
HOUSE BILL 1900

State of Washington 53rd Legislature 1993 Regular Session

By Representatives Wineberry, Sheldon, Basich, Forner and Horn

Read first time 02/15/93. 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, rental, or service price thereof
15 shall be liable in addition to actual damages, for a penalty to the
16 owner ~~((or))~~, seller, utility, landlord, or service provider in the
17 amount of the retail value, rental amount, or service price thereof not
18 to exceed ~~((one))~~ two thousand dollars, ~~((plus an additional penalty of~~
19 ~~not less than one hundred dollars nor more than two hundred dollars,))~~

1 plus all reasonable attorney's fees and court costs expended by the
2 owner ~~((or))~~, seller, utility, landlord, or service provider. A
3 customer who orders a meal in a restaurant or other eating
4 establishment, receives at least a portion thereof, and then leaves
5 without paying, is subject to liability under this section. A person
6 who ~~((shall))~~ receives any food, money, credit, lodging, or
7 accommodation at any hotel, motel, boarding house, or lodging house,
8 and then leaves without paying the proprietor, manager, or authorized
9 employee thereof, is subject to liability under this section. A person
10 who intentionally gives false information in order to receive goods,
11 wares, merchandise, utility service, or other service, who fails or
12 refuses to make payment at the time service is provided, who fails or
13 refuses to return rented goods at the end of the rental period, or who
14 fails or refuses to make a contracted-for payment after service is
15 rendered, is subject to liability under this section. Tenants who
16 intentionally give false information in order to secure a rental
17 property or who move and fail or refuse to make any rental payments
18 due, are subject to liability under this section.

19 (2) The parent or legal guardian having the custody of an
20 unemancipated minor who takes possession of any goods, wares, or
21 merchandise displayed or offered for sale by any wholesale or retail
22 store or other mercantile establishment or any services offered by a
23 service provider without the consent of the owner ~~((or))~~, seller, or
24 service provider and with the intention of converting such goods,
25 wares, ~~((or))~~ merchandise, or services to his or her own use without
26 having paid the purchase price thereof, shall be liable as a penalty to
27 the owner ~~((or))~~, seller, or service provider for the retail value of
28 such goods, wares, ~~((or))~~ merchandise, or service not to exceed ~~((five~~
29 ~~hundred))~~ one thousand dollars ~~((plus an additional penalty of not less~~
30 ~~than one hundred dollars nor more than two hundred dollars))~~, plus all
31 reasonable attorney's fees and court costs expended by the owner
32 ~~((or))~~, seller, or service provider. The parent or legal guardian
33 having the custody of an unemancipated minor, who orders a meal in a
34 restaurant or other eating establishment, receives at least a portion
35 thereof, and then leaves without paying, is subject to liability under
36 this section. The parent or legal guardian having the custody of an
37 unemancipated minor, who receives any food, money, credit, lodging, or
38 accommodation at any hotel, motel, boarding house, or lodging house,
39 and then leaves without paying the proprietor, manager, or authorized

1 employee thereof, is subject to liability under this section. The
2 parent or legal guardian having the custody of an unemancipated minor
3 who intentionally gives false information in order to receive goods,
4 wares, merchandise, utility service, or other service, who fails or
5 refuses to make payment at the time service is provided, who fails or
6 refuses to return rented goods at the end of the rental period, or who
7 fails or refuses to make a contracted-for payment after service is
8 rendered, is subject to liability under this section. For the purposes
9 of this subsection, liability shall not be imposed upon any
10 governmental entity, private agency, or foster parent assigned
11 responsibility for the minor child pursuant to court order or action of
12 the department of social and health services.

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

15 (4) A conviction for violation of chapter 9A.56 RCW or RCW
16 (~~9.45.040~~) 19.48.110 shall not be a condition precedent to
17 maintenance of a civil action authorized by this section.

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

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

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

28 (6) For the purposes of this section, "service provider" means any
29 person who performs work or labor of any kind for which he or she
30 reasonably expects to be paid.

31 (7) For the purposes of this section, "services" means work or
32 labor of any kind.

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

35 Any person who shall willfully obtain food, money, credit, use of
36 ski area facilities, lodging or accommodation at any hotel, inn,
37 restaurant, commercial ski area, boarding house, or lodging house,
38 without paying therefor, with intent to defraud the proprietor, owner,

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

34 For the purposes of this section, "services" means work or labor of
35 any kind for which the person performing the work or labor reasonably
36 expects to be paid.

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