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**SUBSTITUTE HOUSE BILL 1456**

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**State of Washington                      52nd Legislature                      1991 Regular Session**

**By** House Committee on Transportation (originally sponsored by Representatives Haugen, Wilson, Zellinsky, Spanel, R. Fisher, Rasmussen, Orr and R. Johnson).

Read first time February 25, 1991.

1            AN ACT Relating to hulk haulers and scrap processors; amending RCW  
2 46.79.010, 46.79.030, 46.79.040, 46.79.050, 46.79.060, 46.79.090, and  
3 46.79.120; adding new sections to chapter 46.79 RCW; and prescribing  
4 penalties.

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

6            NEW SECTION.    **Sec. 1.** A new section is added to chapter 46.79 RCW  
7 to read as follows:

8            It is the intent of the legislature to license and regulate hulk  
9 haulers and scrap processors for the purpose of discouraging a market  
10 in stolen vehicles and vehicle components. The legislature further  
11 recognizes that hulk haulers and scrap processors provide an important  
12 link in the state's solid waste management system by reusing and  
13 recycling a significant volume of materials that would otherwise be  
14 disposed of. It is further the intent of the legislature that this

1 chapter be enforced in a manner that will not unduly impede the reuse  
2 and recycling of vehicles and vehicle components.

3 **Sec. 2.** RCW 46.79.010 and 1990 c 250 s 69 are each amended to read  
4 as follows:

5 The definitions set forth in this section apply throughout this  
6 chapter unless the context indicates otherwise.

7 (1) "Junk vehicle" means a motor vehicle certified under RCW  
8 46.55.230 as meeting all the following requirements:

9 (a) Is three years old or older;

10 (b) Is extensively damaged, such damage including but not limited  
11 to any of the following: A broken window or windshield or missing  
12 wheels, tires, motor, or transmission;

13 (c) Is apparently inoperable;

14 (d) Is without a valid, current registration plate;

15 (e) Has a fair market value equal only to the value of the scrap in  
16 it.

17 (2) "Scrap processor" means a licensed establishment that maintains  
18 a hydraulic baler and shears, or a shredder (~~(for recycling)~~) or by any  
19 other means recycles vehicle salvage.

20 (3) "Demolish" means to destroy completely by use of a hydraulic  
21 baler and shears, or a shredder or by any other means.

22 (4) "Hulk hauler" means any person who deals in vehicles for the  
23 sole purpose of transporting and/or selling them to a licensed motor  
24 vehicle wrecker or scrap processor in substantially the same form in  
25 which they are obtained. A hulk hauler may not sell second-hand motor  
26 vehicle parts to anyone other than a licensed vehicle wrecker or scrap  
27 processor, except for those parts specifically enumerated in RCW  
28 46.79.020(2), as now or hereafter amended, which may be sold to a

1 licensed motor vehicle wrecker or disposed of at a public facility for  
2 waste disposal.

3 (5) "Director" means the director of licensing.

4 (~~((6) "Major component parts" include engines and short blocks,  
5 frames, transmissions or transfer cases, cabs, doors, front or rear  
6 differentials, front or rear clips, quarter panels or fenders, bumpers,  
7 truck beds or boxes, seats, and hoods.))~~)

8 **Sec. 3.** RCW 46.79.030 and 1971 ex.s. c 110 s 3 are each amended to  
9 read as follows:

10 Application for a hulk hauler's license or a scrap processor's  
11 license or renewal of a hulk hauler's license or a scrap processor's  
12 license shall be made on a form for this purpose, furnished by the  
13 director, and shall be signed by the applicant or his authorized agent  
14 and shall include the following information:

15 (1) Name and address of the person, firm, partnership, association  
16 or corporation under which name the business is to be conducted;

17 (2) Names and residence address of all persons having an interest  
18 in the business or, if the owner is a corporation, the names and  
19 addresses of the officers thereof;

20 (3) Certificate of approval of (~~(the chief of police of any city or  
21 town, wherever located, having a population of over five thousand  
22 persons and in all other instances))~~) a member of the state patrol  
23 certifying that the applicant can be found at the address shown on the  
24 application, and;

25 (4) Any other information that the director may require.

26 **Sec. 4.** RCW 46.79.040 and 1971 ex.s. c 110 s 4 are each amended to  
27 read as follows:

1       Application for a hulk hauler's license, together with a fee of  
2       (~~ten~~) fifty dollars, or application for a scrap processor's license,  
3       together with a fee of (~~twenty-five~~) one hundred dollars, shall be  
4       forwarded to the director. Upon receipt of the application the  
5       director shall, if the application be in order, issue the license  
6       applied for authorizing him to do business as such and forward the fee,  
7       together with an itemized and detailed report, to the state treasurer,  
8       to be deposited in the motor vehicle fund. Upon receiving the  
9       certificate the owner shall cause it to be prominently displayed at the  
10      address shown in his application, where it may be inspected by an  
11      investigating officer at any time.

12       **Sec. 5.** RCW 46.79.050 and 1985 c 109 s 5 are each amended to read  
13      as follows:

14       A license issued pursuant to this chapter expires on the date  
15      assigned by the director, and may be renewed by filing a proper  
16      application and payment of a fee of (~~ten~~) fifty dollars for hulk  
17      haulers and one hundred dollars for scrap processors accompanied by the  
18      certification required under RCW 46.79.030(3) and section 12 of this  
19      act.

