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**SUBSTITUTE SENATE BILL 6074**

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**State of Washington**

**66th Legislature**

**2020 Regular Session**

**By** Senate Law & Justice (originally sponsored by Senators Dhingra, Rivers, Padden, Mullet, Van De Wege, Randall, Salomon, Keiser, Conway, Pedersen, Kuderer, Das, and Stanford)

READ FIRST TIME 01/17/20.

1 AN ACT Relating to reauthorizing and expanding the financial  
2 fraud and identity theft crimes investigation and prosecution  
3 program; amending RCW 43.330.300 and 62A.9A-525; repealing 2008 c 290  
4 s 4, 2009 c 565 s 57, 2015 c 65 ss 3 and 4, and 2016 c 202 s 59  
5 (uncodified); and providing an expiration date.

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

7 **Sec. 1.** RCW 43.330.300 and 2015 c 65 s 1 are each amended to  
8 read as follows:

9 (1) The financial fraud and identity theft crimes investigation  
10 and prosecution program is created in the department of commerce. The  
11 department shall:

12 (a) Appoint members of the financial fraud task forces created in  
13 subsection (2) of this section;

14 (b) Administer the account created in subsection (3) of this  
15 section; and

16 (c) By December 31st of each year submit a report to the  
17 appropriate committees of the legislature and the governor regarding  
18 the progress of the program and task forces. The report must include  
19 information regarding the use of funds and funding needs to  
20 facilitate a biennial review of the program's funding. The report

1 must also include recommendations on changes to the program,  
2 including expansion.

3 (2) (a) The department shall establish two regional financial  
4 fraud and identity theft crime task forces that include a central  
5 Puget Sound task force that includes King, Pierce, and Snohomish  
6 counties, and a Spokane county task force. Each task force must be  
7 comprised of local law enforcement, county prosecutors,  
8 representatives of the office of the attorney general, financial  
9 institutions, and other state and local law enforcement.

10 (b) The department shall appoint: (i) Representatives of local  
11 law enforcement from a list provided by the Washington association of  
12 sheriffs and police chiefs; (ii) representatives of county  
13 prosecutors from a list provided by the Washington association of  
14 prosecuting attorneys; and (iii) representatives of financial  
15 institutions.

16 (c) Each task force shall:

17 (i) Hold regular meetings to discuss emerging trends and threats  
18 of local financial fraud and identity theft crimes;

19 (ii) Set priorities for the activities for the task force;

20 (iii) Apply to the department for funding to (A) hire prosecutors  
21 and/or law enforcement personnel dedicated to investigating and  
22 prosecuting financial fraud and identity theft crimes; and (B)  
23 acquire other needed resources to conduct the work of the task force;

24 (iv) Establish outcome-based performance measures; and

25 (v) Twice annually report to the department regarding the  
26 activities and performance of the task force.

27 (3) The financial fraud and identity theft crimes investigation  
28 and prosecution account is created in the state treasury. Moneys in  
29 the account may be spent only after appropriation. Revenue to the  
30 account may include appropriations, revenues generated by the  
31 surcharge imposed in RCW 62A.9A-525, federal funds, and any other  
32 gifts or grants. Expenditures from the account may be used only to  
33 support the activities of the financial fraud and identity theft  
34 crime investigation and prosecution task forces and the program  
35 administrative expenses of the department, which may not exceed ten  
36 percent of the amount appropriated.

37 (4) For purposes of this section, "financial fraud and identity  
38 theft crimes" includes those that involve: Check fraud, chronic  
39 unlawful issuance of bank checks, embezzlement, credit/debit card  
40 fraud, identity theft, forgery, counterfeit instruments such as

1 checks or documents, organized counterfeit check rings, and organized  
2 identification theft rings.

3 (5) This section expires July 1, 2030.

