RCW 19.16.260 Licensing prerequisite to suit—Debt buyer—Prohibited acts. ***(Effective until January 1, 2027.)*** (1)(a) No collection agency or out-of-state collection agency may bring or maintain an action in any court of this state involving the collection of its own claim or a claim of any third party without alleging and proving that he, she, or it is duly licensed under this chapter and has satisfied the bonding requirements hereof, if applicable: PROVIDED, That in any case where judgment is to be entered by default, it shall not be necessary for the collection agency or out-of-state collection agency to prove such matters.

(b) A copy of the current collection agency license or out-of-state collection agency license, certified by the director to be a true and correct copy of the original, shall be prima facie evidence of the licensing and bonding of such collection agency or out-of-state collection agency as required by this chapter.

(2) No debt buyer may:

(a) Bring any legal action against a debtor without attaching to the complaint a copy of the contract or other writing evidencing the original debt that contains the signature of the debtor, or:

(i) If a claim is based on a credit card debt for which a signed writing evidencing the original debt does not exist, a copy of the most recent monthly statement recording a purchase transaction, payment, or other extension of credit and, if the claim is based on a breach of contract, a copy of the terms and conditions in place at the time of the most recent monthly statement recording a purchase transaction, payment, or extension of credit must also be attached; or

(ii) If a claim is based on an electronic transaction for which a signed writing evidencing the original debt never existed, a copy of the records created during the transaction evidencing the debtor's agreement to the debt and recording the date and terms of the transaction and information provided by the debtor during the transaction.

(b) Request a default judgment against a debtor in any legal action without providing to the court evidence that satisfies the requirements of rule 803(a)(6) of the rules of evidence and RCW 5.45.020 or is otherwise authorized by law or rule that establishes the amount and nature of the debt, including the documents required by (a) of this subsection, and:

(i) The original account number at charge-off;

(ii) The original creditor at charge-off;

(iii) The amount due at charge-off or, if the balance has not been charged off, an itemization of the amount claimed to be owed, including the principal, interest, fees, and other charges or reductions from payment made or other credits;

(iv) An itemization of post charge-off additions, if any;

(v) The date of the last payment, if applicable, or the date of the last transaction;

(vi) If the account is not a revolving credit account, the date the debt was incurred; and

(vii) A copy of the assignment or other writing establishing that the debt buyer is the owner of the debt. If the debt was assigned more than once, each assignment or other writing evidencing transfer of ownership must be attached to establish an unbroken chain of ownership, beginning with the original creditor to the first debt buyer and each subsequent sale.

(c) Bring any legal action against a debtor without providing a disclosure in the complaint, in no smaller than ten point type, stating each of the following:

(i) That the action is being brought by, or for the benefit of, a person or entity that is engaged in the business of purchasing delinquent or charged off claims for collection purposes;

(ii) The date the claim or obligation was purchased;

(iii) The identity of the person or entity from whom or which the claim or obligation was purchased;

(iv) That the plaintiff may have purchased this claim or obligation for less than the value stated in the complaint;

(v) If the claim or obligation was at any time sold without any representation or warranty of accuracy, a statement to that effect; and

(vi) That the action is being commenced within, and is not barred by, an applicable statute of limitations. [2020 c 30 s 2; 2013 c 148 s 3; 2011 c 336 s 521; 1994 c 195 s 8; 1971 ex.s. c 253 s 17.]

Application—2020 c 30: See note following RCW 19.16.100.

Effective date—2013 c 148 ss 1 and 3: See note following RCW 19.16.100.

RCW 19.16.260 Licensing prerequisite to suit. ***(Effective January 1, 2027.)*** (1) No collection agency or out-of-state collection agency may bring or maintain an action in any court of this state involving the collection of its own claim or a claim of any third party without alleging and proving that he, she, or it is duly licensed under this chapter and has satisfied the bonding requirements hereof, if applicable: PROVIDED, That in any case where judgment is to be entered by default, it shall not be necessary for the collection agency or out-of-state collection agency to prove such matters.

(2) A copy of the current collection agency license or out-of-state collection agency license shall be prima facie evidence of the licensing and bonding of such collection agency or out-of-state collection agency as required by this chapter. [2026 c 107 s 13; 2020 c 30 s 2; 2013 c 148 s 3; 2011 c 336 s 521; 1994 c 195 s 8; 1971 ex.s. c 253 s 17.]

Effective date—2026 c 107: See note following RCW 4.74.900.

Application—2020 c 30: See note following RCW 19.16.100.

Effective date—2013 c 148 ss 1 and 3: See note following RCW 19.16.100.