

CERTIFICATION OF ENROLLMENT

SUBSTITUTE SENATE BILL 5939

Chapter 366, Laws of 2005

59th Legislature
2005 Regular Session

IDENTITY THEFT--POLICE REPORTS

EFFECTIVE DATE: 7/24/05

Passed by the Senate April 16, 2005
YEAS 41 NAYS 0

BRAD OWEN

President of the Senate

Passed by the House April 5, 2005
YEAS 94 NAYS 0

FRANK CHOPP

Speaker of the House of Representatives

Approved May 10, 2005.

CERTIFICATE

I, Thomas Hoemann, Secretary of the Senate of the State of Washington, do hereby certify that the attached is **SUBSTITUTE SENATE BILL 5939** as passed by the Senate and the House of Representatives on the dates hereon set forth.

THOMAS HOEMANN

Secretary

FILED

May 10, 2005 - 9:38 a.m.

CHRISTINE GREGOIRE

Governor of the State of Washington

**Secretary of State
State of Washington**

SUBSTITUTE SENATE BILL 5939

AS AMENDED BY THE HOUSE

Passed Legislature - 2005 Regular Session

State of Washington 59th Legislature 2005 Regular Session

By Senate Committee on Financial Institutions, Housing & Consumer Protection (originally sponsored by Senators Fairley, Delvin, Kohl-Welles, Rockefeller, Oke, Rasmussen and Shin)

READ FIRST TIME 02/25/05.

1 AN ACT Relating to providing police reports to victims of identity
2 theft; and amending RCW 19.182.160.

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

4 **Sec. 1.** RCW 19.182.160 and 2001 c 217 s 6 are each amended to read
5 as follows:

6 (1) Within thirty days of receipt of proof of the consumer's
7 identification and a copy of a (~~filed~~) police report, filed by the
8 consumer, evidencing the consumer's claim to be a victim of a violation
9 of RCW 9.35.020, a consumer reporting agency shall permanently block
10 reporting any information the consumer identifies on his or her
11 consumer report is a result of a violation of RCW 9.35.020, so that the
12 information cannot be reported, except as provided in subsection (2) of
13 this section. The consumer reporting agency shall promptly notify the
14 furnisher of the information that a police report has been filed, that
15 a block has been requested, and the effective date of the block.

16 (2) A consumer reporting agency may decline to block or may rescind
17 any block of consumer information if, in the exercise of good faith and
18 reasonable judgment, the consumer reporting agency believes:

1 (a) The information was blocked due to a misrepresentation of fact
2 by the consumer relevant to the request to block under this section;

3 (b) The consumer agrees that the blocked information or portions of
4 the blocked information were blocked in error; or

5 (c) The consumer knowingly obtained possession of goods, services,
6 or moneys as a result of the blocked transaction or transactions or the
7 consumer should have known that he or she obtained possession of goods,
8 services, or moneys as a result of the blocked transaction or
9 transactions.

10 (3) If the block of information is declined or rescinded under this
11 section, the consumer shall be notified promptly in the same manner as
12 consumers are notified of the reinsertion of information pursuant to
13 section 611 of the fair credit reporting act, 15 U.S.C. Sec. 1681I, as
14 amended. The prior presence of the blocked information in the consumer
15 reporting agency's file on the consumer is not evidence of whether the
16 consumer knew or should have known that he or she obtained possession
17 of any goods, services, or moneys.

18 (4) In order to facilitate the exercise of a consumer's right to
19 block information in his or her consumer report, all police and
20 sheriff's departments in Washington state shall provide to the
21 consumer, at the consumer's request, a copy of any police report, filed
22 by the consumer, evidencing the consumer's claim to be a victim of a
23 violation of RCW 9.35.020.

24 Nothing in this section shall be construed to require a law
25 enforcement agency to investigate reports claiming identity theft.

Passed by the Senate April 16, 2005.

Passed by the House April 5, 2005.

Approved by the Governor May 10, 2005.

Filed in Office of Secretary of State May 10, 2005.