
HOUSE BILL 1213

State of Washington

62nd Legislature

2011 Regular Session

By Representatives Asay, Miloscia, Armstrong, Hurst, Angel, Ladenburg, Fitzgibbon, and Warnick

Read first time 01/17/11. Referred to Committee on Public Safety & Emergency Preparedness.

1 AN ACT Relating to the regulation of pawnbrokers and secondhand
2 dealers; amending RCW 19.60.010, 19.60.020, 19.60.050, 19.60.055, and
3 10.31.100; reenacting and amending RCW 19.60.066; adding a new section
4 to chapter 19.60 RCW; creating a new section; and prescribing
5 penalties.

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

7 NEW SECTION. **Sec. 1.** The legislature finds:

8 (1) The market price of gold has increased significantly in recent
9 years and there has been a proliferation of pawnbrokers and secondhand
10 dealers, including temporary, transient secondhand businesses, engaging
11 in "cash for gold" type precious metal transactions. Frequently, these
12 "cash for gold" type operations are operated by persons desiring to
13 exploit unsuspecting consumers based on current market conditions;

14 (2) The increasing number of "cash for gold" type transactions in
15 communities and neighborhoods throughout Washington has been linked to
16 increased crimes involving the theft of gold and other precious metal
17 objects, including home burglaries, robberies, and other crimes,
18 resulting in depressed home values and other threats to the health,
19 safety, and welfare of Washington state residents; and

1 (3) With the growing number of precious metal transactions, there
2 is a corresponding significant increase in the number of "cash for
3 gold" type storefront businesses, including temporary, transient
4 secondhand businesses, in Washington state which may not be consistent
5 with the growth goals and quality of life sought by communities and
6 neighborhoods and the state as a whole.

7 Therefore, to better protect legitimate owners, consumers,
8 pawnbrokers, and secondhand dealers, the legislature intends to
9 establish and implement stricter standards relating to transactions
10 involving property consisting of gold and other precious metals.

11 **Sec. 2.** RCW 19.60.010 and 1995 c 133 s 1 are each amended to read
12 as follows:

13 Unless the context clearly requires otherwise, the definitions in
14 this section apply throughout this chapter.

15 (1) "Melted metals" means metals derived from metal junk or
16 precious metals that have been reduced to a melted state from other
17 than ore or ingots which are produced from ore that has not previously
18 been processed.

19 (2) "Metal junk" means any metal that has previously been milled,
20 shaped, stamped, or forged and that is no longer useful in its original
21 form, except precious metals.

22 (3) "Nonmetal junk" means any nonmetal, commonly discarded item
23 that is worn out, or has outlasted its usefulness as intended in its
24 original form except nonmetal junk does not include an item made in a
25 former period which has enhanced value because of its age.

26 (4) "Pawnbroker" means every person engaged, in whole or in part,
27 in the business of loaning money on the security of pledges of personal
28 property, or deposits or conditional sales of personal property, or the
29 purchase or sale of personal property.

30 (5) "Precious metals" means gold, silver, and platinum.

31 (6) "Secondhand dealer" means every person engaged in whole or in
32 part in the business of purchasing, selling, trading, consignment
33 selling, or otherwise transferring for value, secondhand property
34 including metal junk, melted metals, precious metals, whether or not
35 the person maintains a fixed place of business within the state, such
36 as temporary, transient secondhand businesses. Secondhand dealer also

1 includes persons or entities conducting business at flea markets or
2 swap meets, more than three times per year.

3 (7) "Secondhand property" means any item of personal property
4 offered for sale which is not new, including metals in any form, except
5 postage stamps, coins that are legal tender, bullion in the form of
6 fabricated hallmarked bars, used books, and clothing of a resale value
7 of seventy-five dollars or less, except furs.

8 (8) "Transaction" means a pledge, or the purchase of, or
9 consignment of, or the trade of any item of personal property by a
10 pawnbroker or a secondhand dealer from a member of the general public.

