapter are  
21 matters vitally affecting the public interest for the purpose of  
22 applying the Consumer Protection Act, chapter 19.86 RCW. A violation  
23 of this chapter is an unfair or deceptive act in trade or commerce for  
24 the purpose of applying the Consumer Protection Act, chapter 19.86 RCW.

25 (2) A person may not bring an action against an information  
26 custodian for a violation of section 5(2)(a) of this act unless he or  
27 she has notified the information custodian of a violation of the  
28 section, in writing, and the information custodian has again violated  
29 section 5(2)(a) of this act after having received the notification.

30 (3) Damages to a person who has been the victim of a violation of  
31 this chapter are five hundred dollars, or actual damages, whichever is  
32 greater. A court may increase the award of damages in an amount not  
33 more than three times the actual damages sustained, or one thousand  
34 five hundred dollars, whichever is greater, upon a demonstration that  
35 a violation of the chapter was willful.

36 NEW SECTION. **Sec. 9.** A new section is added to chapter 9.35 RCW  
37 to read as follows:

1 (1) As used in this section, unless the context clearly requires  
2 otherwise:

3 (a) "Victim of identity theft" or "victim" means a person who has  
4 had his or her means of identification taken or personal information or  
5 sensitive information used without authorization when the person's  
6 means of identification or personal information or sensitive  
7 information has been used with the intent to commit, or to aid or abet,  
8 an unlawful activity harming or intending to harm the person whose  
9 identity is used, or for committing a felony;

10 (b) "Personal information" means information that is provided by  
11 the consumer in a commercial context, and is identifiable to the  
12 individual consumer, that concerns the amount or condition of the  
13 consumer's assets, liabilities, financial transactions, purchasing  
14 history, buying preferences, business relationships, account existence  
15 or status, customer status, demographic information, name, address,  
16 telephone number, or electronic mail address;

17 (c) "Sensitive information" means information obtained in a  
18 commercial context, including account numbers, access codes or  
19 passwords, current or historical account balances, purchase amounts,  
20 information gathered for account security purposes, tax identification  
21 numbers, social security numbers, driver's license or permit numbers,  
22 state identicaid numbers issued by the department of licensing, credit  
23 card numbers or expiration dates, or information held for the purpose  
24 of account access or transaction initiation.

25 (2) A person, information repository, corporation, trust,  
26 partnership, or unincorporated association possessing information  
27 relating to an actual or potential violation of this chapter or chapter  
28 19.--- RCW (sections 1 through 8 of this act), and who may have entered  
29 into a transaction, provided credit, products, or services, accepted  
30 payment, or otherwise done business with a person who has used the  
31 victim's means of identification, must, upon request of the victim,  
32 provide copies of all information relevant to the potential or actual  
33 violation of this chapter or chapter 19.--- RCW (sections 1 through 8  
34 of this act).

35 (3) In providing the information required under subsection (2) of  
36 this section, the provider may require the victim of identity theft to  
37 provide a copy of a police report evidencing the victim's claim. The  
38 provider may also seek reasonable compensation for the actual cost of

1 providing the information requested, and may also require the victim to  
2 provide positive identification before providing the information.

3 (4) No person, information repository, corporation, trust,  
4 partnership, or unincorporated association may be held liable for an  
5 action voluntarily taken in good faith to provide information regarding  
6 potential or actual violations of this chapter or chapter 19.--- RCW  
7 (sections 1 through 8 of this act) to other information repositories,  
8 merchants, or law enforcement authorities, for the purpose of  
9 identification and prosecution of violators of this chapter or chapter  
10 19.--- RCW (sections 1 through 8 of this act).

11 **Sec. 10.** RCW 19.16.250 and 1983 c 107 s 1 are each amended to read  
12 as follows:

13 No licensee or employee of a licensee shall:

14 (1) Directly or indirectly aid or abet any unlicensed person to  
15 engage in business as a collection agency in this state or receive  
16 compensation from such unlicensed person: PROVIDED, That nothing in  
17 this chapter shall prevent a licensee from accepting, as forwarder,  
18 claims for collection from a collection agency or attorney whose place  
19 of business is outside the state.

20 (2) Collect or attempt to collect a claim by the use of any means  
21 contrary to the postal laws and regulations of the United States postal  
22 department.

23 (3) Publish or post or cause to be published or posted, any list of  
24 debtors commonly known as "bad debt lists" or threaten to do so. For  
25 purposes of this chapter, a "bad debt list" means any list of natural  
26 persons alleged to fail to honor their lawful debts. However, nothing  
27 herein shall be construed to prohibit a licensee from communicating to  
28 its customers or clients by means of a coded list, the existence of a  
29 check dishonored because of insufficient funds, not sufficient funds or  
30 closed account by the financial institution servicing the debtor's  
31 checking account: PROVIDED, That the debtor's identity is not readily  
32 apparent: PROVIDED FURTHER, That the licensee complies with the  
33 requirements of subsection (9)(e) of this section.

