
HOUSE BILL 1816

State of Washington

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By Representatives Bush, Cairnes, Lantz, Constantine, Schoesler, McIntire, McDonald, Clements, Sullivan, Mielke, Kastama, Koster, Regala, Skinner, Dunshee, Schindler, Doumit, Carrell, Edmonds and Kenney

Read first time 02/08/1999. Referred to Committee on Financial Institutions & Insurance.

1 AN ACT Relating to property disputes involving pawnbrokers or
2 second-hand dealers; amending RCW 19.60.045; adding a new section to
3 chapter 19.60 RCW; and creating a new section.

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

5 NEW SECTION. **Sec. 1.** This act may be known and cited as the
6 stolen property recovery act.

7 NEW SECTION. **Sec. 2.** A new section is added to chapter 19.60 RCW
8 to read as follows:

9 (1) Following a claim that property in a pawnbroker's or second-
10 hand dealer's possession is stolen, made by a person claiming to be the
11 rightful owner of the property, the pawnbroker or second-hand dealer
12 shall hold the property intact and safe from alteration, damage, or
13 commingling. The pawnbroker or second-hand dealer shall place an
14 identifying tag or other suitable identification upon the property so
15 held. Unless the pawnbroker or second-hand dealer is holding the
16 property pursuant to RCW 19.60.045, the pawnbroker or second-hand
17 dealer shall not release the property for sixty days from the date of
18 the claim of ownership unless the person making the claim consents to

1 the release in writing. If the pawnbroker or second-hand dealer is
2 holding the property pursuant to RCW 19.60.045, the pawnbroker or
3 second-hand dealer shall not release the property for sixty days from
4 the termination of the hold period required by RCW 19.60.045 unless the
5 person making the claim consents to the release in writing.

6 (2) Within ten days from the date of the claim of ownership, the
7 pawnbroker or second-hand dealer shall either:

8 (a) Promptly return the property to the person making the claim of
9 ownership; or

10 (b) Notify the person making the claim of ownership in writing of
11 the pawnbroker's or second-hand dealer's intent to retain possession of
12 the property. This notice must contain a clear declaration of the
13 pawnbroker's or second-hand dealer's intent to retain possession of the
14 property; the name, address, and telephone number of the pawnbroker or
15 second-hand dealer; a detailed description of the property; the date
16 that the hold period established in subsection (1) of this section will
17 end; and the following information in no smaller than ten-point type:

18 YOU MAY BRING AN ACTION UNDER RCW 19.60.062 TO GAIN POSSESSION OF
19 THIS PROPERTY. THE PREVAILING PARTY IN SUCH AN ACTION IS ENTITLED
20 TO REASONABLE ATTORNEYS' FEES AND COSTS. YOU MAY ONLY BRING THIS
21 ACTION AS LONG AS THE PROPERTY REMAINS IN OUR POSSESSION. THE
22 PROPERTY IS CURRENTLY ON HOLD AND WILL REMAIN IN OUR POSSESSION
23 UNTIL THE DATE LISTED ABOVE. HOWEVER, AFTER THAT DATE, THE
24 PROPERTY MAY BE RELEASED.

25 If the ending date for the hold period established in subsection (1) of
26 this section changes subsequent to the notice required by this
27 subsection, the pawnbroker or second-hand dealer must promptly inform
28 the person making the claim of ownership of the change in writing.

29 **Sec. 3.** RCW 19.60.045 and 1991 c 323 s 4 are each amended to read
30 as follows:

31 Following notification from a law enforcement agency that an item
32 of property has been reported as stolen, the pawnbroker or second-hand
33 dealer shall hold that property intact and safe from alteration,
34 damage, or commingling. The pawnbroker or second-hand dealer shall
35 place an identifying tag or other suitable identification upon the
36 property so held. Subject to section 2 of this act, property held
37 shall not be released for one hundred twenty days from the date of

1 police notification unless released by written consent of the
2 applicable law enforcement agency or by order of a court of competent
3 jurisdiction. In cases where the applicable law enforcement agency has
4 placed a verbal hold on an item, that agency must then give written
5 notice within ten business days. If such written notice is not
6 received within that period of time, then the hold order will cease.
7 The pawnbroker or second-hand dealer shall give a twenty-day written
8 notice before the expiration of the one hundred twenty-day holding
9 period to the applicable law enforcement agency about the stolen
10 property. If notice is not given within twenty days, then the hold on
11 the property shall continue for an additional one hundred twenty days.
12 The applicable law enforcement agency may renew the holding period for
13 additional one hundred twenty-day periods as necessary. After the
14 receipt of notification from a pawnbroker or second-hand dealer, if an
15 additional holding period is required, the applicable law enforcement
16 agency shall give the pawnbroker or second-hand dealer written notice,
17 prior to the expiration of the existing hold order. A law enforcement
18 agency shall not place on hold any item of personal property unless
19 that agency reasonably suspects that the item of personal property is
20 a lost or stolen item. Any hold that is placed on an item will be
21 removed as soon as practicable after the item on hold is determined not
22 to be stolen or lost.

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