

2 **ESSB 5815 - H AMD ADOPTED AS AMENDED 4-15-93**

3 By Representative Appelwick

4

5 Strike everything after the enacting clause and insert the  
6 following:

7 "Sec. 1. RCW 69.50.505 and 1992 c 211 s 1 are each amended to read  
8 as follows:

9 (a) The following are subject to seizure and forfeiture and no  
10 property right exists in them:

11 (1) All controlled substances which have been manufactured,  
12 distributed, dispensed, acquired, or possessed in violation of this  
13 chapter or chapter 69.41 or 69.52 RCW, and all hazardous chemicals, as  
14 defined in RCW 64.44.010, used or intended to be used in the  
15 manufacture of controlled substances;

16 (2) All raw materials, products, and equipment of any kind which  
17 are used, or intended for use, in manufacturing, compounding,  
18 processing, delivering, importing, or exporting any controlled  
19 substance in violation of this chapter or chapter 69.41 or 69.52 RCW;

20 (3) All property which is used, or intended for use, as a container  
21 for property described in paragraphs (1) or (2);

22 (4) All conveyances, including aircraft, vehicles, or vessels,  
23 which are used, or intended for use, in any manner to facilitate the  
24 sale, delivery, or receipt of property described in paragraphs (1) or  
25 (2), except that:

26 (i) No conveyance used by any person as a common carrier in the  
27 transaction of business as a common carrier is subject to forfeiture  
28 under this section unless it appears that the owner or other person in  
29 charge of the conveyance is a consenting party or privy to a violation  
30 of this chapter or chapter 69.41 or 69.52 RCW;

31 (ii) No conveyance is subject to forfeiture under this section by  
32 reason of any act or omission established by the owner thereof to have  
33 been committed or omitted without the owner's knowledge or consent;

34 (iii) No conveyance is subject to forfeiture under this section if  
35 used in the receipt of only an amount of marijuana for which possession  
36 constitutes a misdemeanor under RCW 69.50.401(e);

1 (iv) A forfeiture of a conveyance encumbered by a bona fide  
2 security interest is subject to the interest of the secured party if  
3 the secured party neither had knowledge of nor consented to the act or  
4 omission; and

5 (v) When the owner of a conveyance has been arrested under this  
6 chapter or chapter 69.41 or 69.52 RCW the conveyance in which the  
7 person is arrested may not be subject to forfeiture unless it is seized  
8 or process is issued for its seizure within ten days of the owner's  
9 arrest;

10 (5) All books, records, and research products and materials,  
11 including formulas, microfilm, tapes, and data which are used, or  
12 intended for use, in violation of this chapter or chapter 69.41 or  
13 69.52 RCW;

14 (6) All drug paraphernalia;

15 (7) All moneys, negotiable instruments, securities, or other  
16 tangible or intangible property of value furnished or intended to be  
17 furnished by any person in exchange for a controlled substance in  
18 violation of this chapter or chapter 69.41 or 69.52 RCW, all tangible  
19 or intangible personal property, proceeds, or assets acquired in whole  
20 or in part with proceeds traceable to an exchange or series of  
21 exchanges in violation of this chapter or chapter 69.41 or 69.52 RCW,  
22 and all moneys, negotiable instruments, and securities used or intended  
23 to be used to facilitate any violation of this chapter or chapter 69.41  
24 or 69.52 RCW(~~(:—PROVIDED, That)~~). A forfeiture of money, negotiable  
25 instruments, securities, or other tangible or intangible property  
26 encumbered by a bona fide security interest is subject to the interest  
27 of the secured party if, at the time the security interest was created,  
28 the secured party neither had knowledge of nor consented to the act or  
29 omission(~~(:—PROVIDED FURTHER, That)~~). No personal property may be  
30 forfeited under this paragraph, to the extent of the interest of an  
31 owner, by reason of any act or omission which that owner establishes  
32 was committed or omitted without the owner's knowledge or consent; and

33 (8) All real property, including any right, title, and interest in  
34 the whole of any lot or tract of land, and any appurtenances or  
35 improvements which are being used with the knowledge of the owner for  
36 the manufacturing, compounding, processing, delivery, importing, or  
37 exporting of any controlled substance, or which have been acquired in  
38 whole or in part with proceeds traceable to an exchange or series of  
39 exchanges in violation of this chapter or chapter 69.41 or 69.52 RCW,

1 if such activity is not less than a class C felony and a substantial  
2 nexus exists between the commercial production or sale of the  
3 controlled substance and the real property(~~(:—PROVIDED, That)~~).