34 (4) Have in his possession or make use of any badge, use a uniform  
35 of any law enforcement agency or any simulation thereof, or make any  
36 statements which might be construed as indicating an official  
37 connection with any federal, state, county, or city law enforcement

1 agency, or any other governmental agency, while engaged in collection  
2 agency business.

3 (5) Perform any act or acts, either directly or indirectly,  
4 constituting the practice of law.

5 (6) Advertise for sale or threaten to advertise for sale any claim  
6 as a means of endeavoring to enforce payment thereof or agreeing to do  
7 so for the purpose of soliciting claims, except where the licensee has  
8 acquired claims as an assignee for the benefit of creditors or where  
9 the licensee is acting under court order.

10 (7) Use any name while engaged in the making of a demand for any  
11 claim other than the name set forth on his or its current license  
12 issued hereunder.

13 (8) Give or send to any debtor or cause to be given or sent to any  
14 debtor, any notice, letter, message, or form which represents or  
15 implies that a claim exists unless it shall indicate in clear and  
16 legible type:

17 (a) The name of the licensee and the city, street, and number at  
18 which he is licensed to do business;

19 (b) The name of the original creditor to whom the debtor owed the  
20 claim if such name is known to the licensee or employee: PROVIDED,  
21 That upon written request of the debtor, the licensee shall make a  
22 reasonable effort to obtain the name of such person and provide this  
23 name to the debtor;

24 (c) If the notice, letter, message, or form is the first notice to  
25 the debtor or if the licensee is attempting to collect a different  
26 amount than indicated in his or its first notice to the debtor, an  
27 itemization of the claim asserted must be made including:

28 (i) Amount owing on the original obligation at the time it was  
29 received by the licensee for collection or by assignment;

30 (ii) Interest or service charge, collection costs, or late payment  
31 charges, if any, added to the original obligation by the original  
32 creditor, customer or assignor before it was received by the licensee  
33 for collection, if such information is known by the licensee or  
34 employee: PROVIDED, That upon written request of the debtor, the  
35 licensee shall make a reasonable effort to obtain information on such  
36 items and provide this information to the debtor;

37 (iii) Interest or service charge, if any, added by the licensee or  
38 customer or assignor after the obligation was received by the licensee  
39 for collection;

1 (iv) Collection costs, if any, that the licensee is attempting to  
2 collect;

3 (v) Attorneys' fees, if any, that the licensee is attempting to  
4 collect on his or its behalf or on the behalf of a customer or  
5 assignor;

6 (vi) Any other charge or fee that the licensee is attempting to  
7 collect on his or its own behalf or on the behalf of a customer or  
8 assignor.

9 (9) Communicate or threaten to communicate, the existence of a  
10 claim to a person other than one who might be reasonably expected to be  
11 liable on the claim in any manner other than through proper legal  
12 action, process, or proceedings except under the following conditions:

13 (a) A licensee or employee of a licensee may inform a credit  
14 reporting bureau of the existence of a claim: PROVIDED, That if the  
15 licensee or employee of a licensee reports a claim to a credit  
16 reporting bureau, the licensee shall upon receipt of written notice  
17 from the debtor that any part of the claim is disputed, forward a copy  
18 of such written notice to the credit reporting bureau;

19 (b) A licensee or employee in collecting or attempting to collect  
20 a claim may communicate the existence of a claim to a debtor's employer  
21 if the claim has been reduced to a judgment;

22 (c) A licensee or employee in collecting or attempting to collect  
23 a claim that has not been reduced to judgment, may communicate the  
24 existence of a claim to a debtor's employer if:

25 (i) The licensee or employee has notified or attempted to notify  
26 the debtor in writing at his last known address or place of employment  
27 concerning the claim and the debtor after a reasonable time has failed  
28 to pay the claim or has failed to agree to make payments on the claim  
29 in a manner acceptable to the licensee, and

30 (ii) The debtor has not in writing to the licensee disputed any  
31 part of the claim: PROVIDED, That the licensee or employee may only  
32 communicate the existence of a claim which has not been reduced to  
33 judgment to the debtor's employer once unless the debtor's employer has  
34 agreed to additional communications.

