

CERTIFICATION OF ENROLLMENT

ENGROSSED HOUSE BILL 1603

Chapter 186, Laws of 1995

54th Legislature
1995 Regular Session

DISCLOSURE OF DEPOSIT ACCOUNT INFORMATION

EFFECTIVE DATE: 7/23/95

Passed by the House March 8, 1995
Yeas 97 Nays 1

CLYDE BALLARD

**Speaker of the
House of Representatives**

Passed by the Senate April 7, 1995
Yeas 39 Nays 0

JOEL PRITCHARD

President of the Senate

Approved May 1, 1995

MIKE LOWRY

Governor of the State of Washington

CERTIFICATE

I, Timothy A. Martin, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is **ENGROSSED HOUSE BILL 1603** as passed by the House of Representatives and the Senate on the dates hereon set forth.

TIMOTHY A. MARTIN

Chief Clerk

FILED

May 1, 1995 - 11:28 a.m.

**Secretary of State
State of Washington**

ENGROSSED HOUSE BILL 1603

Passed Legislature - 1995 Regular Session

State of Washington 54th Legislature 1995 Regular Session

By Representatives L. Thomas, Morris, Huff, Campbell, Smith, Beeksma and Kessler

Read first time 02/01/95. Referred to Committee on Financial Institutions & Insurance.

1 AN ACT Relating to deposit account information; adding new sections
2 to chapter 30.22 RCW; adding a new section to chapter 9.38 RCW; and
3 prescribing penalties.

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

5 NEW SECTION. **Sec. 1.** The definitions in this section apply
6 throughout sections 1 through 3 of this act.

7 (1) "Customer" means any person, partnership, limited partnership,
8 corporation, trust, or other legal entity that is transacting or has
9 transacted business with a financial institution, that is using or has
10 used the services of an institution, or for which a financial
11 institution has acted or is acting as a fiduciary.

12 (2) "Financial institution" means state and national banks and
13 trust companies, state and federal savings banks, state and federal
14 savings and loan associations, and state and federal credit unions.

15 (3) "Law enforcement officer" means an employee of a public law
16 enforcement agency organized under the authority of a county, city, or
17 town and designated to obtain deposit account information by the chief
18 law enforcement officer of that agency.

1 NEW SECTION. **Sec. 2.** (1) If a financial institution discloses
2 information in good faith concerning its customer or customers in
3 accordance with this section, it shall not be liable to its customers
4 or others for such disclosure or its consequences. Good faith will be
5 presumed if the financial institution follows the procedures set forth
6 in this section.

7 (2) A request for financial records made by a law enforcement
8 officer shall be submitted to the financial institution in writing
9 stating that the officer is conducting a criminal investigation of
10 actual or attempted withdrawals from an account at the institution and
11 that the officer reasonably believes a statutory notice of dishonor has
12 been given pursuant to RCW 62A.3-515, fifteen days have elapsed, and
13 the item remains unpaid. The request shall include the name and number
14 of the account and be accompanied by a copy of:

15 (a) The front and back of at least one unpaid check or draft drawn
16 on the account that has been presented for payment no fewer than two
17 times or has been drawn on a closed account; and

18 (b) A statement of the dates or time period relevant to the
19 investigation.

20 (3) To the extent permitted by federal law, under subsection (2) of
21 this section a financial institution shall within a reasonable time
22 disclose to a requesting law enforcement officer so much of the
23 following information as has been requested concerning the account upon
24 which the dishonored check or draft was drawn, to the extent the
25 records can be located:

26 (a) The date the account was opened; the details and amount of the
27 opening deposit to the account; and if closed, the reason the account
28 was closed, the date the account was closed, and balance at date of
29 closing;

30 (b) A copy of the statements of the account for the relevant period
31 including dates under investigation and the preceding and following
32 thirty days and the closing statement, if the account was closed;

33 (c) A copy of the front and back of the signature card; and

34 (d) If the account was closed by the financial institution, the
35 name of the person notified of its closing and a copy of the notice of
36 the account's closing and whether such notice was returned undelivered.

37 (4) Financial institutions may charge requesting parties a
38 reasonable fee for the actual costs of providing services under this
39 chapter. These fees may not exceed rates charged to federal agencies

1 for similar requests. In the event an investigation results in
2 conviction, the court may order the defendant to pay costs incurred by
3 law enforcement under chapter . . ., Laws of 1995 (this act).

4 NEW SECTION. **Sec. 3.** Records obtained pursuant to this chapter
5 shall be admitted as evidence in all courts of this state, under
6 Washington rule of evidence 902, when accompanied by a certificate
7 substantially in the following form:

8 CERTIFICATE

9 1. The accompanying documents are true and correct copies of
10 the records of [name of financial institution]. The records
11 were made in the regular course of business of the financial
12 institution at or near the time of the acts, events, or
13 conditions which they reflect.

14 2. They are produced in response to a request made under
15 section 2 of this act.

16 3. The undersigned is authorized to execute this certificate.
17 I CERTIFY, under penalty of perjury under the laws of the State
18 of Washington, that the foregoing statements are true and
19 correct.

20 _____
21 Date Signature

22 _____
23 Place of Signing Type or Print Name/Title/
24 Telephone No.

25 NEW SECTION. **Sec. 4.** A new section is added to chapter 9.38 RCW
26 to read as follows:

27 (1) It is a gross misdemeanor for a deposit account applicant to
28 knowingly make any false statement to a financial institution
29 regarding:

- 30 (a) The applicant's identity;
31 (b) Past convictions for crimes involving fraud or deception; or
32 (c) Outstanding judgments on checks or drafts issued by the
33 applicant.

1 (2) Each violation of subsection (1) of this section after the
2 third violation is a class C felony punishable as provided in chapter
3 9A.20 RCW.

4 NEW SECTION. **Sec. 5.** Section 4 of this act does not create a duty
5 for financial institutions to request the information set forth in
6 section 4(1) of this act.

7 NEW SECTION. **Sec. 6.** Sections 1 through 3 and 5 of this act are
8 each added to chapter 30.22 RCW.

9 NEW SECTION. **Sec. 7.** If any provision of this act or its
10 application to any person or circumstance is held invalid, the
11 remainder of the act or the application of the provision to other
12 persons or circumstances is not affected.

Passed the House March 8, 1995.

Passed the Senate April 7, 1995.

Approved by the Governor May 1, 1995.

Filed in Office of Secretary of State May 1, 1995.