
HOUSE BILL 2888

State of Washington

52nd Legislature

1992 Regular Session

By Representatives P. Johnson, Basich, May, Wineberry, Padden, Bowman, Tate, Winsley, Forner, Paris, Mitchell, Sheldon, Ballard, Brumsickle, Lisk, Hochstatter, Mielke, Wood, Edmondson, D. Sommers, Kremen, Wynne, Silver and Horn

Read first time 01/31/92. Referred to Committee on Judiciary.

1 AN ACT Relating to fraud; amending RCW 4.24.230 and 19.48.110; and
2 prescribing penalties.

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

4 **Sec. 1.** RCW 4.24.230 and 1987 c 353 s 1 are each amended to read
5 as follows:

6 (1) An adult or emancipated minor who takes possession of any
7 goods, wares, or merchandise displayed or offered for sale, by contract
8 or otherwise, by any wholesale or retail store, mercantile, or other
9 mercantile establishment, any public utility, any rental or leased
10 property, or any service offered by a service provider without the
11 consent of the owner ((or)), seller, landlord, or service provider, and
12 with the intention of converting such goods, wares, ((or)) merchandise,
13 utility service, rental property, or service to his or her own use
14 without having paid the purchase or rental price thereof shall be

1 liable in addition to actual damages, for a penalty to the owner
2 ~~((or))~~, seller, utility, landlord, or service provider in the amount of
3 the retail value thereof not to exceed ~~((one))~~ two thousand dollars,
4 ~~((plus an additional penalty of not less than one hundred dollars nor
5 more than two hundred dollars,))~~ plus all reasonable attorney's fees
6 and court costs expended by the owner ~~((or))~~, seller, utility,
7 landlord, or service provider. A customer who orders a meal in a
8 restaurant or other eating establishment, receives at least a portion
9 thereof, and then leaves without paying, is subject to liability under
10 this section. A person who ~~((shall))~~ receives any food, money, credit,
11 lodging, or accommodation at any hotel, motel, boarding house, or
12 lodging house, and then leaves without paying the proprietor, manager,
13 or authorized employee thereof, is subject to liability under this
14 section. A person who intentionally gives false information in order
15 to receive goods, wares, merchandise, utility service, or other
16 service, who fails or refuses to make payment at the time service is
17 provided, who fails or refuses to return rented goods at the end of the
18 rental period, or who fails or refuses to make a contracted-for payment
19 after service is rendered, is subject to liability under this section.
20 Tenants who intentionally give false information in order to secure a
21 rental property or who move and fail or refuse to make any rental
22 payments due, are subject to liability under this section.

23 (2) The parent or legal guardian having the custody of an
24 unemancipated minor who takes possession of any goods, wares, or
25 merchandise displayed or offered for sale by any wholesale or retail
26 store or other mercantile establishment or any services offered by a
27 service provider without the consent of the owner ~~((or))~~, seller, or
28 service provider and with the intention of converting such goods,
29 wares, ~~((or))~~ merchandise, or services to his or her own use without
30 having paid the purchase price thereof, shall be liable as a penalty to

1 the owner ~~((or))~~, seller, or service provider for the retail value of
2 such goods, wares, ~~((or))~~ merchandise, or service not to exceed ~~((five~~
3 ~~hundred))~~ one thousand dollars ~~((plus an additional penalty of not less~~
4 ~~than one hundred dollars nor more than two hundred dollars))~~, plus all
5 reasonable attorney's fees and court costs expended by the owner
6 ~~((or))~~, seller, or service provider. The parent or legal guardian
7 having the custody of an unemancipated minor, who orders a meal in a
8 restaurant or other eating establishment, receives at least a portion
9 thereof, and then leaves without paying, is subject to liability under
10 this section. The parent or legal guardian having the custody of an
11 unemancipated minor, who receives any food, money, credit, lodging, or
12 accommodation at any hotel, motel, boarding house, or lodging house,
13 and then leaves without paying the proprietor, manager, or authorized
14 employee thereof, is subject to liability under this section. The
15 parent or legal guardian having the custody of an unemancipated minor
16 who intentionally gives false information in order to receive goods,
17 wares, merchandise, utility service, or other service, who fails or
18 refuses to make payment at the time service is provided, who fails or
19 refuses to return rented goods at the end of the rental period, or who
20 fails or refuses to make a contracted-for payment after service is
21 rendered, is subject to liability under this section. For the purposes
22 of this subsection, liability shall not be imposed upon any
23 governmental entity, private agency, or foster parent assigned
24 responsibility for the minor child pursuant to court order or action of
25 the department of social and health services.

