
HOUSE BILL 1133

State of Washington

53rd Legislature

1993 Regular Session

By Representatives Kremen, Ballasiotes, Ludwig, Long, Riley, H. Myers, Zellinsky, Schmidt, Padden, Fuhrman and Johanson

Read first time 01/15/93. Referred to Committee on Judiciary.

1 AN ACT Relating to assignment of claims for unlawful conversion and
2 unlawful leaving without paying; and amending RCW 4.24.230.

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 any
8 wholesale or retail store or other mercantile establishment without the
9 consent of the owner or seller, and with the intention of converting
10 such goods, wares, or merchandise to his own use without having paid
11 the purchase price thereof shall be liable in addition to actual
12 damages, for a penalty to the owner or seller in the amount of the
13 retail value thereof not to exceed one thousand dollars, plus an
14 additional penalty of not less than one hundred dollars nor more than
15 two hundred dollars, plus all reasonable attorney's fees and court
16 costs expended by the owner or seller. A customer who orders a meal in
17 a restaurant or other eating establishment, receives at least a portion
18 thereof, and then leaves without paying, is subject to liability under
19 this section. A person who shall receive any food, money, credit,

1 lodging, or accommodation at any hotel, motel, boarding house, or
2 lodging house, and then leaves without paying the proprietor, manager,
3 or authorized employee thereof, is subject to liability under this
4 section.

5 (2) The parent or legal guardian having the custody of an
6 unemancipated minor who takes possession of any goods, wares, or
7 merchandise displayed or offered for sale by any wholesale or retail
8 store or other mercantile establishment without the consent of the
9 owner or seller and with the intention of converting such goods, wares,
10 or merchandise to his own use without having paid the purchase price
11 thereof, shall be liable as a penalty to the owner or seller for the
12 retail value of such goods, wares, or merchandise not to exceed five
13 hundred dollars plus an additional penalty of not less than one hundred
14 dollars nor more than two hundred dollars, plus all reasonable
15 attorney's fees and court costs expended by the owner or seller. The
16 parent or legal guardian having the custody of an unemancipated minor,
17 who orders a meal in a restaurant or other eating establishment,
18 receives at least a portion thereof, and then leaves without paying, is
19 subject to liability under this section. The parent or legal guardian
20 having the custody of an unemancipated minor, who receives any food,
21 money, credit, lodging, or accommodation at any hotel, motel, boarding
22 house, or lodging house, and then leaves without paying the proprietor,
23 manager, or authorized employee thereof, is subject to liability under
24 this section. For the purposes of this subsection, liability shall not
25 be imposed upon any governmental entity, private agency, or foster
26 parent assigned responsibility for the minor child pursuant to court
27 order or action of the department of social and health services.

28 (3) Judgments(~~(, but not)~~) and claims(~~(,)~~) arising under this
29 section may be assigned.

30 (4) A conviction for violation of chapter 9A.56 RCW (~~(or RCW~~
31 ~~9.45.040)~~) shall not be a condition precedent to maintenance of a civil
32 action authorized by this section.

33 (5) An owner or seller demanding payment of a penalty under
34 subsection (1) or (2) of this section shall give written notice to the
35 person or persons from whom the penalty is sought. The notice shall
36 state:

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

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

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