11 (9) "Loan period" means the period of time from the date the loan
12 is made until the date the loan is paid off, the loan is in default, or
13 the loan is refinanced and new loan documents are issued, including all
14 grace or extension periods.

15 **Sec. 3.** RCW 19.60.020 and 1991 c 323 s 2 are each amended to read
16 as follows:

17 (1) For any transaction involving property other than property
18 consisting of a precious metal, every pawnbroker and secondhand dealer
19 doing business in this state shall maintain wherever that business is
20 conducted a record in which shall be legibly written in the English
21 language, at the time of each transaction, the following information:

22 (a) The signature of the person with whom the transaction is made;

23 (b) The date of the transaction;

24 (c) The name of the person or employee or the identification number
25 of the person or employee conducting the transaction, as required by
26 the applicable chief of police or the county's chief law enforcement
27 officer;

28 (d) The name, date of birth, sex, height, weight, race, and address
29 and telephone number of the person with whom the transaction is made;

30 (e) A complete description of the property pledged, bought, or
31 consigned, including the brand name, serial number, model number or
32 name, any initials or engraving, size, pattern, and color or stone or
33 stones, and in the case of firearms, the caliber, barrel length, type
34 of action, and whether it is a pistol, rifle, or shotgun;

35 (f) The price paid or the amount loaned;

36 (g) The type and identifying number of identification used by the
37 person with whom the transaction was made, which shall consist of a

1 valid drivers license or identification card issued by any state or two
2 pieces of identification issued by a governmental agency, one of which
3 shall be descriptive of the person identified. At all times, one piece
4 of current government issued picture identification will be required;
5 and

6 (h) The nature of the transaction, a number identifying the
7 transaction, the store identification as designated by the applicable
8 law enforcement agency, or the name and address of the business and the
9 name of the person or employee, conducting the transaction, and the
10 location of the property.

11 (2) ~~((This))~~ For any transaction involving property consisting of
12 a precious metal, every pawnbroker and secondhand dealer doing business
13 in this state shall maintain wherever that business is conducted a
14 record in which shall be legibly written in the English language, at
15 the time of each transaction, the following information:

16 (a) The signature and photo of the person with whom the transaction
17 is made. If the amount paid or loaned is greater than one hundred
18 dollars, then the signature, photo, and fingerprint of the person with
19 whom the transaction is made;

20 (b) The time and date of the transaction;

21 (c) The name of the person or employee or the identification number
22 of the person or employee conducting the transaction, as required by
23 the applicable chief of police or the county's chief law enforcement
24 officer. If the amount paid or loaned is greater than one hundred
25 dollars, then the name of the person or employee or the identification
26 number of the person or employee conducting the transaction;

27 (d) The name, date of birth, sex, height, weight, race, and
28 residential address and telephone number of the person with whom the
29 transaction is made;

30 (e) A complete description of the property pledged, bought, or
31 consigned, including the brand name, serial number, model number or
32 name, any initials or engraving, size, pattern, and color of stone or
33 stones, and in the case of firearms, the caliber, barrel length, type
34 of action, and whether it is a pistol, rifle, or shotgun;

35 (f) The price paid or the amount loaned. If the amount paid or
36 loaned is greater than one hundred dollars the amount may not be by
37 cash but must be by a written instruction to pay signed by the person
38 giving the instruction;

1 (g) The type and identifying number of identification used by the
2 person with whom the transaction was made, which shall consist of a
3 valid driver's license or identification card issued by any state or
4 two pieces of identification issued by a governmental agency, one of
5 which shall be descriptive of the person identified, and a full copy of
6 both sides of each piece of identification used by the person with whom
7 the transaction was made. At all times, one piece of current
8 government issued picture identification will be required; and

9 (h) The nature of the transaction, a number identifying the
10 transaction, the store identification as designated by the applicable
11 law enforcement agency, or the name and address of the business or
12 location, including the street address, and room number if appropriate,
13 and the name of the person or employee, conducting the transaction, and
14 the location of the property.

