

CERTIFICATION OF ENROLLMENT

**HOUSE BILL 2428**

61st Legislature  
2010 Regular Session

Passed by the House February 10, 2010  
Yeas 96 Nays 0

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**Speaker of the House of Representatives**

Passed by the Senate March 4, 2010  
Yeas 47 Nays 0

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**President of the Senate**

Approved

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**Governor of the State of Washington**

CERTIFICATE

I, Barbara Baker, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is **HOUSE BILL 2428** as passed by the House of Representatives and the Senate on the dates hereon set forth.

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**Chief Clerk**

FILED

**Secretary of State  
State of Washington**

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HOUSE BILL 2428

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Passed Legislature - 2010 Regular Session

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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