4 However:

5 (i) No property may be forfeited pursuant to this subsection, to  
6 the extent of the interest of an owner, by reason of any act or  
7 omission committed or omitted without the owner's knowledge or consent;

8 (ii) The bona fide gift of a controlled substance, legend drug, or  
9 imitation controlled substance shall not result in the forfeiture of  
10 real property;

11 (iii) The possession of marijuana shall not result in the  
12 forfeiture of real property unless the marijuana is possessed for  
13 commercial purposes, the amount possessed is five or more plants or one  
14 pound or more of marijuana, and a substantial nexus exists between the  
15 possession of marijuana and the real property. In such a case, the  
16 intent of the offender shall be determined by the preponderance of the  
17 evidence, including the offender's prior criminal history, the amount  
18 of marijuana possessed by the offender, the sophistication of the  
19 activity or equipment used by the offender, and other evidence which  
20 demonstrates the offender's intent to engage in commercial activity;

21 (iv) The unlawful sale of marijuana or a legend drug shall not  
22 result in the forfeiture of real property unless the sale was forty  
23 grams or more in the case of marijuana or one hundred dollars or more  
24 in the case of a legend drug, and a substantial nexus exists between  
25 the unlawful sale and the real property; and

26 (v) A forfeiture of real property encumbered by a bona fide  
27 security interest is subject to the interest of the secured party if  
28 the secured party, at the time the security interest was created,  
29 neither had knowledge of nor consented to the act or omission.

30 (b) Real or personal property subject to forfeiture under this  
31 chapter may be seized by any board inspector or law enforcement officer  
32 of this state upon process issued by any superior court having  
33 jurisdiction over the property. Seizure of real property shall include  
34 the filing of a lis pendens by the seizing agency. Real property  
35 seized under this section shall not be transferred or otherwise  
36 conveyed until ninety days after seizure or until a judgment of  
37 forfeiture is entered, whichever is later: PROVIDED, That real  
38 property seized under this section may be transferred or conveyed to  
39 any person or entity who acquires title by foreclosure or deed in lieu

1 of foreclosure of a security interest. Seizure of personal property  
2 without process may be made if:

3 (1) The seizure is incident to an arrest or a search under a search  
4 warrant or an inspection under an administrative inspection warrant;

5 (2) The property subject to seizure has been the subject of a prior  
6 judgment in favor of the state in a criminal injunction or forfeiture  
7 proceeding based upon this chapter;

8 (3) A board inspector or law enforcement officer has probable cause  
9 to believe that the property is directly or indirectly dangerous to  
10 health or safety; or

11 (4) The board inspector or law enforcement officer has probable  
12 cause to believe that the property was used or is intended to be used  
13 in violation of this chapter.

14 (c) In the event of seizure pursuant to subsection (b), proceedings  
15 for forfeiture shall be deemed commenced by the seizure. The law  
16 enforcement agency under whose authority the seizure was made shall  
17 cause notice to be served within fifteen days following the seizure on  
18 the owner of the property seized and the person in charge thereof and  
19 any person having any known right or interest therein, including any  
20 community property interest, of the seizure and intended forfeiture of  
21 the seized property. Service of notice of seizure of real property  
22 shall be made according to the rules of civil procedure. However, the  
23 state may not obtain a default judgment with respect to real property  
24 against a party who is served by substituted service absent an  
25 affidavit stating that a good faith effort has been made to ascertain  
26 if the defaulted party is incarcerated within the state, and that there  
27 is no present basis to believe that the party is incarcerated within  
28 the state. Notice of seizure in the case of property subject to a  
29 security interest that has been perfected by filing a financing  
30 statement in accordance with chapter 62A.9 RCW, or a certificate of  
31 title, shall be made by service upon the secured party to the secured  
32 party's assignee at the address shown on the financing statement or the  
33 certificate of title. The notice of seizure in other cases may be  
34 served by any method authorized by law or court rule including but not  
35 limited to service by certified mail with return receipt requested.  
36 Service by mail shall be deemed complete upon mailing within the  
37 fifteen day period following the seizure.

