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ENGROSSED SUBSTITUTE HOUSE BILL 1552

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State of Washington

63rd Legislature

2013 Regular Session

**By** House Public Safety (originally sponsored by Representatives Goodman, Klippert, Freeman, Kirby, Morrell, Seaquist, Sullivan, Appleton, Ryu, Hunt, Stanford, Kochmar, Maxwell, Takko, Bergquist, Warnick, Manweller, Green, and Fey)

READ FIRST TIME 02/22/13.

1 AN ACT Relating to the reduction of metal theft; amending RCW  
2 9A.48.100, 9A.56.030, 9A.56.040, 19.290.010, 19.290.020, 19.290.030,  
3 19.290.040, 19.290.050, 19.290.060, 19.290.070, 19.290.090, 18.235.020,  
4 and 43.24.150; reenacting and amending RCW 9.94A.515; adding new  
5 sections to chapter 19.290 RCW; adding a new section to chapter 36.28A  
6 RCW; adding new sections to chapter 43.43 RCW; creating new sections;  
7 prescribing penalties; and providing an effective date.

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

9 **Sec. 1.** RCW 9A.48.100 and 1984 c 273 s 4 are each amended to read  
10 as follows:

11 For the purposes of RCW 9A.48.070 through 9A.48.090 inclusive:

12 (1) "Physical damage", in addition to its ordinary meaning, shall  
13 include the total or partial alteration, damage, obliteration, or  
14 erasure of records, information, data, computer programs, or their  
15 computer representations, which are recorded for use in computers or  
16 the impairment, interruption, or interference with the use of such  
17 records, information, data, or computer programs, or the impairment,  
18 interruption, or interference with the use of any computer or services

1 provided by computers. "Physical damage" also includes any diminution  
2 in the value of any property as the consequence of an act and the cost  
3 to repair any physical damage;

4 (2) If more than one item of property is physically damaged as a  
5 result of a common scheme or plan by a person and the physical damage  
6 to the property would, when considered separately, constitute mischief  
7 in the third degree because of value, then the value of the damages may  
8 be aggregated in one count. If the sum of the value of all the  
9 physical damages exceeds two hundred fifty dollars, the defendant may  
10 be charged with and convicted of malicious mischief in the second  
11 degree.

12 **Sec. 2.** RCW 9A.56.030 and 2012 c 233 s 2 are each amended to read  
13 as follows:

14 (1) A person is guilty of theft in the first degree if he or she  
15 commits theft of:

16 (a) Property or services which exceed(s) five thousand dollars in  
17 value other than a firearm as defined in RCW 9.41.010;

18 (b) Property of any value, other than a firearm as defined in RCW  
19 9.41.010 or a motor vehicle, taken from the person of another;

20 (c) A search and rescue dog, as defined in RCW 9.91.175, while the  
21 search and rescue dog is on duty; or

22 (d) Commercial metal ((~~wire, taken from a public service company,~~  
23 ~~as defined in RCW 80.04.010, or a consumer-owned utility, as defined in~~  
24 ~~RCW 19.280.020,))~~ property, nonferrous metal property, or private metal  
25 property, as those terms are defined in RCW 19.290.010, and the costs  
26 of the damage to the ((~~public-service-company's-or-consumer-owned~~  
27 ~~utility's~~)) owner's property exceed five thousand dollars in value.

28 (2) Theft in the first degree is a class B felony.

29 **Sec. 3.** RCW 9A.56.040 and 2012 c 233 s 3 are each amended to read  
30 as follows:

31 (1) A person is guilty of theft in the second degree if he or she  
32 commits theft of:

33 (a) Property or services which exceed(s) seven hundred fifty  
34 dollars in value but does not exceed five thousand dollars in value,  
35 other than a firearm as defined in RCW 9.41.010 or a motor vehicle;

1 (b) A public record, writing, or instrument kept, filed, or  
2 deposited according to law with or in the keeping of any public office  
3 or public servant;

4 (c) Commercial metal (~~((wire, taken from a public service company,~~  
5 ~~as defined in RCW 80.04.010, or a consumer-owned utility, as defined in~~  
6 ~~RCW 19.280.020,))~~ property, nonferrous metal property, or private metal  
7 property, as those terms are defined in RCW 19.290.010, and the costs  
8 of the damage to the (~~(public-service-company's-or-consumer-owned~~  
9 ~~utility's))~~ owner's property exceed seven hundred fifty dollars but  
10 does not exceed five thousand dollars in value; or

11 (d) An access device.

12 (2) Theft in the second degree is a class C felony.

13 **Sec. 4.** RCW 19.290.010 and 2008 c 233 s 1 are each amended to read  
14 as follows:

15 The definitions in this section apply throughout this chapter  
16 unless the context clearly requires otherwise.

17 (1) "Commercial account" means a relationship between a scrap metal  
18 business and a commercial enterprise that is ongoing and properly  
19 documented under RCW 19.290.030.

20 (2) "Commercial enterprise" means a corporation, partnership,  
21 limited liability company, association, state agency, political  
22 subdivision of the state, public corporation, or any other legal or  
23 commercial entity.

24 (3) "Commercial metal property" means: Utility access covers;  
25 street light poles and fixtures; road and bridge guardrails; highway or  
26 street signs; water meter covers; traffic directional and control  
27 signs; traffic light signals; any metal property marked with the name  
28 of a commercial enterprise, including but not limited to a telephone,  
29 commercial mobile radio services, cable, electric, water, natural gas,  
30 or other utility, or railroad; unused or undamaged building  
31 construction materials consisting of copper pipe, tubing, or wiring, or  
32 aluminum wire, siding, downspouts, or gutters; aluminum or stainless  
33 steel fence panels made from one inch tubing, forty-two inches high  
34 with four-inch gaps; aluminum decking, bleachers, or risers; historical  
35 markers; statue plaques; grave markers and funeral vases; or  
36 agricultural irrigation wheels, sprinkler heads, and pipes.

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

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

6 (6) "Private metal property" means catalytic converters, either  
7 singly or in bundles, bales, or bulk, that have been removed from  
8 vehicles for sale as a specific commodity.

9 (7) "Record" means a paper, electronic, or other method of storing  
10 information.

11 (8) "Scrap metal business" means a scrap metal supplier, scrap  
12 metal (~~(recycling center)~~) recycler, and scrap metal processor.

13 (9) "Scrap metal processor" means a person with a current business  
14 license that conducts business from a permanent location, that is  
15 engaged in the business of purchasing or receiving private metal  
16 property, nonferrous metal property, and commercial metal property for  
17 the purpose of altering the metal in preparation for its use as  
18 feedstock in the manufacture of new products, and that maintains a  
19 hydraulic bailer, shearing device, or shredding device for recycling.

20 (10) "Scrap metal (~~(recycling center)~~) recycler" means a person  
21 with a current business license that is engaged in the business of  
22 purchasing or receiving private metal property, nonferrous metal  
23 property, and commercial metal property for the purpose of aggregation  
24 and sale to another scrap metal business and that maintains a fixed  
25 place of business within the state.

26 (11) "Scrap metal supplier" means a person with a current business  
27 license that is engaged in the business of purchasing or receiving  
28 private metal property or nonferrous metal property for the purpose of  
29 aggregation and sale to a scrap metal (~~(recycling center)~~) recycler or  
30 scrap metal processor and that does not maintain a fixed business  
31 location in the state.

32 (12) "Transaction" means a pledge, or the purchase of, or the trade  
33 of any item of private metal property or nonferrous metal property by  
34 a scrap metal business from a member of the general public.  
35 "Transaction" does not include donations or the purchase or receipt of  
36 private metal property or nonferrous metal property by a scrap metal  
37 business from a commercial enterprise, from another scrap metal

1 business, or from a duly authorized employee or agent of the commercial  
2 enterprise or scrap metal business.

3 (13) "Engage in business" means conducting more than five  
4 transactions in a twelve-month period.

5 (14) "Person" means an individual, domestic or foreign corporation,  
6 limited liability corporation, partnership, trust, unincorporated  
7 association, or other entity; an affiliate or associate of any such  
8 person; or any two or more persons acting as a partnership, syndicate,  
9 or other group for the purpose of acquiring, holding, or dispersing of  
10 securities of a domestic or foreign corporation.

11 **Sec. 5.** RCW 19.290.020 and 2008 c 233 s 2 are each amended to read  
12 as follows:

13 (1) At the time of a transaction, every scrap metal business doing  
14 business in this state shall produce wherever that business is  
15 conducted an accurate and legible record of each transaction involving  
16 private metal property or nonferrous metal property. This record must  
17 be written in the English language, documented on a standardized form  
18 or in electronic form, and contain the following information:

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

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

21 (c) The name of the employee representing the scrap metal business  
22 in the transaction;

23 (d) The name, street address, and telephone number of the person  
24 with whom the transaction is made;

25 (e) The license plate number and state of issuance of the license  
26 plate on the motor vehicle used to deliver the private metal property  
27 or nonferrous metal property subject to the transaction;

28 (f) A description of the motor vehicle used to deliver the private  
29 metal property or nonferrous metal property subject to the transaction;

30 (g) The current driver's license number or other government-issued  
31 picture identification card number of the seller or a copy of the  
32 seller's government-issued picture identification card; and

33 (h) A description of the predominant types of private metal  
34 property or nonferrous metal property subject to the transaction,  
35 (~~including the property's classification code as provided in~~)  
36 utilizing the institute of scrap recycling industries' (~~scrap~~

1 ~~specifications—circular,—2006))~~ generally accepted terminology, and  
2 including weight, quantity, or volume.

