

CERTIFICATION OF ENROLLMENT

**HOUSE BILL 1133**

53rd Legislature  
1994 Regular Session

Passed by the House January 19, 1994  
Yeas 94 Nays 0

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**Speaker of the  
House of Representatives**

Passed by the Senate March 1, 1994  
Yeas 49 Nays 0

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**President of the Senate**

Approved

\_\_\_\_\_  
**Governor of the State of Washington**

CERTIFICATE

I, Marilyn Showalter, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is **HOUSE BILL 1133** as passed by the House of Representatives and the Senate on the dates hereon set forth.

\_\_\_\_\_  
**Chief Clerk**

FILED

**Secretary of State  
State of Washington**

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HOUSE BILL 1133

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Passed Legislature - 1994 Regular Session

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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