38 (d) If no person notifies the seizing law enforcement agency in  
39 writing of the person's claim of ownership or right to possession ((of

1 items specified in subsection (a)(4), (a)(7), or (a)(8) of this section  
2 within forty five days of the seizure in the case of personal property  
3 and ninety days in the case of real property)) within ninety days, the  
4 item seized shall be deemed forfeited. The community property interest  
5 in real property of a person whose spouse committed a violation giving  
6 rise to seizure of the real property may not be forfeited if the person  
7 did not participate in the violation. A perfected security interest of  
8 a secured party may be extinguished only after a contested hearing or  
9 agreement by the secured party.

10 (e) If any person notifies the seizing law enforcement agency in  
11 writing of the person's claim of ownership or right to possession ((of  
12 items specified in subsection (a)(2), (a)(3), (a)(4), (a)(5), (a)(6),  
13 (a)(7), or (a)(8) of this section within forty five days of the seizure  
14 in the case of personal property and ninety days in the case of real  
15 property)) within ninety days, the person or persons shall be afforded  
16 a reasonable opportunity to be heard as to the claim or right. ((The  
17 hearing shall be before the chief law enforcement officer of the  
18 seizing agency or the chief law enforcement officer's designee, except  
19 where the seizing agency is a state agency as defined in RCW  
20 34.12.020(4), the hearing shall be before the chief law enforcement  
21 officer of the seizing agency or an administrative law judge appointed  
22 under chapter 34.12 RCW, except that any person asserting a claim or  
23 right may remove the matter to a court of competent jurisdiction if the  
24 aggregate value of the article or articles involved is more than five  
25 hundred dollars.)) The prosecuting attorney shall file the case into  
26 a court of competent jurisdiction. The court to which the matter is  
27 ((to be removed)) filed shall be the district court when the aggregate  
28 value of personal property is within the jurisdictional limit set forth  
29 in RCW 3.66.020. ((A hearing before the seizing agency and any appeal  
30 therefrom shall be under Title 34 RCW.)) In a court hearing between  
31 two or more claimants to the article or articles involved, the  
32 prevailing party shall be entitled to a judgment for costs and  
33 reasonable attorney's fees. In cases involving personal property, the  
34 burden of producing evidence shall be upon the person claiming to be  
35 the lawful owner or the person claiming to have the lawful right to  
36 possession of the property. In cases involving real property, the  
37 burden of producing evidence shall be upon the law enforcement agency.  
38 The burden of proof that the seized real property is subject to  
39 forfeiture shall be upon the law enforcement agency. The seizing law

1 enforcement agency shall promptly return the article or articles to the  
2 claimant upon a determination by the ((~~administrative law judge or~~))  
3 court that the claimant is the present lawful owner or is lawfully  
4 entitled to possession thereof of items specified in subsection (a)(2),  
5 (a)(3), (a)(4), (a)(5), (a)(6), (a)(7), or (a)(8) of this section.

6 (f) When property is forfeited under this chapter the board or  
7 seizing law enforcement agency may:

8 (1) Retain it for official use or upon application by any law  
9 enforcement agency of this state release such property to such agency  
10 for the exclusive use of enforcing the provisions of this chapter;

11 (2) Sell that which is not required to be destroyed by law and  
12 which is not harmful to the public;

13 (3) Request the appropriate sheriff or director of public safety to  
14 take custody of the property and remove it for disposition in  
15 accordance with law; or

16 (4) Forward it to the drug enforcement administration for  
17 disposition.

18 (g)(1) When property is forfeited, the seizing agency shall keep a  
19 record indicating the identity of the prior owner, if known, a  
20 description of the property, the disposition of the property, the value  
21 of the property at the time of seizure, and the amount of proceeds  
22 realized from disposition of the property.

23 (2) Each seizing agency shall retain records of forfeited property  
24 for at least seven years.

25 (3) Each seizing agency shall file a report including a copy of the  
26 records of forfeited property with the state treasurer each calendar  
27 quarter.

28 (4) The quarterly report need not include a record of forfeited  
29 property that is still being held for use as evidence during the  
30 investigation or prosecution of a case or during the appeal from a  
31 conviction.

32 (h)(1) By January 31st of each year, each seizing agency shall  
33 remit to the state treasurer an amount equal to ten percent of the net  
34 proceeds of any property forfeited during the preceding calendar year.  
35 Money remitted shall be deposited in the drug enforcement and education  
36 account under RCW 69.50.520.

