
SENATE BILL 6850

State of Washington 60th Legislature 2008 Regular Session

By Senators Prentice, Brandland, Kline, Berkey, and Rasmussen

Read first time 01/28/08. Referred to Committee on Ways & Means.

1 AN ACT Relating to creating the financial fraud and identity theft
2 crimes investigation and prosecution program; amending RCW 62A.9A-525;
3 adding a new section to chapter 43.330 RCW; and providing an expiration
4 date.

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

6 NEW SECTION. **Sec. 1.** A new section is added to chapter 43.330 RCW
7 to read as follows:

8 (1) The financial fraud and identity theft crimes investigation and
9 prosecution program is created in the department of community, trade,
10 and economic development. The department shall:

11 (a) Appoint members of the financial fraud task forces created in
12 subsection (2) of this section;

13 (b) Administer the account created in subsection (3) of this
14 section; and

15 (c) By December 31st of each year submit a report to the
16 appropriate committees of the legislature and the governor regarding
17 the progress of the program and task forces. The report must include
18 recommendations on changes to the program, including expansion.

1 (2)(a) The department shall establish two regional financial fraud
2 and identity theft crime task forces that include a central Puget Sound
3 task force that includes King and Pierce counties, and a Spokane county
4 task force. Each task force must be comprised of local law
5 enforcement, county prosecutors, representatives of the office of the
6 attorney general, financial institutions, and other state and local law
7 enforcement.

8 (b) The department shall appoint: (i) Representatives of local law
9 enforcement from a list provided by the Washington association of
10 sheriffs and police chiefs; (ii) representatives of county prosecutors
11 from a list provided by the Washington association of prosecuting
12 attorneys; and (iii) representatives of financial institutions.

13 (c) Each task force shall:

14 (i) Hold regular meetings to discuss emerging trends and threats of
15 local financial fraud and identity theft crimes;

16 (ii) Set priorities for the activities for the task force;

17 (iii) Apply to the department for funding to (A) hire prosecutors
18 and/or law enforcement personnel dedicated to investigating and
19 prosecuting financial fraud and identity theft crimes; and (B) acquire
20 other needed resources to conduct the work of the task force;

21 (iv) Establish outcome-based performance measures; and

22 (v) Twice annually report to the department regarding the
23 activities and performance of the task force.

24 (3) The financial fraud and identity theft crimes investigation and
25 prosecution account is created in the state treasury. Moneys in the
26 account may be spent only after appropriation. Revenue to the account
27 may include appropriations, revenues generated by the surcharge imposed
28 in section 2 of this act, federal funds, and any other gifts or grants.
29 Expenditures from the account may be used only to support the
30 activities of the financial fraud and identity theft crime
31 investigation and prosecution task forces and the program
32 administrative expenses of the department, which may not exceed ten
33 percent of the amount appropriated.

34 (4) For purposes of this section, "financial fraud and identity
35 theft crimes" includes those that involve: Check fraud, chronic
36 unlawful issuance of bank checks, embezzlement, credit/debit card
37 fraud, identity theft, forgery, counterfeit instruments such as checks

1 or documents, organized counterfeit check rinks, and organized
2 identification theft rings.

3 **Sec. 2.** RCW 62A.9A-525 and 2000 c 250 s 9A-525 are each amended to
4 read as follows:

5 (a) **Filing with department of licensing.** Except as otherwise
6 provided in subsection (b) or (e) of this section, the fee for filing
7 and indexing a record under this part is the fee set by department of
8 licensing rule pursuant to subsection (f) of this section. Without
9 limitation, different fees may be charged for:

10 (1) A record that is communicated in writing and consists of one or
11 two pages;

12 (2) A record that is communicated in writing and consists of more
13 than two pages, which fee may be a multiple of the fee described in (1)
14 of this subsection; and

15 (3) A record that is communicated by another medium authorized by
16 department of licensing rule, which fee may be a fraction of the fee
17 described in (1) of this subsection.

18 (b) **Filing with other filing offices.** Except as otherwise provided
19 in subsection (e) of this section, the fee for filing and indexing a
20 record under this part that is filed in a filing office described in
21 RCW 62A.9A-501(a)(1) is the fee that would otherwise be applicable to
22 the recording of a mortgage in that filing office, as set forth in RCW
23 36.18.010.

24 (c) **Number of names.** The number of names required to be indexed
25 does not affect the amount of the fee in subsections (a) and (b) of
26 this section.

27 (d) **Response to information request.** The fee for responding to a
28 request for information from a filing office, including for issuing a
29 certificate showing, or otherwise communicating, whether there is on
30 file any financing statement naming a particular debtor, is the fee set
31 by department of licensing rule pursuant to subsection (f) of this
32 section; provided however, if the request is to a filing office
33 described in RCW 62A.9A-501(a)(1) and that office charges a different
34 fee, then that different fee shall apply instead. Without limitation,
35 different fees may be charged:

36 (1) If the request is communicated in writing;

1 (2) If the request is communicated by another medium authorized by
2 filing-office rule; and

3 (3) If the request is for expedited service.

4 (e) **Record of mortgage.** This section does not require a fee with
5 respect to a record of a mortgage which is effective as a financing
6 statement filed as a fixture filing or as a financing statement
7 covering as-extracted collateral or timber to be cut under RCW
8 62A.9A-502(c). However, the recording and satisfaction fees that
9 otherwise would be applicable to the record of the mortgage apply.

10 (f) **Filing office rules.** (1) The department of licensing shall by
11 rule set the fees called for in this section for filing with, and
12 obtaining information from, the department of licensing. The director
13 shall set fees at a sufficient level to defray the costs of
14 administering the program. All receipts from fees collected under this
15 title, except fees for services covered under RCW 62A.9A-501(a)(1),
16 shall be deposited to the uniform commercial code fund in the state
17 treasury. Moneys in the fund may be spent only after appropriation and
18 may be used only to administer the uniform commercial code program.

19 (2) In addition to fees on filings authorized under this section,
20 the department of licensing shall impose a surcharge of eight dollars
21 per filing for paper filings and a surcharge of three dollars per
22 filing for electronic filings. The department shall deposit the
23 proceeds from these surcharges in the financial fraud and identity
24 theft crimes investigation and prosecution account created in section
25 1 of this act.

26 (g) **Transition.** This section continues the fee-setting authority
27 conferred on the department of licensing by former RCW 62A.9-409 and
28 nothing herein shall invalidate fees set by the department of licensing
29 under the authority of former RCW 62A.9-409.

30 NEW SECTION. **Sec. 3.** This act expires July 1, 2015.

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