**5222-S AMS NELS S4810.1 - NOT FOR FLOOR USE**

**SSB 5222** - S AMD TO S AMD (S-4202.3/16) **655**

By Senator Nelson

On page 1, line 8 of the amendment, after "(1)" insert ""Account level documentation" means all records generated by the original creditor or received by the original creditor from the debtor related to a claim in collection including, but not limited to: The original contract and terms and conditions of the account, periodic statements of accounts due, and records of payments, letters, and other account notices.

(2)"

Renumber the remaining subsections consecutively and correct any internal references accordingly.

On page 5, line 30 of the amendment, after "provided;" strike "and" and insert "((~~and~~))"

On page 5, line 35 of the amendment, after "provided" insert ";

(iii) Certification that the itemization of the claim was made based on a personal review of account level documentation provided by the original creditor; and

(iv) A copy of the account level documentation reviewed by the licensee pursuant to (e)(iii) of this subsection (8)"

On page 7, line 30 of the amendment, after "with" insert ", or attempt to communicate with,"

On page 7, line 35 of the amendment, after "communication" insert ", or attempted communication,"

On page 12, after line 7 of the amendment, insert the following:

"(26) Collect, or attempt to collect, on any account purchased for collection by a licensee unless the licensee has completed a meaningful investigation into the chain of ownership of the account and has in its possession a copy of a written assignment or bill of sale which identifies the debtor by name and account number for each sale or assignment of the account beginning with the original creditor. A copy of each assignment must be included with any initial written communication to a debtor.

(27) File with any court an affidavit or declaration in support of a judgment on a claim which fails to inform the court if the original creditor, or any prior owner of the account, disclaimed the accuracy or integrity of the account balance, account information, account records, or other documentation of indebtedness transferred at the time of sale.

(28) Serve the debtor with a summons and complaint unless the pleadings have been filed with the court and the summons and complaint contain a file number and sufficient information to allow the debtor to file an answer with the court.

**Sec.**  RCW 19.16.270 and 2011 c 336 s 522 are each amended to read as follows:

In any action brought by licensee to collect the claim of his, her, or its customer, the assignment of the claim to licensee by his, her, or its customer shall be conclusively presumed valid, if the assignment is filed in court with the complaint, unless objection is made thereto by the debtor in a written answer or in writing five days or more prior to trial. The provisions of this section do not apply to delinquent or charged off claims purchased for collection purposes, whether the purchaser collects the claims itself, or hires a third party for collection or an attorney for litigation in order to collect such claims."

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By Senator Nelson

On page 12, line 8 of the title amendment, after "line" strike the remainder of the title amendment and insert "1 of the title, after "Relating to" strike the remainder of the title and insert "collection agency practices; and amending RCW 19.16.100, 19.16.250, and 19.16.270."

EFFECT: (1) Revises the collection agency act.

(2) Addresses prohibited practices of collection agencies with regard to certification that an itemization of a claim was made based on a personal review of account level documentation provided by the original creditor.

(3) Prohibits a collection agency licensee, or an employee of a licensee, from serving a debtor with a summons and complaint unless the pleadings have been filed with the court and the summons and complaint contain a file number and sufficient information to allow the debtor to file an answer with the court.