20       Whenever a hulk hauler or scrap processor ceases to do business or  
21      the license has been suspended or revoked, the license shall  
22      immediately be surrendered to the director.

23       **Sec. 6.** RCW 46.79.060 and 1971 ex.s. c 110 s 6 are each amended to  
24      read as follows:

25       The hulk hauler or scrap processor shall obtain a special set of  
26      license plates in addition to the regular licenses and plates required  
27      for the operation of vehicles owned and/or operated by him and used in  
28      the conduct of his business. Such special license shall be displayed

1 on the operational vehicles and shall be in lieu of a trip permit or  
2 current license on any vehicle being transported. The fee for these  
3 plates shall be ~~((five))~~ twenty-five dollars for the original plates  
4 and ~~((two))~~ twenty-five dollars for each additional set of plates  
5 bearing the same license number.

6 **Sec. 7.** RCW 46.79.090 and 1983 c 142 s 6 are each amended to read  
7 as follows:

8 It shall be the duty of the ~~((chiefs of police, or the))~~ Washington  
9 state patrol ~~((, in cities having a population of over five thousand  
10 persons, and in all other cases the Washington state patrol,))~~ to make  
11 periodic inspection of the hulk hauler's or scrap processor's premises  
12 and records provided for in this chapter, and furnish a certificate of  
13 inspection to the director in such manner as may be determined by the  
14 director: PROVIDED, That the above inspection in any instance can be  
15 made by an authorized representative of the department. Hulk haulers  
16 will be available to arrange a time for inspection, in person or by  
17 phone, between the hours of 10:00 a.m. and 4:00 p.m. Monday through  
18 Friday, except legal holidays. For inspection purposes, scrap  
19 processors' business hours are between 10:00 a.m. and 4:00 p.m. on  
20 weekdays, excluding legal holidays. When not open for business during  
21 this period, business operators will post their hours in a plainly  
22 visible location at the established place of business.

23 The department is hereby authorized to enlist the services and  
24 cooperation of any law enforcement officer or state agency of another  
25 state to inspect the premises of any hulk hauler or scrap processor  
26 whose established place of business is in that other state but who is  
27 licensed to transport automobile hulks within Washington state.

1       **Sec. 8.** RCW 46.79.120 and 1983 c 142 s 8 are each amended to read  
2 as follows:

3       Any hulk hauler or scrap processor who engages in the business of  
4 hulk hauling or scrap processing without holding a current license  
5 issued by the department for authorization to do so, or, holding such  
6 a license, exceeds the authority granted by that license, is guilty of  
7 a gross misdemeanor. Any person so convicted shall be punished by  
8 imprisonment for not less than thirty days or more than one year in  
9 jail or by a fine of one thousand dollars.

10       NEW SECTION. **Sec. 9.** A new section is added to chapter 46.79 RCW  
11 to read as follows:

12       If an application for a license to conduct business as a hulk  
13 hauler or scrap processor is filed by any person whose license has  
14 previously been canceled for cause by the department, or if the  
15 department is of the opinion that the application is not filed in good  
16 faith or that the application is filed by some person as a subterfuge  
17 for the real person in interest whose license has previously been  
18 canceled for cause, the department may refuse to issue such a person a  
19 license to conduct business as a hulk hauler or a scrap processor.

20       NEW SECTION. **Sec. 10.** A new section is added to chapter 46.79 RCW  
21 to read as follows:

22       Hulk haulers will maintain a record of all vehicles, including  
23 "junk vehicles," transported and/or sold to licensed motor vehicle  
24 wreckers or scrap processors. The record will identify each vehicle as  
25 follows:

26       (1) Seller's name and date of sale;

27       (2) Identity of the vehicle by its year, make, and vehicle  
28 identification number. However, in the case of a vehicle hauled for a

1 licensed auto wrecker the year, make, and yard number assigned by the  
2 auto wrecker will suffice; and

3 (3) Purchaser's name and date of purchase.

4 These records will be kept on a form prescribed by the department  
5 and will be available for inspection under RCW 46.79.090 for a period  
6 of three years.

7 NEW SECTION. **Sec. 11.** A new section is added to chapter 46.79 RCW  
8 to read as follows:

9 Prior to the issuance and any renewal of a hulk hauler license, the  
10 vehicle to be used in transporting vehicles, "junk vehicles," or  
11 vehicle salvage must be inspected by the Washington state patrol to  
12 verify compliance with safety requirements applying to transportation  
13 of vehicle salvage.

14 NEW SECTION. **Sec. 12.** A new section is added to chapter 46.79 RCW  
15 to read as follows:

16 A scrap processor will maintain a record of vehicles acquired. The  
17 record will identify each vehicle as well as the source of the vehicle.  
18 Within thirty days after a vehicle has been acquired the scrap  
19 processor will furnish a written report to the department on a form  
20 prescribed by the department.

21 NEW SECTION. **Sec. 13.** A new section is added to chapter 46.79 RCW  
22 to read as follows:

23 Whenever it appears to the director that any person has engaged in  
24 or is about to engage in any act or practice constituting a violation  
25 of any provision of this chapter or any rule adopted hereunder, the  
26 director may issue an order directing the operator or person to cease  
27 and desist from continuing the act or practice. Reasonable notice of

1 and opportunity for a hearing shall be given. The director may issue  
2 a temporary order pending a hearing. The temporary order shall remain  
3 in effect until ten days after the hearing is held and shall become  
4 final if the person to whom notice is addressed does not request a  
5 hearing within fifteen days after the receipt of notice.