

CERTIFICATION OF ENROLLMENT

**SUBSTITUTE SENATE BILL 5939**

59th Legislature  
2005 Regular Session

Passed by the Senate April 16, 2005  
YEAS 41 NAYS 0

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**President of the Senate**

Passed by the House April 5, 2005  
YEAS 94 NAYS 0

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**Speaker of the House of Representatives**

Approved

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**Governor of the State of Washington**

CERTIFICATE

I, Thomas Hoemann, Secretary of the Senate of the State of Washington, do hereby certify that the attached is **SUBSTITUTE SENATE BILL 5939** as passed by the Senate and the House of Representatives on the dates hereon set forth.

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**Secretary**

FILED

**Secretary of State  
State of Washington**

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**SUBSTITUTE SENATE BILL 5939**

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AS AMENDED BY THE HOUSE

Passed Legislature - 2005 Regular Session

**State of Washington                      59th Legislature                      2005 Regular Session**

**By** Senate Committee on Financial Institutions, Housing & Consumer Protection (originally sponsored by Senators Fairley, Delvin, Kohl-Welles, Rockefeller, Oke, Rasmussen and Shin)

READ FIRST TIME 02/25/05.

1            AN ACT Relating to providing police reports to victims of identity  
2 theft; and amending RCW 19.182.160.

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

4            **Sec. 1.** RCW 19.182.160 and 2001 c 217 s 6 are each amended to read  
5 as follows:

6            (1) Within thirty days of receipt of proof of the consumer's  
7 identification and a copy of a (~~filed~~) police report, filed by the  
8 consumer, evidencing the consumer's claim to be a victim of a violation  
9 of RCW 9.35.020, a consumer reporting agency shall permanently block  
10 reporting any information the consumer identifies on his or her  
11 consumer report is a result of a violation of RCW 9.35.020, so that the  
12 information cannot be reported, except as provided in subsection (2) of  
13 this section. The consumer reporting agency shall promptly notify the  
14 furnisher of the information that a police report has been filed, that  
15 a block has been requested, and the effective date of the block.

16            (2) A consumer reporting agency may decline to block or may rescind  
17 any block of consumer information if, in the exercise of good faith and  
18 reasonable judgment, the consumer reporting agency believes:

1 (a) The information was blocked due to a misrepresentation of fact  
2 by the consumer relevant to the request to block under this section;

3 (b) The consumer agrees that the blocked information or portions of  
4 the blocked information were blocked in error; or

5 (c) The consumer knowingly obtained possession of goods, services,  
6 or moneys as a result of the blocked transaction or transactions or the  
7 consumer should have known that he or she obtained possession of goods,  
8 services, or moneys as a result of the blocked transaction or  
9 transactions.

10 (3) If the block of information is declined or rescinded under this  
11 section, the consumer shall be notified promptly in the same manner as  
12 consumers are notified of the reinsertion of information pursuant to  
13 section 611 of the fair credit reporting act, 15 U.S.C. Sec. 1681I, as  
14 amended. The prior presence of the blocked information in the consumer  
15 reporting agency's file on the consumer is not evidence of whether the  
16 consumer knew or should have known that he or she obtained possession  
17 of any goods, services, or moneys.

18 (4) In order to facilitate the exercise of a consumer's right to  
19 block information in his or her consumer report, all police and  
20 sheriff's departments in Washington state shall provide to the  
21 consumer, at the consumer's request, a copy of any police report, filed  
22 by the consumer, evidencing the consumer's claim to be a victim of a  
23 violation of RCW 9.35.020.

24 Nothing in this section shall be construed to require a law  
25 enforcement agency to investigate reports claiming identity theft.

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