3 (2) For every transaction that involves private metal property or  
4 nonferrous metal property, every scrap metal business doing business in  
5 the state shall require the person with whom a transaction is being  
6 made to sign a declaration. The declaration may be included as part of  
7 the transactional record required under subsection (1) of this section,  
8 or on a receipt for the transaction. The declaration must state  
9 substantially the following:

10 "I, the undersigned, affirm under penalty of law that the property  
11 that is subject to this transaction is not to the best of my knowledge  
12 stolen property."

13 The declaration must be signed and dated by the person with whom  
14 the transaction is being made. An employee of the scrap metal business  
15 must witness the signing and dating of the declaration and sign the  
16 declaration accordingly before any transaction may be consummated.

17 (3) The record and declaration required under this section must be  
18 open to the inspection of any commissioned law enforcement officer of  
19 the state or any of its political subdivisions at all times during the  
20 ordinary hours of business, or at reasonable times if ordinary hours of  
21 business are not kept, and must be maintained wherever that business is  
22 conducted for ~~((one))~~ five years following the date of the transaction.

23 **Sec. 6.** RCW 19.290.030 and 2008 c 233 s 3 are each amended to read  
24 as follows:

25 (1) No scrap metal business may enter into a transaction to  
26 purchase or receive private metal property or nonferrous metal property  
27 from any person who cannot produce at least one piece of current  
28 government-issued picture identification, including a valid driver's  
29 license or identification card issued by any state.

30 (2) No scrap metal business may purchase or receive private metal  
31 property or commercial metal property unless the seller: (a) Has a  
32 commercial account with the scrap metal business; (b) can prove  
33 ownership of the property by producing written documentation that the  
34 seller is the owner of the property; or (c) can produce written  
35 documentation that the seller is an employee or agent authorized to  
36 sell the property on behalf of a commercial enterprise.

1 (3) No scrap metal business may enter into a transaction to  
2 purchase or receive metallic wire that was burned in whole or in part  
3 to remove insulation unless the seller can produce written proof to the  
4 scrap metal business that the wire was lawfully burned.

5 (4)(a) No transaction involving private metal property or  
6 nonferrous metal property (~~valued at greater than thirty dollars~~) may  
7 be made in cash or with any person who does not provide a street  
8 address under the requirements of RCW 19.290.020 except as described in  
9 (b) or (c) of this subsection. (~~For transactions valued at greater~~  
10 ~~than thirty dollars,~~) The person with whom the transaction is being  
11 made may only be paid by a nontransferable check, mailed by the scrap  
12 metal business to a street address provided under RCW 19.290.020, no  
13 earlier than (~~ten~~) three days after the transaction was made. A  
14 transaction occurs on the date provided in the record required under  
15 RCW 19.290.020.

16 (b) A transaction involving nonferrous metal property in the form  
17 of aluminum cans, bottles, or other small aluminum beverage or food  
18 containers valued at thirty dollars or less may be made in cash.

19 (c) A scrap metal business licensed under this chapter that  
20 digitally captures: (i) A copy of one piece of current government-  
21 issued picture identification, including a current driver's license or  
22 identification card issued by any state and (ii) either a picture or  
23 video of either the material subject to the transaction in the form  
24 received or the material subject to the transaction within the vehicle  
25 which the material was transported to the scrap metal business, may pay  
26 up to a maximum of thirty dollars in cash. The balance of the value of  
27 the transaction may be made by nontransferable check at the time the  
28 transaction is made. A scrap metal business's usage of video  
29 surveillance shall be sufficient to comply with this subsection  
30 (4)(c)(ii) as long as the video captures the material subject to the  
31 transaction. A digital image or picture taken under this subsection  
32 must be available for two years from the date of transaction, while a  
33 video recording must be available for thirty days.

34 (5) No scrap metal business may purchase or receive beer kegs from  
35 anyone except a manufacturer of beer kegs or licensed brewery.

36 **Sec. 7.** RCW 19.290.040 and 2008 c 233 s 4 are each amended to read  
37 as follows:

1 (1) Every scrap metal business must create and maintain a permanent  
2 record with a commercial enterprise, including another scrap metal  
3 business, in order to establish a commercial account. That record, at  
4 a minimum, must include the following information:

5 (a) The full name of the commercial enterprise or commercial  
6 account;

7 (b) The business address and telephone number of the commercial  
8 enterprise or commercial account; and

9 (c) The full name of the person employed by the commercial  
10 enterprise who is authorized to deliver private metal property,  
11 nonferrous metal property, and commercial metal property to the scrap  
12 metal business.

13 (2) The record maintained by a scrap metal business for a  
14 commercial account must document every purchase or receipt of private  
15 metal property, nonferrous metal property, and commercial metal  
16 property from the commercial enterprise. The record must be maintained  
17 for five years following the date of the purchase or receipt. The  
18 documentation must include, at a minimum, the following information:

19 (a) The time, date, and value of the property being purchased or  
20 received;

21 (b) A description of the predominant types of property being  
22 purchased or received; and

23 (c) The signature of the person delivering the property to the  
24 scrap metal business.

25 **Sec. 8.** RCW 19.290.050 and 2008 c 233 s 5 are each amended to read  
26 as follows:

27 (1) Upon written request by any commissioned law enforcement  
28 officer of the state or any of its political subdivisions, every scrap  
29 metal business shall furnish a full, true, and correct transcript of  
30 the records from the purchase or receipt of private metal property,  
31 nonferrous metal property, and commercial metal property involving a  
32 specific individual, vehicle, or item of private metal property,  
33 nonferrous metal property, or commercial metal property. Any written  
34 request shall become an addition to the permanent records required  
35 under RCW 19.290.020 or 19.290.040. This information may be  
36 transmitted within a specified time of not less than two business days  
37 to the applicable law enforcement agency electronically, by facsimile



1 transmission, or by modem or similar device, or by delivery of computer  
2 disk subject to the requirements of, and approval by, the chief of  
3 police or the county's chief law enforcement officer.

4 (2) If the scrap metal business has good cause to believe that any  
5 private metal property, nonferrous metal property, or commercial metal  
6 property in his or her possession has been previously lost or stolen,  
7 the scrap metal business shall promptly report that fact to the  
8 applicable commissioned law enforcement officer of the state, the chief  
9 of police, or the county's chief law enforcement officer, together with  
10 the name of the owner, if known, and the date when and the name of the  
11 person from whom it was received.

12 (3) Compliance with this section shall not give rise to or form the  
13 basis of private civil liability on the part of a scrap metal business  
14 or scrap metal recycler.

15 **Sec. 9.** RCW 19.290.060 and 2008 c 233 s 6 are each amended to read  
16 as follows:

17 (1) Following notification(~~(, either verbally or)~~) in writing(~~(, )~~)  
18 from a commissioned law enforcement officer of the state or any of its  
19 political subdivisions that an item of private metal property,  
20 nonferrous metal property, or commercial metal property has been  
21 reported as stolen, a scrap metal business shall hold that property  
22 intact and safe from alteration, damage, or commingling, and shall  
23 place an identifying tag or other suitable identification upon the  
24 property. The scrap metal business shall hold the property for a  
25 period of time as directed by the applicable law enforcement agency up  
26 to a maximum of ten business days.

27 (2) A commissioned law enforcement officer of the state or any of  
28 its political subdivisions shall not place on hold any item of private  
29 metal property, nonferrous metal property, or commercial metal property  
30 unless that law enforcement agency reasonably suspects that the  
31 property is a lost or stolen item. Any hold that is placed on the  
32 property must be removed within ten business days after the property on  
33 hold is determined not to be stolen or lost and the property must be  
34 returned to the owner or released.