37 (2) The net proceeds of forfeited property is the value of the  
38 forfeitable interest in the property after deducting the cost of  
39 satisfying any bona fide security interest to which the property is

1 subject at the time of seizure; and in the case of sold property, after  
2 deducting the cost of sale, including reasonable fees or commissions  
3 paid to independent selling agents, and the cost of any valid  
4 landlord's claim for damages under subsection (n) of this section.

5 (3) The value of sold forfeited property is the sale price. The  
6 value of retained forfeited property is the fair market value of the  
7 property at the time of seizure, determined when possible by reference  
8 to an applicable commonly used index, such as the index used by the  
9 department of licensing for valuation of motor vehicles. A seizing  
10 agency may use, but need not use, an independent qualified appraiser to  
11 determine the value of retained property. If an appraiser is used, the  
12 value of the property appraised is net of the cost of the appraisal.  
13 The value of destroyed property and retained firearms or illegal  
14 property is zero.

15 (i) Forfeited property and net proceeds not required to be paid to  
16 the state treasurer shall be retained by the seizing law enforcement  
17 agency exclusively for the expansion and improvement of controlled  
18 substances related law enforcement activity. Money retained under this  
19 section may not be used to supplant preexisting funding sources.

20 (j) Controlled substances listed in Schedule I, II, III, IV, and V  
21 that are possessed, transferred, sold, or offered for sale in violation  
22 of this chapter are contraband and shall be seized and summarily  
23 forfeited to the state. Controlled substances listed in Schedule I,  
24 II, III, IV, and V, which are seized or come into the possession of the  
25 board, the owners of which are unknown, are contraband and shall be  
26 summarily forfeited to the board.

27 (k) Species of plants from which controlled substances in Schedules  
28 I and II may be derived which have been planted or cultivated in  
29 violation of this chapter, or of which the owners or cultivators are  
30 unknown, or which are wild growths, may be seized and summarily  
31 forfeited to the board.

32 (l) The failure, upon demand by a board inspector or law  
33 enforcement officer, of the person in occupancy or in control of land  
34 or premises upon which the species of plants are growing or being  
35 stored to produce an appropriate registration or proof that he is the  
36 holder thereof constitutes authority for the seizure and forfeiture of  
37 the plants.

38 (m) Upon the entry of an order of forfeiture of real property, the  
39 court shall forward a copy of the order to the assessor of the county

1 in which the property is located. Orders for the forfeiture of real  
2 property shall be entered by the superior court, subject to court  
3 rules. Such an order shall be filed by the seizing agency in the  
4 county auditor's records in the county in which the real property is  
5 located.

6 (n) A landlord may assert a claim against proceeds from the sale of  
7 assets seized and forfeited under subsection (f)(2) of this section,  
8 only if:

9 (1) A law enforcement officer, while acting in his or her official  
10 capacity, directly caused damage to the complaining landlord's property  
11 while executing a search of a tenant's residence; and

12 (2) The landlord has applied any funds remaining in the tenant's  
13 deposit, to which the landlord has a right under chapter 59.18 RCW, to  
14 cover the damage directly caused by a law enforcement officer prior to  
15 asserting a claim under the provisions of this section;

16 (i) Only if the funds applied under (2) of this subsection are  
17 insufficient to satisfy the damage directly caused by a law enforcement  
18 officer, may the landlord seek compensation for the damage by filing a  
19 claim against the governmental entity under whose authority the law  
20 enforcement agency operates within thirty days after the search;

21 (ii) Only if the governmental entity denies or fails to respond to  
22 the landlord's claim within sixty days of the date of filing, may the  
23 landlord collect damages under this subsection by filing within thirty  
24 days of denial or the expiration of the sixty-day period, whichever  
25 occurs first, a claim with the seizing law enforcement agency. The  
26 seizing law enforcement agency must notify the landlord of the status  
27 of the claim by the end of the thirty-day period. Nothing in this  
28 section requires the claim to be paid by the end of the sixty-day or  
29 thirty-day period.

30 (3) For any claim filed under (2) of this subsection, the law  
31 enforcement agency shall pay the claim unless the agency provides  
32 substantial proof that the landlord either:

33 (i) Knew or consented to actions of the tenant in violation of this  
34 chapter or chapter 69.41 or 69.52 RCW; or

35 (ii) Failed to respond to a notification of the illegal activity,  
36 provided by a law enforcement agency under RCW 59.18.075, within seven  
37 days of receipt of notification of the illegal activity.