4 **Sec. 2.** RCW 62A.9A-525 and 2015 c 65 s 2 are each amended to  
5 read as follows:

6 (a) **Filing with department of licensing.** Except as otherwise  
7 provided in subsection (b) or (e) of this section, the fee for filing  
8 and indexing a record under this part is the fee set by department of  
9 licensing rule pursuant to subsection (f) of this section. Without  
10 limitation, different fees may be charged for:

11 (1) A record that is communicated in writing and consists of one  
12 or two pages;

13 (2) A record that is communicated in writing and consists of more  
14 than two pages, which fee may be a multiple of the fee described in  
15 (1) of this subsection; and

16 (3) A record that is communicated by another medium authorized by  
17 department of licensing rule, which fee may be a fraction of the fee  
18 described in (1) of this subsection.

19 (b) **Filing with other filing offices.** Except as otherwise  
20 provided in subsection (e) of this section, the fee for filing and  
21 indexing a record under this part that is filed in a filing office  
22 described in RCW 62A.9A-501(a)(1) is the fee that would otherwise be  
23 applicable to the recording of a mortgage in that filing office, as  
24 set forth in RCW 36.18.010.

25 (c) **Number of names.** The number of names required to be indexed  
26 does not affect the amount of the fee in subsections (a) and (b) of  
27 this section.

28 (d) **Response to information request.** The fee for responding to a  
29 request for information from a filing office, including for issuing a  
30 certificate showing, or otherwise communicating, whether there is on  
31 file any financing statement naming a particular debtor, is the fee  
32 set by department of licensing rule pursuant to subsection (f) of  
33 this section; provided however, if the request is to a filing office  
34 described in RCW 62A.9A-501(a)(1) and that office charges a different  
35 fee, then that different fee shall apply instead. Without limitation,  
36 different fees may be charged:

37 (1) If the request is communicated in writing;

38 (2) If the request is communicated by another medium authorized  
39 by filing-office rule; and

1 (3) If the request is for expedited service.

2 (e) **Record of mortgage.** This section does not require a fee with  
3 respect to a record of a mortgage which is effective as a financing  
4 statement filed as a fixture filing or as a financing statement  
5 covering as-extracted collateral or timber to be cut under RCW  
6 62A.9A-502(c). However, the recording and satisfaction fees that  
7 otherwise would be applicable to the record of the mortgage apply.

8 (f) **Filing office rules.** (1) The department of licensing shall by  
9 rule set the fees called for in this section for filing with, and  
10 obtaining information from, the department of licensing. The director  
11 shall set fees at a sufficient level to defray the costs of  
12 administering the program. All receipts from fees collected under  
13 this title, except fees for services covered under RCW  
14 62A.9A-501(a)(1), shall be deposited to the uniform commercial code  
15 fund in the state treasury. Moneys in the fund may be spent only  
16 after appropriation and may be used only to administer the uniform  
17 commercial code program.

18 (2) (~~(1)~~) Until July 1, 2030, in addition to fees on filings  
19 authorized under this section, the department of licensing shall  
20 impose a surcharge of (~~(ten)~~) fifteen dollars per filing for paper  
21 filings and a surcharge of (~~(ten)~~) fifteen dollars per filing for  
22 electronic filings. The department shall deposit the proceeds from  
23 these surcharges in the financial fraud and identity theft crimes  
24 investigation and prosecution account created in RCW 43.330.300.

25 (g) **Transition.** This section continues the fee-setting authority  
26 conferred on the department of licensing by former RCW 62A.9-409 and  
27 nothing herein shall invalidate fees set by the department of  
28 licensing under the authority of former RCW 62A.9-409.

29 NEW SECTION. **Sec. 3.** The following acts or parts of acts are  
30 each repealed:

- 31 (1) 2008 c 290 s 4 (uncodified);  
32 (2) 2009 c 565 s 57 (uncodified);  
33 (3) 2015 c 65 s 3 (uncodified);  
34 (4) 2015 c 65 s 4 (uncodified); and  
35 (5) 2016 c 202 s 59 (uncodified).

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