35 **Sec. 10.** RCW 19.290.070 and 2008 c 233 s 7 are each amended to  
36 read as follows:

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

2 (1) Any person to deliberately remove, alter, or obliterate any  
3 manufacturer's make, model, or serial number, personal identification  
4 number, or identifying marks engraved or etched upon an item of private  
5 metal property, nonferrous metal property, or commercial metal property  
6 in order to deceive a scrap metal business;

7 (2) Any scrap metal business to enter into a transaction to  
8 purchase or receive any private metal property, nonferrous metal  
9 property, or commercial metal property where the manufacturer's make,  
10 model, or serial number, personal identification number, or identifying  
11 marks engraved or etched upon the property have been deliberately and  
12 conspicuously removed, altered, or obliterated;

13 (3) Any person to knowingly make, cause, or allow to be made any  
14 false entry or misstatement of any material matter in any book, record,  
15 or writing required to be kept under this chapter;

16 (4) Any scrap metal business to enter into a transaction to  
17 purchase or receive private metal property, nonferrous metal property,  
18 or commercial metal property from any person under the age of eighteen  
19 years or any person who is discernibly under the influence of  
20 intoxicating liquor or drugs;

21 (5) Any scrap metal business to enter into a transaction to  
22 purchase or receive private metal property, nonferrous metal property,  
23 or commercial metal property with anyone whom the scrap metal business  
24 has been informed by a law enforcement agency to have been convicted of  
25 a crime involving drugs, burglary, robbery, theft, or possession of or  
26 receiving stolen property, manufacturing, delivering, or possessing  
27 with intent to deliver methamphetamine, or possession of ephedrine or  
28 any of its salts or isomers or salts of isomers, pseudoephedrine or any  
29 of its salts or isomers or salts of isomers, or anhydrous ammonia with  
30 intent to manufacture methamphetamine within the past (~~ten~~) four  
31 years whether the person is acting in his or her own behalf or as the  
32 agent of another;

33 (6) Any person to sign the declaration required under RCW  
34 19.290.020 knowing that the private metal property or nonferrous metal  
35 property subject to the transaction is stolen. The signature of a  
36 person on the declaration required under RCW 19.290.020 constitutes  
37 evidence of intent to defraud a scrap metal business if that person is

1 found to have known that the private metal property or nonferrous metal  
2 property subject to the transaction was stolen;

3 (7) Any scrap metal business to possess private metal property or  
4 commercial metal property that was not lawfully purchased or received  
5 under the requirements of this chapter; ~~((or))~~

6 (8) Any scrap metal business to engage in a series of transactions  
7 valued at less than thirty dollars with the same seller for the  
8 purposes of avoiding the requirements of RCW 19.290.030(4); or

9 (9) Any person to knowingly make a false or fictitious oral or  
10 written statement or to furnish or exhibit any false, fictitious, or  
11 misrepresented identification, with the intent to deceive a scrap metal  
12 business as to the actual seller of the scrap metal.

13 **Sec. 11.** RCW 19.290.090 and 2008 c 233 s 8 are each amended to  
14 read as follows:

15 The provisions of this chapter do not apply to transactions  
16 involving metal from the components of vehicles acquired by vehicle  
17 wreckers, hulk haulers, or scrap processors licensed under chapter  
18 46.79 or 46.80 RCW, and acquired in accordance with those laws or  
19 transactions conducted by the following:

20 (1) Motor vehicle dealers licensed under chapter 46.70 RCW;

21 ~~((Metal from the components of vehicles acquired by vehicle~~  
22 ~~wreckers or hulk haulers licensed under chapter 46.79 or 46.80 RCW, and~~  
23 ~~acquired in accordance with those laws;~~

24 ~~(3))~~ Persons in the business of operating an automotive repair  
25 facility as defined under RCW 46.71.011; and

26 ~~((4))~~ (3) Persons in the business of buying or selling empty food  
27 and beverage containers, including metal food and beverage containers.

28 NEW SECTION. **Sec. 12.** A new section is added to chapter 19.290  
29 RCW to read as follows:

30 (1) It is unlawful for a person to engage in the business of a  
31 scrap metal processor, scrap metal recycler, or scrap metal supplier  
32 without having first applied for and received a scrap metal license.

33 (2)(a) Except as provided in (b) of this subsection, a person or  
34 firm engaged in the unlawful activity described in this section is  
35 guilty of a gross misdemeanor.

36 (b) A second or subsequent offense is a class C felony.

1        NEW SECTION.    **Sec. 13.**    A new section is added to chapter 19.290  
2    RCW to read as follows:

3        Application for a scrap metal license or renewal of a scrap metal  
4    license shall be made on a form for this purpose, furnished by the  
5    department of licensing, and shall be signed by the license holder or  
6    his or her authorized agent and shall include the following  
7    information:

8        (1) Name and address of the person, firm, partnership, association,  
9    limited liability company, or corporation under which name the business  
10   is to be conducted;

11       (2) Names and residence address of all persons having an interest  
12   in the business or, if the owner is a corporation, the names and  
13   addresses of the officers thereof;

14       (3) Certificate of approval of the chief executive officer or chief  
15   of police, or a designee, if the application is for a license within an  
16   incorporated city or town or, in any unincorporated area, the county  
17   legislative authority, the sheriff, or a designee, certifying that:

18       (a) The applicant has an established place of business at the  
19   address shown on the application;

20       (b) There are no known environmental, building code, zoning, or  
21   other land use regulation violations associated with the business being  
22   located at the address; and

23       (c) In the case of a renewal of a scrap metal license, the  
24   applicant is in compliance with this chapter:    PROVIDED, That an  
25   authorized representative of the department of licensing may make the  
26   certification described in this section in any instance;

27       (4) Any other information that the department of licensing may  
28   require.

29       NEW SECTION.    **Sec. 14.**    A new section is added to chapter 19.290  
30    RCW to read as follows:

31       The application, together with the required fee, shall be forwarded  
32   to the department of licensing. Upon receipt of the application the  
33   department shall, if the application is in order, issue a scrap metal  
34   license authorizing the processor, recycler, or supplier to do business  
35   as such and forward the fee to the state treasurer. Upon receiving the  
36   certificate, the owner shall cause it to be prominently displayed in  
37   the place of business, where it may be inspected by an investigating

1 officer at any time. Every license must be issued in the name of the  
2 applicant and the holder thereof may not allow any other person to use  
3 the license.

4 NEW SECTION. **Sec. 15.** A new section is added to chapter 19.290  
5 RCW to read as follows:

6 Before issuing a scrap metal license to a scrap metal processor or  
7 scrap metal recycler, the department of licensing shall require the  
8 applicant to file with the department a surety bond in the amount of  
9 ten thousand dollars, running to the state of Washington, and executed  
10 by a surety company authorized to do business in the state of  
11 Washington. The bond shall be approved as to form by the attorney  
12 general and conditioned upon the licensee conducting the business in  
13 conformity with the provisions of this chapter. Any person who has  
14 suffered any loss or damage by reason of fraud, carelessness, neglect,  
15 violation of the terms of this chapter, or misrepresentation on the  
16 part of the scrap metal processor or recycler, may institute an action  
17 for recovery against the licensee and surety upon the bond. However,  
18 the aggregate liability of the surety to all persons shall in no event  
19 exceed the amount of the bond.

20 NEW SECTION. **Sec. 16.** A new section is added to chapter 19.290  
21 RCW to read as follows:

22 A license issued on the scrap metal license application remains in  
23 force until suspended or revoked and may be renewed annually upon  
24 reapplication and upon payment of the required fee. A licensee who  
25 fails or neglects to renew the license before the assigned expiration  
26 date shall pay the fee for an original scrap metal license as provided  
27 in this chapter.

28 Whenever a scrap metal processor, recycler, or supplier ceases to  
29 do business as such or the license has been suspended or revoked, the  
30 licensee shall immediately surrender the license to the department of  
31 licensing.

32 NEW SECTION. **Sec. 17.** A new section is added to chapter 19.290  
33 RCW to read as follows:

34 The licensee shall obtain a special set of license plates in  
35 addition to the regular licenses and plates required for the operation

1 of such vehicles. The special plates must be displayed on vehicles  
2 owned and/or operated by the licensee and used in the conduct of the  
3 business. The fee for these plates shall be five dollars for the  
4 original plates and two dollars for each additional set of plates  
5 bearing the same license number. A licensee with more than one  
6 licensed location in the state may use special plates bearing the same  
7 license number for vehicles operated out of any of the licensed  
8 locations.

9 NEW SECTION. **Sec. 18.** A new section is added to chapter 19.290  
10 RCW to read as follows:

11 The uniform regulation of business and professions act, chapter  
12 18.235 RCW, governs unlicensed practice, the issuance and denial of  
13 licenses, and the discipline of licensees under this chapter.

14 NEW SECTION. **Sec. 19.** A new section is added to chapter 19.290  
15 RCW to read as follows:

16 If a person whose scrap metal license has previously been canceled  
17 for cause by the department of licensing files an application for a  
18 license to conduct business as a scrap metal processor, recycler, or  
19 supplier, or if the department is of the opinion that the application  
20 is not filed in good faith or that the application is filed by some  
21 person as a subterfuge for the real person in interest whose license  
22 has previously been canceled for cause, the department may refuse to  
23 issue the person a license to conduct business as a scrap metal  
24 processor, recycler, or supplier.

25 NEW SECTION. **Sec. 20.** A new section is added to chapter 19.290  
26 RCW to read as follows:

27 (1) The director of licensing is hereby authorized to adopt  
28 reasonable rules and regulations not in conflict with provisions hereof  
29 for the proper operation and enforcement of this chapter.

30 (2) The director shall set all license and renewal fees in  
31 accordance with RCW 43.24.086.

