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HOUSE BILL 1346

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State of Washington                      52nd Legislature                      1991 Regular Session

By Representatives Silver, Zellinsky, Chandler, Tate, Day, Neher, Edmondson, Lisk, Broback, Padden, D. Sommers, Winsley, Wynne, Moyer, Miller, Horn, Paris and Betrozoff.

Read first time January 28, 1991. Referred to Committee on Financial Institutions & Insurance. Referred 2\5\91 to Committee on Judiciary.

1            AN ACT Relating to collection of debts; amending RCW 12.40.105,  
2 12.40.070, and 62A.3-515; and adding a new chapter to Title 19 RCW.

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

4            NEW SECTION.    **Sec. 1.**            (1) "Financial institution" means a  
5 bank, trust company, mutual savings bank, savings and loan association,  
6 or credit union authorized to do business and accept deposits in this  
7 state under state or federal law.

8            (2) "Account information" means:

9            (a) The date the account was opened, the amount of the opening  
10 deposit to the account and, if closed, the closing date of the account;

11            (b) The last known address and phone number, if any, of the drawer  
12 according to the account records of the financial institution;

13            (c) A copy of the statement of account which would include the  
14 period ten calendar days prior to the date the item was drawn through  
15 the tenth calendar day after the item was drawn.





1 pursuant to section 2(2) of this act; and (~~(2)~~) (3) the amount  
2 specified in RCW 36.18.020(3), without regard to the jurisdictional  
3 limits on the small claims department.

4 **Sec. 5.** RCW 12.40.070 and 1984 c 258 s 64 are each amended to read  
5 as follows:

6 A claim must be verified by the real claimant, and no claim shall  
7 be filed or prosecuted in the small claims department by the assignee  
8 of the claim except that collection agencies may seek enforcement of a  
9 previous judgment in the small claims department.

10 **Sec. 6.** RCW 62A.3-515 and 1986 c 128 s 1 are each amended to read  
11 as follows:

12 (1) Whenever a check as defined in RCW 62A.3-104 has been  
13 dishonored by nonacceptance or nonpayment the payee or holder of the  
14 check is entitled to collect a reasonable handling fee for each such  
15 instrument. When such check has not been paid within fifteen days and  
16 after the holder of such check sends such notice of dishonor as  
17 provided by RCW 62A.3-520 to the drawer at his or her last known  
18 address, then if the instrument does not provide for the payment of  
19 interest, or collection costs and attorneys fees, the drawer of such  
20 instrument shall also be liable for payment of interest at the rate of  
21 twelve percent per annum from the date of dishonor and cost of  
22 collection not to exceed forty dollars or the face amount of the check,  
23 whichever is the lesser, and reasonable administrative costs under  
24 section 2(2) of this act. In addition, in the event of court action on  
25 the check the court, after such notice and the expiration of said  
26 fifteen days, shall award a reasonable attorneys fee, and three times  
27 the face amount of the check or (~~(one)~~) five hundred dollars, whichever  
28 is less, as part of the damages payable to the holder of the check.

1 This section shall not apply to any instrument which has been  
2 dishonored by reason of any justifiable stop payment order.

3 (2)(a) Subsequent to the commencement of the action but prior to  
4 the hearing, the defendant may tender to the plaintiff as satisfaction  
5 of the claim, an amount of money equal to the sum of the amount of the  
6 check, a reasonable handling fee, accrued interest, collection costs  
7 equal to the face amount of the check not to exceed forty dollars, and  
8 the incurred court and service costs, and reasonable administrative  
9 costs under section 2(2) of this act.

10 (b) Nothing in this section precludes the right to commence action  
11 in any court under chapter 12.40 RCW for small claims.

12 NEW SECTION. **Sec. 7.** Sections 1 through 3 of this act shall  
13 constitute a new chapter in Title 19 RCW.