38 (o) The landlord's claim for damages under subsection (n) of this  
39 section may not include a claim for loss of business and is limited to:

- 1 (1) Damage to tangible property and clean-up costs;
- 2 (2) The lesser of the cost of repair or fair market value of the  
3 damage directly caused by a law enforcement officer;
- 4 (3) The proceeds from the sale of the specific tenant's property  
5 seized and forfeited under subsection (f)(2) of this section; and
- 6 (4) The proceeds available after the seizing law enforcement agency  
7 satisfies any bona fide security interest in the tenant's property and  
8 costs related to sale of the tenant's property as provided by  
9 subsection (h)(2) of this section.

10 (p) Subsections (n) and (o) of this section do not limit any other  
11 rights a landlord may have against a tenant to collect for damages.  
12 However, if a law enforcement agency satisfies a landlord's claim under  
13 subsection (n) of this section, the rights the landlord has against the  
14 tenant for damages directly caused by a law enforcement officer under  
15 the terms of the landlord and tenant's contract are subrogated to the  
16 law enforcement agency.

17 NEW SECTION. **Sec. 2.** A new section is added to chapter 46.61 RCW  
18 to read as follows:

19 (1) A vehicle driven by or under the actual physical control of the  
20 owner of the vehicle in violation of RCW 46.61.502 or 46.61.504 is,  
21 upon the conviction of the owner when that conviction is the second or  
22 subsequent conviction for a violation of RCW 46.61.502 or 46.61.504  
23 within a five-year period, subject to seizure and forfeiture and no  
24 property right exists in that vehicle.

25 A forfeiture of a vehicle encumbered by a bona fide security  
26 interest is subject to the interest of the secured party if the secured  
27 party neither had knowledge of nor consented to the violation of RCW  
28 46.61.502 or 46.61.504.

29 (2) A vehicle subject to forfeiture under this chapter may be  
30 seized by a law enforcement officer of this state upon process issued  
31 by a court of competent jurisdiction. Seizure of a vehicle may be made  
32 without process if the vehicle subject to seizure has been the subject  
33 of a prior judgment in favor of the state in a forfeiture proceeding  
34 based upon this section.

35 (3) A seizure under subsection (2) of this section automatically  
36 commences proceedings for forfeiture. The law enforcement agency under  
37 whose authority the seizure was made shall cause notice of the seizure  
38 and intended forfeiture of the seized vehicle to be served within

1 fifteen days after the seizure on the owner of the vehicle seized, on  
2 the person in charge of the vehicle, and on any person having a known  
3 right or interest in the vehicle, including a community property  
4 interest. The notice of seizure may be served by any method authorized  
5 by law or court rule, including but not limited to service by certified  
6 mail with return receipt requested. Service by mail is complete upon  
7 mailing within the fifteen-day period after the seizure. Notice of  
8 seizure in the case of property subject to a security interest that has  
9 been perfected by filing a financing statement in accordance with  
10 chapter 62A.9 RCW, or a certificate of title, shall be made by service  
11 upon the secured party to the secured party's assignee at the address  
12 shown on the financing statement or the certificate of title.

13 (4) If no person notifies the seizing law enforcement agency in  
14 writing of the person's claim of ownership or right to possession of  
15 the seized vehicle within ninety days of the seizure, the vehicle is  
16 deemed forfeited. A perfected security interest of a secured party may  
17 be extinguished only after a contested hearing or agreement by the  
18 secured party.

19 (5) If a person notifies the seizing law enforcement agency in  
20 writing of the person's claim of ownership or right to possession of  
21 the seized vehicle within ninety days of the seizure, the law  
22 enforcement agency shall give the person or persons a reasonable  
23 opportunity to be heard as to the claim or right. The prosecuting  
24 attorney shall file the case into a court of competent jurisdiction.  
25 The court to which the matter is filed shall be the district court when  
26 the value of the vehicle is within the jurisdictional limit of the  
27 district court. In a court hearing between two or more claimants to  
28 the vehicle involved, the prevailing party is entitled to a judgment  
29 for costs and reasonable attorneys' fees. The burden of producing  
30 evidence is upon the person claiming to be the lawful owner or the  
31 person claiming to have the lawful right to possession of the vehicle.  
32 The seizing law enforcement agency shall promptly return the vehicle to  
33 the claimant upon a determination by the chief law enforcement officer  
34 of the seizing agency, the chief law enforcement officer's designee, or  
35 the court that the claimant neither knew of nor consented to the  
36 violation leading to seizure and is the present lawful owner or is  
37 lawfully entitled to possession of the vehicle.