15 (3) The records required in subsections (1) and (2) of this section
16 shall at all times during the ordinary hours of business, or at
17 reasonable times if ordinary hours of business are not kept, be open to
18 the inspection of any commissioned law enforcement officer of the state
19 or any of its political subdivisions, and shall be maintained wherever
20 that business is conducted for three years following the date of the
21 transaction.

22 **Sec. 4.** RCW 19.60.050 and 1991 c 323 s 5 are each amended to read
23 as follows:

24 (1) Property other than property consisting of a precious metal
25 bought or received in pledge by any pawnbroker shall not be removed
26 from that place of business, except when redeemed by, or returned to
27 the owner, within thirty days after the receipt of the property.

28 (2) Property consisting of a precious metal bought or received in
29 pledge by any pawnbroker may not be removed from that place of
30 business, except when redeemed by, or returned to the owner, within
31 forty-five days after the receipt of the property.

32 (3) Property shall at all times during the ordinary hours of
33 business be open to inspection to any commissioned law enforcement
34 officer of the state or any of its political subdivisions.

35 **Sec. 5.** RCW 19.60.055 and 1991 c 323 s 6 are each amended to read
36 as follows:

1 (1) Property other than property consisting of a precious metal
2 bought or received on consignment by any secondhand dealer with a
3 permanent place of business in the state shall not be removed from that
4 place of business except consigned property returned to the owner,
5 within thirty days after the receipt of the property.

6 (2) Property consisting of a precious metal bought or received on
7 consignment by any secondhand dealer with a permanent place of business
8 in the state may not be removed from that place of business except
9 consigned property returned to the owner, within forty-five days after
10 the receipt of the property.

11 (3) Property shall at all times during the ordinary hours of
12 business be open to inspection to any commissioned law enforcement
13 officer of the state or any of its political subdivisions.

14 (~~(+2)~~) (4) Property other than property consisting of a precious
15 metal bought or received on consignment by any secondhand dealer
16 without a permanent place of business in the state, shall be held
17 within the city or county in which the property was received, except
18 consigned property returned to the owner, within thirty days after
19 receipt of the property.

20 (5) Property consisting of a precious metal bought or received on
21 consignment by any secondhand dealer without a permanent place of
22 business in the state, must be held within the city or county in which
23 the property was received, except consigned property returned to the
24 owner, within forty-five days after receipt of the property.

25 (6) The property shall be available within the appropriate
26 jurisdiction for inspection at reasonable times by any commissioned law
27 enforcement officer of the state or any of its political subdivisions.

28 NEW SECTION. Sec. 6. A new section is added to chapter 19.60 RCW
29 to read as follows:

30 (1) If the applicable chief of police or the county's chief law
31 enforcement officer has compiled and published a list of persons who
32 have been convicted of any crime involving theft, then a pawnbroker and
33 a secondhand dealer shall utilize such a list for any transaction
34 involving property other than property consisting of a precious metal
35 as required by the applicable chief of police or the county's chief law
36 enforcement officer.

1 (2) If the applicable chief of police or the county's chief law
2 enforcement officer has compiled and published a list of persons who
3 have been convicted of any crime involving theft, then a pawnbroker and
4 a secondhand dealer shall utilize such a list for any transaction
5 involving property consisting of a precious metal and may not engage in
6 any transaction with a person on the list.

7 **Sec. 7.** RCW 10.31.100 and 2010 c 274 s 201 are each amended to
8 read as follows:

9 A police officer having probable cause to believe that a person has
10 committed or is committing a felony shall have the authority to arrest
11 the person without a warrant. A police officer may arrest a person
12 without a warrant for committing a misdemeanor or gross misdemeanor
13 only when the offense is committed in the presence of the officer,
14 except as provided in subsections (1) through (~~(+10+)~~) (11) of this
15 section.