32 NEW SECTION. **Sec. 21.** A new section is added to chapter 19.290  
33 RCW to read as follows:

34 The chiefs of police, the county sheriffs, and the Washington state

1 patrol may make periodic inspection of the licensee's licensed premises  
2 and records provided for in this chapter during normal business hours,  
3 and furnish a certificate of inspection to the department of licensing  
4 in such manner as may be determined by the department. In any  
5 instance, an authorized representative of the department may make the  
6 inspection. Licensees are subject to unannounced periodic inspections,  
7 as described in this section.

8 NEW SECTION. **Sec. 22.** A new section is added to chapter 19.290  
9 RCW to read as follows:

10 The state of Washington hereby fully occupies and preempts the  
11 entire field of regulation of scrap metal processors, recyclers, or  
12 suppliers within the boundaries of the state. Any political  
13 subdivision in this state may enact or enforce only those laws and  
14 ordinances relating to the regulation of scrap metal processors,  
15 recyclers, or suppliers that are specifically authorized by state law  
16 and are consistent with this chapter. Nothing in this chapter is  
17 intended to limit the authority of any political subdivision to impose  
18 generally applicable zoning, land use, permitting, general business  
19 licensing, environmental, and health and safety requirements or  
20 authorized business taxes upon scrap metal processors, recyclers, or  
21 suppliers within their jurisdictions. Local ordinances pertaining  
22 specifically to scrap metal processors, recyclers, or suppliers shall  
23 have the same or lesser penalty as provided for by state law. Local  
24 scrap metal laws and ordinances that are inconsistent with, more  
25 restrictive than, or exceed the requirements of state law shall not be  
26 enacted and are hereby preempted and repealed, regardless of the code,  
27 charter, or home rule status of such political subdivision.

28 NEW SECTION. **Sec. 23.** A new section is added to chapter 19.290  
29 RCW to read as follows:

30 (1) In addition to the powers granted in chapter 18.235 RCW, the  
31 department of licensing or its authorized agent may examine or subpoena  
32 any persons, books, papers, records, data, vehicles, or metal property  
33 bearing upon the investigation or proceeding under this chapter.

34 (2) The persons subpoenaed may be required to testify and produce  
35 any books, papers, records, data, vehicles, or metal property that the  
36 director of licensing deems relevant or material to the inquiry.

1 (3) The director of the department of licensing or an authorized  
2 agent may administer an oath to the person required to testify, and a  
3 person giving false testimony after the administration of the oath is  
4 guilty of perjury in the first degree under RCW 9A.72.020.

5 (4)(a) Any authorized representative of the director of the  
6 department of licensing may apply for and obtain a superior court order  
7 approving and authorizing a subpoena in advance of its issuance. The  
8 application may be made in the county where the subpoenaed person  
9 resides or is found, or the county where the subpoenaed records or  
10 documents are located, or in Thurston county. The application must:

11 (i) State that an order is sought pursuant to this subsection;  
12 (ii) Adequately specify the records, documents, or testimony; and  
13 (iii) Declare under oath that an investigation is being conducted  
14 for a lawfully authorized purpose related to an investigation within  
15 the department's authority and that the subpoenaed documents or  
16 testimony are reasonably related to an investigation within the  
17 department's authority.

18 (b) Where the application under this subsection is made to the  
19 satisfaction of the court, the court must issue an order approving the  
20 subpoena. An order under this subsection constitutes authority of law  
21 for the agency to subpoena the records or testimony.

22 (c) Any authorized representative of the director of the department  
23 of licensing may seek approval and a court may issue an order under  
24 this subsection without prior notice to any person, including the  
25 person to whom the subpoena is directed and the person who is the  
26 subject of an investigation.

27 (5) Any records created or produced under this section are exempt  
28 from disclosure under chapter 42.56 RCW.

29 NEW SECTION. **Sec. 24.** A new section is added to chapter 36.28A  
30 RCW to read as follows:

31 (1) When funded, the Washington association of sheriffs and police  
32 chiefs shall establish a grant program to assist local law enforcement  
33 agencies in the support of special enforcement emphasis targeting metal  
34 theft. Grant applications shall be reviewed and awarded through peer  
35 review panels. Grant applicants are encouraged to utilize  
36 multijurisdictional efforts.

37 (2) Each grant applicant shall:



1 (a) Show a significant metal theft problem in the jurisdiction or  
2 jurisdictions receiving the grant;

3 (b) Verify that grant awards are sufficient to cover increased  
4 investigation, prosecution, and jail costs;

5 (c) Design an enforcement program that best suits the specific  
6 metal theft problem in the jurisdiction or jurisdictions receiving the  
7 grant;

8 (d) Demonstrate community coordination focusing on prevention,  
9 intervention, and suppression; and

10 (e) Collect data on performance.

11 (3) The cost of administering the grants shall not exceed sixty  
12 thousand dollars, or three percent of appropriated funding, whichever  
13 is greater.

14 NEW SECTION. **Sec. 25.** A new section is added to chapter 19.290  
15 RCW to read as follows:

16 (1) Law enforcement agencies may register with the scrap theft  
17 alert system that is maintained and provided at no charge to users by  
18 the institute of scrap recycling industries, incorporated, or its  
19 successor organization, to receive alerts regarding thefts of private,  
20 nonferrous, or commercial metal property in the relevant geographic  
21 area.

22 (2) Any business licensed under this chapter shall:

23 (a) Sign up with the scrap theft alert system that is maintained  
24 and provided at no charge to users by the institute of scrap recycling  
25 industries, incorporated, or its successor organization, to receive  
26 alerts regarding thefts of private, nonferrous, or commercial metal  
27 property in the relevant geographic area;

28 (b) Download the scrap metal theft alerts generated by the scrap  
29 theft alert system on a daily basis;

30 (c) Use the alerts to identify potentially stolen commercial metal  
31 property, nonferrous metal property, and private metal property; and

32 (d) Maintain for ninety days copies of any theft alerts received  
33 and downloaded pursuant to this section.

34 **Sec. 26.** RCW 9.94A.515 and 2012 c 176 s 3 and 2012 c 162 s 1 are  
35 each reenacted and amended to read as follows:

TABLE 2

CRIMES INCLUDED WITHIN  
EACH SERIOUSNESS LEVEL

- XVI Aggravated Murder 1 (RCW 10.95.020)
- XV Homicide by abuse (RCW 9A.32.055)  
Malicious explosion 1 (RCW 70.74.280(1))  
Murder 1 (RCW 9A.32.030)
- XIV Murder 2 (RCW 9A.32.050)  
Trafficking 1 (RCW 9A.40.100(1))
- XIII Malicious explosion 2 (RCW 70.74.280(2))  
Malicious placement of an explosive 1 (RCW 70.74.270(1))
- XII Assault 1 (RCW 9A.36.011)  
Assault of a Child 1 (RCW 9A.36.120)  
Malicious placement of an imitation device 1 (RCW 70.74.272(1)(a))  
Promoting Commercial Sexual Abuse of a Minor (RCW 9.68A.101)  
Rape 1 (RCW 9A.44.040)  
Rape of a Child 1 (RCW 9A.44.073)  
Trafficking 2 (RCW 9A.40.100(2))
- XI Manslaughter 1 (RCW 9A.32.060)  
Rape 2 (RCW 9A.44.050)  
Rape of a Child 2 (RCW 9A.44.076)  
Vehicular Homicide, by being under the influence of intoxicating liquor or any drug (RCW 46.61.520)
- X Child Molestation 1 (RCW 9A.44.083)  
Criminal Mistreatment 1 (RCW 9A.42.020)  
Indecent Liberties (with forcible compulsion) (RCW 9A.44.100(1)(a))

1 Kidnapping 1 (RCW 9A.40.020)  
2 Leading Organized Crime (RCW  
3 9A.82.060(1)(a))  
4 Malicious explosion 3 (RCW  
5 70.74.280(3))  
6 Sexually Violent Predator Escape  
7 (RCW 9A.76.115)  
8 IX Abandonment of Dependent Person 1  
9 (RCW 9A.42.060)  
10 Assault of a Child 2 (RCW 9A.36.130)  
11 Explosive devices prohibited (RCW  
12 70.74.180)  
13 Hit and Run--Death (RCW  
14 46.52.020(4)(a))  
15 Homicide by Watercraft, by being  
16 under the influence of intoxicating  
17 liquor or any drug (RCW  
18 79A.60.050)  
19 Inciting Criminal Profiteering (RCW  
20 9A.82.060(1)(b))  
21 Malicious placement of an explosive 2  
22 (RCW 70.74.270(2))  
23 Robbery 1 (RCW 9A.56.200)  
24 Sexual Exploitation (RCW 9.68A.040)  
25 VIII Arson 1 (RCW 9A.48.020)  
26 Commercial Sexual Abuse of a Minor  
27 (RCW 9.68A.100)  
28 Homicide by Watercraft, by the  
29 operation of any vessel in a  
30 reckless manner (RCW  
31 79A.60.050)  
32 Manslaughter 2 (RCW 9A.32.070)  
33 Promoting Prostitution 1 (RCW  
34 9A.88.070)  
35 Theft of Ammonia (RCW 69.55.010)

