

CERTIFICATION OF ENROLLMENT
ENGROSSED SUBSTITUTE SENATE BILL 6412

57th Legislature
2002 Regular Session

Passed by the Senate March 11, 2002
YEAS 43 NAYS 2

President of the Senate

Passed by the House March 6, 2002
YEAS 93 NAYS 0

**Speaker of the
House of Representatives**

CERTIFICATE

I, Tony M. Cook, Secretary of the Senate of the State of Washington, do hereby certify that the attached is **ENGROSSED SUBSTITUTE SENATE BILL 6412** as passed by the Senate and the House of Representatives on the dates hereon set forth.

Secretary

Approved

FILED

Governor of the State of Washington

Secretary of State
State of Washington

ENGROSSED SUBSTITUTE SENATE BILL 6412

AS AMENDED BY THE HOUSE

Passed Legislature - 2002 Regular Session

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. The notice that background check and marital history
12 information is available upon request shall be in the recruit's native
13 language and shall be displayed in a manner that separates it from
14 other information, is highly noticeable, and in lettering not less than
15 one-quarter of an inch high.

16 (2) If an international matchmaking organization receives a request
17 for information from a recruit pursuant to subsection (1) of this
18 section, the organization shall notify the Washington state resident of
19 the request. Upon receiving notification, the Washington state
20 resident shall obtain from the state patrol and provide to the
21 organization the complete transcript of any background check
22 information provided pursuant to RCW 43.43.760 based on a submission of
23 fingerprint impressions and provided pursuant to RCW 43.43.838 and
24 shall provide to the organization his or her marital history
25 information. The organization shall require the resident to affirm
26 that marital history information is complete and accurate, and includes
27 any information regarding marriages, annulments, and dissolutions which
28 occurred in other states or countries. The organization shall refrain
29 from knowingly providing any further services to the recruit or the
30 Washington state resident in regards to facilitating future interaction
31 between the recruit and the Washington state resident until the
32 organization has obtained the requested information and provided it to
33 the recruit.

34 (3) This section does not apply to a traditional matchmaking
35 organization of a religious nature that otherwise operates in
36 compliance with the laws of the countries of the recruits of such
37 organization and the laws of the United States nor to any organization
38 that does not charge a fee to any party for the service provided.

1 (4) As used in this section:

2 (a) "International matchmaking organization" means a corporation,
3 partnership, business, or other legal entity, whether or not organized
4 under the laws of the United States or any state, that does business in
5 the United States and for profit offers to Washington state residents,
6 including aliens lawfully admitted for permanent residence and residing
7 in Washington state, dating, matrimonial, or social referral services
8 involving citizens of a foreign country or countries who are not
9 residing in the United States, by: (i) An exchange of names, telephone
10 numbers, addresses, or statistics; (ii) selection of photographs; or
11 (iii) a social environment provided by the organization in a country
12 other than the United States.

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

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

21 NEW SECTION. **Sec. 3.** For purposes of establishing personal
22 jurisdiction under this act, an international matchmaking organization
23 is deemed to be doing business in Washington and therefore subject to
24 specific jurisdiction if it contracts for matchmaking services with a
25 Washington resident or if it is considered to be doing business under
26 any other provision or rule of law.

27 NEW SECTION. **Sec. 4.** The legislature finds that the practices
28 covered by this chapter are matters vitally affecting the public
29 interest for the purpose of applying the consumer protection act,
30 chapter 19.86 RCW. A violation of this chapter is not reasonable in
31 relation to the development and preservation of business and is an
32 unfair or deceptive act in trade or commerce and an unfair method of
33 competition for the purpose of applying the consumer protection act,
34 chapter 19.86 RCW.

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

1 (1) Whenever a resident of this state appears before any law
2 enforcement agency and requests an impression of his or her
3 fingerprints to be made, such agency may comply with his or her request
4 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
8 voluntarily by such resident, for the purpose of securing a more
9 certain and easy identification in case of death, injury, loss of
10 memory, or other similar circumstances. Upon the request of such
11 person, the section shall return his or her identification data.

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

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

23 The statement provided to the victim shall state clearly in twelve-
24 point print:

25 "The person holding this statement has claimed to be a victim of
26 identity theft. Pursuant to chapter 9.35 RCW, a business is required
27 by law to provide this victim with copies of all relevant application
28 and transaction information related to the transaction being alleged as
29 a potential or actual identity theft. A business must provide this
30 information once the victim makes a request in writing, shows this
31 statement, any government issued photo identification card, and a copy
32 of a police report."

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

35 (3) Whenever any person is an applicant for appointment to any
36 position or is an applicant for employment or is an applicant for a
37 license to be issued by any governmental agency, and the law or a
38 regulation of such governmental agency requires that the applicant be

1 of good moral character or not have been convicted of a crime, or is an
2 applicant for appointment to or employment with a criminal justice
3 agency, or the department, or is an applicant for the services of an
4 international matchmaking organization, the applicant may request any
5 law enforcement agency to make an impression of his or her fingerprints
6 to be submitted to the section. The law enforcement agency may comply
7 with such request and make copies of the impressions on forms marked
8 "applicant", and submit such copies to the section.

9 The section shall accept such fingerprints and shall cause its
10 files to be examined and shall promptly send to the appointing
11 authority, employer, ((~~or~~)) licensing authority, or international
12 matchmaking organization indicated on the form of application, a
13 transcript of the record of previous crimes committed by the person
14 described on the data submitted, or a transcript of the dependency
15 record information regarding the person described on the data
16 submitted, or if there is no record of his or her commission of any
17 crimes, or if there is no dependency record information, a statement to
18 that effect.

19 (4) The Washington state patrol shall charge fees for processing of
20 noncriminal justice system requests for criminal history record
21 information pursuant to this section which will cover, as nearly as
22 practicable, the direct and indirect costs to the patrol of processing
23 such requests.

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

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

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

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