16 (1) Any police officer having probable cause to believe that a
17 person has committed or is committing a misdemeanor or gross
18 misdemeanor, involving physical harm or threats of harm to any person
19 or property or the unlawful taking of property or involving the use or
20 possession of cannabis, or involving the acquisition, possession, or
21 consumption of alcohol by a person under the age of twenty-one years
22 under RCW 66.44.270, or involving criminal trespass under RCW 9A.52.070
23 or 9A.52.080, shall have the authority to arrest the person.

24 (2) A police officer shall arrest and take into custody, pending
25 release on bail, personal recognizance, or court order, a person
26 without a warrant when the officer has probable cause to believe that:

27 (a) An order has been issued of which the person has knowledge
28 under RCW 26.44.063, or chapter 7.90, 10.99, 26.09, 26.10, 26.26,
29 26.50, or 74.34 RCW restraining the person and the person has violated
30 the terms of the order restraining the person from acts or threats of
31 violence, or restraining the person from going onto the grounds of or
32 entering a residence, workplace, school, or day care, or prohibiting
33 the person from knowingly coming within, or knowingly remaining within,
34 a specified distance of a location or, in the case of an order issued
35 under RCW 26.44.063, imposing any other restrictions or conditions upon
36 the person; or

1 (b) A foreign protection order, as defined in RCW 26.52.010, has
2 been issued of which the person under restraint has knowledge and the
3 person under restraint has violated a provision of the foreign
4 protection order prohibiting the person under restraint from contacting
5 or communicating with another person, or excluding the person under
6 restraint from a residence, workplace, school, or day care, or
7 prohibiting the person from knowingly coming within, or knowingly
8 remaining within, a specified distance of a location, or a violation of
9 any provision for which the foreign protection order specifically
10 indicates that a violation will be a crime; or

11 (c) The person is sixteen years or older and within the preceding
12 four hours has assaulted a family or household member as defined in RCW
13 10.99.020 and the officer believes: (i) A felonious assault has
14 occurred; (ii) an assault has occurred which has resulted in bodily
15 injury to the victim, whether the injury is observable by the
16 responding officer or not; or (iii) that any physical action has
17 occurred which was intended to cause another person reasonably to fear
18 imminent serious bodily injury or death. Bodily injury means physical
19 pain, illness, or an impairment of physical condition. When the
20 officer has probable cause to believe that family or household members
21 have assaulted each other, the officer is not required to arrest both
22 persons. The officer shall arrest the person whom the officer believes
23 to be the primary physical aggressor. In making this determination,
24 the officer shall make every reasonable effort to consider: (i) The
25 intent to protect victims of domestic violence under RCW 10.99.010;
26 (ii) the comparative extent of injuries inflicted or serious threats
27 creating fear of physical injury; and (iii) the history of domestic
28 violence of each person involved, including whether the conduct was
29 part of an ongoing pattern of abuse.

30 (3) Any police officer having probable cause to believe that a
31 person has committed or is committing a violation of any of the
32 following traffic laws shall have the authority to arrest the person:

33 (a) RCW 46.52.010, relating to duty on striking an unattended car
34 or other property;

35 (b) RCW 46.52.020, relating to duty in case of injury to or death
36 of a person or damage to an attended vehicle;

37 (c) RCW 46.61.500 or 46.61.530, relating to reckless driving or
38 racing of vehicles;

1 (d) RCW 46.61.502 or 46.61.504, relating to persons under the
2 influence of intoxicating liquor or drugs;

3 (e) RCW 46.20.342, relating to driving a motor vehicle while
4 operator's license is suspended or revoked;

5 (f) RCW 46.61.5249, relating to operating a motor vehicle in a
6 negligent manner.

7 (4) A law enforcement officer investigating at the scene of a motor
8 vehicle accident may arrest the driver of a motor vehicle involved in
9 the accident if the officer has probable cause to believe that the
10 driver has committed in connection with the accident a violation of any
11 traffic law or regulation.

12 (5) Any police officer having probable cause to believe that a
13 person has committed or is committing a violation of RCW 79A.60.040
14 shall have the authority to arrest the person.