1 Vehicular Homicide, by the operation  
2 of any vehicle in a reckless manner  
3 (RCW 46.61.520)

4 VII Burglary 1 (RCW 9A.52.020)  
5 Child Molestation 2 (RCW 9A.44.086)  
6 Civil Disorder Training (RCW  
7 9A.48.120)  
8 Dealing in depictions of minor engaged  
9 in sexually explicit conduct 1  
10 (RCW 9.68A.050(1))  
11 Drive-by Shooting (RCW 9A.36.045)  
12 Homicide by Watercraft, by disregard  
13 for the safety of others (RCW  
14 79A.60.050)  
15 Indecent Liberties (without forcible  
16 compulsion) (RCW 9A.44.100(1)  
17 (b) and (c))  
18 Introducing Contraband 1 (RCW  
19 9A.76.140)  
20 Malicious placement of an explosive 3  
21 (RCW 70.74.270(3))  
22 Negligently Causing Death By Use of a  
23 Signal Preemption Device (RCW  
24 46.37.675)  
25 Sending, bringing into state depictions  
26 of minor engaged in sexually  
27 explicit conduct 1 (RCW  
28 9.68A.060(1))  
29 Unlawful Possession of a Firearm in  
30 the first degree (RCW 9.41.040(1))  
31 Use of a Machine Gun in Commission  
32 of a Felony (RCW 9.41.225)  
33 Vehicular Homicide, by disregard for  
34 the safety of others (RCW  
35 46.61.520)

36 VI Bail Jumping with Murder 1 (RCW  
37 9A.76.170(3)(a))

1 Bribery (RCW 9A.68.010)  
2 Incest 1 (RCW 9A.64.020(1))  
3 Intimidating a Judge (RCW 9A.72.160)  
4 Intimidating a Juror/Witness (RCW  
5 9A.72.110, 9A.72.130)  
6 Malicious placement of an imitation  
7 device 2 (RCW 70.74.272(1)(b))  
8 Possession of Depictions of a Minor  
9 Engaged in Sexually Explicit  
10 Conduct 1 (RCW 9.68A.070(1))  
11 Rape of a Child 3 (RCW 9A.44.079)  
12 Theft of a Firearm (RCW 9A.56.300)  
13 Unlawful Storage of Ammonia (RCW  
14 69.55.020)  
15 V Abandonment of Dependent Person 2  
16 (RCW 9A.42.070)  
17 Advancing money or property for  
18 extortionate extension of credit  
19 (RCW 9A.82.030)  
20 Bail Jumping with class A Felony  
21 (RCW 9A.76.170(3)(b))  
22 Child Molestation 3 (RCW 9A.44.089)  
23 Criminal Mistreatment 2 (RCW  
24 9A.42.030)  
25 Custodial Sexual Misconduct 1 (RCW  
26 9A.44.160)  
27 Dealing in Depictions of Minor  
28 Engaged in Sexually Explicit  
29 Conduct 2 (RCW 9.68A.050(2))  
30 Domestic Violence Court Order  
31 Violation (RCW 10.99.040,  
32 10.99.050, 26.09.300, 26.10.220,  
33 26.26.138, 26.50.110, 26.52.070,  
34 or 74.34.145)  
35 Driving While Under the Influence  
36 (RCW 46.61.502(6))  
37 Extortion 1 (RCW 9A.56.120)

1 Extortionate Extension of Credit (RCW  
2 9A.82.020)  
3 Extortionate Means to Collect  
4 Extensions of Credit (RCW  
5 9A.82.040)  
6 Incest 2 (RCW 9A.64.020(2))  
7 Kidnapping 2 (RCW 9A.40.030)  
8 Perjury 1 (RCW 9A.72.020)  
9 Persistent prison misbehavior (RCW  
10 9.94.070)  
11 Physical Control of a Vehicle While  
12 Under the Influence (RCW  
13 46.61.504(6))  
14 Possession of a Stolen Firearm (RCW  
15 9A.56.310)  
16 Rape 3 (RCW 9A.44.060)  
17 Rendering Criminal Assistance 1  
18 (RCW 9A.76.070)  
19 Sending, Bringing into State Depictions  
20 of Minor Engaged in Sexually  
21 Explicit Conduct 2 (RCW  
22 9.68A.060(2))  
23 Sexual Misconduct with a Minor 1  
24 (RCW 9A.44.093)  
25 Sexually Violating Human Remains  
26 (RCW 9A.44.105)  
27 Stalking (RCW 9A.46.110)  
28 Taking Motor Vehicle Without  
29 Permission 1 (RCW 9A.56.070)  
30 IV Arson 2 (RCW 9A.48.030)  
31 Assault 2 (RCW 9A.36.021)  
32 Assault 3 (of a Peace Officer with a  
33 Projectile Stun Gun) (RCW  
34 9A.36.031(1)(h))  
35 Assault by Watercraft (RCW  
36 79A.60.060)

1 Bribing a Witness/Bribe Received by  
2 Witness (RCW 9A.72.090,  
3 9A.72.100)  
4 Cheating 1 (RCW 9.46.1961)  
5 Commercial Bribery (RCW 9A.68.060)  
6 Counterfeiting (RCW 9.16.035(4))  
7 Endangerment with a Controlled  
8 Substance (RCW 9A.42.100)  
9 Escape 1 (RCW 9A.76.110)  
10 Hit and Run--Injury (RCW  
11 46.52.020(4)(b))  
12 Hit and Run with Vessel--Injury  
13 Accident (RCW 79A.60.200(3))  
14 Identity Theft 1 (RCW 9.35.020(2))  
15 Indecent Exposure to Person Under  
16 Age Fourteen (subsequent sex  
17 offense) (RCW 9A.88.010)  
18 Influencing Outcome of Sporting Event  
19 (RCW 9A.82.070)  
20 Malicious Harassment (RCW  
21 9A.36.080)  
22 Possession of Depictions of a Minor  
23 Engaged in Sexually Explicit  
24 Conduct 2 (RCW 9.68A.070(2))  
25 Residential Burglary (RCW  
26 9A.52.025)  
27 Robbery 2 (RCW 9A.56.210)  
28 Theft of Livestock 1 (RCW 9A.56.080)  
29 Threats to Bomb (RCW 9.61.160)  
30 Trafficking in Stolen Property 1 (RCW  
31 9A.82.050)  
32 Unlawful factoring of a credit card or  
33 payment card transaction (RCW  
34 9A.56.290(4)(b))  
35 Unlawful transaction of health  
36 coverage as a health care service  
37 contractor (RCW 48.44.016(3))

1 Unlawful transaction of health  
2 coverage as a health maintenance  
3 organization (RCW 48.46.033(3))  
4 Unlawful transaction of insurance  
5 business (RCW 48.15.023(3))  
6 Unlicensed practice as an insurance  
7 professional (RCW 48.17.063(2))  
8 Use of Proceeds of Criminal  
9 Profiteering (RCW 9A.82.080 (1)  
10 and (2))  
11 Vehicular Assault, by being under the  
12 influence of intoxicating liquor or  
13 any drug, or by the operation or  
14 driving of a vehicle in a reckless  
15 manner (RCW 46.61.522)  
16 Viewing of Depictions of a Minor  
17 Engaged in Sexually Explicit  
18 Conduct 1 (RCW 9.68A.075(1))  
19 Willful Failure to Return from  
20 Furlough (RCW 72.66.060)  
21 III Animal Cruelty 1 (Sexual Conduct or  
22 Contact) (RCW 16.52.205(3))  
23 Assault 3 (Except Assault 3 of a Peace  
24 Officer With a Projectile Stun  
25 Gun) (RCW 9A.36.031 except  
26 subsection (1)(h))  
27 Assault of a Child 3 (RCW 9A.36.140)  
28 Bail Jumping with class B or C Felony  
29 (RCW 9A.76.170(3)(c))  
30 Burglary 2 (RCW 9A.52.030)  
31 Communication with a Minor for  
32 Immoral Purposes (RCW  
33 9.68A.090)  
34 Criminal Gang Intimidation (RCW  
35 9A.46.120)  
36 Custodial Assault (RCW 9A.36.100)



