H-3362.1

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**HOUSE BILL 2636**

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**State of Washington 66th Legislature 2020 Regular Session**

**By** Representatives Walen, Dufault, Goodman, Barkis, and Ormsby

AN ACT Relating to an affirmative defense for bona fide errors under the Washington collection agency act; and amending RCW 19.16.440.

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

**Sec.**  RCW 19.16.440 and 1994 c 195 s 11 are each amended to read as follows:

(1) The operation of a collection agency or out-of-state collection agency without a license as prohibited by RCW 19.16.110 and the commission by a licensee or an employee of a licensee of an act or practice prohibited by RCW 19.16.250 are declared to be unfair acts or practices or unfair methods of competition in the conduct of trade or commerce for the purpose of the application of the consumer protection act found in chapter 19.86 RCW.

(2) A collection agency may not be held liable in any action brought under this chapter if the collection agency shows by a preponderance of evidence that the violation was not intentional and resulted from a bona fide error notwithstanding the maintenance of procedures reasonably adapted to avoid any such error.

**--- END ---**