15 (6) Any police officer having probable cause to believe that a
16 person has committed or is committing a violation of RCW 19.60.066
17 shall have the authority to arrest the person.

18 (7) An officer may act upon the request of a law enforcement
19 officer in whose presence a traffic infraction was committed, to stop,
20 detain, arrest, or issue a notice of traffic infraction to the driver
21 who is believed to have committed the infraction. The request by the
22 witnessing officer shall give an officer the authority to take
23 appropriate action under the laws of the state of Washington.

24 ~~((+7))~~ (8) Any police officer having probable cause to believe
25 that a person has committed or is committing any act of indecent
26 exposure, as defined in RCW 9A.88.010, may arrest the person.

27 ~~((+8))~~ (9) A police officer may arrest and take into custody,
28 pending release on bail, personal recognizance, or court order, a
29 person without a warrant when the officer has probable cause to believe
30 that an order has been issued of which the person has knowledge under
31 chapter 10.14 RCW and the person has violated the terms of that order.

32 ~~((+9))~~ (10) Any police officer having probable cause to believe
33 that a person has, within twenty-four hours of the alleged violation,
34 committed a violation of RCW 9A.50.020 may arrest such person.

35 ~~((+10))~~ (11) A police officer having probable cause to believe
36 that a person illegally possesses or illegally has possessed a firearm
37 or other dangerous weapon on private or public elementary or secondary
38 school premises shall have the authority to arrest the person.

1 For purposes of this subsection, the term "firearm" has the meaning
2 defined in RCW 9.41.010 and the term "dangerous weapon" has the meaning
3 defined in RCW 9.41.250 and 9.41.280(1) (c) through (e).

4 ~~((+11+))~~ (12) Except as specifically provided in subsections (2),
5 (3), (4), and ~~((+6+))~~ (7) of this section, nothing in this section
6 extends or otherwise affects the powers of arrest prescribed in Title
7 46 RCW.

8 ~~((+12+))~~ (13) No police officer may be held criminally or civilly
9 liable for making an arrest pursuant to subsection (2) or ~~((+8+))~~ (9)
10 of this section if the police officer acts in good faith and without
11 malice.

12 **Sec. 8.** RCW 19.60.066 and 1991 c 355 s 21 and 1991 c 323 s 10 are
13 each reenacted and amended to read as follows:

14 (1) It is a gross misdemeanor under chapter 9A.20 RCW for:

15 ~~((+1+))~~ (a) Any person to remove, alter, or obliterate any
16 manufacturer's make, model, or serial number, personal identification
17 number, or identifying marks engraved or etched upon an item of
18 personal property that was purchased, consigned, or received in pledge.
19 In addition an item shall not be accepted for pledge or a secondhand
20 purchase where the manufacturer's make, model, or serial number,
21 personal identification number, or identifying marks engraved or etched
22 upon an item of personal property has been removed, altered, or
23 obliterated;

24 ~~((+2+))~~ (b) Any person to knowingly make, cause, or allow to be
25 made any false entry or misstatement of any material matter in any
26 book, record, or writing required to be kept under this chapter;

27 ~~((+3+))~~ (c) Any pawnbroker or secondhand dealer to receive any
28 property from any person under the age of eighteen years, any person
29 under the influence of intoxicating liquor or drugs, or any person
30 known to the pawnbroker or secondhand dealer as having been convicted
31 of burglary, robbery, theft, or possession of or receiving stolen
32 property within the past ten years whether the person is acting in his
33 or her own behalf or as the agent of another;

34 ~~((+4+))~~ (d) Any pawnbroker to engage in the business of cashing or
35 selling checks, drafts, money orders, or other commercial paper serving
36 the same purpose unless the pawnbroker complies with the provisions of
37 chapter 31.45 RCW; or

1 (~~(+5)~~) (e) Any person to violate knowingly any other provision of
2 this chapter.

3 (2) It is a class C felony under chapter 9A.20 RCW for any person
4 to commit a second or subsequent violation of subsection (1) of this
5 section involving property consisting of a precious metal.

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