1 Cyberstalking (subsequent conviction  
2 or threat of death) (RCW  
3 9.61.260(3))  
4 Escape 2 (RCW 9A.76.120)  
5 Extortion 2 (RCW 9A.56.130)  
6 Harassment (RCW 9A.46.020)  
7 Intimidating a Public Servant (RCW  
8 9A.76.180)  
9 Introducing Contraband 2 (RCW  
10 9A.76.150)  
11 Malicious Injury to Railroad Property  
12 (RCW 81.60.070)  
13 Mortgage Fraud (RCW 19.144.080)  
14 Negligently Causing Substantial Bodily  
15 Harm By Use of a Signal  
16 Preemption Device (RCW  
17 46.37.674)  
18 Organized Retail Theft 1 (RCW  
19 9A.56.350(2))  
20 Perjury 2 (RCW 9A.72.030)  
21 Possession of Incendiary Device (RCW  
22 9.40.120)  
23 Possession of Machine Gun or Short-  
24 Barreled Shotgun or Rifle (RCW  
25 9.41.190)  
26 Promoting Prostitution 2 (RCW  
27 9A.88.080)  
28 Retail Theft with Extenuating  
29 Circumstances 1 (RCW  
30 9A.56.360(2))  
31 Securities Act violation (RCW  
32 21.20.400)  
33 Tampering with a Witness (RCW  
34 9A.72.120)  
35 Telephone Harassment (subsequent  
36 conviction or threat of death)  
37 (RCW 9.61.230(2))

1 Theft of Livestock 2 (RCW 9A.56.083)  
2 Theft with the Intent to Resell 1 (RCW  
3 9A.56.340(2))  
4 Trafficking in Stolen Property 2 (RCW  
5 9A.82.055)  
6 Unlawful Hunting of Big Game 1  
7 (RCW 77.15.410(3)(b))  
8 Unlawful Imprisonment (RCW  
9 9A.40.040)  
10 Unlawful possession of firearm in the  
11 second degree (RCW 9A.41.040(2))  
12 Unlawful Taking of Endangered Fish  
13 or Wildlife 1 (RCW  
14 77.15.120(3)(b))  
15 Unlawful Trafficking in Fish, Shellfish,  
16 or Wildlife 1 (RCW  
17 77.15.260(3)(b))  
18 Unlawful Use of a Nondesignated  
19 Vessel (RCW 77.15.530(4))  
20 Vehicular Assault, by the operation or  
21 driving of a vehicle with disregard  
22 for the safety of others (RCW  
23 46.61.522)  
24 Willful Failure to Return from Work  
25 Release (RCW 72.65.070)  
26 II Commercial Fishing Without a License  
27 1 (RCW 77.15.500(3)(b))  
28 Computer Trespass 1 (RCW  
29 9A.52.110)  
30 Counterfeiting (RCW 9.16.035(3))  
31 Engaging in Fish Dealing Activity  
32 Unlicensed 1 (RCW 77.15.620(3))  
33 Escape from Community Custody  
34 (RCW 72.09.310)  
35 Failure to Register as a Sex Offender  
36 (second or subsequent offense)  
37 (RCW 9A.44.132)

1 Health Care False Claims (RCW  
2 48.80.030)  
3 Identity Theft 2 (RCW 9.35.020(3))  
4 Improperly Obtaining Financial  
5 Information (RCW 9.35.010)  
6 Malicious Mischief 1 (RCW  
7 9A.48.070)  
8 Organized Retail Theft 2 (RCW  
9 9A.56.350(3))  
10 Possession of Stolen Property 1 (RCW  
11 9A.56.150)  
12 Possession of a Stolen Vehicle (RCW  
13 9A.56.068)  
14 Retail Theft with Extenuating  
15 Circumstances 2 (RCW  
16 9A.56.360(3))  
17 Scrap Processing, Recycling, or  
18 Supplying Without a License  
19 (second or subsequent offense)  
20 (section 12 of this act)  
21 Theft 1 (RCW 9A.56.030)  
22 Theft of a Motor Vehicle (RCW  
23 9A.56.065)  
24 Theft of Rental, Leased, or Lease-  
25 purchased Property (valued at one  
26 thousand five hundred dollars or  
27 more) (RCW 9A.56.096(5)(a))  
28 Theft with the Intent to Resell 2 (RCW  
29 9A.56.340(3))  
30 Trafficking in Insurance Claims (RCW  
31 48.30A.015)  
32 Unlawful factoring of a credit card or  
33 payment card transaction (RCW  
34 9A.56.290(4)(a))  
35 Unlawful Participation of Non-Indians  
36 in Indian Fishery (RCW  
37 77.15.570(2))

1 Unlawful Practice of Law (RCW  
2 2.48.180)  
3 Unlicensed Practice of a Profession or  
4 Business (RCW 18.130.190(7))  
5 Unlawful Purchase or Use of a License  
6 (RCW 77.15.650(3)(b))  
7 Unlawful Trafficking in Fish, Shellfish,  
8 or Wildlife 2 (RCW  
9 77.15.260(3)(a))  
10 Voyeurism (RCW 9A.44.115)  
11 I Attempting to Elude a Pursuing Police  
12 Vehicle (RCW 46.61.024)  
13 False Verification for Welfare (RCW  
14 74.08.055)  
15 Forgery (RCW 9A.60.020)  
16 Fraudulent Creation or Revocation of a  
17 Mental Health Advance Directive  
18 (RCW 9A.60.060)  
19 Malicious Mischief 2 (RCW  
20 9A.48.080)  
21 Mineral Trespass (RCW 78.44.330)  
22 Possession of Stolen Property 2 (RCW  
23 9A.56.160)  
24 Reckless Burning 1 (RCW 9A.48.040)  
25 Spotlighting Big Game 1 (RCW  
26 77.15.450(3)(b))  
27 Suspension of Department Privileges 1  
28 (RCW 77.15.670(3)(b))  
29 Taking Motor Vehicle Without  
30 Permission 2 (RCW 9A.56.075)  
31 Theft 2 (RCW 9A.56.040)  
32 Theft of Rental, Leased, or Lease-  
33 purchased Property (valued at two  
34 hundred fifty dollars or more but  
35 less than one thousand five  
36 hundred dollars) (RCW  
37 9A.56.096(5)(b))

1 Transaction of insurance business  
2 beyond the scope of licensure  
3 (RCW 48.17.063)  
4 Unlawful Fish and Shellfish Catch  
5 Accounting (RCW  
6 77.15.630(3)(b))  
7 Unlawful Issuance of Checks or Drafts  
8 (RCW 9A.56.060)  
9 Unlawful Possession of Fictitious  
10 Identification (RCW 9A.56.320)  
11 Unlawful Possession of Instruments of  
12 Financial Fraud (RCW 9A.56.320)  
13 Unlawful Possession of Payment  
14 Instruments (RCW 9A.56.320)  
15 Unlawful Possession of a Personal  
16 Identification Device (RCW  
17 9A.56.320)  
18 Unlawful Production of Payment  
19 Instruments (RCW 9A.56.320)  
20 Unlawful Release of Deleterious Exotic  
21 Wildlife (RCW 77.15.250(2)(b))  
22 Unlawful Trafficking in Food Stamps  
23 (RCW 9.91.142)  
24 Unlawful Use of Food Stamps (RCW  
25 9.91.144)  
26 Unlawful Use of Net to Take Fish 1  
27 (RCW 77.15.580(3)(b))  
28 Unlawful Use of Prohibited Aquatic  
29 Animal Species (RCW  
30 77.15.253(3))  
31 Vehicle Prowl 1 (RCW 9A.52.095)  
32 Violating Commercial Fishing Area or  
33 Time 1 (RCW 77.15.550(3)(b))

34 NEW SECTION. **Sec. 27.** A new section is added to chapter 19.290  
35 RCW to read as follows:

36 (1) The following personal property is subject to seizure and  
37 forfeiture and no property right exists in them: All personal property

1 including, but not limited to, any item, object, tool, substance,  
2 device, weapon, machine, vehicle of any kind, money, security, or  
3 negotiable instrument, which the seizing agency proves by a  
4 preponderance of the evidence was used or intended to be used by its  
5 owner or the person in charge to knowingly or intentionally facilitate  
6 the commission of, or to knowingly or intentionally abet the commission  
7 of, a crime involving theft, trafficking, or unlawful possession of  
8 commercial metal property, or which the seizing agency proves by a  
9 preponderance of the evidence was knowingly or intentionally furnished  
10 or was intended to be furnished by any person in the commission of, as  
11 a result of, or as compensation for the commission of, a crime  
12 involving theft, trafficking, or the unlawful possession of commercial  
13 metal property, or which the property owner acquired in whole or in  
14 part with proceeds traceable to a knowing or intentional commission of  
15 a crime involving the theft, trafficking, or unlawful possession of  
16 commercial metal property provided that such activity is not less than  
17 a class C felony; except that:

18 (a) No vehicle used by any person as a common carrier in the  
19 transaction of business as a common carrier is subject to forfeiture  
20 under this section unless the seizing agency proves by a preponderance  
21 of the evidence that the owner or other person in charge of the vehicle  
22 is a consenting party or is privy to any crime involving theft,  
23 trafficking, or the unlawful possession of commercial metal property;

24 (b) A forfeiture of property encumbered by a bona fide security  
25 interest is subject to the interest of the secured party if the secured  
26 party neither had actual or constructive knowledge of nor consented to  
27 the commission of any crime involving the theft, trafficking, or  
28 unlawful possession of commercial metal property; and

29 (c) A property owner's property is not subject to seizure if an  
30 employee or agent of that property owner uses the property owner's  
31 property to knowingly or intentionally facilitate the commission of, or  
32 to knowingly or intentionally aid and abet the commission of, a crime  
33 involving theft, trafficking, or unlawful possession of commercial  
34 metal property, in violation of that property owner's instructions or  
35 policies against such activity, and without the property owner's  
36 knowledge or consent.

