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**Public Safety & Emergency Preparedness  
Committee**

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**HB 2570**

**Brief Description:** Addressing metal property theft.

**Sponsors:** Representatives Goodman, Hurst and Ross.

**Brief Summary of Bill**

- Creates a task force to formulate suggestions for state policy regarding regulation of commercial and nonferrous metal property theft.

**Hearing Date:** 1/25/12

**Staff:** Sarah Koster (786-7303).

**Background:**

Businesses relating to metal property are regulated under Title 19, chapter 290 of the RCW.

"Commercial metal property" means: utility access covers; street light poles and fixtures; road and bridge guardrails; highway or street signs; water meter covers; traffic directional and control signs; traffic light signals; any metal property marked with the name of a commercial enterprise, including but not limited to a telephone, commercial mobile radio services, cable, electric, water, natural gas, or other utility, or railroad; unused or undamaged building construction materials consisting of copper pipe, tubing, or wiring, or aluminum wire, siding, downspouts, or gutters; aluminum or stainless steel fence panels made from 1 inch tubing, 42 inches high with 4 inch gaps; aluminum decking, bleachers, or risers; historical markers; statue plaques; grave markers and funeral vases; or agricultural irrigation wheels, sprinkler heads, and pipes.

"Nonferrous metal property" means metal property for which the value of the metal property is derived from the property's content of copper, brass, aluminum, bronze, lead, zinc, nickel, and their alloys. "Nonferrous metal property" does not include precious metals.

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*This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.*

"Scrap metal supplier" means a person with a current business license that is engaged in the business of purchasing or receiving private metal property or nonferrous metal property for the purpose of aggregation and sale to a scrap metal recycling center or scrap metal processor and that does not maintain a fixed business location in the state.

### **Summary of Bill:**

The task force will consist of the following members:

- a representative of a scrap metal business;
- a scrap metal supplier, appointed by and a member of the Institute of Scrap Recycling Industries, located in a city in Washington with a minimum population of 500,000 who is appointed by and a member of the Institute of Scrap Recycling Industries;
- a scrap metal supplier, appointed by and a member of the Institute of Scrap Recycling Industries, located in a city in Washington with a population under 50,000;
- an investor-owned utility;
- a consumer-owned utility;
- a municipally owned utility;
- a representative of the Washington Department of Transportation;
- a representative of the Washington State Prosecutors Association;
- a representative of the Washington State Patrol;
- a representative from a city with a population of less than 500,000, appointed by the Association of Washington Cities (AWC);
- a representative from a city with a population of more than 500,000, appointed by the AWC;
- a representative of a law enforcement agency, appointed by the Washington Council of Police and Sheriffs;
- A representative from the Washington Association of Sheriffs and Police Chiefs; and
- A representative from a county appointed by the Washington State Association of Counties.

The task force must consider the following issues:

1. penalties, both criminal and civil, for theft of commercial and nonferrous metal property including, but not limited to, issues such as categorization of crimes, trespass, organized commercial metal property theft, and aggregation of crimes;
2. valuation in the criminal prosecution of theft of commercial and nonferrous metal property, where the actual damages of the theft may greatly exceed the value of the stolen property;
3. the role of local governments in policing and prosecuting theft of commercial and nonferrous property;
4. restrictions on cash purchases of commercial and nonferrous metal property;
5. private rights of action to prosecute theft of commercial and nonferrous metal property;
6. registration or licensing of all scrap metal businesses;
7. a no-buy list for commercial and nonferrous metal purchases; and

8. the use and effectiveness of a scrap theft alert system, such as [www.scraptheftalert.com](http://www.scraptheftalert.com), offered as a no fee service by the institute of scrap recycling industries.

The task force must meet quarterly through the end of 2014 and make a preliminary report to the Legislature by December 31, 2012. Members must seek funding for their expenses from their respective agencies.

**Appropriation:** None.

**Fiscal Note:** Preliminary fiscal note available.

**Effective Date:** The bill takes effect 90 days after adjournment of the session in which the bill is passed.