

CERTIFICATION OF ENROLLMENT

SUBSTITUTE HOUSE BILL 1250

Chapter 368, Laws of 1999

56th Legislature
1999 Regular Session

FINANCIAL INFORMATION PRIVACY--IDENTITY THEFT

EFFECTIVE DATE: 1/1/2000

Passed by the House March 4, 1999
Yeas 95 Nays 0

JOHN E. PENNINGTON, JR.
**Speaker of the House of
Representatives**

FRANK CHOPP
**Speaker of the House of
Representatives**

Passed by the Senate April 23, 1999
Yeas 44 Nays 0

BRAD OWEN
President of the Senate

Approved May 17, 1999

GARY LOCKE
Governor of the State of Washington

CERTIFICATE

We, Dean R. Foster and Timothy A. Martin, Co-Chief Clerks of the House of Representatives of the State of Washington, do hereby certify that the attached is **SUBSTITUTE HOUSE BILL 1250** as passed by the House of Representatives and the Senate on the dates hereon set forth.

DEAN R. FOSTER
April 23, 1999 Chief Clerk

TIMOTHY A. MARTIN
Chief Clerk

FILED

May 17, 1999 - 3:34 p.m.

**Secretary of State
State of Washington**

SUBSTITUTE HOUSE BILL 1250

Passed Legislature - 1999 Regular Session

State of Washington

56th Legislature

1999 Regular Session

By House Committee on Financial Institutions & Insurance (originally sponsored by Representatives McIntire, Keiser, Sullivan, Santos, Benson, Hatfield, Quall, Barlean, Hurst, Dunshee, Bush, Constantine, Dickerson, Rockefeller, O'Brien and Kenney)

Read first time 02/22/1999.

1 AN ACT Relating to protecting the privacy of financial information;
2 adding a new chapter to Title 9 RCW; prescribing penalties; and
3 providing an effective date.

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

5 NEW SECTION. **Sec. 1.** INTENT. The legislature finds that
6 financial information is personal and sensitive information that if
7 unlawfully obtained by others may do significant harm to a person's
8 privacy, financial security, and other interests. The legislature
9 finds that unscrupulous persons find ever more clever ways, including
10 identity theft, to improperly obtain and use financial information.
11 The legislature intends to penalize unscrupulous people for improperly
12 obtaining financial information.

13 NEW SECTION. **Sec. 2.** PROHIBITING ATTEMPTS TO IMPROPERLY OBTAIN
14 FINANCIAL INFORMATION. (1) No person may obtain or attempt to obtain,
15 or cause to be disclosed or attempt to cause to be disclosed to any
16 person, financial information from a financial information repository:
17 (a) By knowingly making a false, fictitious, or fraudulent
18 statement or representation to an officer, employee, or agent of a

1 financial information repository with the intent to deceive the
2 officer, employee, or agent into relying on that statement or
3 representation for purposes of releasing the financial information;

4 (b) By knowingly making a false, fictitious, or fraudulent
5 statement or representation to a customer of a financial information
6 repository with the intent to deceive the customer into releasing
7 financial information or authorizing the release of such information;

8 (c) By knowingly providing any document to an officer, employee, or
9 agent of a financial information repository, knowing that the document
10 is forged, counterfeit, lost, or stolen; was fraudulently obtained; or
11 contains a false, fictitious, or fraudulent statement or
12 representation, if the document is provided with the intent to deceive
13 the officer, employee, or agent to release the financial information.

14 (2) No person may request another person to obtain financial
15 information from a financial information repository and knows or should
16 have known that the person will obtain or attempt to obtain the
17 information from the financial institution repository in any manner
18 described in subsection (1) of this section.

19 (3) As used in this section, unless the context clearly requires
20 otherwise:

21 (a) "Financial information" means, to the extent it is nonpublic,
22 any of the following information identifiable to the individual that
23 concerns the amount and conditions of an individual's assets,
24 liabilities, or credit:

25 (i) Account numbers and balances;

26 (ii) Transactional information concerning any account; and

27 (iii) Codes, passwords, social security numbers, tax identification
28 numbers, driver's license or permit numbers, state identicard numbers
29 issued by the department of licensing, and other information held for
30 the purpose of account access or transaction initiation.

31 (b) "Financial information repository" means any person engaged in
32 the business of providing services to customers who have a credit,
33 deposit, trust, stock, or other financial account or relationship with
34 the person.

35 (c) "Person" means an individual, partnership, corporation, or
36 association.

37 (4) No provision of this section shall be construed so as to
38 prevent any action by a law enforcement agency, or any officer,
39 employee, or agent of such agency, or any action of an agent of the

1 financial information repository when working in conjunction with a law
2 enforcement agency.

3 (5) This section does not apply to:

4 (a) Efforts by the financial information repository to test
5 security procedures or systems of the financial institution repository
6 for maintaining the confidentiality of customer information;

7 (b) Investigation of alleged employee misconduct or negligence; or

8 (c) Efforts to recover financial or personal information of the
9 financial institution obtained or received by another person in any
10 manner described in subsection (1) or (2) of this section.

11 (6) Violation of this section is a class C felony.

12 (7) A person that violates this section is liable for five hundred
13 dollars or actual damages, whichever is greater, and reasonable
14 attorneys' fees. If the person violating this section is a business
15 that repeatedly violates this section, that person also violates the
16 consumer protection act, chapter 19.86 RCW.

17 NEW SECTION. **Sec. 3.** PROHIBITING IDENTITY THEFT. (1) No person
18 may knowingly use or knowingly transfer a means of identification of
19 another person with the intent to commit, or to aid or abet, any
20 unlawful activity harming or intending to harm the person whose
21 identity is used, or for committing any felony.

22 (2) For purposes of this section, "means of identification" means
23 any information or item that is not describing finances or credit but
24 is personal to or identifiable with any individual or other person,
25 including any current or former name of the person, telephone number,
26 and electronic address or identifier of the individual or any member of
27 his or her family, including the ancestor of such person; any
28 information relating to a change in name, address, telephone number, or
29 electronic address or identifier of the individual or his or her
30 family; any social security, driver's license, or tax identification
31 number of the individual or any member of his or her family; and other
32 information which could be used to identify the person, including
33 unique biometric data.

34 (3) Violation of this section is a class C felony.

35 (4) A person that violates this section is liable for five hundred
36 dollars or actual damages, including costs to repair the person's
37 credit record, whichever is greater, and reasonable attorneys' fees.
38 If the person violating this section is a business that repeatedly

1 violates this section, that person also violates the consumer
2 protection act, chapter 19.86 RCW.

3 NEW SECTION. **Sec. 4.** EFFECTIVE DATE. This act takes effect
4 January 1, 2000.

5 NEW SECTION. **Sec. 5.** CAPTIONS NOT LAW. Captions used in this
6 chapter are not part of the law.

7 NEW SECTION. **Sec. 6.** SEVERABILITY CLAUSE. If any provision of
8 this act or its application to any person or circumstance is held
9 invalid, the remainder of the act or the application of the provision
10 to other persons or circumstances is not affected.

11 NEW SECTION. **Sec. 7.** Sections 1 through 6 of this act constitute
12 a new chapter in Title 9 RCW.

Passed the House March 4, 1999.

Passed the Senate April 23, 1999.

Approved by the Governor May 17, 1999.

Filed in Office of Secretary of State May 17, 1999.