37 (2) The following real property is subject to seizure and  
38 forfeiture and no property right exists in them: All real property,

1 including any right, title, and interest in the whole of any lot or  
2 tract of land, and any appurtenances or improvements, that the seizing  
3 agency proves by a preponderance of the evidence are being used with  
4 the knowledge of the owner for the intentional commission of any crime  
5 involving the theft, trafficking, or unlawful possession of commercial  
6 metal property, or which have been acquired in whole or in part with  
7 proceeds traceable to the commission of any crime involving the  
8 trafficking, theft, or unlawful possession of commercial metal, if such  
9 activity is not less than a class C felony and a substantial nexus  
10 exists between the commission of the violation or crime and the real  
11 property. However:

12 (a) No property may be forfeited pursuant to this subsection (2),  
13 to the extent of the interest of an owner, by reason of any act or  
14 omission committed or omitted without the owner's actual or  
15 constructive knowledge;

16 (b) A forfeiture of real property encumbered by a bona fide  
17 security interest is subject to the interest of the secured party if  
18 the secured party, neither had actual or constructive knowledge, nor  
19 consented to the act or omission.

20 (3) Property subject to forfeiture under this chapter may be seized  
21 by any law enforcement officer of this state upon process issued by any  
22 superior court having jurisdiction over the property. Seizure of real  
23 property shall include the filing of a lis pendens by the seizing  
24 agency. Real property seized under this section shall not be  
25 transferred or otherwise conveyed until ninety days after seizure or  
26 until a judgment of forfeiture is entered, whichever is later:  
27 PROVIDED, That real property seized under this section may be  
28 transferred or conveyed to any person or entity who acquires title by  
29 foreclosure or deed in lieu of foreclosure of a security interest.  
30 Seizure of personal property without process may be made if:

31 (a) The seizure is incident to an arrest or a search under a search  
32 warrant; or

33 (b) The property subject to seizure has been the subject of a prior  
34 judgment in favor of the state in a criminal injunction or forfeiture  
35 proceeding.

36 (4) In the event of seizure pursuant to this section, proceedings  
37 for forfeiture shall be deemed commenced by the seizure. The law  
38 enforcement agency under whose authority the seizure was made shall

1 cause notice to be served within fifteen days following the seizure on  
2 the owner of the property seized and the person in charge thereof and  
3 any person having any known right or interest therein, including any  
4 community property interest, of the seizure and intended forfeiture of  
5 the seized property. Service of notice of seizure of real property  
6 shall be made according to the rules of civil procedure. However, the  
7 state may not obtain a default judgment with respect to real property  
8 against a party who is served by substituted service absent an  
9 affidavit stating that a good faith effort has been made to ascertain  
10 if the defaulted party is incarcerated within the state, and that there  
11 is no present basis to believe that the party is incarcerated within  
12 the state. The notice of seizure of personal property may be served by  
13 any method authorized by law or court rule including but not limited to  
14 service by certified mail with return receipt requested. Service by  
15 mail shall be deemed complete upon mailing within the fifteen day  
16 period following the seizure. Notice of seizure in the case of  
17 property subject to a security interest that has been perfected by  
18 filing a financing statement in accordance with chapter 62A.9A RCW, or  
19 a certificate of title shall be made by service upon the secured party  
20 or the secured party's assignee at the address shown on the financing  
21 statement or the certificate of title.

22 (5) If no person notifies the seizing law enforcement agency in  
23 writing of the person's claim of ownership or right to possession of  
24 items specified in subsection (1) of this section within forty-five  
25 days of the seizure in the case of personal property and ninety days in  
26 the case of real property, the item seized shall be deemed forfeited.  
27 The community property interest in real property of a person whose  
28 spouse or domestic partner committed a violation giving rise to seizure  
29 of the real property may not be forfeited if the person did not  
30 participate in the violation.

31 (6) If a person notifies the seizing law enforcement agency in  
32 writing of the person's claim of ownership or right to possession of  
33 the seized property within forty-five days of the seizure in the case  
34 of personal property and ninety days in the case of real property, the  
35 law enforcement agency shall give the person or persons a reasonable  
36 opportunity to be heard as to the claim or right. The hearing shall be  
37 before the chief law enforcement officer of the seizing agency or the  
38 chief law enforcement officer's designee, except where the seizing



1 agency is a state agency as defined in RCW 34.12.020(4), the hearing  
2 shall be before the chief law enforcement officer of the seizing agency  
3 or an administrative law judge appointed under chapter 34.12 RCW,  
4 except that any person asserting a claim or right may remove the matter  
5 to a court of competent jurisdiction. Removal may only be accomplished  
6 according to the rules of civil procedure. The person seeking removal  
7 of the matter must serve process against the state, county, political  
8 subdivision, or municipality that operates the seizing agency, and any  
9 other party of interest, in accordance with RCW 4.28.080 or 4.92.020,  
10 within forty-five days after the person seeking removal has notified  
11 the seizing law enforcement agency of the person's claim of ownership  
12 or right to possession. The court to which the matter is to be removed  
13 shall be the district court when the aggregate value of the property is  
14 within the jurisdictional limit set forth in RCW 3.66.020. A hearing  
15 before the seizing agency and any appeal therefrom shall be under Title  
16 34 RCW. In a court hearing between two or more claimants to the  
17 property involved, the prevailing party shall be entitled to a judgment  
18 for costs and reasonable attorneys' fees. The burden of producing  
19 evidence shall be upon the person claiming to be the lawful owner or  
20 the person claiming to have the lawful right to possession of the  
21 property.

22 (7) At the hearing, the seizing agency has the burden of proof to  
23 establish by a preponderance of the evidence that seized property is  
24 subject to forfeiture, and that the use or intended use of the seized  
25 property in connection with a crime pursuant to this section occurred  
26 with the owner's actual or constructive knowledge or consent. The  
27 person claiming to be the lawful owner or the person claiming to have  
28 the lawful right to possession of the property has the burden of proof  
29 to establish by a preponderance of the evidence that the person owns or  
30 has a right to possess the seized property. The possession of bare  
31 legal title is not sufficient to establish ownership of seized property  
32 if the seizing agency proves by a preponderance of the evidence that  
33 the person claiming ownership or right to possession is a nominal owner  
34 and did not actually own or exert a controlling interest in the  
35 property.

36 The seizing law enforcement agency shall promptly return the  
37 property to the claimant upon a determination by the administrative law

1 judge or court that the claimant is the present lawful owner or is  
2 lawfully entitled to possession of the property.

3 (8) When property is forfeited under this chapter, after satisfying  
4 any court-ordered victim restitution, the seizing law enforcement  
5 agency may:

6 (a) Retain it for official use or, upon application by any law  
7 enforcement agency of this state, release such property to such agency;  
8 or

9 (b) Sell that which is not required to be destroyed by law and  
10 which is not harmful to the public.

11 (9)(a) Within one hundred twenty days after the entry of an order  
12 of forfeiture, each seizing agency shall remit to, if known, the victim  
13 of the crime involving the seized property, an amount equal to fifty  
14 percent of the net proceeds of any property forfeited.

15 (b) Retained property and net proceeds not required to be paid to  
16 victims shall be retained by the seizing law enforcement agency  
17 exclusively for the expansion and improvement of law enforcement  
18 activity. Money retained under this section may not be used to  
19 supplant preexisting funding sources.

20 (c) The net proceeds of forfeited property is the value of the  
21 forfeitable interest in the property after deducting the cost of  
22 satisfying any bona fide security interest to which the property is  
23 subject at the time of seizure; and in the case of sold property, after  
24 deducting the cost of sale, including reasonable fees or commissions  
25 paid to independent selling agents, and the cost of any valid  
26 landlord's claim for damages.

27 (d) The value of sold forfeited property is the sale price. The  
28 value of retained forfeited property is the fair market value of the  
29 property at the time of seizure, determined when possible by reference  
30 to an applicable commonly used index, such as the index used by the  
31 department of licensing for valuation of motor vehicles. A seizing  
32 agency may use, but need not use, an independent qualified appraiser to  
33 determine the value of retained property. If an appraiser is used, the  
34 value of the property appraised is net of the cost of the appraisal.  
35 The value of destroyed property and retained firearms or illegal  
36 property is zero.

37 (10) Upon the entry of an order of forfeiture of real property, the  
38 court shall forward a copy of the order to the assessor of the county

1 in which the property is located. Orders for the forfeiture of real  
2 property shall be entered by the superior court, subject to court  
3 rules. Such an order shall be filed by the seizing agency in the  
4 county auditor's records in the county in which the real property is  
5 located.