38 (6) When a vehicle is forfeited under this chapter the seizing law  
39 enforcement agency may sell the vehicle, retain it for official use, or

1 upon application by a law enforcement agency of this state release the  
2 vehicle to that agency for the exclusive use of enforcing this title.

3 (7) When a vehicle is forfeited, the seizing agency shall keep a  
4 record indicating the identity of the prior owner, if known, a  
5 description of the vehicle, the disposition of the vehicle, the value  
6 of the vehicle at the time of seizure, and the amount of proceeds  
7 realized from disposition of the vehicle.

8 (8) Each seizing agency shall retain records of forfeited vehicles  
9 for at least seven years.

10 (9) Each seizing agency shall file a report including a copy of the  
11 records of forfeited vehicles with the state treasurer each calendar  
12 quarter.

13 (10) The quarterly report need not include a record of a forfeited  
14 vehicle that is still being held for use as evidence during the  
15 investigation or prosecution of a case or during the appeal from a  
16 conviction.

17 (11) By January 31st of each year, each seizing agency shall remit  
18 to the state treasurer an amount equal to ten percent of the net  
19 proceeds of vehicles forfeited during the preceding calendar year.  
20 Money remitted shall be deposited in the public safety and education  
21 account.

22 (12) The net proceeds of a forfeited vehicle is the value of the  
23 forfeitable interest in the vehicle after deducting the cost of  
24 satisfying a bona fide security interest to which the vehicle is  
25 subject at the time of seizure; and in the case of a sold vehicle,  
26 after deducting the cost of sale, including reasonable fees or  
27 commissions paid to independent selling agents.

28 (13) The value of a sold forfeited vehicle is the sale price. The  
29 value of a retained forfeited vehicle is the fair market value of the  
30 vehicle at the time of seizure, determined when possible by reference  
31 to an applicable commonly used index, such as the index used by the  
32 department of licensing. A seizing agency may use, but need not use,  
33 an independent qualified appraiser to determine the value of retained  
34 vehicles. If an appraiser is used, the value of the vehicle appraised  
35 is net of the cost of the appraisal.

36 NEW SECTION. **Sec. 3.** A new section is added to chapter 46.61 RCW  
37 to read as follows:

1 (1) Whenever a person is charged with a violation of RCW 46.61.502  
2 or 46.61.504 and that person has been previously convicted for a  
3 violation of RCW 46.61.502 or 46.61.504 within a five-year period, the  
4 court shall instruct the person charged of the provisions of section 5  
5 of this act and shall immediately forward notice of the charge to the  
6 director.

7 (2) Upon the conviction or acquittal of the person charged or if a  
8 pending charge is otherwise terminated, the court shall immediately  
9 forward notice of the conviction, acquittal, or other termination of  
10 charge to the director.

11 NEW SECTION. **Sec. 4.** A new section is added to chapter 46.12 RCW  
12 to read as follows:

13 Upon receiving notice of a charge under section 3 of this act, the  
14 director shall withhold the issuance of a certificate of ownership on  
15 a vehicle subject to section 5 of this act unless the applicant is  
16 included in the exceptions listed in that section or until receiving  
17 notice of acquittal or other termination of the charge under section 3  
18 of this act.

19 NEW SECTION. **Sec. 5.** A new section is added to chapter 46.12 RCW  
20 to read as follows:

21 It is unlawful to convey, sell, or transfer the ownership of a  
22 motor vehicle that was driven by or was under the actual physical  
23 control of the owner of the vehicle who has previously been convicted  
24 for a violation of RCW 46.61.502 or 46.61.504 within a five-year period  
25 and is currently charged with a violation of RCW 46.61.502 or  
26 46.61.504, except that:

27 (1) A vehicle encumbered by a bona fide security interest may be  
28 transferred to the secured party or to a person designated by the  
29 secured party; and

30 (2) A leased vehicle may be transferred to the lessor or to a  
31 person designated by the lessor.

32 **Sec. 6.** RCW 46.12.270 and 1969 ex.s. c 125 s 3 are each amended to  
33 read as follows:

34 Any person violating ~~((the provisions of))~~ RCW 46.12.250 ~~((or))~~,  
35 46.12.260 ~~((shall be))~~, or section 5 of this act is guilty of a  
36 misdemeanor and shall be punished by a fine of not more than two

1 hundred fifty dollars or by imprisonment in a county jail for not more  
2 than ninety days."

--- END ---