
HOUSE BILL 2428

State of Washington

61st Legislature

2010 Regular Session

By Representatives Takko, Warnick, Springer, Parker, Eddy, Morrell, Kelley, O'Brien, Bailey, and Ormsby; by request of Attorney General

Prefiled 12/07/09. Read first time 01/11/10. Referred to Committee on Local Government & Housing.

1 AN ACT Relating to fees for locating surplus funds from county
2 governments, real estate property taxes, assessments, and other
3 government lien foreclosures or charges; amending RCW 63.29.350; and
4 reenacting and amending RCW 63.29.020.

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

6 **Sec. 1.** RCW 63.29.020 and 2005 c 502 s 3 and 2005 c 367 s 1 are
7 each reenacted and amended to read as follows:

8 (1) Except as otherwise provided by this chapter, all intangible
9 property, including any income or increment derived therefrom, less any
10 lawful charges, that is held, issued, or owing in the ordinary course
11 of the holder's business and has remained unclaimed by the owner for
12 more than three years after it became payable or distributable is
13 presumed abandoned.

14 (2) Property, with the exception of unredeemed Washington state
15 lottery tickets and unrepresented winning parimutuel tickets, is payable
16 and distributable for the purpose of this chapter notwithstanding the
17 owner's failure to make demand or to present any instrument or document
18 required to receive payment.

1 (3) This chapter does not apply to claims drafts issued by
2 insurance companies representing offers to settle claims unliquidated
3 in amount or settled by subsequent drafts or other means.

4 (4) This chapter does not apply to property covered by chapter
5 63.26 RCW.

6 (5) This chapter does not apply to used clothing, umbrellas, bags,
7 luggage, or other used personal effects if such property is disposed of
8 by the holder as follows:

9 (a) In the case of personal effects of negligible value, the
10 property is destroyed; or

11 (b) The property is donated to a bona fide charity.

12 (6) This chapter does not apply to a gift certificate subject to
13 the prohibition against expiration dates under RCW 19.240.020 or to a
14 gift certificate subject to RCW 19.240.030 through 19.240.060.
15 However, this chapter applies to gift certificates presumed abandoned
16 under RCW 63.29.110.

17 (7) Except as provided in RCW 63.29.350, this chapter does not
18 apply to excess proceeds held by counties, cities, towns, and other
19 municipal or quasi-municipal corporations from foreclosures for
20 delinquent property taxes, assessments, or other liens.

21 **Sec. 2.** RCW 63.29.350 and 1983 c 179 s 35 are each amended to read
22 as follows:

23 (1) It is unlawful for any person to seek or receive from any
24 person or contract with any person for any fee or compensation for
25 locating or purporting to locate any property which he knows has been
26 reported or paid or delivered to the department of revenue pursuant to
27 this chapter, or funds held by a county that are proceeds from a
28 foreclosure for delinquent property taxes, assessments, or other liens,
29 or, funds that are otherwise held by a county because of a person's
30 failure to claim funds held as reimbursement for unowed taxes, fees, or
31 other government charges, in excess of five percent of the value
32 thereof returned to such owner. Any person violating this section is
33 guilty of a misdemeanor and shall be fined not less than the amount of
34 the fee or charge he has sought or received or contracted for, and not
35 more than ten times such amount, or imprisoned for not more than thirty
36 days, or both.

1 (2) The legislature finds that the practices covered by this
2 section are matters vitally affecting the public interest for the
3 purpose of applying the consumer protection act, chapter 19.86 RCW.
4 Any violation of this section is not reasonable in relation to the
5 development and preservation of business. It is an unfair or deceptive
6 act in trade or commerce and an unfair method of competition for the
7 purpose of applying the consumer protection act, chapter 19.86 RCW.
8 Remedies provided by chapter 19.86 RCW are cumulative and not
9 exclusive.

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