6 NEW SECTION. **Sec. 28.** A new section is added to chapter 19.290  
7 RCW to read as follows:

8 The provisions of this chapter shall be liberally construed to the  
9 end that traffic in stolen private metal property or nonferrous metal  
10 property may be prevented, and irresponsible, unreliable, or dishonest  
11 persons may be prevented from engaging in the business of processing,  
12 recycling, or supplying scrap metal in this state and reliable persons  
13 may be encouraged to engage in businesses of processing, recycling, or  
14 supplying scrap metal in this state.

15 **Sec. 29.** RCW 18.235.020 and 2010 c 179 s 18 are each amended to  
16 read as follows:

17 (1) This chapter applies only to the director and the boards and  
18 commissions having jurisdiction in relation to the businesses and  
19 professions licensed under the chapters specified in this section.  
20 This chapter does not apply to any business or profession not licensed  
21 under the chapters specified in this section.

22 (2)(a) The director has authority under this chapter in relation to  
23 the following businesses and professions:

24 (i) Auctioneers under chapter 18.11 RCW;

25 (ii) Bail bond agents and bail bond recovery agents under chapter  
26 18.185 RCW;

27 (iii) Camping resorts' operators and salespersons under chapter  
28 19.105 RCW;

29 (iv) Commercial telephone solicitors under chapter 19.158 RCW;

30 (v) Cosmetologists, barbers, manicurists, and estheticians under  
31 chapter 18.16 RCW;

32 (vi) Court reporters under chapter 18.145 RCW;

33 (vii) Driver training schools and instructors under chapter 46.82  
34 RCW;

35 (viii) Employment agencies under chapter 19.31 RCW;

36 (ix) For hire vehicle operators under chapter 46.72 RCW;

1 (x) Limousines under chapter 46.72A RCW;  
2 (xi) Notaries public under chapter 42.44 RCW;  
3 (xii) Private investigators under chapter 18.165 RCW;  
4 (xiii) Professional boxing, martial arts, and wrestling under  
5 chapter 67.08 RCW;  
6 (xiv) Real estate appraisers under chapter 18.140 RCW;  
7 (xv) Real estate brokers and salespersons under chapters 18.85 and  
8 18.86 RCW;  
9 (xvi) Scrap metal processors, scrap metal recyclers, and scrap  
10 metal suppliers under chapter 19.290 RCW;  
11 (xvii) Security guards under chapter 18.170 RCW;  
12 ~~((xvii))~~ (xviii) Sellers of travel under chapter 19.138 RCW;  
13 ~~((xviii))~~ (xix) Timeshares and timeshare salespersons under  
14 chapter 64.36 RCW;  
15 ~~((xix))~~ (xx) Whitewater river outfitters under chapter 79A.60  
16 RCW;  
17 ~~((xx))~~ (xxi) Home inspectors under chapter 18.280 RCW;  
18 ~~((xxi))~~ (xxii) Body artists, body piercers, and tattoo artists,  
19 and body art, body piercing, and tattooing shops and businesses, under  
20 chapter 18.300 RCW; and  
21 ~~((xxii))~~ (xxiii) Appraisal management companies under chapter  
22 18.310 RCW.  
23 (b) The boards and commissions having authority under this chapter  
24 are as follows:  
25 (i) The state board ~~((of registration))~~ for architects established  
26 in chapter 18.08 RCW;  
27 (ii) The Washington state collection agency board established in  
28 chapter 19.16 RCW;  
29 (iii) The state board of registration for professional engineers  
30 and land surveyors established in chapter 18.43 RCW governing licenses  
31 issued under chapters 18.43 and 18.210 RCW;  
32 (iv) The funeral and cemetery board established in chapter 18.39  
33 RCW governing licenses issued under chapters 18.39 and 68.05 RCW;  
34 (v) The state board of licensure for landscape architects  
35 established in chapter 18.96 RCW; and  
36 (vi) The state geologist licensing board established in chapter  
37 18.220 RCW.

1 (3) In addition to the authority to discipline license holders, the  
2 disciplinary authority may grant or deny licenses based on the  
3 conditions and criteria established in this chapter and the chapters  
4 specified in subsection (2) of this section. This chapter also governs  
5 any investigation, hearing, or proceeding relating to denial of  
6 licensure or issuance of a license conditioned on the applicant's  
7 compliance with an order entered under RCW 18.235.110 by the  
8 disciplinary authority.

9 **Sec. 30.** RCW 43.24.150 and 2011 c 298 s 25 are each amended to  
10 read as follows:

11 (1) The business and professions account is created in the state  
12 treasury. All receipts from business or professional licenses,  
13 registrations, certifications, renewals, examinations, or civil  
14 penalties assessed and collected by the department from the following  
15 chapters must be deposited into the account:

- 16 (a) Chapter 18.11 RCW, auctioneers;
- 17 (b) Chapter 18.16 RCW, cosmetologists, barbers, and manicurists;
- 18 (c) Chapter 18.145 RCW, court reporters;
- 19 (d) Chapter 18.165 RCW, private investigators;
- 20 (e) Chapter 18.170 RCW, security guards;
- 21 (f) Chapter 18.185 RCW, bail bond agents;
- 22 (g) Chapter 18.280 RCW, home inspectors;
- 23 (h) Chapter 19.16 RCW, collection agencies;
- 24 (i) Chapter 19.31 RCW, employment agencies;
- 25 (j) Chapter 19.105 RCW, camping resorts;
- 26 (k) Chapter 19.138 RCW, sellers of travel;
- 27 (l) Chapter 42.44 RCW, notaries public;
- 28 (m) Chapter 64.36 RCW, timeshares;
- 29 (n) Chapter 67.08 RCW, boxing, martial arts, and wrestling;
- 30 (o) Chapter 18.300 RCW, body art, body piercing, and tattooing;
- 31 (p) Chapter 79A.60 RCW, whitewater river outfitters; (~~and~~)
- 32 (q) Chapter 19.158 RCW, commercial telephone solicitation; and
- 33 (r) Chapter 19.290 RCW, scrap metal businesses.

34 Moneys in the account may be spent only after appropriation.  
35 Expenditures from the account may be used only for expenses incurred in  
36 carrying out these business and professions licensing activities of the

1 department. Any residue in the account must be accumulated and may not  
2 revert to the general fund at the end of the biennium.

3 (2) The director must biennially prepare a budget request based on  
4 the anticipated costs of administering the business and professions  
5 licensing activities listed in subsection (1) of this section, which  
6 must include the estimated income from these business and professions  
7 fees.

8 NEW SECTION. **Sec. 31.** A new section is added to chapter 43.43 RCW  
9 to read as follows:

10 (1) Beginning on July 1, 2014, when funded, the Washington  
11 association of sheriffs and police chiefs shall implement and operate  
12 an ongoing electronic statewide no-buy list database program.

13 (2) The database must be made available on a web site.

14 (3) The no-buy list database program shall allow for any scrap  
15 metal business to enter a customer's name and date of birth into the  
16 database. The database must determine if the customer pursuing the  
17 transaction with the scrap metal business has been convicted in  
18 Washington of any crime involving burglary, robbery, theft, or  
19 possession of or receiving stolen property within the past four years.

20 (4) If the customer has been convicted of any crime involving  
21 burglary, robbery, theft, or possession of or receiving stolen property  
22 within the past four years despite whether the person was acting in his  
23 or her own behalf or as the agent of another then, at a minimum, the  
24 no-buy list database program must immediately send an alert to the  
25 scrap metal business stating: (a) That the customer is listed on a  
26 current no-buy list, (b) the four-year expiration period for the  
27 customer's most recent crime listed, and (c) a notification that  
28 entering into a transaction with the customer is prohibited under RCW  
29 19.290.070.

30 NEW SECTION. **Sec. 32.** A new section is added to chapter 19.290  
31 RCW to read as follows:

32 A scrap metal business shall, before completing any transaction  
33 under this chapter, determine whether such customer is listed in the  
34 Washington association of sheriffs and police chiefs no-buy list  
35 database program established and made available under section 31 of  
36 this act.

1        NEW SECTION.    **Sec. 33.**    A new section is added to chapter 43.43 RCW  
2    to read as follows:

3        The Washington association of sheriffs and police chiefs shall not  
4    be held liable for civil damages resulting from any act or omission in  
5    carrying out the requirements of section 31 of this act other than an  
6    act or omission constituting gross negligence or willful or wanton  
7    misconduct.

8        NEW SECTION.    **Sec. 34.**    If specific funding for the purposes of  
9    sections 31 through 33 of this act, referencing sections 31 through 33  
10   of this act by bill or chapter number and section number, is not  
11   provided by June 30, 2013, in the omnibus appropriations act, sections  
12   31 through 33 of this act are null and void.

13        NEW SECTION.    **Sec. 35.**    Sections 12 through 23 of this act take  
14   effect January 1, 2014.

15        NEW SECTION.    **Sec. 36.**    The director of the department of licensing  
16   may take the necessary steps to ensure that sections 12 through 23 of  
17   this act are implemented on January 1, 2014.

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