35 (d) A licensee may for the purpose of locating the debtor or  
36 locating assets of the debtor communicate the existence of a claim to  
37 any person who might reasonably be expected to have knowledge of the  
38 whereabouts of a debtor or the location of assets of the debtor if the  
39 claim is reduced to judgment, or if not reduced to judgment, when:

1 (i) The licensee or employee has notified or attempted to notify  
2 the debtor in writing at his last known address or last known place of  
3 employment concerning the claim and the debtor after a reasonable time  
4 has failed to pay the claim or has failed to agree to make payments on  
5 the claim in a manner acceptable to the licensee, and

6 (ii) The debtor has not in writing disputed any part of the claim.

7 (e) A licensee may communicate the existence of a claim to its  
8 customers or clients if the claim is reduced to judgment, or if not  
9 reduced to judgment, when:

10 (i) The licensee has notified or attempted to notify the debtor in  
11 writing at his last known address or last known place of employment  
12 concerning the claim and the debtor after a reasonable time has failed  
13 to pay the claim or has failed to agree to make payments on the claim  
14 in a manner acceptable to the licensee, and

15 (ii) The debtor has not in writing disputed any part of the claim.

16 (10) Threaten the debtor with impairment of his credit rating if a  
17 claim is not paid.

18 (11) Communicate with the debtor after notification in writing from  
19 an attorney representing such debtor that all further communications  
20 relative to a claim should be addressed to the attorney: PROVIDED,  
21 That if a licensee requests in writing information from an attorney  
22 regarding such claim and the attorney does not respond within a  
23 reasonable time, the licensee may communicate directly with the debtor  
24 until he or it again receives notification in writing that an attorney  
25 is representing the debtor.

26 (12) Communicate with a debtor or anyone else in such a manner as  
27 to harass, intimidate, threaten, or embarrass a debtor, including but  
28 not limited to communication at an unreasonable hour, with unreasonable  
29 frequency, by threats of force or violence, by threats of criminal  
30 prosecution, and by use of offensive language. A communication shall  
31 be presumed to have been made for the purposes of harassment if:

32 (a) It is made with a debtor or spouse in any form, manner, or  
33 place, more than three times in a single week;

34 (b) It is made with a debtor at his or her place of employment more  
35 than one time in a single week;

36 (c) It is made with the debtor or spouse at his or her place of  
37 residence between the hours of 9:00 p.m. and 7:30 a.m.

38 (13) Communicate with the debtor through use of forms or  
39 instruments that simulate the form or appearance of judicial process,

1 the form or appearance of government documents, or the simulation of a  
2 form or appearance of a telegraphic or emergency message.

3 (14) Communicate with the debtor and represent or imply that the  
4 existing obligation of the debtor may be or has been increased by the  
5 addition of attorney fees, investigation fees, service fees, or any  
6 other fees or charges when in fact such fees or charges may not legally  
7 be added to the existing obligation of such debtor.

8 (15) Threaten to take any action against the debtor which the  
9 licensee cannot legally take at the time the threat is made.

10 (16) Send any telegram or make any telephone calls to a debtor or  
11 concerning a debt or for the purpose of demanding payment of a claim or  
12 seeking information about a debtor, for which the charges are payable  
13 by the addressee or by the person to whom the call is made.

14 (17) In any manner convey the impression that the licensee is  
15 vouched for, bonded to or by, or is an instrumentality of the state of  
16 Washington or any agency or department thereof.

17 (18) Collect or attempt to collect in addition to the principal  
18 amount of a claim any sum other than allowable interest, collection  
19 costs or handling fees expressly authorized by statute, and, in the  
20 case of suit, attorney's fees and taxable court costs.

21 (19) Procure from a debtor or collect or attempt to collect on any  
22 written note, contract, stipulation, promise or acknowledgment under  
23 which a debtor may be required to pay any sum other than principal,  
24 allowable interest, and, in the case of suit, attorney's fees and  
25 taxable court costs.

26 (20) Upon notification by a victim of identity theft that a police  
27 report has been filed regarding the identity theft, and upon receipt of  
28 a copy of the report indicating that the victim's checkbook or other  
29 series of preprinted written instruments has been stolen, fail to  
30 accept one single writing from the victim that disputes creditors'  
31 claims for the entire checkbook or series. Once a single writing has  
32 been received, the collection agency must not recontact the victim  
33 regarding the checks or other written instruments in the same series or  
34 lot and must consider the single writing as a dispute to all creditors'  
35 claims arising from use of the checkbook or other series of  
36 instruments.

37 NEW SECTION. Sec. 11. Sections 1 through 8 of this act constitute  
38 a new chapter in Title 19 RCW.

1        NEW SECTION.   **Sec. 12.**   Section captions used in sections 1 through  
2   8 of this act are not part of the law.

--- **END** ---