26 (3) Judgments, but not claims, arising under this section may be
27 assigned.

28 (4) A conviction for violation of chapter 9A.56 RCW or RCW
29 ~~((9.45.040))~~ 19.48.110 shall not be a condition precedent to
30 maintenance of a civil action authorized by this section.

1 (5) An owner (~~or~~), seller, utility, landlord, or service provider
2 demanding payment of a penalty under subsection (1) or (2) of this
3 section shall give written notice to the person or persons from whom
4 the penalty is sought. The notice shall state:

5 "IMPORTANT NOTICE: The payment of any penalty demanded of you does
6 not prevent criminal prosecution under a related criminal provision."

7 This notice shall be boldly and conspicuously displayed, in at
8 least the same size type as is used in the demand, and shall be sent
9 with the demand for payment of a penalty described in subsection (1)
10 (~~or~~) or (2) of this section.

11 (6) For the purposes of this section, "services" means work or
12 labor of any kind for which the service provider reasonably expects to
13 be paid.

14 **Sec. 2.** RCW 19.48.110 and 1985 c 129 s 2 are each amended to read
15 as follows:

16 Any person who shall willfully obtain food, money, credit, use of
17 ski area facilities, lodging or accommodation at any hotel, inn,
18 restaurant, commercial ski area, boarding house, or lodging house,
19 without paying therefor, with intent to defraud the proprietor, owner,
20 operator, or keeper thereof; or who obtains services, utility service,
21 or the use of rental property without paying therefor; or who obtains
22 food, money, credit, use of ski area facilities, lodging or
23 accommodation at such hotel, inn, restaurant, commercial ski area,
24 boarding house, or lodging house, by the use of any false pretense; or
25 who, after obtaining food, money, credit, use of ski area facilities,
26 lodging, or accommodation at such hotel, inn, restaurant, commercial
27 ski area, boarding house, or lodging house, removes or causes to be
28 removed from such hotel, inn, restaurant, commercial ski area, boarding
29 house, or lodging house, his or her baggage, without the permission or

1 consent of the proprietor, manager, or authorized employee thereof,
2 before paying for such food, money, credit, use of ski area facilities,
3 lodging, or accommodation, shall be guilty of a gross misdemeanor:
4 PROVIDED, That if the aggregate amount of food, money, use of ski area
5 facilities, services, utility service, use of rental property, lodging,
6 or accommodation, or credit so obtained is seventy-five dollars or more
7 such person shall be guilty of a felony. Proof that food, money,
8 credit, use of ski area facilities, services, utility service, use of
9 rental property, lodging, or accommodation were obtained by false
10 pretense or by false or fictitious show or pretense of any baggage or
11 other property, or that the person refused or neglected to pay for such
12 food, money, credit, use of ski area facilities, services, utility
13 service, use of rental property, lodging, or accommodation on demand,
14 or that he or she gave in payment for such food, money, credit, use of
15 ski area facilities, services, utility service, use of rental property,
16 lodging, or accommodation, negotiable paper on which payment was
17 refused, or that he or she absconded, or departed from, or left, the
18 premises without paying for such food, money, credit, use of ski area
19 facilities, services, utility service, use of rental property, lodging,
20 or accommodation, or that he or she removed, or attempted to remove, or
21 caused to be removed, or caused to be attempted to be removed his or
22 her property or baggage, shall be prima facie evidence of the
23 fraudulent intent hereinbefore mentioned.

24 For the purposes of this section, "services" means work or labor of
25 any kind for which the service provider reasonably expects to be paid.