
SUBSTITUTE SENATE BILL 5381

State of Washington

61st Legislature

2009 Regular Session

By Senate Transportation (originally sponsored by Senators Jarrett, Haugen, King, Marr, Shin, Tom, and Carrell)

READ FIRST TIME 02/09/09.

1 AN ACT Relating to issuing cease and desist orders and civil
2 penalties for violations committed by unlicensed persons engaging in
3 scrap processing or hulk hauling activities; adding a new section to
4 chapter 46.79 RCW; creating a new section; and prescribing penalties.

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

6 NEW SECTION. **Sec. 1.** In keeping with the intent of chapter 46.79
7 RCW to protect the public from harm from unlicensed persons illegally
8 engaged in the activities of hulk haulers or scrap processors,
9 considering the fact that current violations by individuals in these
10 activities require a criminal prosecution in order to carry out
11 enforcement, and considering the fact that current laws for licensed
12 vehicle dealers and licensed vehicle wreckers, which provide the
13 department of licensing with the authority to issue cease and desist
14 orders and civil penalties for violations by unlicensed persons
15 engaging in those activities, have worked very well and have been very
16 cost-effective at reducing violations, it is the intent of the
17 legislature to authorize the department of licensing to issue cease and
18 desist orders and civil penalties for violations committed by

1 unlicensed persons engaging in the activities of a hulk hauler or scrap
2 processor.

3 NEW SECTION. **Sec. 2.** A new section is added to chapter 46.79 RCW
4 to read as follows:

5 (1) If it appears to the director that an unlicensed person has
6 engaged in an act or practice constituting a violation of this chapter
7 or a rule adopted or an order issued under this chapter, the director
8 may issue an order directing the person to cease and desist from
9 continuing the act or practice. The director shall provide the
10 unlicensed person reasonable notice of and opportunity for a hearing.
11 The director may issue a temporary order pending a hearing. The
12 temporary order remains in effect until ten days after the hearing is
13 held and becomes final if the unlicensed person to whom the notice is
14 addressed does not request a hearing within fifteen days after receipt
15 of the notice.

16 (2) The director may assess a fine of up to one thousand dollars
17 with the final order for each act or practice constituting a violation
18 of this chapter by an unlicensed person.

19 (3) This section may not be construed to apply to registered tow
20 truck operators, as defined in RCW 46.55.010, who are lawfully engaged
21 in the normal course of their business.

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