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SENATE BILL 6093

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State of Washington                      53rd Legislature                      1994 Regular Session

By Senators A. Smith and Nelson

Read first time 01/12/94. Referred to Committee on Labor & Commerce.

1            AN ACT Relating to collection of debts; and amending RCW 19.16.100.

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

3            **Sec. 1.** RCW 19.16.100 and 1990 c 190 s 1 are each amended to read  
4 as follows:

5            Unless a different meaning is plainly required by the context, the  
6 following words and phrases as (~~hereinafter~~) used in this chapter  
7 shall have the following meanings:

8            (1) "Person" includes individual, firm, partnership, trust, joint  
9 venture, association, or corporation.

10           (2) "Collection agency" means and includes:

11           (a) Any person directly or indirectly engaged in soliciting claims  
12 for collection, or collecting or attempting to collect claims owed or  
13 due or asserted to be owed or due another person for a creditor or  
14 client in the state of Washington;

15           (b) Any person who directly or indirectly furnishes or attempts to  
16 furnish, sells, or offers to sell forms represented to be a collection  
17 system or scheme intended or calculated to be used to collect claims  
18 even though the forms direct the debtor to make payment to the creditor

1 and even though the forms may be or are actually used by the creditor  
2 himself or herself in his or her own name;

3 (c) Any person who in attempting to collect or in collecting his or  
4 her own claim uses a fictitious name or any name other than his or her  
5 own which would indicate to the debtor that a third person is  
6 collecting or attempting to collect such claim.

7 (3) "Collection agency" does not mean and does not include:

8 (a) Any individual engaged in soliciting claims for collection, or  
9 collecting or attempting to collect claims on behalf of a licensee  
10 under this chapter, if said individual is an employee of the licensee;

11 (b) Any individual collecting or attempting to collect claims for  
12 not more than one employer, if all the collection efforts are carried  
13 on in the name of the employer and if the individual is an employee of  
14 the employer;

15 (c) Any person whose collection activities are carried on in his or  
16 (~~its~~) her true name and are confined and are directly related to the  
17 operation of a business other than that of a collection agency, such as  
18 but not limited to trust companies, savings and loan associations,  
19 building and loan associations, abstract companies doing an escrow  
20 business, real estate brokers, public officers acting in their official  
21 capacities, persons acting under court order, lawyers, insurance  
22 companies, credit unions, loan or finance companies, mortgage banks,  
23 and banks; or

24 (d) Any person who on behalf of another person prepares or mails  
25 monthly or periodic statements of accounts due if all payments are made  
26 to that other person and no other collection efforts are made by the  
27 person preparing the statements of account.

28 (4) "Claim" means any obligation for the payment of money or thing  
29 of value arising out of any agreement or contract, express or implied.

30 (5) "Statement of account" means a report setting forth only  
31 amounts billed, invoices, credits allowed, or aged balance due.

32 (6) "Director" means the director of licensing.

33 (7) "Client" or "customer" means any person authorizing or  
34 employing a collection agency to collect a claim.

35 (8) "Licensee" means any person licensed under this chapter.

36 (9) "Board" means the Washington state collection agency board.

37 (10) "Debtor" means any person owing or alleged to owe a claim.

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