

CHAPTER 190

[Substitute House Bill No. 2801]
COLLECTION AGENCIES—DEFINITION

AN ACT Relating to collection agencies; and amending RCW 19.16.100.

Be it enacted by the Legislature of the State of Washington:

Sec. 1. Section 1, chapter 253, Laws of 1971 ex. sess. as amended by section 81, chapter 158, Laws of 1979 and RCW 19.16.100 are each amended to read as follows:

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

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

(2) "Collection agency" means and includes:

(a) Any person directly or indirectly engaged in soliciting claims for collection, or collecting or attempting to collect claims owed or due or asserted to be owed or due another person;

(b) Any person who directly or indirectly furnishes or attempts to furnish, sells, or offers to sell forms represented to be a collection system or scheme intended or calculated to be used to collect claims even though the forms direct the debtor to make payment to the creditor and even though the forms may be or are actually used by the creditor himself in his own name;

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

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

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

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

(c) Any person whose collection activities are carried on in his or its true name and are confined and are directly related to the operation of a business other than that of a collection agency, such as but not limited to trust companies, savings and loan associations, building and loan associations, abstract companies doing an escrow business, real estate brokers, public officers acting in their official capacities, persons acting under court

order, lawyers, insurance companies, credit unions, loan or finance companies, mortgage banks, and banks; or

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

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

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

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

~~((6))~~ (7) "Client" or "customer" means any person authorizing or employing a collection agency to collect a claim.

~~((7))~~ (8) "Licensee" means any person licensed under this chapter.

~~((8))~~ (9) "Board" means the Washington state collection agency board.

~~((9))~~ (10) "Debtor" means any person owing or alleged to owe a claim.

Passed the House March 6, 1990.

Passed the Senate March 1, 1990.

Approved by the Governor March 26, 1990.

Filed in Office of Secretary of State March 26, 1990.

CHAPTER 191

[House Bill No. 2808]

COURT COMMISSIONERS—QUALIFICATIONS

AN ACT Relating to the eligibility requirements of court commissioners; and amending RCW 2.24.010.

Be it enacted by the Legislature of the State of Washington:

Sec. 1. Section 1, chapter 124, Laws of 1909 as last amended by section 1, chapter 54, Laws of 1979 ex. sess. and RCW 2.24.010 are each amended to read as follows:

There may be appointed in each county or judicial district, by the judges of the superior court having jurisdiction therein, one or more court commissioners for said county or judicial district. Each such commissioner shall be a citizen of the United States ~~((and an elector of the county or judicial district in which he may be appointed;))~~ and shall hold ~~((his))~~ the